

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
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Addendum to the Explanatory Report for the
Revision of Appendix G (ATMF UR)

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**Uniform Rules concerning the Technical Admission
of Railway Material used in International Traffic
(ATMF - Appendix G to the Convention)**

**Article 2
Definitions**

- ac) The definition of accreditation body is included to distinguish it from ‘Recognition’ attributed by a competent national body other than the accreditation body (e.g. when no accreditation body exists in a country).
- ee1) This definition is included to distinguish between a vehicle on the one hand, which is a technical product, and a train on the other, which is an operational formation prepared for operation under the responsibility of e.g. a railway undertaking.
- ff) The distinction between type examination certificate and design examination certificate is introduced to better support the two principles as set out in UTP GEN-D.

**Article 3a
Interaction with other international agreements**

§ 1

- e) Specific cases are national deviations from the requirements in sections 4 or 5 of the UTP. Specific cases can either be more restrictive or less restrictive than the UTP specifications. A more restrictive specific case requires the vehicle to meet stricter requirements than those set out in sections 4 or 5 of the UTP. Application of a more restrictive specific case will not affect the interoperability of the vehicle subject to the specific case, because it still meets the requirements as set out in sections 4 or 5 of the UTP. Less restrictive specific cases allow the vehicle, subject to the specific case, wider margins than those defined in sections 4 or 5 of the UTP. In the latter case the vehicle is no longer compliant with the requirements in sections 4 or 5 of the UTP and its interoperability is therefore reduced. States applying more restrictive specific cases will restrict access to their network for ‘standard’ vehicles meeting the requirements in section 4 and 5 of the UTP. Access to networks of States that apply less restrictive specific cases will not be affected as far as ‘standard’ vehicles are concerned.

**Article 5
Competent authority**

- § 3 The ‘relevant UTP’ referred to in c) should be understood as a reference to the UTPs GEN-D and GEN-E.
- § 4 A competent authority that does not transfer competences to an assessing entity, must meet the requirements applicable for assessing entities in order to safeguard the independence of the assessment from the entities listed in § 2 a) - e).

Article 6

Validity of technical certificates

§ 3

- b) A specific case does not necessarily have to limit the free circulation of a vehicle subject to the specific case. See also the explanatory note on Article 3a §1 e).

Article 7

Prescriptions applicable to vehicles

§ 1

The admission is a ‘snap shot’ for which compliance with the rules is assessed at one point in time. After admission the keeper, ECM and RU are responsible for ensuring that the vehicle is well maintained and kept in a condition suitable for operation. In addition, Article 10a covers suspension and withdrawal of certificates after admission in case this is needed.

- c) As the UTPs do not necessarily cover all aspects of a vehicle, an additional conformity check may be necessary for parts of the vehicle that are not covered by the UTP, but which may still have an influence on compliance with the essential requirements as set out in UTP GEN-A. This additional check has to be done only once; under the responsibility of the competent authority which is responsible for the first admission to operation. As the UTP exhaustively cover all aspects required for interoperability, consecutive admissions should not need such a check over and above UTP compliance.

§ 1a

The entities responsible for the vehicle after admission, i.e. the keeper, the ECM and the railway undertaking, should keep the vehicle compliant with the UTPs.

Article 10

Application and granting of technical certificates and declarations and related conditions

§ 2

Any entity which is capable of managing the obligation and tasks incumbent on an applicant may be an applicant.

§ 3a

This paragraph has two objectives. Firstly to refer to declarations and UTP certificates of verification which have been deleted from § 3, and secondly to make explicit the principle that applicants may make use of the services of assessing entities having their place of business in other CSs.

§ 5

The ‘not-for-profit’ principle applicable to the competent authority is necessary in order to avoid conflicts of interest.

Carrying out assessment for profit is possible, as the assessing entities may be private organisations. Nevertheless, the criteria set out in UTP GEN-E prohibit remuneration of staff responsible for inspections based on the number of inspections performed or the results of those inspections.

- § 6 The assessing entity compiles the technical file, it does not check, correct and add. The applicant submits the technical file. The maintenance file is a creation of the ECM (the maintenance file is established and updated by the ECM). The maintenance file has to be in conformity with the documents related to the admission to operation and therefore with the technical file.

Article 11 Technical Certificates

§ 2

- b) The maintenance file is a creation of the ECM and is not part of the technical certificates. The maintenance file shall be set up in accordance with the technical file, which is part of the documentation for admission. The technical file contains all elements relating to servicing, monitoring, adjustment and maintenance.

Article 15 Maintenance of vehicles

- § 1 In accordance with common practice in several Contracting States and in order to make more explicit the responsibilities of the keeper, the keeper should be responsible for designating an ECM for his vehicles.

- § 3 In accordance with Article 11 § 8, the keeper is the entity that holds the technical file which contains elements relating to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.

The type of information to be exchanged between the railway undertaking and the ECM is set out in Annex A to ATMF; ECM regulation Annex III point 7. This information may be transmitted via the keeper.

Article 15a Train composition and operation

§ 1

- d) The words ‘..such as those..’ indicate that there may be other prescriptions relating to operation, e.g. national regulations governing international rail traffic.

- § 2 ‘Entities other than a rail transport undertaking’ refers for example to infrastructure managers that operate on-track machinery for track maintenance purposes. When such equipment is not in transport mode, but in working mode on non-operational tracks, these rules do not apply. In such a situation these vehicles are considered as maintenance or inspection machines instead of trains and are not therefore in the scope of these rules.

- § 3 By analogy with Article 15 § 3, the keeper is the entity that holds the technical file which contains elements relating to conditions and limits of use concerning servicing and constant or routine monitoring.

- § 4 In order to fulfil its responsibilities as set out in Article 15a, the railway undertaking should have correct and sufficient information about the characteristics of the infrastructure it will operate its trains on. It is the task of the infrastructure manager to supply such information. If there is more than one railway undertaking making use of its infrastructure, the infrastructure manager should make this information available to all railway undertakings.

Article 17

Immobilisation and rejection of vehicles

- § 1 ATMF Article 17 § 1 does not mean that every rail transport undertaking must be capable of using every type of vehicle. An admitted vehicle incompatible with the operational environment or fleet of a rail transport undertaking is not prevented from running, but as it simply does not satisfy the technical or operational prerequisites for this rail transport undertaking to operate it, this rail transport undertaking is not in a position to operate it. This means that a rail transport undertaking may decide under the conditions set out above, and taking account of its responsibilities under Article 15a, that it is not able to operate a particular type of wagon that has been legally authorised/admitted for service.

Article 19

Transitional provisions

- § 2 1.1.2011 marked the entry into force of the 2011 version of ATMF. The modifications to this paragraph do not change the meaning compared to the 2011 ATMF.

The entry into force of ATMF on 1.1.2011 (and of the Interoperability Directive in the EU on 19.7.2008) transferred competence for approving/admitting vehicles from the railway companies to State level. When the ATMF of 2011 entered into force, there were no uniform technical prescriptions (UTPs) available on which the admission could be based. The admission therefore had to be carried out State by State according to ATMF Art. 6(4). Even in the absence of harmonised UTP rules, the principles of ATMF applied fully in each CS, which means that the State, rather than railway companies, takes responsibility for the admission of vehicles.

The date 19.7.2008 on which the Interoperability Directive entered into force in the EU has no specific meaning outside the EU, therefore this date cannot be taken over in the same spirit in ATMF. Doing otherwise would create the risk that correct decisions taken and correct procedures carried out between 19.07.2008 and 01.01.2011 would become questionable. Such retroactive application should be avoided.

The entry into force of UTPs from 2012 onwards introduces harmonised requirements. The Contracting States should implement these UTPs in their railway sector.

ATMF represents a fundamentally different approach to what is set out in RIV and RIC. With the application of ATMF, Contracting States take responsibility towards each other for the vehicles they admit to operation; this responsibility cannot be covered by the sole application of RIC and RIV. RIV/RIC are not compatible with ATMF and even contradict some of the principles of ATMF. Therefore, after the en-

try into force of ATMF on 1.1.2011, RIV/RIC can no longer be the sole basis for admission, unless provided otherwise in the applicable UTP.