



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

**Secrétaire général
Generalsekretär
Secretary General**

**A 53-12/509.2015
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**TO THE MEMBER STATES OF OTIF AND TO REGIONAL
ORGANISATIONS WHICH HAVE ACCEDED TO COTIF**

Notification of amendments to the Convention and its Appendices D (CUV), F (APTU) and G (ATMF) adopted by the 12th General Assembly

The 12th General Assembly held in Berne on 29 and 30 September 2015 adopted some amendments to the Convention concerning International Carriage by Rail (COTIF) and to Appendices D (CUV), F (APTU) and G (ATMF) to the Convention.

1. In substance, the scope of the amendments to the Convention itself adopted by the 12th General Assembly is fairly modest. The main aims of the amendments are firstly, to comply with a recommendation the auditor made several times concerning in particular the period covered by the budget and accounts and secondly, by the Committee of Technical Experts (CTE) in order to remove a contradiction between the rules applicable to the CTE and the CTE's practical necessity to adopt Uniform Technical Prescriptions. The 12th General Assembly also decided to align the definition of "keeper" in COTIF with the definition adopted at the 25th session of the Revision Committee when amending the CUV Uniform Rules, which entered into force on 1 July 2015.

In accordance with Article 34 § 2 of COTIF, the amendments to the Convention adopted by the 12th General Assembly will only enter into force twelve months after they have been approved by two thirds of the Member States in accordance with their national law. On the other hand, when the amendments to the Convention itself enter into force, they will enter into force not just for those States that have approved them in accordance with their applicable national procedures, but also for all the other Member States, except those which, before their entry into force, have declared that they do not approve the amendments.

2. With regard to Appendix D (CUV), the aim of the amendments adopted by the 12th General Assembly is partly to help support the sector implement more detailed provisions in terms of the obligations placed upon rail transport undertakings and keepers by the creation in Article 15 of the ATMF UR of the role of entity in charge of maintenance in OTIF law, and partly to make clear that the CUV Uniform Rules do not affect the provisions of public law.

The amendments to Appendices F (APTU) and G (ATMF) adopted by the 12th General Assembly are minor, and only concern the deletion of the words "other railway material" from the provisions of Appendices F and G which fall within the General Assembly's competence, as the 25th session of the Revision Committee had decided to delete all references to this term in the provisions of these two Appendices that fall within its competence.

In accordance with Article 34 § 3 of COTIF, the amendments to Appendices D (CUV), F (APTU) and G (ATMF) adopted by the 12th General Assembly will also only enter into force twelve months after they have been approved, in accordance with their national law, by half the States that have not made a declaration in accordance with the first sentence of Article 42 § 1 of COTIF. Nevertheless, when these amendments to Appendices D, F and G enter into force, they will enter into force not just for those States that have approved them in accordance with their applicable national procedures, but also for all the other Member States, except those which, before their entry into force, have declared that they do not approve the amendments, and those which have made a declaration in accordance with the first sentence of Article 42 § 1 of COTIF.

3. Owing to the relatively limited extent of the amendments adopted by the 12th General Assembly compared with the amendments to COTIF in the version of the Vilnius Protocol adopted by the 5th General Assembly, the Secretary General would welcome these amendments entering into force as soon as possible.

Rapid entry into force of the amendments adopted by the 12th General Assembly would enable the provisions of COTIF and its Appendices to be aligned as soon as possible with the amendments already adopted by the 25th session of the Revision Committee, which have been in force since 1 July 2015.

In accordance with Article 34 § 4 of COTIF therefore, the Secretary General urges the Member States to send him as soon as possible their notifications concerning approval – in accordance with the

applicable national procedures – of the amendments to the Convention and to Appendices D (CUV), F (APTU) and G (ATMF) adopted by the 12th General Assembly.

The Secretary General will inform the Member States of all notifications received. He will also inform the Member States when the conditions for the entry into force of the amendments adopted by the 12th General Assembly have been met (Article 34 § 5 of COTIF). The twelve month period referred to in Articles 34 § 2 and 34 § 3 of COTIF for the entry into force of amendments adopted by the 12th General Assembly will run from the date of this notification by the Secretary General.

These amendments are shown in the notification texts at annex, reference AG 12/NOT. They will also be published on OTIF's website.



(François Davenne)
Secretary General

Annexes

cc for information (copy of this letter and annexes):

- Non Member States that are candidates for accession or which might be interested in acceding to COTIF, international organisations and associations in accordance with the letter of invitation A 53-12/502.2015.