

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

**Commission de révision
Revisionausschuss
Revision Committee**

**CR 25/4
11.04.2014**

Original : FR

25th Session

Partial revision of COTIF – Basic Convention

Proposal from the Secretary General and from the Committee of Technical Experts

Par souci d'économie, le présent document a fait l'objet d'un tirage limité. Les délégués sont priés d'apporter leurs exemplaires aux réunions. L'OTIF ne dispose que d'une réserve très restreinte.

Aus Kostengründen wurde dieses Dokument nur in begrenzter Auflage gedruckt. Die Delegierten werden daher gebeten, die ihnen zugesandten Exemplare zu den Sitzungen mitzubringen. Die OTIF verfügt nur über eine sehr geringe Reserve.

For reasons of cost, only a limited number of copies of this document have been made. Delegates are asked to bring their own copies of documents to meetings. OTIF only has a small number of copies available.

Convention concerning International Carriage by Rail (COTIF)

Article 3 International cooperation

- § 1 The Member States undertake to concentrate their international cooperation in the railway field, in principle, within the framework of the Organisation, and this to the extent that there exists a coherence in the tasks which are attributed to it in accordance with Articles 2 and 4. To attain this objective, the Member States will adopt all measures necessary and useful in order that the international multilateral conventions and agreements in force to which they are contracting parties should be adapted, to the extent that these conventions and agreements concern international cooperation in the railway field and attribute competences to other intergovernmental or non-governmental organisations which cut across the tasks attributed to the Organisation."
- § 2 The obligations resulting from § 1 for the Member States, which are at the same time ~~Members of the European Communities~~ **of the European Union** or States parties to the European Economic Area Agreement, shall not prevail over their obligations as ~~members of the European Communities~~ **of the European Union** or States parties to the European Economic Area Agreement.

Article 12 Execution of judgements. Attachment

[...]

- § 5 Railway vehicles may only be seized on a territory other than that of the Member State in which the keeper has its registered office, under a judgement given by the judicial authority of that State. The term "keeper" means ~~the person who, being the owner or having the right to dispose of it, exploits the railway vehicle economically in a permanent manner as a means of transport~~ **the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport.**

Article 14 General Assembly

[...]

- § 2 The General Assembly shall:

[...]

- e) fix, for ~~six-year~~ **three** year periods, the maximum amount that the expenditure of the Organisation may reach in each budgetary period (Article 25); if not, it shall issue directives relating to the limitation of that expenditure for a period no longer than ~~six~~**three** years;

[...]

§ 6 The General Assembly shall take its decisions by the majority of the Member States represented at the time of the vote, save in the case of § 2, letters e), f), g), h), l) and p) as well as of Article 34 § 6, for which the majority shall be two-thirds. However, in the case of § 2, letter l) the majority shall be two-thirds only in the case of proposals aiming to modify the Convention itself, with the exception of Articles 9 and 27 §§ 2 to 5 and the Protocol referred to in Article 1 § 4.

Article 15 Administrative Committee

[...]

§ 5 The Committee shall:

[...]

- g) fix, on the basis of the approved accounts, the definitive contributions due from the Member States in accordance with Article 26 for the ~~two~~ previous calendar year, as well as the amount of the treasury advance due from the Member States in accordance with Article 26 § 5 for the current year ~~and the next calendar year~~;

Article 20 Committee of Technical Experts

§ 1 The Committee of Technical Experts shall:

- a) take decisions, in accordance with Article 5 of the APTU Uniform Rules, about the validation of a technical standard relating to railway material intended to be used in international traffic; **When taking such decisions, the technical standards or certain specific parts of these standards may either be validated or rejected; they may not under any circumstances be modified;**
- b) take decisions, in accordance with Article 6 of the APTU Uniform Rules, about the adoption **or modification** of a uniform technical prescription relating to the construction, operation, maintenance or relating to a procedure concerning railway material intended to be used in international traffic;
- c) keep a watch on the application of technical standards and uniform technical prescriptions relating to railway material intended to be used in international

traffic and examine their development with a view to their validation or adoption in accordance with the procedures provided for in Articles 5 and 6 of the APTU Uniform Rules;

- d) take decisions, in accordance with Article 33 § 6, about proposals aiming to modify the Convention;
- e) deal with all other matters which are assigned to it in accordance with the APTU Uniform Rules and the ATMF Uniform Rules.

§ 2 There shall be a quorum (Article 13 § 3) in the Committee of Technical Experts, when one-half of the Member States, within the meaning of Article 16 § 1, are represented there. When the Committee is taking decisions about provisions of the Annexes to the APTU Uniform Rules, Member States which have made an objection, in accordance with Article 35 § 4, with regard to the provisions concerned or have made a declaration, in accordance with Article 9 § 1 of the APTU Uniform Rules, shall not have the right to vote.

~~§ 3 The Committee of Technical Experts may either validate technical standards or adopt uniform technical prescriptions or refuse to validate or adopt them; it may not under any circumstances modify them.~~

Article 24

Lists of lines or services

[...]

§ 5 Carriage on the maritime and inland waterway services referred to in § 1 and carriage on the railway lines referred to in § 2 shall be subject to the provisions of the Convention on the expiration of one month running from the date of the notification of their inclusion by the Secretary General. Such a service or line shall cease to be subject to the provisions of the Convention on the expiration of ~~three~~ **one** months running from the date of the notification of the deletion by the Secretary General, save in respect of carriage underway which must be finished.

Article 25

Work Programme. Budget. Accounts. Annual Report

§ 1 The ~~work programme~~, budget and accounts of the Organisation shall cover a period of ~~two~~ **one** calendar years. **The work programme shall cover a period of two calendar years.**

§ 2 The Organisation shall publish a management report ~~at least every two years~~ **year**.

§ 3 The total amount of expenditure of the Organisation shall be fixed, for each budgetary period, by the Administrative Committee on a proposal by the Secretary General.

Article 26 Financing the expenditure

[...]

- § 5 The contributions of the Member States to the expenditure of the Organisation shall be due in the form of a treasury advance payable ~~in two instalments~~ at the latest by the 31 October of ~~each of the two~~ **the years** covered by the budget. The treasury advance shall be fixed on the basis of the definitive contributions for the ~~two~~ preceding **years**.
- § 6 When sending the management report and statement of accounts to the Member States, the Secretary General shall notify the definitive amount of the contribution for the ~~two~~ previous calendar **years** as well as the amount of the treasury advance in respect of the ~~two~~ calendar **years** to come.
- § 7 After the 31 December of the year the notification is made by the Secretary General in accordance with § 6, the amounts due for the last ~~two~~ calendar **years** shall bear interest at the rate of five per cent per annum. If, ~~one year~~ **two years** after that date, a Member State has not paid its contribution, its right to vote shall be suspended until it has fulfilled its obligation to pay. On expiry of a further period of two years, the General Assembly shall consider whether the attitude of that State should be regarded as a tacit denunciation of the Convention and, where necessary, shall determine the effective date thereof.

Article 27 Auditing of accounts

- § 1 In the absence of a contrary decision by the General Assembly pursuant to Article 14 § 2, letter k), the auditing of accounts shall be carried out by the Headquarters State, according to the rules laid down in this Article and, subject to any special directives of the Administrative Committee, in conformity with the Financial and Accounting Regulation of the Organisation (Article 15 § 5, letter e)).
- ~~§ 2 The Auditor shall audit the accounts of the Organisation, including all the trust funds and special accounts, as he considers necessary in order to ensure:~~
- ~~f) that the financial statements are in conformity with the ledgers and accounts of the Organisation;~~b)
 - ~~g) that the financial transactions which the statements account for have been carried out in conformity with the rules and regulations, budgetary provisions and other directives of the Organisation;~~
 - ~~h) that effects and cash held at banks or in the cash box have either been audited by reference to certificates received directly from the depositaries, or actually counted;~~

- ~~i) that the internal checks, including the internal audit of the accounts, are adequate;~~
- ~~j) that all assets and liabilities as well as all surpluses and deficits have been posted according to procedures that he considers satisfactory.~~

~~§ 3 2~~ The Auditor shall have unrestricted access, at any time, to all ledgers, accounts, accounting documents and other information which he considers needful.

~~§ 4~~ In his report on the financial transactions, the Auditor shall mention:

- ~~a) the nature and extent of the audit which he has carried out;~~
- ~~b) factors connected with the completeness or correctness of the accounts, including as appropriate :

 - ~~1. information necessary for the correct interpretation and assessment of the accounts;~~
 - ~~2. any sum which ought to have been collected but which has not been passed to account;~~
 - ~~3. any sum which has been the subject of a regular or conditional expenditure commitment and which has not been posted or which has not been taken into account in the financial statements;~~
 - ~~4. expenditure in support of which no sufficient vouchers have been produced;~~
 - ~~5. whether or not ledgers have been kept in good and due form; it is necessary to note cases where the material presentation of the financial statements diverges from accounting principles generally recognised and invariably applied;~~~~
- ~~c) other matters to which the attention of the Administrative Committee should be drawn, for example:

 - ~~1. cases of fraud or presumption of fraud;~~
 - ~~2. wastage or irregular use of funds or other assets of the Organisation (even when the accounts relating to the transaction carried out were in order);~~
 - ~~3. expenditure which could subsequently lead to considerable costs for the Organisation;~~
 - ~~4. any defects, general or particular, in the system of checking receipts and expenses or supplies and equipment;~~
 - ~~5. expenditure not in conformity with the intentions of the Administrative Committee, taking account of transfers duly authorised within the draft budget;~~~~

- ~~6. — overstepping of appropriations, taking account of changes resulting from transfers duly authorised within the draft budget;~~
- ~~7. — expenditure not in conformity with the authorisations which govern it;~~
- ~~d) — the correctness or incorrectness of the accounts relating to supplies and equipment, established from the inventory and the examination of the ledgers.~~

~~In addition, the report may mention transactions which have been posted in the course of an earlier budgetary period and about which new information has been obtained or transactions which are to be carried out in the course of a later financial period and about which it seems desirable to inform the Administrative Committee in advance.~~

§ 5-3 The Auditor shall inform the Administrative Committee and the Secretary General of the findings of the audit. He may, in addition, submit any comments that he considers appropriate about the financial report of the Secretary General.

§ 4 The mandate for the auditing of accounts is defined in the Finance and Accounts Rules and by the additional mandate annexed to the latter.