



Organisation intergouvernementale
pour les transports internationaux
ferroviaires (OTIF)

Zwischenstaatliche Organisation
für den internationalen
Eisenbahnverkehr (OTIF)

Intergovernmental Organisation
for International Carriage
by Rail (OTIF)

Revision Committee

25th Session

Minutes

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Table of contents

	Page
REVISION COMMITTEE DECISIONS	4
DISCUSSIONS	7
1. Opening the meeting and establishing the quorum.....	7
2. Election of chair and vice chair	7
3. Adoption of the agenda.....	7
3a. Rules of Procedure for the working groups of the Revision Committee concerning Appendices A, B, D and E	8
4. Partial revision of COTIF – Basic Convention.....	11
7. Partial revision of Appendix D (CUV UR)	13
5. Partial revision of Appendix B (CIM UR)	17
12. Partial revision of Appendix E (CUI UR)	18
6. Electronic documents concerning the carriage of dangerous goods – information on the work of the RID Committee of Experts	19
8. Revision of Appendix G (ATMF UR).....	20
9. Partial revision of Appendix F (APTU UR)	23
10. Mandate for the consolidation of the Explanatory Report.....	23
11. Editorial amendments	24
13. Information on future work	26

ANNEXES

- Meeting room documents
- List of participants

REVISION COMMITTEE DECISIONS

1. Opening the meeting and establishing the quorum

The quorum was established before each new agenda item was dealt with.

2. Election of chair and vice chair

The **Revision Committee** elected Switzerland, in the shape of Mr Marcel Hepp, to chair this session. It also elected Serbia, in the shape of Mrs Branka Nedeljković, to the vice chair of the session.

3. Adoption of the agenda

The Revision Committee adopted the revised agenda, as amended during the discussions.

3a. Rules of Procedure for the working groups of the Revision Committee concerning Appendices A, B, D and E

The Revision Committee mandated the SG to carry out the following for the next session of the Revision Committee:

- to submit proposals to amend the Revision Committee's Rules of Procedure with regard to the question of the language regime;
- to produce a comprehensive review of issues in connection with the language regime and to propose amendments to ensure that it is applied with all the necessary rigour, particularly to deal with the issue of documents submitted late.

The SG was also free to set up working groups on his own initiative and apply the rules he thought prudent and useful to ensure that the work is carried out efficiently.

4. Partial revision of COTIF – Basic Convention

In accordance with Article 17 § 1 a) of COTIF, the Revision Committee adopted the amendment to Article 27 of COTIF (22 in favour), as submitted in meeting room document 1.

In addition, in accordance with Article 17 § 1 b) of COTIF, the Revision Committee adopted the amendment to Article 12 (21 in favour and 1 opposed) and the amendments to Articles 3, 14 (as amended during the discussion), 15, 20, 24, 25, 26 (22 in favour) to be submitted to the General Assembly for decision.

5. Partial revision of Appendix B (CIM UR)

The Revision Committee decided to set up a Revision Committee working group to prepare a revision of the CIM UR, with particular attention to reasonable provisions to be put in place concerning the electronic consignment note.

The Revision Committee would approve the proposals of this working group using the written procedure, so that this question could be dealt with at the next General Assembly.

6. Electronic documents concerning the carriage of dangerous goods – information on the work of the RID Committee of Experts

The Revision Committee noted the presentation on the electronic documents concerning the carriage of dangerous goods. It also noted that the development of electronic documents would depend on the success of the revision of the CIM UR, which must enable the provisions corresponding to the electronic consignment note to be put in place.

7. Partial revision of Appendix D (CUV UR)

In accordance with Article 17 § 1 a) of COTIF, the Revision Committee adopted the amendment to Article 2 c) of the CUV UR (the EU represented its 23 Member States, DZ, FL, MNE, N, SRB, CH, TR in favour; D opposed).

In accordance with Article 17 § 1 b) of COTIF, the Revision Committee adopted the amendment to Article 9 of the CUV UR (as amended during the discussion) (the EU represented its 23 Member States, DZ, FL, MNE, N, SRB, CH, TR in favour; D opposed) to be submitted to the General Assembly.

8. Revision of Appendix G (ATMF UR)

The Revision Committee adopted the amendments to Articles 2, 3a to 8 and 10 to 20 of the ATMF UR, as shown on the screen during the session (26 in favour). It also adopted the additions suggested for the Explanatory Report on the revision of the ATMF UR (26 in favour), as shown on the screen during the session.

9. Partial revision of Appendix F (APTU UR)

In accordance with Article 17 § 1 a) of COTIF, the Revision Committee adopted the amendment to Article 8 § 2a and § 9 and Article 12 § 1, first and second sentences, of the APTU UR (27 in favour), as shown in meeting room document 6.

10. Mandate for the consolidation of the Explanatory Report

The SG informed the Revision Committee of his intention:

- to update, editorially review and adapt the existing text of the Explanatory Report on COTIF and its Appendices;
- to prepare an Explanatory Report including the explanatory documents already approved by the Revision Committee, in order to provide a consolidated text;

- to submit this revised Explanatory Report to the Revision Committee using the written procedure so that this document can be discussed at the next General Assembly.

The Revision Committee noted this commitment and thanked the Secretary General.

11. Editorial amendments

The SG informed the Revision Committee of his intention:

- to update, editorially review and adapt the existing text of COTIF and its various Appendices;
- to submit the editorially corrected text of COTIF and its Appendices to the Revision Committee using the written procedure so that this document can be discussed at the next General Assembly.

The Revision Committee noted this commitment and thanked the Secretary General.

12. Partial revision of Appendix E (CUI UR)

The Revision Committee supported setting up a Secretary General's working group to propose amendments to the CUI UR, together with the European Union and CIT in particular.

This working group would be open to interested Member States and stakeholders and would submit its proposals to the next Revision Committee.

In accordance with Article 17 § 1 a) of COTIF, the Revision Committee also adopted the amendment to Article 5bis §§ 1 and 2 of the CUI UR (27 in favour).

13. Information on future work

The Revision Committee noted the information provided by the SG on the future work and the various steps to be taken in this regard.

DISCUSSIONS

Chair: Switzerland

1. Opening the meeting and establishing the quorum

The **SG** opened the session and welcomed the delegations of the States, the regional organisation that has acceded and the representatives of international associations.

In accordance with Article 20 § 2 of the Revision Committee's Rules of Procedure (RP), the head of the legal service would establish whether or not there was a quorum for each item of the agenda before it was dealt with.

2. Election of chair and vice chair

At the SG's suggestion, the **Revision Committee** elected Switzerland, in the shape of Mr Marcel Hepp, to chair this session. It also elected Serbia, in the shape of Mrs Branka Nedeljković, to the vice chair of the session.

Mr Hepp took the chair.

This decision was confirmed as soon as the quorum of 23 Member States present or represented was reached (out of the 45 members of the Revision Committee). In accordance with Articles 26 § 7 and 40 of COTIF, three States from among OTIF's 48 Member States were not members of the Revision Committee for this agenda item.

3. Adoption of the agenda

- Doc. CR 25/3 – Revised agenda

D said that first of all, there was a fundamental question of whether the Revision Committee could deal with all the items on the agenda, as some of the documents, particularly those in German, had not been sent out by the deadlines prescribed in the RP. The Revision Committee had to tackle this question. The purpose of the deadline set down in the RP was not only to enable the Member States to prepare adequately for the meeting, but also to protect them. It was therefore up to the Member States to decide whether they needed to be protected when the documents were not sent out on time or when they were not sent out within the deadlines in all the Organisation's working languages. In other words, **D** was of the view that if a single Member State decided that a document could not be dealt with because it had been sent out late, this document could not be dealt with in any of the Organisation's working languages. **D** asked that this principle be enshrined in the Revision Committee's RP and that the SG be mandated to prepare a proposal for decision along these lines. In practical terms however, **D** had been able to prepare for the session and was ready to discuss all the documents submitted.

A supported **D**'s position and added that the problem referred to was not limited to the Revision Committee, as some documents in German were also sent out after the deadline for the Administrative Committee. In addition, the German version of the Organisation's publication (the Bulletin) had appeared two months after the French and English versions. This was therefore a fundamental problem and **A** requested that all the RPs of OTIF's organs be amended along the lines **D** had suggested. **A** also suggested that the amendment of the Revision Com-

mittee's RP be dealt with in conjunction with agenda item 13 on the Rules of Procedure for the working groups, as these issues were linked.

CH also supported D and A's position. However, like D, CH had been able to prepare for this session and was ready to deal with all the documents submitted.

For this agenda item, there was a quorum of 23 Member States present or represented out of the 45 members of the Revision Committee.

The **SG** emphasised that the Secretariat was in a phase of restructuring and acknowledged that there might have been some delay in sending out documents or in the publication of the Organisation's Bulletin. These delays were due in part to problems of organisation. The SG gave an undertaking that these delays would cease once the recommendations of the audit had been put in place. All procedures would be reviewed and the SG hoped for a more efficient outcome from 2015 onwards. The SG also understood D's proposal. A procedure for dealing with problem cases would have to be proposed in the RP. First of all, he would submit a proposal along these lines to the Administrative Committee, either at the next session or at the session in spring 2015.

The **Chairman** proposed to deal with agenda item 13 directly after the adoption of the agenda. Item 13 therefore became agenda item 3a and the last items on the agenda were re-numbered accordingly. The Chairman explained that the other agenda items would be dealt with in the order indicated in the new indicative work plan, which had been sent to the Member States and stakeholders on 2 June 2014.

The **Revision Committee** adopted the revised agenda, as amended.

3a. Rules of Procedure for the working groups of the Revision Committee concerning Appendices A, B, D and E

- Doc. CR 25/13 – Rules of Procedure for the working groups concerning Appendices A, B, D and E (language regime)

From the preceding discussions, the **SG** believed D wished to make a proposal to amend the RP and wished to know whether D would submit a written proposal.

D said it was too early to make a proposal until a consensus on this issue had been reached. As a consensus now seemed to be emerging, D asked the SG to make a specific proposal during the session.

The **SG** thought it would be difficult to submit a proposal at this session. He then introduced document CR 25/13 and emphasised the fact that in the current phase in which the EU had acceded to COTIF, he was trying to bring the various Appendices to COTIF, including the so-called legal Appendices, into line with developments in EU law. As the Revision Committee did not meet as frequently as the technical or RID committees, the possibility of setting up working groups to deal with legal issues, with a suitable language regime, should be permitted here.

As an example, the SG mentioned the ad hoc working group he had set up to revise the CUV UR. At present, these working groups did not have any rules of procedure, particularly with regard to language issues. In an attempt to maintain both the efficiency of the work and the practice of trilingualism, they should be subject to less stringent rules than the Revision Committee, whilst observing the language system prescribed in COTIF. For this reason, the SG proposed the following fundamental principles:

- the Secretariat's documents would be prepared in the three working languages;
- participants could submit documents in French and German and these documents would only be translated into English;
- participants could speak in one of the three working languages and there would only be simultaneous interpretation into English.

D did not share the SG's view; the proposal submitted did not comply with the language regime of COTIF, because if the Revision Committee accepted it, it would be moving away from COTIF and would modify it. The document explained that "in order to simplify procedures, it may be agreed to limit the number of working languages used, depending on the tasks and composition of the group. Working group members may, for example, work partly or wholly in only one of the working languages." In addition, Article 4 § 1 proposed in the annex to the document prescribed that: "The Secretary General shall decide the languages to be used in working groups on a case by case basis in agreement with the Member States and the regional economic integration organisations that have acceded to COTIF." **D** said it did not quite understand what working groups would be set up: would they be Revision Committee working groups or Secretary General working groups to enable him to prepare his own proposals?

B shared **D**'s view; the proposal submitted would derogate from the language regime of COTIF. **B** also emphasised the fact that the participants at legal working groups must also be able to understand the discussions in the three working languages.

A recalled having asked that the issue of the language regime be examined in a broader framework. Only then could the Revision Committee discuss the question of the language regime, as **A** was convinced that the existing rules must function correctly first. As things stood at the moment, **A** did not support the proposal submitted. **D** shared this view.

There followed a discussion between **D** and the **SG** during which the SG was able to clarify the following points. There were two categories of working groups:

- those set up on the initiative of the Revision Committee, to which the regime prescribed in the Revision Committee's RP applied by analogy;
- those set up by the SG to clarify the decisions to be taken and to enable a consensus to be reached on an issue or to form an opinion of the majority of participants if there is no consensus.

It would then be up to the competent committees to give their views following these working groups. The Rules of Procedure proposed in document CR 25/13 would only apply to working groups set up at the behest of the SG. Moreover, these working groups were referred to in the work programme approved by the Administrative Committee.

D did not think the SG's explanations were exactly those that were set out in document CR 25/13 and returned to A's proposal not to vote on document CR 25/13 at this session. The SG would also have to review the Revision Committee's RP with regard to late documents. The Revision Committee could decide on these issues *en bloc* at its next session.

The **SG** thought these two issues should be separated. He did not understand why the discussion and vote on document CR 25/13 had to be deferred, as it simply formalised what had been done for the working group on the revision of the CUV UR.

D maintained that it was preferable to deal with the question of the language regime in an all-inclusive document, as the document submitted did not entirely reflect the discussions. **D** doubted that working groups set up by the Revision Committee could work in only one working language.

A fully agreed with **D** and underlined that not only had the documents been sent out too late, but the German versions had been sent out even later. For the moment, **A** was sympathetic, but wished to reach an overall solution.

B also supported an overall approach and therefore wished to defer this matter.

The **Chairman** summarised the discussions and noted first of all that delegations wished to deal with the question of the language regime in a global manner at the next session of the Revision Committee in order to offer constructive support for the Organisation's work. However, it would be expedient to find a pragmatic solution and the Chairman proposed that the Revision Committee should note that the SG is free to set up working groups on his own initiative and apply the rules he thought prudent and useful to ensure that the work is carried out efficiently.

Following these discussions, the **Revision Committee** mandated the SG to carry out the following for the next session of the Revision Committee:

- to submit proposals to amend the Revision Committee's Rules of Procedure with regard to the question of the language regime;
- to produce a comprehensive review of the issues in connection with the language regime and to propose amendments to ensure that it is applied with all the necessary rigour, particularly to deal with the issue of documents submitted late.

The SG was also free to set up working groups on his own initiative and apply the rules he thought prudent and useful to ensure that the work is carried out efficiently.

The **European Commission** explained that this time, the EU had managed to adopt a Council Decision establishing the EU position to be represented at the meeting within just 2 months of receiving the documents, but this might be difficult in the future. The Council Decision for the EU position on the amendment of RID took almost 5 months to adopt. In this case, the well-established system of preparatory meetings for these amendments at the level of OTIF helped the EU greatly to start the process of preparing the Council Decision early enough. Therefore, the EU believed that a similar system of preparatory working groups or receiving documents at an earlier stage could contribute to the successful conclusion of the necessary negotiations within the EU to arrive at an EU position.

4. Partial revision of COTIF – Basic Convention

- Doc. CR 25/4 – Partial revision of COTIF – Basic Convention – Proposal from the Secretary General and from the Committee of Technical Experts
- Doc. CR 25/4 Add.1 – Partial revision of COTIF – Basic Convention – Explanatory document and suggestions for additions to the Explanatory Report
- Meeting room doc. 1 – Partial revision of COTIF – Basic Convention

The quorum of 22 Member States present or represented out of the 42 members of the Revision Committee was not reached at the start of the discussion on this agenda item, as only 19 Member States were present or represented. For this agenda item, 6 States of the 49 Member States of OTIF were not members of the Revision Committee, firstly in accordance with Articles 26 § 7 and 40 of COTIF and secondly because they had not yet ratified COTIF 1999.

The **head of the legal service** introduced the proposals to amend COTIF (doc. CR 25/4), and particularly drew delegates' attention to the fact that only the proposed amendment to Article 27 of COTIF came within the Revision Committee's competence. However, the Revision Committee also had to examine the proposals that would subsequently have to be submitted to the General Assembly.

Before giving its view on the substance, **D** raised a question of form. As submitted to the Revision Committee, the documents facilitated the discussion because they indicated clearly the amendments to be made to the texts currently in force (crossed out text, bold characters). However, after the session, the adopted texts would have to be notified to the Member States. In Germany at least, they would have to comply with certain requirements in terms of their form ("amend Article X to read as follows..."). The amendments adopted by the Revision Committee, and subsequently by the General Assembly, would be transposed into Germany's national legislation by a law which would have to take over the three language versions of the amendments made to the texts in force.

The **Chairman** proposed that for the amendments for which the Revision Committee had competence, the Secretariat should prepare meeting room documents that satisfied the criteria in terms of the form required by D. These meeting room documents would then be submitted to a final vote in the Revision Committee in the Organisation's three working languages. With regard to the amendments for which the General Assembly had competence, the Secretariat would take account of the concerns expressed by D when the proposals for amendment were submitted to the General Assembly.

The **European Commission** informed the delegations that on 24 June 2014 the EU Council had adopted the EU's coordinated position for this session of the Revision Committee. However, before going into the details of this position, the European Commission repeated that it was difficult to adopt an EU Council decision within such a short deadline and that this would have to be taken into account in future.

With regard to the content, the **European Commission** informed the delegations that the partial revision of COTIF is an area of shared competence between the EU and its Member States. Most of the amendments to COTIF had no impact on EU legislation. The Member States would therefore exercise the right to vote. The EU Council had nevertheless recommended supporting the amendments to Articles 3, 12 and 20 of COTIF.

D asked that the amendment to Article 12 first be dealt with in the context of the amendments proposed for the CUV UR. The Revision Committee could come back to the amendment to Article 12 of COTIF once it had taken the decision to amend the definition of keeper in Article 2 c) of the CUV UR.

The **SG** recognised that the EU's accession was testing the Organisation's procedures, particularly those of the Revision Committee. The **SG** noted the prior consultations within the EU and thought that in future, it would have to be possible to take better account of this with the European Commission and the EU Member States. In addition, setting up working groups to deal with legal issues would probably resolve the question of consultations at a very early stage, along the lines of how this was done for RID.

The **Chairman** opened the discussion on the proposals to amend COTIF submitted in document CR 25/4.

D pointed out a misprint in the proposal to amend Article 14 § 6 of COTIF. Bearing in mind the amendment proposed for Article 27, the reference to "Article 27 §§ 2 to 5" should be replaced by a reference to "Article 27 §§ 2 to 4".

A, supported by **D**, proposed to harmonise the terminology used in Article 27 and Article 15 to describe the "regulation concerning the finances and book-keeping". In other words, the expression "Finance and Accounts Rules" used in Article 27 § 4, 2nd paragraph, should be replaced by "regulation concerning the finances and book-keeping".

The Revision Committee would vote on the proposals to amend COTIF after the discussions on the partial revision of the CUV UR.

At the time of the vote, the quorum for this agenda item was reached.

In accordance with Article 17 § 1 a) of COTIF, the **Revision Committee** adopted the amendment to Article 27 of COTIF (22 in favour), as submitted in meeting room document 1.

In addition, in accordance with Article 17 § 1b) of COTIF, the **Revision Committee** adopted the amendment to Article 12 (21 in favour and 1 opposed) and the amendments to Articles 3, 14 (as amended during the discussion), 15, 20, 24, 25, 26 (22 in favour) to be submitted to the General Assembly for decision.

7. Partial revision of Appendix D (CUV UR)

- Doc. CR 25/7 – Partial revision of Appendix D (CUV UR) – Proposal from the Secretary General
- Doc. CR 25/7 Add.1 – Partial revision of Appendix D (CUV UR) – Explanatory document and suggestions for additions to the Explanatory Report
- Doc. CR 25/7 Add.2 – Partial revision of Appendix D (CUV UR) – Proposal transmitted by France
- Doc. CR 25/7 Add.3 – Partial revision of Appendix D (CUV UR) – Proposal transmitted by Germany
- Meeting room doc. 2 – Partial revision of Appendix D (CUV UR)

The **SG** introduced the proposed amendments to Article 2 c) and Article 9 (new § 3) of the CUV UR (doc. CR 25/7) and explained that although these proposals accurately reflected the discussions of the working group on the revision of the CUV UR, there was no consensus on them. However, the SG was of the view that they had attracted a sufficient majority to be submitted to the Revision Committee.

The **European Commission** informed the delegations that according to the decision the EU Council had taken, the proposed amendments to the CUV UR came under the shared competence of the EU and its Member States. The European Commission would exercise the right to vote on behalf of the EU. The EU supported the amendments to Articles 2 and 9, as they clarified the roles of the keeper and the entity in charge of maintenance (ECM), in accordance with EU legislation. On the other hand, the EU could not support the amendments proposed by France (Article 7 – doc. CR 25/7 Add.2) and Germany (Article 1a – CR 25/7 Add.3) as they needed to be analysed and discussed in more depth in the EU. Lastly, the EU proposed to add the following sentence to point a) of paragraph 8 of document CR 25/7 Add.1 (page 6): "The amendment to Article 9 § 3, first sentence, has no impact on the current allocation of responsibilities between the ECM and the vehicle keeper."

D wished to come back to the question of competences. In effect, the European Commission had just said that in accordance with the coordinated position, it would exercise the right to vote. **D** thought otherwise. This area certainly came within the shared competence of the EU and the Member States. However, up to now the EU had not exercised its legislative competence on this subject, so the Member States could continue to exercise their right to vote at this Revision Committee. In the Council, **D** had entered a statement for the minutes along these lines on the coordinated EU position. This statement for the minutes set out Germany's assessment of the competence, particularly on the subjects of CIM, CUV and CUI. At the same time, as a precaution, having the right to vote exercised by the EU was rejected. **D** was now acting consistently in accordance with the position already expressed previously in the EU Council working groups and finally in the statement for the minutes. This was also how **D** interpreted Article 6 § 2 of the agreement between OTIF and the EU concerning the EU's accession to COTIF. For this reason, **D** would present its own position and exercise its right to vote separately.

With regard to the substance, **D** noted that according to the explanations in document CR 25/7 Add.1, the aim of the proposed amendment to Article 2 c) of the CUV UR, i.e. to delete the words "in a permanent manner", was to align the wording of the definition of keeper as closely as possible with the definition in Directive 2008/110/EC, which had been taken over into the ATMF UR, bearing in mind the particular features inherent in the CUV UR. **D**

thought this was incorrect; the CUV UR and the ATMF UR would differ even more in future if this amendment were adopted. Article 2 n) of the ATMF UR defined "keeper" as 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 and is registered as such in the vehicle register referred to in Article 13." Being registered in the vehicle register made it possible to identify the keeper unambiguously at any time.

As the registration was obviously not changed every month, it was a characteristic element of the notion of permanence. Of course the definition of keeper in Article 2 c) of the CUV UR did not refer to registration in the register, but up to now it had indicated the permanent nature of the operation of the vehicle as a means of transport for those who simply had the right to use it. In fact therefore, there was a parallel with the definition of keeper in Article 2 n) of the ATMF UR, which would disappear with the proposed deletion of "in a permanent manner" from Article 2 c) of the CUV UR. In future, the quality of keeper according to the CUV UR could change every few weeks or months, depending on the person "exploiting" the vehicle as a means of transport, at least according to the current interpretation by the courts in Germany. This would have serious consequences with regard to participants' liability.

CER pointed out that the working group on the revision of the CUV UR had asked itself the question D had raised concerning Article 2 c) of the CUV UR. It had reached the conclusion set out in document CR 25/7, quite simply because some OTIF Member States applied the CUV UR and not the ATMF UR. Referring to the register might therefore cause problems for States that apply the CUV UR but not the ATMF UR. If all the Member States of OTIF applied both these COTIF Appendices, it would suffice simply to take over the definition of keeper as in the ATMF UR, which says that the keeper has to be registered in a register. In addition, the concept of "in a permanent manner" was not very precise: it could mean one day, 15 days, 25 years or more. As for the EU's coordinated position, it was in the public domain.

In response to what D had said about the question of competences, the **European Commission** emphasised that the position adopted by the EU Council had been discussed at all levels. D had submitted its position to the Council; this position had remained a minority position. The European Commission strongly regretted that D had raised this issue at the session of the Revision Committee. The fact remained that the EU Council had adopted the common position as presented above. The European Commission said that it was more than surprised that a Member State with a minority position wished to exercise its right to vote when this ran directly counter to the position taken by the EU Council.

The **SG** said that this situation greatly concerned him. According to the logic of the agreement on the EU's accession to COTIF, it was not up to OTIF to deal with the EU's internal decision-making problems. It seemed to the SG that once the EU Council had taken a decision, it was binding on the EU Member States and should not be discussed in this body. The EU Council decision was entirely clear; it gave the European Commission the right to vote on behalf of the EU. The SG suggested that a little time should be allowed for coordination between the European Commission and the EU Member States and that the vote on the proposed amendments be deferred until after this coordination meeting.

The **European Commission** thanked the SG for his suggestion. There had been various coordination meetings, the last of which had taken place just before the session. D had repeated its position, which was contrary to the EU Council decision. The Council's decision was binding not just on the EU Member States, but also on the European Commission. Everything that could be done had been done. The debate had now moved to the legal level, for which more

time would be needed. This issue could not be resolved in the framework of the Revision Committee.

D agreed with the European Commission; the material arguments had been exchanged and another coordination meeting would not add anything further. In the coordination at EU level, D had already unsuccessfully expressed its view on the competences and the resulting voting rights of the Member States and had presented this view at EU level in the Council working groups and committees and lastly in the above-mentioned statement for the minutes on the Council decision. The European Commission had nevertheless adhered to the view. D could not therefore understand the surprise expressed by the European Commission at the meeting. Furthermore, to come back to what the SG had said, it was not up to the Revision Committee to decide whether or not D could exercise its right to vote. D was a Member State of OTIF and as a result, it had the right to vote in the Revision Committee. At internal EU level, D and the European Commission would have to settle with the other EU Member States the question of whether or not it can exercise its right to vote. The positions were clear. They would be discussed in Brussels and the question would be settled within the EU as appropriate. On the other hand, D would exercise its right to vote in the Revision Committee, as neither OTIF nor its organs could refuse one of its Member States the right to vote.

F was of the view that this point of contention between D and the European Commission had to be decided within the EU and F would not therefore take part in this debate. In general, F supported the coordinated EU position. With regard to the proposal from F on Article 7 of the CUV UR, at this stage there was no agreement within the EU. It was therefore necessary to continue the discussions on this matter. This proposal seemed directly to concern the sector's interests. F suggested that the sector itself should initiate negotiations on this matter.

The **SG** shared the view of the European Commission and F. The Revision Committee was not in a position to deal with the question of the EU Member States' voting rights. But the fact remained that the EU Council had taken a decision which was in the public domain and that OTIF had no reason to call it into question. The SG therefore proposed that the European Commission's vote on behalf of the EU be recorded as the vote of all the EU Member States and to take note that following the Council decision, D had expressed a different opinion from that of the EU.

D did not agree with the SG's summary. It was not the SG's task to legitimise or make value judgements on decisions taken by the European Commission or the EU Council. His task was to represent OTIF. The SG was challenging D's right to vote on the basis of an EU Council decision, which it was not in his gift to do. D announced that if the SG did in fact intend to add D's vote to the votes of the EU and hence not to let D vote separately, D would dispute each of the decisions taken. It was not up to the SG to deprive D of its right to vote.

The **SG** explained that there was no question of depriving D of its right to vote. For OTIF, it was not essential to know how the States had voted in the EU Council in order to arrive at a decision. What was essential though was to know the precise cases in which the European Commission was voting on behalf of the EU and those in which the EU Member States were exercising their right to vote, which appeared to be controversial in this case.

As a compromise, the **Chairman** suggested recording the votes of the EU and of the Member States in the minutes. From a practical point of view, it was entirely possible that the vote count would arrive at the same result. The issue of who could exercise the right to vote could be dealt with later on.

The **SG** supported the Chairman's proposal all the more as it was in line with what he had tried to express in the most neutral manner possible.

With regard to the proposals from D and F, **CER** had read in the coordinated EU position that it was not able to support them, but proposed to defer them to the next General Assembly. CER asked whether it had correctly understood the coordinated position on this point.

The **European Commission** confirmed that the proposals from F and D had to be analysed and discussed in more depth within the EU. It suggested deferring the discussions on the amendments to Article 7 proposed by France and to Article 1a proposed by Germany to the next General Assembly, as in any case it was the General Assembly that had the competence to deal with amendments to these two provisions.

D agreed to defer the decision on the proposal for a new Article 1a in the CUV UR.

As there seemed to be no progress in the discussions of substance, the **Chairman** proposed to move on to the vote on the amendment to Article 2 c) of the CUV UR to determine whether this amendment attracted the majority of votes in the Revision Committee.

The **head of the legal service** noted that the quorum of 20 members of the Revision Committee for this item was reached, as 22 members were present or represented. For this agenda item, 9 States of the 48 Member States of OTIF were not members of the Revision Committee, firstly in accordance with Articles 26 § 7, 40 and 42 of COTIF and secondly because they had not yet ratified COTIF 1999.

In accordance with Article 17 § 1 a) of COTIF, the **Revision Committee** adopted the amendment to Article 2 c) of the CUV UR (the EU represented its 23 Member States, DZ, FL, MNE, N, SRB, CH, TR in favour; D opposed).

On 26 June 2014, the Secretariat provided delegations with meeting room document 2 containing the formal vote on Article 2 c) of the CUV UR.

D pointed out that the proposed amendment to Article 9 referred to the ATMF UR, which D described as unfortunate during the discussions on the amendment to Article 2 c). It was not necessary to list all the auxiliaries in contracts concluded between keepers and wagon users. The amendment proposed to Article 9 was quite simply useless, insofar as the obligation it contained resulted from provisions of public law. In substance, the new paragraph 3 was unnecessary and only created confusion. Lastly, D requested the correction of a misprint (replace "§ 5" by "§ 4").

The **Chairman** put the amendments to Article 9 of the CUV UR to the vote.

In accordance with Article 17 § 1 b) of COTIF, the **Revision Committee** adopted the amendment to Article 9 of the CUV UR (as amended during the discussion) (the EU represented its 23 Member States, DZ, FL, MNE, N, SRB, CH, TR in favour; D opposed) to be submitted to the General Assembly.

5. Partial revision of Appendix B (CIM UR)

- Doc. CR 25/5 – Partial revision of Appendix B (CIM UR)
- Doc. CR 25/5 Add.1 – Partial revision of Appendix B (CIM UR) – Explanatory document and suggestions for additions to the Explanatory Report
- Doc. CR 25/5 Add.2 – Partial revision of Appendix B (CIM UR) – Suggestions from the International Association of Tariff Specialists (IVT)

The **SG** introduced the amendments proposed in document CR 25/5 and emphasised that the main amendment to the CIM UR was to give priority to using the electronic consignment note, while maintaining the possibility of drawing up the consignment note in paper format. The SG also drew the attention of delegates to the amendment to be made to the Explanatory Report on Article 13 of the CIM UR. This Article defines the responsibilities of the carrier and loader; the aim of this amendment was to explain the extent of the railway undertakings' responsibilities to ensure that a train can run safely. The latter had been discussed in the margins of the working group on the revision of the CUV UR.

The **European Commission** informed the delegations that according to the coordinated position adopted by the EU Council, the revision of the CIM UR is an area of shared competence between the EU and its Member States. The European Commission would give its view and exercise the right to vote for Articles 6 and 6a of the CIM UR on behalf of the EU; the Member States would exercise the right to vote on the other Articles. The amendments to Article 6 and the new Article 6a concerned EU legislation, as the consignment note and the accompanying documents were used for customs, sanitary and phytosanitary procedures. The EU supported OTIF's intention to give priority to the electronic form of consignment notes.

At the moment however, the adoption of these amendments could have undesirable consequences. The simplified procedure currently in force for customs transit by rail was only possible with paper documents. As a result, if railway undertakings opted for the electronic consignment note, they would have to use the common transit procedure and the new computerised transit system. The European Commission had started preparatory work with a view to setting up a working group to examine the use of electronic transport documents for transit in the framework of the Union's Customs Code.

This working group held its first meeting on 4 and 5 June 2014. The EU also supported the intention of providing the accompanying documents in electronic form. However, as the EU's current legislation did not offer any legal basis for providing an electronic version of documents (such as the common veterinary entry document or the common entry document) that have to accompany sanitary or phytosanitary goods, paper versions of these documents have to be provided.

The European Commission had prepared a draft regulation to enable electronic certification, which was currently being examined in the Council and Parliament. This regulation on official controls should be adopted by the end of 2015/beginning of 2016, but there would be a transitional period for its application. The EU therefore suggested not to take a decision on these matters at this session of the Revision Committee and to continue OTIF's cooperation with the EU on this issue in order to arrive at a well-prepared solution for the next revision of the CIM UR, which it would be wise to synchronise with the EU's new Customs Code and its implementing provisions, planned to enter into force on 1 May 2016.

The **SG**, **CIT** and **CER** regretted that the EU seemed to have fallen behind with this matter. The **SG** proposed to refer all the amendments to the CIM UR to the General Assembly, and it was up to the Secretariat of OTIF to harmonise its positions with the EU so that a text of amendments could be submitted to the General Assembly for adoption at its session in 2015.

CH, **CIT** and **CER** supported this constructive proposal from the SG.

In reply to a question from **D**, the **SG** explained that he proposed to freeze all the proposed amendments submitted for the CIM UR.

There followed a discussion between **D**, **A**, **B**, **CER**, the **SG** and the **Chairman** on the nature of the working group to be set up (SG working group, Revision Committee working group or General Assembly working group).

Following these discussion, the **Revision Committee** decided to set up a Revision Committee working group to prepare a revision of the CIM UR, with particular attention to reasonable provisions to be put in place concerning the electronic consignment note.

The Revision Committee would approve the proposals of this working group using the written procedure, so that this question could be dealt with at the next General Assembly.

12. Partial revision of Appendix E (CUI UR)

- Doc. CR 25/12 – Partial revision of Appendix E (CUI) – Suggestions of the CIT
- Doc. CR 25/12 Add.1– Partial revision of Appendix E (CUI) – editorial amendment
- Meeting room document 3 – Partial revision of Appendix E (CUI) – editorial amendment

The **SG** underlined that this subject was very important for the OTIF Secretariat, as there were a number of questions in connection with civil liability that had to be resolved. The Secretariat would have to propose practical solutions for some quite complex questions and as was demonstrated by a seminar organised by CIT, some work would have to be done, particularly on the scope of the CUI UR. The suggestions CIT had submitted to the 25th session of the Revision Committee were certainly interesting, but were premature at this stage.

CIT introduced its suggestions contained in document CR 25/12 and stressed that the main aim of the CUI UR was to harmonise the conditions concerning liability between infrastructure managers and carriers in international traffic. However, at present, contracts of use of infrastructure were still concluded at national level, so an "international train" was subject to several different national contracts of use, which made it especially complicated for the carrier to perform international transport. CIT therefore supported the SG's suggestion to set up an ad hoc working group to make the CUI UR a tool that would be of added value to international rail transport.

CER supported the position of the SG and CIT. CIT had carried out a lot of work on the "European General Terms and Conditions of Use of Railway Infrastructure (EGTC)" developed together with RailNetEurope. The EGTC had been available since the end of 2010, but they were not applied in practice, which caused major problems for railway undertakings carrying out international traffic.

D and the **European Commission** supported setting up a working group.

In reply to a question from the **Chairman**, the **SG** explained that it would be premature to set up a Revision Committee working group. He suggested that it would be better to set up an SG working group, which would prepare a proposal for the next session of the Revision Committee.

IVT noted that its suggestions to amend the CIM UR would not be examined, even though they had been submitted within the deadline. Its comments on the documents relating to the revision underway would not be taken into consideration either, which IVT deeply regretted. In the interests of rail transport, whether those of railway undertakings or of infrastructure managers, IVT appealed for harmonisation of the periods of limitation, which varied from one Appendix of COTIF to another.

The **Revision Committee** supported setting up a Secretary General's working group to propose amendments to the CUI UR, together with the European Union and CIT in particular.

This working group would be open to interested Member States and stakeholders and would submit its proposals to the next Revision Committee.

In accordance with Article 17 § 1 a) of COTIF, the **Revision Committee** also adopted the amendment to Article 5bis §§ 1 and 2 of the CUI UR (27 in favour).

On 26 June 2014, the Secretariat provided delegations with meeting room document 3 containing the result of the vote on Article 5bis §§ 1 and 2 of the CUI UR presented in a different form.

6. Electronic documents concerning the carriage of dangerous goods – information on the work of the RID Committee of Experts

- Doc. CR 25/6 – Electronic documents concerning the carriage of dangerous goods – information on the work of the RID Committee of Experts

The **head of the RID service** introduced document CR 25/6 and highlighted in particular that the RID Committee of Experts' standing working group had welcomed CIT's proposal to give priority to electronic documents for the carriage of dangerous goods, rather than paper documents, as for the consignment note. He then described the system architecture for using electronic transport documents and to improve the handling of emergencies in the carriage of goods, which was based on a decision of principle by the RID/ADR/ADN Joint Meeting. This decision was in turn based on the interim results of the Joint Meeting's informal working group on telematics.

The **European Commission** tried to make the link between what had been decided for the electronic consignment note, i.e. to defer the proposed amendment to the CIM UR, and the amendment that would be proposed for section 5.4.0 of RID, the annex to Appendix C of COTIF. Bearing in mind the decision taken with respect to the electronic consignment note, the EU was of the view that the amendment to section 5.4.0 should also be deferred. In addition, paragraph 5 of document CR 25/6 said that the "central control service, which deals with the interrogation of and access to data, should preferably be set up at European Commission level". The European Commission did not understand why it should take this on, as the risks should be assumed by those who had created them. A research and innovation programme, Shift2Rail, had recently been started in order to improve the rail sector's competitiveness. It

might perhaps be wise to make use of this programme to develop prototypes for the system architecture described and the information to be exchanged in this system.

The **head of the RID service** confirmed to the European Commission that section 5.4.0 of RID would not be amended until the CIM UR had been amended. However, he was not sure that the RID/ADR/ADN Joint Meeting would be able to take a decision for the three modes of transport, in which case it might be necessary to take another route for RID. With regard to the system to be set up, the head of the RID service explained that there was certainly no question of introducing a new system, as the architecture chosen would enable existing systems to be used, both by transport undertakings (for rail transport, the Technical Specifications for Interoperability for telematics applications for freight – TSI TAF – for example) and by the control authorities and emergency services. The central body for managing the flow of information between carriers and national bodies should be operated by European institutions in order to reach a common solution for all three land transport modes.

The **Revision Committee** noted the presentation on the electronic documents concerning the carriage of dangerous goods. It also noted that the development of electronic documents would depend on the success of the revision of the CIM UR, which must enable the provisions corresponding to the electronic consignment note to be put in place.

8. Revision of Appendix G (ATMF UR)

- Letter of 12 June 2014 from the Chairman of the Committee of Technical Experts to the Chairman of the Revision Committee (A 93-00/3.2014) – Recommendation from the Committee of Technical Experts to the Revision Committee for the revision of ATMF
- Doc. CR 25/8 – Version 2 – Revision of Appendix G (ATMF UR) – Document adopted by the 7th session of the Committee of Technical Experts as a recommendation to the 25th session of the Revision Committee
- Doc. CR 25/8 Add.1 – Version 2 – Justification document for the revision of Appendix G (ATMF UR) – This version of the document constituted a recommendation from CTE to the 25th session of the Revision Committee
- CR 25/8 Add.2 – Version 2 – Explanatory document and suggestions for additions to the Explanatory Report on the revision of Appendix G (ATMF UR) – This version of the document constituted a recommendation from CTE to the 25th session of the Revision Committee
- CR 25/8 RD 1 – Version 1 – Meeting room document for the Revision Committee – Proposal from the Secretariat to improve the draft explanatory comment for Art. 3a § 1 e) of document CR 25/8 Add.2, version 1

The **head of the rail technology service** described the process that had been followed (meetings of the ad hoc safety sub-group, the ad hoc sub-group on the revision of ATMF and the Committee of Technical Experts) to arrive at the documents submitted to the Revision Committee. The Committee of Technical Experts held its 7th session at the beginning of June and recommended that the amendments submitted on the basis of the decisions it took be examined.

The head of the railway technology service then explained Article by Article, firstly in the English version and then in the German and French versions, the proposed amendments set out in document CR 25/8. He would do the same for the explanatory document and the sug-

gestions for additions to the Explanatory Report on the revision of the ATMF UR (doc. CR 25/8 Add.2). On the screen, delegations followed the amendments (including spelling and grammar) made to these documents, which also took account of the editorial amendments recommended by the EU.

The head of the railway technology service then explained that the expression "other railway material" did not seem to be of any practical use. As a first step therefore, it was proposed to delete all references to this "other railway material" insofar as the Revision Committee had the competence to do so. It would then be proposed to the General Assembly to delete this reference from those Articles (1, 3 and 9) which came within its competence.

The proposed amendment to Article 3a § 3 of the ATMF UR was one of the most important amendments proposed to the Revision Committee. It had to support one of the two alternatives proposed in document CR 25/8. The aim of this amendment was to describe correctly the interactions between EU law and the ATMF UR with regard to operational aspects.

N wondered whether the addition proposed to Article 3a § 3 should not also refer to the EEA, as did Article 3 § 2 of COTIF.

For the **SG**, the addition proposed mainly reflected the disconnection or transparency clause in the agreement on the EU's accession to COTIF. The COTIF regulations were not as comprehensive as those of the EU. Therefore, the purpose of this addition was to clarify that until the equivalent COTIF regulation entered into force, all railway undertakings and infrastructure managers were subject to EU regulations to be able to carry out their activities. The SG saw no fundamental reason that dictated providing a specific provision for the EEA, as the proposed addition specifically concerned EU law.

N thought it would be wise to develop these principles in the Explanatory Report.

The **European Commission** informed the delegations that the amendments to this Appendix came within the exclusive competence of the EU and that for this agenda item, it would speak and vote on behalf of the EU. The **EU** preferred the first alternative. The Explanatory Report on this new provision explained very clearly the reasons for this addition. It was important to simplify the rules for users. However, the EU had a certain amount of room for manoeuvre and could therefore be somewhat flexible, depending on the discussions.

CH was of the view that with this addition, the EU was asking that EU law should take precedence over the law of COTIF on the territory of the EU. This was a very delicate matter, in that for those ATMF Contracting States that were not Member States of the EU, the law of COTIF could become obsolete upon crossing the border into an EU Member State. CH thought this addition could present some risks when there were equivalent COTIF regulations. For this reason, CH tended to prefer the second alternative; it could certainly not support the first alternative with its current wording.

According to **N**, the second alternative was also preferable to the EEA.

CER had read very carefully the Explanatory Report on this addition (doc. CR 25/8 Add.2). CER thought there was a certain contradiction between the wording of the addition and what was written on page 3 (end of the sentence of the 4th paragraph: "and shall therefore not apply the rules arising from that Convention except in so far as there is no Union rule governing the particular subject concerned") of the Explanatory Report, which was not contained in the first

alternative and which could be read between the lines in the second alternative. To make matters clearer, the solution might be to take over a third solution mentioned in the decision of the EU Council, which had been able to accept the following wording: "When operating within the European Union, railway undertakings and infrastructure managers are solely subject to European Union rules and shall therefore not apply these Uniform Rules except in so far as there is no EU rule governing the particular subject concerned".

There then followed a discussion between the **EU**, the **SG** and the **Chairman**. Following this discussion, the **EU** said it could agree with the wording of the 2nd alternative proposed in document CR 25/8 for the amendment of Article 3a § 3 of the ATMF UR.

There was then a discussion between **CER**, **N**, the **EU** and the **SG** concerning the wording of Article 15 § 2.

In an attempt to clarify matters, this provision was amended as follows: in English "[...] that operate trains under their own responsibility"; in German "[...] und Züge in eigener Verantwortung betreiben"; in French "[...] qui exploitent les trains sous leur responsabilité."

In the French version of Article 13 § 3, the word "sites" was replaced with "lieux".

With regard to Article 15a §§ 3 and 4, **DZ** noted that these provisions began with "As far as necessary for operations", whereas the elements this referred to were very important for the operator. **DZ** asked what the justification for this wording was.

The **Chairman** explained that part of the information would certainly always be necessary for operation. However, not all the information had to be made available. Only the information necessary for operations had to be made available.

The **head of the legal service** noted that the quorum of 18 members of the Revision Committee for this item was reached, as 26 members were currently present or represented. For this agenda item, 15 States of the 48 Member States of OTIF were not members of the Revision Committee, firstly in accordance with Articles 26 § 7, 35 § 4, 40 and 42 of COTIF and secondly because they had not yet ratified COTIF 1999.

In accordance with Article 17 § 1 a) of COTIF, the **Revision Committee** adopted the amendment to Articles 2, 3a to 8 and 10 to 20 of the ATMF UR (26 in favour) as shown on the screen during the session.

With regard to the suggestions for additions to the Explanatory Report on the revision of the ATMF UR (doc. CR 25/8 Add.2), the **EU** thought the sentence "However, if the vehicle subject to specific cases also still meets the requirements of these parts, the interoperability of the vehicle subject to the specific case is not affected" in Article 3a § 1 e) (p.2 of the document) was confusing and should be deleted. In Article 3a § 3 (p.3 of the document), the **EU** also proposed to change "check" to read "control" ("[...] by means of which they ensure that they control all risks that can occur during railway operations. [...]"), the term used in EU legislation.

In view of the decision taken on Article 3a § 3 of the ATMF UR, **CER** suggested amending the wording of letter a (p.4 of the document) as follows: "For traffic between Member States of the EU, EU rules take precedence."

In paragraph 3 concerning Article 3a (p. 3 of the document), the **SG** proposed to replace the word "compatible" by "corresponding" ("[...] However, the scope and level of detail are not identical to the corresponding EU rules. [...]").

Following a comment by **N**, pointing out that it was obsolete to refer to (EU) regulations Nos. 1158/2010 and 1169/2010 (Article 3a § 3, p. 3 of the document), the **EU** proposed to replace this reference with "and corresponding European implementing rules".

D proposed in particular the following amendments: in Article 2 t) (p. 2 of the document), delete "Baustoffe oder" and replace "Instandhaltungsaktivitäten" with "Instandhaltungsmaßnahmen"; in Article 2 § 3 (p. 3 of the document), replace "Sicherheitszertifikat" with "Sicherheitsbescheinigung" and "überprüfen können" with "kontrollieren"; in letter a) (p. 4 of the document), replace "lediglich" with "vorrangig", and lastly, in Article 4 § 1 b) (p. 4 of the document) replace "passenden" with "anwendbaren".

The **Revision Committee** adopted the amendments to the additions suggested for the Explanatory Report on the revision of the ATMF UR (26 in favour), as shown on the screen during the session.

9. Partial revision of Appendix F (APTU UR)

- CR 25/9 – Version 1 – Partial revision of Appendix F (APTU UR)
- CR 25/9 Add.1 – Version 1 – Partial revision of Appendix F (APTU UR) – Justification document
- Meeting room doc. 6 – Partial revision of Appendix F (APTU UR)

The **head of the railway technology service** introduced the amendments proposed in document CR 25/9, the essence of which was to maintain consistency between Appendices F and G following the revision of the latter.

The **head of the legal service** noted that the quorum of 19 members of the Revision Committee for this item was reached, as 27 members were currently present or represented. For this agenda item, 15 States of the 48 Member States of OTIF were not members of the Revision Committee, firstly in accordance with Articles 26 § 7, 40 and 42 of COTIF and secondly because they had not yet ratified COTIF 1999.

In accordance with Article 17 § 1 a) of COTIF, the **Revision Committee** adopted the amendment to Article 8 § 2a and § 9 and Article 12 § 1, first and second sentences, of the APTU UR (27 in favour), as shown in meeting room document 6.

10. Mandate for the consolidation of the Explanatory Report

- Doc. CR 25/10 – Mandate for the consolidation of the Explanatory Report

The **SG** explained that the Explanatory Report was a combination of the Explanatory Report of the 1999 revision and what had been added after the 24th session of the Revision Committee. This was why the SG was proposing to draft a consolidated version of this Explanatory Report on the basis of established law to make it more readable and consistent.

The **European Commission** informed the delegations that the Member States would vote on this item. It could support this approach.

For **D**, as document CR 25/10 explained quite correctly, the Explanatory Report was used as a reference document for the application of the provisions of COTIF and it was an invaluable aid to interpretation within the meaning of the Vienna Convention of 23 May 1969. It was therefore important to point out that the revision and consolidation of the Explanatory Report was a task which carried with it a great deal of responsibility and which should be carried out carefully. For example, it must be ensured that the official explanations corresponded to the text of the regulations, which had not been the case a few years ago in connection with one of the European regulations on air transport.

There was no longer a quorum.

The **SG** proposed to adapt the proposal for decision in document CR 25/10 partly in the light of the discussions on the interface between the Revision Committee and the General Assembly, and partly to take account of the fact that there was no longer a quorum.

The **SG** therefore informed the Revision Committee of his intention:

- to update, editorially review and adapt the existing text of the Explanatory Report on COTIF and its Appendices;
- to prepare an Explanatory Report including the explanatory documents already approved by the Revision Committee, in order to provide a consolidated text;
- to submit this revised Explanatory Report to the Revision Committee using the written procedure so that this document can be discussed at the next General Assembly.

The **Revision Committee** noted this commitment and thanked the Secretary General.

11. Editorial amendments

- Doc. CR 25/11 – Editorial amendments

The **head of the legal service** introduced document CR 25/11 and explained that the Revision Committee had to amend COTIF and its Appendices for the second time since the adoption of COTIF 1999. At the 24th session of the Revision Committee the new provisions adopted for Appendices E, F and G required editorial verification. At this session, the Revision Committee had decided to amend some of the provisions of COTIF and its Appendices. These amendments also required editorial verification. This included correcting any obvious errors and making any other editorial or linguistic adjustments. To conclude, and as there was no quorum, the head of the legal service suggested amending the proposal for decision shown in document CR 25/11, taking as a basis the solution adopted for the previous item.

The **European Commission** proposed to add a new paragraph 2 to the proposal for decision the head of the legal service had just read out, as follows: "to give the Member States a period of three weeks to approve these editorial amendments before notification thereof." The Member States would have to be given a period of three weeks to comment on the amendments and approve them before they were notified.

The **head of the legal service** did not see what the European Commission's suggested addition would add to the proposed decision, as the amendments would have to be submitted to the General Assembly and hence sent out two months before the session, which gave the Member States much more time than the three weeks proposed by the European Commission.

For the **European Commission**, the proposal the SG had made in fact concerned two types of amendment. Firstly, there were editorial amendments to the texts adopted by the Revision Committee, which came within the latter's competence. Once notified, these amendments became law, unless a certain number of Member States lodged an objection. Secondly, there were amendments that had to be made in order to take account of the amendments adopted by the Revision Committee. In the discussions within the EU, the Member States had estimated that they would need three weeks to approve the editorial amendments to texts adopted by the Revision Committee before the texts were notified.

The **SG** said he understood the European Commission's proposal and saw no reason to oppose it. As three weeks seemed a bit short to him, he suggested making it four weeks.

The discussion then focused on the question of whether or not these amendments had to be approved using the written procedure.

D thought the idea of not having to discuss the minor details of editorial amendments at the Revision Committee's session was entirely reasonable. As experience had shown, some terms had to be replaced by others, which the SG could of course prepare. In the case of legislative texts, as opposed to explanatory reports, the Convention made no distinction between substantial and purely editorial amendments. As a result, editorial amendments were also amendments in the sense of COTIF. The proposal submitted anticipated that the SG would prepare these amendments, which was entirely correct. On the other hand, according to this proposal, the amendments would only be notified to the Member States. This would mean that they would be done simply on the basis of a communication from the SG, which COTIF did not provide for. Any amendment to COTIF had to go through the General Assembly or the Revision Committee or any other committee with competence in this respect. The Member States had to decide, whether it was through the use of a written procedure, or any other appropriate procedure. The fact remained that following the process, there would be a decision by the Revision Committee or by the body with competence in this respect.

The **European Commission** emphasised that during the discussions within the EU, there had been fairly broad agreement not to have another vote on the amendments, but that the Member States would be given a period of time to submit comments on these amendments in an informal procedure.

CH pointed out that the SG had a standing mandate to make any editorial amendments necessary, although they had to go through the formal procedures in order to be binding on the Member States.

The **SG** agreed fully with the position supported by D and CH; COTIF did not contain any provisions that defined editorial amendments. The procedure the SG wished to establish was one in which the consistency between the various Appendices to COTIF could be tested. As for the Explanatory Report, the Secretariat was offering to carry out an in-depth editorial analysis and to try to eliminate all the editorial inconsistencies there were.

Once this work had been carried out, the Revision Committee should validate the editorial amendments using the written procedure, which should be quite quick. But the SG wished to distinguish between this procedure, which would consist of checking editorial errors throughout the Convention, and the votes that had taken place at this session. At the end of the session, the SG would indeed notify the texts the Revision Committee had voted on and which came within its competence. He would also submit the texts validated by the Revision Com-

mittee to the General Assembly in those cases in which the Revision Committee's competence was thus limited.

From the explanations the SG had just given, the **European Commission** understood that he intended to prepare the editorial amendments to COTIF and its Appendices and to send them to the Member States for a written procedure in the framework of the Revision Committee, then to send them to the General Assembly without making a distinction between amendments that came within the Revision Committee's competence and those that came within the competence of the General Assembly. The initial proposal made a distinction between these amendments. For the texts of COTIF and its Appendices, the SG was in fact proposing the same procedure as the one that had been decided for the Explanatory Report.

The **SG** confirmed this.

For the **European Commission**, it was out of the question to subject the amendments that had been discussed and voted on at this session to a written procedure with a vote.

The **SG** assured the meeting that the texts that had been amended and voted on at this session of the Revision Committee were not concerned.

Following these discussions, the **SG** informed the Revision Committee of his intention:

- to update, editorially review and adapt the existing text of COTIF and its various Appendices;
- to submit the editorially corrected text of COTIF and its Appendices to the Revision Committee using the written procedure so that this document can be discussed at the next General Assembly.

The **Revision Committee** noted this commitment and thanked the Secretary General.

13. Information on future work

The **SG** reminded the meeting that OTIF had concluded Administrative Arrangements with DG MOVE and ERA and that it was advisable in this context to pay particular attention to consistency between the various Appendices to COTIF. Together with DG MOVE and ERA, the SG would start work on achieving consistency in the wagon regulations, in terms of both ATMF and RID. In this respect there were two parallel sets of regulations that were not incompatible. But it had seemed necessary to start work with the European Commission to clarify the relationship between these two Appendices.

This had been discussed at the Committee of Technical Experts held at the beginning of June 2014. The Committee of Technical Experts had approved the principle of setting up a tripartite working group made up of experts on dangerous goods, OTIF experts on ATMF and experts from the European Commission and ERA. In order to implement this tripartite working group, an initial scoping meeting would be held in Geneva on 15 September 2014 to define the road map for the working group. The tripartite working group would be established officially at the meeting of the RID standing working group in November 2014.

The **European Commission** welcomed this initiative. In 2013, the European Commission had in fact funded a study on the boundary between the two sets of regulations, ATMF and RID. For historical reasons, certain subjects had been dealt with differently. So for example,

RID did not contain the concept of "ECM". This work could perhaps lead to one or the other of these Appendices being amended.

D recalled that the SG had informed the Committee of Technical Experts of his intention to set up a tripartite working group. However, the Committee of Technical Experts had not taken a decision on setting up this working group or on its terms of reference. The experts in **D**, whether in the technical field or in the dangerous goods field, were not convinced that it was useful or necessary to set up such a working group. Before proposing this working group to the two bodies that were competent to take a decision, it would first be necessary to clarify what tasks this working group would have.

There was a discussion on this between **D** and the **SG**, during which the SG explained that the aim of the informal coordination meeting in September with one or more RID experts in particular, was indeed to define the terms of reference and the rest of the procedure for setting up the tripartite working group. These terms of reference, the road map envisaged and the subsequent procedures would be submitted to the RID standing working group in November 2014. The SG was quite optimistic that what was being planned would meet with a positive reception from both the Committee of Technical Experts and the RID Committee of Experts.

The **Revision Committee** noted the information provided by the SG on the future work and the various steps to be taken in this regard.

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
Revisionsausschuss
Revision Committee**

**CR 25
Berne/Bern, 25.-26.06.2014**

PV - Annexe/Anlage/Annex


**Liste des participants
Teilnehmerliste
List of participants**

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**Royaume Uni/
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Revision Committee

CR 25

25.06.2014

Meeting room doc.

PROPOSALS OF THE EU FOR THE 25th SESSION OF THE REVISION COMMITTEE OF OTIF

The EU makes the following proposals to the items on the agenda of the 25th session of the Revision Committee of OTIF:

For Item 7. Partial revision of Appendix D (CUV UR):

In document CR 25/7 ADD 1, page 6, paragraph 8a, in the end, add: "*The amendment to Article 9, paragraph 3, first indent, does not affect the existing allocation of liabilities between ECM and the keeper of the vehicles.*"

For Item 8. Partial revision of Appendix G (ATMF UR):

In the German version of Annex G¹:

Art. 5 § 3: after the wording „Voraussetzungen“, change „erfüllen“ into „erfüllt“.

Art. 11 § 3 b): the word „Identifizierungscode(se)“ should be replaced with „Identifizierungscode(s)“.

Art. 15 § 1 S. 2: delete „nicht“.

Art. 15 a § 1 S. 2: put a point after „entsprechen“ and start a third sentence with „Es hat insbesondere:“

For Item 11. Editorial amendments:

Add the following new second indent: "to provide for a period of 3 weeks open for Member States for a check of those editorial amendments before their notification".

¹ The words from the German version of ATMF should be kept in German.

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
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**Commission de révision
Revisionsausschuss
Revision Committee**

**CR 25
25.06.2014**

**Doc. de séance
Sitzungsdok. 1
Meeting room doc.**

Original : FR

**25^e session
25. Tagung
25th Session**

**Révision partielle de la COTIF – Convention de base
Teilrevision des COTIF – Grundübereinkommen
Partial revision of COTIF – Basic Convention**

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.

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Proposition de décision :

L'article 27 de la Convention relative aux transports internationaux ferroviaires (COTIF) du 9 mai 1980 dans la teneur du Protocole du 3 juin 1999 (Protocole de Vilnius) et des modifications adoptées par la Commission de révision lors de sa 24^{ème} session est libellé comme suit :

« Article 27 Vérification des comptes

- § 1 Sauf décision contraire de l'Assemblée générale prise en vertu de l'article 14, § 2, lettre k), la vérification des comptes est effectuée par l'Etat de siège selon les règles du présent article et, sous réserve de toutes directives spéciales du Comité administratif, en conformité avec le règlement concernant les finances et la comptabilité de l'Organisation (article 15, § 5, lettre e)).
- § 2 Le Vérificateur a librement accès, à tout moment, à tous les livres, écritures, documents comptables et autres informations dont il estime avoir besoin.
- § 3 Le Vérificateur communique au Comité administratif et au Secrétaire général les constatations faites lors de la vérification. Il peut, en outre, présenter tout commentaire qu'il juge approprié au sujet du rapport financier du Secrétaire général.
- § 4 Le mandat de vérification des comptes est défini dans le règlement concernant les finances et la comptabilité et par le mandat additionnel annexé à ce dernier. »

Beschlussvorschlag

Artikel 27 des Übereinkommens über den internationalen Eisenbahnverkehr (COTIF) vom 9. Mai 1980 in der Fassung des Protokolls vom 3. Juni 1999 (Protokoll von Vilnius) und der vom Revisionsausschuss in seiner 24. Tagung angenommenen Änderungen wird wie folgt gefasst:

„Artikel 27 Rechnungsprüfung

- § 1 Sofern die Generalversammlung gemäß Artikel 14 § 2 Buchst. k) nichts anderes beschließt, wird die Rechnungsprüfung vom Sitzstaat nach den Regeln dieses Artikels und, vorbehaltlich besonderer Weisungen des Verwaltungsausschusses, in Übereinstimmung mit der Ordnung für das Rechnungswesen und die Buchhaltung der Organisation (Artikel 15 § 5 Buchst. e)) durchgeführt.

- § 2 Der Rechnungsprüfer hat jederzeit freien Zugang zu allen Büchern, Schriften, Buchungsbelegen und sonstigen Informationen, die er als notwendig erachtet.

- § 3 Der Rechnungsprüfer teilt dem Verwaltungsausschuss und dem Generalsekretär die bei der Rechnungsprüfung getroffenen Feststellungen mit. Er kann darüber hinaus jede Anmerkung machen, die er hinsichtlich des Finanzberichts des Generalsekretärs für angebracht hält.

- § 4 Das Mandat der Rechnungsprüfung richtet sich nach der Ordnung für das Rechnungswesen und die Buchhaltung und dem dieser angehängten Zusatzmandat.“

Proposal for decision:

Article 27 of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with amendments adopted by the Revision Committee at its 24th session reads as follows:

**“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 have unrestricted access, at any time, to all ledgers, accounts, accounting documents and other information which he considers needful.
- § 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 Financial and Accounting Regulation and by the additional mandate annexed to the latter.”

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**ORGANISATION INTERGOUVERNEMENTALE POUR
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**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
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**Commission de révision
Revisionsausschuss
Revision Committee**

**CR 25
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**25^e session
25. Tagung
25th Session**

Révision partielle de l'Appendice D (RU CUV)
Teilrevision von Anhang D (ER CUV)
Partial revision of Appendix D (CUV UR)

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.

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Décision :

L'article 2, lettre c) des Règles uniformes concernant les contrats d'utilisation de véhicules en trafic international ferroviaire (CUV), Appendice D à la Convention relative aux transports internationaux ferroviaires (COTIF) du 9 mai 1980 dans la teneur du Protocole du 3 juin 1999 (Protocole de Vilnius) est libellé comme suit :

- « c) « détenteur » désigne la personne ou l'entité propriétaire du véhicule ou disposant d'un droit de disposition sur celui-ci, qui exploite ledit véhicule à titre de moyen de transport ; »

Beschluss:

Artikel 2 Buchst. c) der Einheitlichen Rechtsvorschriften für Verträge über die Verwendung von Wagen im internationalen Eisenbahnverkehr (CUV), Anhang D zum Übereinkommen über den internationalen Eisenbahnverkehr (COTIF) vom 9. Mai 1980 in der Fassung des Protokolls vom 3. Juni 1999 (Protokoll von Vilnius) wird wie folgt gefasst:

- „c) „Halter“ die natürliche oder juristische Person, die als Eigentümerin oder Verfügungsberechtigte einen Wagen als Beförderungsmittel wirtschaftlich nutzt;“

Decision:

Article 2, letter c) of the Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic (CUV), Appendix D to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) reads as follows:

- “c) "keeper" means 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;”

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
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**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
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**Commission de révision
Revisionsausschuss
Revision Committee**

**CR 25
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**25^e session
25. Tagung
25th Session**

Révision partielle de l'Appendice E (CUI) – adaptation rédactionnelle
Teilrevision des Anhangs E (CUI) – redaktionelle Anpassung
Partial revision of Appendix E (CUI) – editorial amendment

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Décision :

L'article 5bis, §§ 1 et 2 des Règles uniformes concernant le contrat d'utilisation de l'infrastructure en trafic international ferroviaire (CUI), Appendice E à la Convention relative aux transports internationaux ferroviaires (COTIF) du 9 mai 1980 dans la teneur du Protocole du 3 juin 1999 (Protocole de Vilnius) et des modifications adoptées par la Commission de révision lors de sa 24^{ème} session est libellé comme suit :

- « § 1 Les dispositions de l'article 5 tout comme celles des articles 6, 7 et 22 n'affectent pas les obligations que les parties au contrat d'utilisation de l'infrastructure sont tenues de remplir conformément aux lois et prescriptions en vigueur dans l'Etat dans lequel se situe l'infrastructure, y compris, le cas échéant, le droit de l'Union européenne.
- § 2 Les dispositions des articles 8 et 9 n'affectent pas les obligations que les parties au contrat d'utilisation de l'infrastructure sont tenues de remplir dans un Etat membre de l'UE ou dans un Etat où la législation de l'Union européenne s'applique par suite d'accords internationaux conclus avec l'Union européenne. »

Beschluss:

Artikel 5bis §§ 1 und 2 der Einheitlichen Rechtsvorschriften für den Vertrag über die Nutzung der Infrastruktur im internationalen Eisenbahnverkehr (CUI), Anhang E zum Übereinkommen über den internationalen Eisenbahnverkehr (COTIF) vom 9. Mai 1980 in der Fassung des Protokolls vom 3. Juni 1999 (Protokoll von Vilnius) und der vom Revisionsausschuss in seiner 24. Tagung angenommenen Änderungen wird wie folgt gefasst:

- „§ 1 Die Bestimmungen des Artikels 5 sowie der Artikel 6, 7 und 22 berühren nicht die von den Parteien des Vertrags über die Nutzung der Infrastruktur zu erfüllenden Verpflichtungen nach den Gesetzen und Vorschriften, die in dem Staat gelten, in dem die Infrastruktur liegt, einschließlich zutreffendenfalls des Rechtes der Europäischen Union.
- § 2 Die Bestimmungen der Artikel 8 und 9 berühren nicht die von den Parteien des Vertrags über die Nutzung der Infrastruktur in einem EU-Mitgliedstaat oder in einem Staat, in dem das Recht der Europäischen Union aufgrund internationaler, mit der Europäischen Union abgeschlossener Verträge gilt, zu erfüllenden Verpflichtungen.“

Decision:

Article 5bis §§ 1 and 2 of the Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic (CUI), Appendix E to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with amendments adopted by the Revision Committee at its 24th session reads as follows:

- “§ 1 The provisions of Article 5 as well as those of Articles 6, 7 and 22 shall not affect the obligations which the parties to the contract of use of infrastructure have to meet under the laws and prescriptions in force in the State in which the infrastructure is located including, where appropriate, the law of the European Union.
- § 2 The provisions of Articles 8 and 9 shall not affect the obligations which the parties to the contract of use of infrastructure have to meet in an EU Member State or in a State where legislation of the European Union applies as a result of international agreements with the European Union.”

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
Revisionsausschuss
Revision Committee**

**CR 25
26.06.2014**

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Meeting room doc.**

Original : FR/DE/EN

**25^e session
25. Tagung
25th Session**

Propositions de l'UE pour la 25^e session de la Commission de révision de l'OTIF

Vorschläge der EU für die 25. Tagung des OTIF- Revisionsausschusses

Proposals of the EU for the 25th Session of the Revision Committee of OTIF

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.

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En ce qui concerne le point 11 – Modification d’ordre rédactionnel :

Ajouter le nouveau deuxième alinéa suivant :

« de prévoir une période de trois semaines afin que les Etats membres approuvent ces modifications d’ordre rédactionnel avant leur notifications. »

Zu Punkt 11 : Redaktionelle Änderungen:

Folgenden neuen zweiten Spiegelstrich anfügen:

„dafür zu sorgen, dass den Mitgliedstaaten ein Zeitraum von drei Wochen zur Verfügung steht, um diese redaktionellen Anpassungen vor ihrer Mitteilung genehmigen zu können.“

For Item 11: Editorial amendments:

Add the following new second indent:

“to provide for a period of 3 weeks open for Member States to agree on those editorial amendments before their notification.”

OTIF



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**Commission de révision
Revisionsausschuss
Revision Committee**

**CR 25
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**25^e session
25. Tagung
25th Session**

Révision partielle de l'appendice F (RU APTU)
Teilrevision von Anhang F (ER APTU)
Partial revision of Appendix F (APTU UR)

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Décision :

L'article 8, § 2a et § 9 et l'article 12, § 1, phrases 1 et 2 des Règles uniformes concernant la validation de normes techniques et l'adoption de prescriptions techniques uniformes applicables au matériel ferroviaire destiné à être utilisé en trafic international (APTU), Appendice F à la Convention relative aux transports internationaux ferroviaires (COTIF) du 9 mai 1980 dans la teneur du Protocole du 3 juin 1999 (Protocole de Vilnius) et des modifications adoptées par la Commission de révision lors de sa 24^{ème} session sont libellés comme suit :

**« Article 8
PTU**

- § 2a Les PTU s'appliquent aux sous-systèmes neufs. Elles s'appliquent également à un sous-système existant lorsque celui-ci a été rénové ou renouvelé. Cette application doit être conforme à la stratégie de migration visée au § 4, lettre f).
- § 9 Les PTU se présentent dans un format en deux colonnes. Quand le texte apparaît sur toute la largeur de la page sans colonnes, il est identique aux textes correspondants des spécifications techniques d'interopérabilité (STI) de l'Union européenne. Quand le texte est scindé en deux colonnes, il est différent pour les PTU et les STI correspondantes ou autres réglementations de l'Union européenne. Le texte de la PTU (réglementation de l'OTIF) apparaît dans la colonne de gauche, le texte de la STI (Union européenne) dans la colonne de droite. Tout à fait à droite, la référence de la STI est indiquée.

**Article 12
Spécifications techniques nationales**

- § 1 Les États parties veillent à informer le Secrétaire général de leurs spécifications techniques nationales applicables aux véhicules ferroviaires. Le Secrétaire général publie ces spécifications dans la banque de données visée à l'article 13 des Règles uniformes ATMF.

[...] »

Beschluss:

Artikel 8 § 2a und § 9 und Artikel 12 § 1 Sätze 1 und 2 der Einheitlichen Rechtsvorschriften für die Verbindlicherklärung technischer Normen und für die Annahme einheitlicher technischer Vorschriften für Eisenbahnmaterial, das zur Verwendung im internationalen Verkehr bestimmt ist (APTU), Anhang F zum Übereinkommen über den internationalen Eisenbahnverkehr (COTIF) vom 9. Mai 1980 in der Fassung des Protokolls vom 3. Juni 1999 (Protokoll von Vilnius) und der vom Revisionsausschuss in seiner 24. Tagung angenommenen Änderungen werden wie folgt gefasst:

**„Artikel 8
ETV**

- § 2a ETV sind auf neue Teilsysteme anzuwenden. Auf ein bestehendes Teilsystem sind sie dann anzuwenden, wenn es erneuert oder umgerüstet wird. Die Anwendung hat in Übereinstimmung mit der in § 4 Buchst. f) geregelten Migrationsstrategie zu erfolgen.
- § 9 Die ETV sind zweispaltig auszuführen. Text, der in voller Breite ohne Spalten erscheint, ist mit den entsprechenden Texten der Technischen Spezifikationen für die Interoperabilität (TSI) der Europäischen Union identisch. Bei Text, der in zwei Spalten unterteilt ist, weichen die ETV und entsprechenden TSI oder sonstige Regelung der Europäischen Union voneinander ab. Die linke Spalte enthält den Text der ETV (OTIF-Regelung), während die rechte Spalte den TSI-Text der Europäischen Union enthält. Ganz rechts wird die TSI-Referenz angegeben.

**Artikel 12
Nationale technische Anforderungen**

- § 1 Die Vertragsstaaten haben sicher zu stellen, dass der Generalsekretär über ihre nationalen technischen Anforderungen, die für Eisenbahnfahrzeuge gelten, Kenntnis erlangt. Der Generalsekretär hat diese Anforderungen in der Datenbank gemäß Artikel 13 der Einheitlichen Rechtsvorschriften ATMF zu veröffentlichen.

[...] “

Decision:

Article 8 § 2a and § 9 and Article 12 § 1 sentences 1 and 2 of the Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic (APTU), Appendix F to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with amendments adopted by the Revision Committee at its 24th session read as follows:

**“Article 8
UTP**

- § 2a The UTP shall apply to new subsystems. They shall also apply to an existing subsystem when it is renewed or upgraded. The application shall be in accordance with the migration strategy referred to in § 4 f).
- § 9 The UTP shall have a two column format. Text which appears in full width without columns is identical to corresponding texts of the European Union Technical Specifications for Interoperability (TSI). Text which is split into two columns is different for the UTP and for the corresponding TSI or other corresponding European Union regulations. The left-hand column shows the UTP text (OTIF regulation), while the right-hand column shows the European Union TSI text. On the far right the TSI reference is indicated.

**Article 12
National technical requirements**

- § 1 Contracting States shall ensure that the Secretary General is informed of their national technical requirements which apply to railway vehicles. The Secretary General shall publish these requirements in the data bank referred to in Article 13 of the ATMF Uniform Rules.

[...] ”