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Minutes

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3
Table of contents

	Page
AGENDA	5
DISCUSSIONS	7
1. Approval of the agenda	7
2. Presence and quorum	7
3. Election of chairman	9
4. Report from the Committee of Technical Experts' working groups (for information)	9
5. Derogation rules (ATMF Article 7a) (for adoption)	10
6. Uniform Technical Prescriptions (for adoption)	14
6.1 UTP WAG Annex PP	14
6.2 UTP NOI: ROLLING STOCK - NOISE	17
7. Uniform format of certificates (Design Type Certificate & Certificate of Operation) (for adoption)	17
8. Amendment of the specifications for the National Vehicle Registers (NVR) (for adoption)	19
9. ATMF, Article 15 § 3 - "ensure or ascertain" (for adoption)	21
10. Notification of the national technical requirements according to Article 12 APTU (for information)	22
11. EU presentation of two TSIs (for information)	24
12. Vehicle Keeper Marking - Cooperation with OSJD (for information)	29
13. Status of development of the NVRs in Contracting States (for information)	29
14. Work programme of the Committee of Technical Experts for 2012 and 2013 (for discussion)	29
15. Any other business	31
16. Next session	31
Closing of the session	32

ANNEX I LIST OF PARTICIPANTS

ANNEX II LIST OF DOCUMENTS

AGENDA

1. Approval of the agenda
2. Presence and quorum
3. Election of chairman
4. Report from the Committee of Technical Experts working group WG TECH
(for information)
5. Derogation rules (ATMF Article 7a)
(for adoption)
6. Uniform Technical Prescriptions
(for adoption)
 - 6.1 UTP WAG Annex PP
 - 6.2 UTP NOI: ROLLING STOCK - NOISE
7. Uniform format of certificates (Design Type Certificate & Certificate of Operation)
(for adoption)
8. Amendment to the specifications for the National Vehicle Registers (NVR)
(for adoption)
9. ATMF, Article 15 § 3 – “ensure or ascertain”
(for adoption)
10. Notification of the national technical requirements according to Article 12 APTU
(for information)
11. EU presentation of two TSIs
(for information)
 - Operation & Management (merged)
 - Freight wagons
12. Vehicle keeper marking - Cooperation with OSJD
(for information)
13. Status of the development of the NVRs in the Contracting States
(for information)
14. Work programme of the Committee of Technical Experts for 2012 and 2013
(for discussion)
15. Any other business
16. Next session

DISCUSSIONS

Mr. **Bas Leermakers** opened the 5th session of the Committee of Technical Experts (CTE) and welcomed all the participants and introduced the OTIF team at the session. He also welcomed Mr. Karl Erik Raff to the session. Mr Leermakers had taken over this post in the OTIF Secretariat from Mr Raff on 1 May 2012. Mr. Raff wished to attend the session in a personal capacity, as he had been involved in preparing all the documents and his knowledge and experience could be of benefit. Mr. Leermakers welcomed participants who were attending the CTE for the first time: Ms. Svetlanka Popovska (FYR of Macedonia), Mr. Peter Brugts (Netherlands) and Mr. Murat Safa and Mr. Kamil Bayatli (Turkey).

1. Approval of the agenda

This session was convened in circular A 92-03/502.2012 dated 23 February 2012. The provisional agenda and documents were sent out one month later with circular A 92-03/504.2012. On 3 April 2012 the results of the vote on the adoption of the UTP GEN-D Assessment procedures (Modules) and UTP WAG Freight wagons, including 32 Annexes, was notified in circular A 92-03/509.2012. The vote had been carried out using the written procedure according to Article 21 § 3 of the Rules of Procedure of the CTE. The outcome of the vote was that the UTP GEN-D were adopted; UTP WAG was rejected (owing to some problems in UTP WAG Annex PP). Annex PP to UTP WAG was included in the agenda of the 5th session of CTE as item 6.1 and the item on the UTP NOI Rolling Stock - Noise was renumbered as item 6.2. The request from the EU to change item 11, “Consultation of non-EU OTIF Member States (MS) on two TSIs - Operation & Management (merged) and Freight wagons revised” to read “EU presentation of two TSIs Operation & Management (merged) and Freight wagons”, was tacitly adopted, as in the meantime there had been a lot of changes to these drafts.

In an e-mail dated 28 March 2012 **the representative of the EU** had informed the Secretariat that all the issues to be discussed at the session came within the exclusive or shared competence of the EU and that for items 5, 6, 7, 8 and 9 the EU representative would vote on behalf of all those EU MS which were also Contracting States to the APTU and ATMF Appendices.

2. Presence and quorum

15 MS (Austria, Bosnia and Herzegovina, Finland, France, Germany, Greece, Italy, Luxembourg, FYR of Macedonia, Montenegro, the Netherlands, Poland, Serbia, Switzerland and Turkey) and the EU attended the session; 12 MS were represented by another MS present at the session (Czech Republic and Slovakia by Austria, Spain by France, Hungary and United Kingdom by Germany, Slovenia by Italy, Belgium by Luxembourg, Croatia by FYR of Macedonia, Denmark by the Netherlands, Lithuania and Romania by Poland and Liechtenstein by Switzerland). For general issues, the quorum was 21 MS present or represented, which was exceeded by five. The “restricted” quorum for specific questions concerning items 5, 7, 8 and 9 (application of ATMF) was 13 MS present or represented. This quorum was also exceeded by five. The “restricted” quorum for specific questions concerning item 6 (application of APTU) was 14 MS present or represented. This quorum was exceeded by four.

The representative of the EU commented that the OTIF Secretariat’s calculation of the quorum took into account the physical presence of delegates. The **EU** did not agree with this method of determining the quorum. According to the **EU representative**, the right to vote did

not depend on the physical presence of delegates or any proxies that might be arranged. He made the following declaration (original text):

“Article 38 of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 and Article 6 of the Agreement between the European Union and the Intergovernmental organisation for International Carriage by rail on the accession of the European Union to the Convention concerning international Carriage by rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (Accession agreement) have established the rules for exercising the voting rights of the Regional Economic Integration Organisations that have acceded to the COTIF and in particular the European Union.

Under these provisions, for matters that fall under the exclusive competence of the European Union or for matters that are of shared competence with its Member States, and when the Union has been entitled to exercise the voting rights in conformity with the internal EU arrangements, the European Union exercises the voting rights of its Member States. Alternatively, in matters of shared competence, the Member States of the EU vote if the internal EU arrangements have so concluded. In any case, the OTIF Secretariat is informed in due time on who will be legally empowered to exercise the voting rights in the different items of the agenda of each committee.

For the purpose of establishing the quorum in order to adopt legally binding positions, the physical presence of the EU Member States is not necessary when the European Union exercises the voting rights. This follows clearly from the COTIF and the EU Accession Agreement. Indeed, to request such a physical presence of the EU Member States must be considered as a restriction to the exercise of those voting rights which has support neither in the provisions of the Accession Agreement nor in the provisions of COTIF. Any other position, which would require the EU Member States to be present in order that the EU may exercise voting rights, would be contrary in particular to the last recital of the Accession Agreement following which *"the conditions of the European Union's accession to the Convention must allow the Union to exercise within the Convention the competences conferred on it by its Member States"*.

For the purpose of establishing the quorum it is enough, as a good governance principle, to check who is legally entitled to exercise the voting rights. In fact it is the presence of the voting rights, and not the physical presence as such, that makes the quorum.”

The **Secretariat** confirmed that there was a dispute between OTIF and the EU concerning the definition of voting rights and how these rights were to be exercised. CTE was not the competent organ to take a decision on this matter. In any event, there was a quorum for this session, so the issue of how the quorum was to be established was merely theoretical as far as this session was concerned. The **Secretariat** hoped that this question would be settled before the next session of the CTE.

In reply to a question from **CH** as to how many votes the EU would exercise according to the OTIF principle, the **Secretariat** said that of the 25 EU OTIF MS, three of them (Ireland, Italy and Sweden) had not ratified COTIF 1999 and were not therefore members of CTE. Of the remaining 22 EU OTIF MS, four were neither present nor represented (Bulgaria, Estonia, Latvia and Portugal). According to the OTIF Secretariat's interpretation, the EU would have 18 votes for “general” issues (items 1 and 3). For the “restricted” quorums there was no differ-

ence between the views of OTIF and the EU on the question of how many votes the EU could exercise (10 votes for all EU Contracting States: Austria, Belgium, Denmark, Finland, Greece, Hungary, Lithuania, Luxembourg, the Netherlands and Poland, all of them either present or represented at this session).

3. Election of chairman

There were no proposals for a chairman from the MS or organisations. The **Secretariat** proposed Switzerland (Mr Roland Bacher), which had already chaired four sessions of the Committee. Mr. Bacher had successfully chaired the last two session of CTE and twelve consecutive meetings of WG TECH.

The **CTE** unanimously elected Switzerland, in the shape of Mr Roland Bacher, to chair this session.

The **Chairman** thanked the meeting for the confidence it had placed in him to chair this session. On behalf of all the participants he wished Mr. Leermakers all the best for the beginning of his activities in the OTIF Secretariat. Mr. Leermakers had had a “baptism of fire” as after only a few days, he had had to take over the preparation of this session of the CTE.

Six draft texts had been prepared for this session for adoption. They did not seem to be excessively complicated, but some of them would certainly require some discussion. He reminded the CTE that OTIF’s overall package for freight wagons had not yet been finally adopted.

All participants had received a copy of the EU position paper. He thanked the EU for preparing its position paper, as this would enable a structured and timely discussion.

4. Report from the Committee of Technical Experts’ working groups (for information)

The **Secretariat** gave a brief presentation on the activities of the standing working group WG TECH since the 4th session of CTE (September 2011). Two meetings of WG TECH (November 2011 in Ljubljana and February 2012 in Berne), together with a small working group on derogations, had prepared the documents for this CTE.

Conclusion:

The **CTE** noted the report on the activities of the CTE standing working group WG TECH since the 4th session of CTE.

5. Derogation rules (ATMF Article 7a) (for adoption)

The **Secretariat** explained that the aim of the document was to create harmonised rules for granting derogations from UTPs. The proposal was basically to transpose Article 9 of EU Directive 2008/57/EC into ATMF Annex B. The document mainly concerned non-EU OTIF MS, as in most cases EU Directive 2008/57/EC applied to the EU MS. In particular, Directive 2008/57/EC applied to subsystems used exclusively in the EU. For rolling stock, OTIF rules applied only to international traffic, which meant that in any case, at least two derogations would be needed. The document did concern traffic between EU OTIF MS and non-EU MS. The EU and RS had submitted comments on this document.

The basis for the discussion was the EU position paper.

Proposal 1 to replace the current text in chapter 2 SCOPE § a) and b) by a former text:

Proposal 2 to replace the current point 3 of the Explanatory remarks by a former text:

The representative of the EU did not think there would be any problems in adopting this draft text, as there were very few differences between this draft and the current EU regulations. There were three pages of explanatory remarks. He thanked the Secretariat for the very clear explanations, which could make it easier to implement the rules on derogations. The comment on chapter 2 (“SCOPE”) had been made because the text agreed at the working group had subsequently been changed and the previous text had used the term “subsystems”, which was the correct term, rather than “rolling stock”.

He thought the three cases, starting on page 6 of the scope of ATMF Annex B, were very clear:

- (case 1) vehicles operating only between non-EU OTIF MS,
- (case 2) vehicles operating between EU MS,
- (case 3) vehicles intended to operate between EU MS and at least one non-EU MS.

The current wording of case 3 was causing a problem for the EU and the EU proposed to amend it to the effect that derogations for non-EU OTIF MS would be decided on the basis of Annex B to ATMF and for EU MS, derogations would be decided on the basis of Article 9 of Directive 2008/57/EC. At the end of the decision on derogations, the Secretary General and the European Commission should cooperate in order to reach a joint decision.

RS did not agree with the EU’s proposal to amend the text in chapter 2 (“SCOPE”) of the derogation document. Such an amendment would remove the competence of the CTE to take decisions on derogations concerning the infrastructure situated in EU MS. At the same time the CTE, with the participation of the EU and EU MS, would take decisions on derogations concerning the infrastructure situated in non-EU OTIF MS. RS thought this was unfair. Infrastructure had to be taken into account, as vehicles used the infrastructure. This should be considered as a relationship between EU OTIF MS and non-EU OTIF MS in which the Convention was applicable in full. The scope of the derogations document should not be limited to rolling stock and other subsystems of non-EU OTIF MS. A derogation requested for an EU

Member State's infrastructure might impact keepers and RUs from non-EU OTIF MS, as their vehicles also operated on the EU MS' lines.

With regard to the Explanatory remarks, **RS** saw no problem with the text proposed for case 3, which was very clear: the CTE decides. It was completely in line with chapter 3.5 of the document. The text proposed by the EU was rather confusing and unclear. What was meant by derogations being decided in every State? The question was who would decide on derogations, the Committee or the State? He asked the EU for some clarification on the proposal concerning the Explanatory remarks. The proposal by **RS** was not to make any changes to the document, as the text was correct.

The **Secretariat's** position on replacing "rolling stock" by "vehicles" in chapter 2 ("SCOPE") was correct, as the term "vehicles" comprised more than one subsystem (e.g. the part of the CCS system on board the vehicle), which the term "rolling stock" did not include. With regard to the differing opinions of RS and the EU, the question was what the procedure would be when dealing with a request for derogation for infrastructure in EU MS used by vehicles of operators from non-EU OTIF MS. RS's position was that such a request should be dealt with by the combined efforts of the EU and OTIF and should be decided by the CTE. The EU view was that since such a request would concern a subsystem on EU territory, the decision was within the full competence of the European Commission and was completely covered by Directive 2008/57/EC.

The representative of the EU fully agreed with this summary. The origin of the problem was probably in the different interpretations of the "disconnection clause" in the EU accession agreement. This clause referred to traffic. A request for a derogation for a subsystem did not concern traffic as such, but was of a territorial nature. The EU opinion was that it was more appropriate to return to the original text which had been discussed in the working group.

The **Chairman** reminded the meeting that this was a delicate issue and it was important to achieve a balanced rule taking into account the interests of all parties and to find a text which took account of the interests of all parties.

BiH recalled that the document was entitled "Requirements and procedure for derogations from application of UTP(s) related to a structural or functional subsystem". It agreed fully with the EU's position, as the document referred to a structural or functional subsystem. As far as the procedures were concerned, **BiH** agreed with the position of RS.

CH reminded the meeting that the issue was derogations. Whether the derogations were granted under the umbrella of the EU or OTIF, they still restricted interoperability. Derogations would sometimes be necessary in order that the railway system could function. It was not important whether the EU or OTIF granted the derogations; most countries could accept both approaches.

The representative of the EU suggested leaving the legal issues aside for a moment and considering the pragmatic questions. Would it be possible to deal with all the derogations requested at a single CTE session, which took place for two days in a year? Before making the rules CTE should consider the number of derogations that could be requested each year and the number of decisions to be taken. The CTE could probably take care of a few cases per year submitted, for example, from countries outside the EU. It was necessary to use resources effectively, particularly at a time of economic crisis. The Secretariat could be asked whether it

would hire a dozen people to deal with derogations. He considered this unlikely and suggested that the tasks of the CTE be limited. He suggested limiting the task to cases of derogations applied to vehicles put into service outside the EU. The fact that the derogation was necessary for at least two non-EU countries (international traffic) did not really matter. The important issue was how the vehicle was manufactured and how it would be placed into service in a particular country. The technical file would be ready and would indicate any differences from the applicable legislation (the UTPs in force). The decision on placing into service should be taken. The EU's experience was that manufacturers, keepers and operators had often been worried about the whole procedure. Sometimes the decision should be taken by the European Commission and that created problems as there could be a certain "waiting" period blocking the project, with negative economic consequences. He suggested simplifying the procedure. This was the reason for the proposal in the Explanatory remarks that the decision should be taken by the MS. The subsidiary principle should be that the decision should be taken at the lowest possible level. If it were not possible to take a decision (owing to specific conditions) at MS level, the decision should be taken at the level of the European Commission or the CTE. For practical reasons the decision should not be taken at international level. This was why minor changes had been proposed in chapter 2 ("SCOPE") and case 3 in the Explanatory remarks. The important part of the proposal was the cooperation between the Secretary General and the European Commission with a view to reaching a joint decision. There was a general need to improve such cooperation, which would resolve all OTIF's problems.

The **Chairman** thanked the EU for its comments. There were a large number of amendments to be processed. The non-EU OTIF MS had to accept the EU's interests, in other words it was not necessary to complicate the world by taking the decision to the level of the Commission or the CTE. At the same time he said he understood RS's concern that any changes that have been decided at EU level would have consequences for rolling stock used in international traffic coming from non-EU OTIF MS and used in EU countries. One way of ensuring that all parties' interests were adequately taken into account might be to take the EU proposal as a basis and consider that some changes might have consequences for non-EU OTIF MS. In these cases the OTIF Secretariat should at least be consulted.

CER explained that infrastructure managers were aware of the fact that the procedure for obtaining derogations was very lengthy. The proposal that decisions should be taken at a higher level would make the procedure even longer. Consequently, anything that would simplify the procedure would be welcome.

RS asked for an explanation on the EU's proposal on point 3 of the Explanatory remarks, which said that each MS was responsible for taking decisions in connection with requests for derogations, in contrast to section 3.5 of the core document, where the decision was clearly the responsibility of the CTE.

Mr. **Raff** explained the difference between the regulations concerning the infrastructure in the EU, where detailed rules were valid for national traffic, and the OTIF regulations, which only applied to international traffic. The APTU and ATMF Appendices only concerned the interface between the rolling stock and infrastructure. The CTE should only decide whether the justification for a derogation was acceptable. The technical evaluation in support of derogations would not be a task for the CTE.

In reply to RS and as a compromise, **the representative of the EU** suggested deleting the words “in every state” in the EU proposal on point 3 of the Explanatory remarks. The second part of the proposal was very clear, that the decision in the non-EU OTIF Contracting States would be taken on the basis of Annex B to ATMF and in the EU MS, on the basis of Article 9 of Directive 2008/57/EC. As cooperation was not needed in all cases, he suggested adding the words “where appropriate” at the end of the third sentence after “shall cooperate”. If a contract were at an advanced stage of development, the decision would be taken at national level without the need for cooperation. Cooperation would be required under certain conditions, e.g. chapter 3.1 c) and d), etc. He asked the representatives of the EU MS to react if they did not agree with these suggestions.

RS repeated that the derogations under chapter 3.1 a), c) and e) would be decided at MS level and derogations according to chapter 3.1 b), d) and f) would be decided at CTE level. The EU suggestion to delete the words “in every state” and to add the words “where appropriate” would resolve all the problems previously mentioned by RS.

The **Chairman** suggested that the discussion on this item be interrupted and proposed that the wording be amended in a small group. The members of the small group were the EU (Mr. Grillo), RS (Mr. Popovic), F (Mr. Grimberg), the OTIF Secretariat (Mr. Leermakers), the Chairman (Mr. Bacher) and Mr. Raff as an advisor.

CER reminded the meeting that the last paragraph of the introduction to the Explanatory remarks contained the following: “The technical check (of safety, technical compatibility and safe integration) ... is the responsibility of the assessing entity(ies)”. In fact there were altogether five essential technical requirements to be checked, not just safety, technical compatibility and safe integration, i.e. environmental protection and “health” (occupational health) as well. In the third paragraph under “Scope” he suggested deleting the words “at the same time”. As an example, a hundred TGV trains could be manufactured in five years; in addition to the type authorisation, each vehicle would need a series authorisation, which would certainly not be issued at the same time for all trains. He proposed to replace “The technical check (of safety, technical compatibility and safe integration)” by “The technical check (of all essential requirements and safe integration)”.

The proposal to delete the words “at the same time” in the third paragraph under “Scope” of the Explanatory remarks was tacitly adopted.

The result of the discussion in the small drafting group (the **Secretariat**, the **representative of the EU**, **F**, **RS**, the **Chairman** and **Mr. Raff**) was that it would be very risky to adopt Annex B to ATMF at this session and the group was inclined to postpone adoption to the next session of the CTE.

The meeting agreed to transfer preparation of the derogation document to the standing working group WG TECH for the next session of the CTE.

The small drafting group agreed the following principles:

1. Derogations would be valid only in MS in which they were requested;
2. Applications related to operation within the EU MS would apply under the terms of EU legislation;

3. Applications related to operation within the non-EU OTIF MS would be dealt with under the OTIF rules;
4. An application having an effect on traffic from the EU MS to a non-EU OTIF MS (and vice versa) would require two decisions, one by the EU and one by the CTE.

The representative of the EU fully endorsed the summary of the results of the small drafting group. He underlined that adopted rules had to be clear and everyone should understand the procedure; who could apply for derogations, who would take decisions, etc. He agreed that it would be premature to hold a vote on this document. He explained that the EU had no problem with postponing the decision to the next session of the CTE. It was a disadvantage for the non-EU OTIF MS. In the EU, Directive 2008/57/EC was in force and applied to derogations.

The **Chairman** reminded the meeting that the CTE should bear in mind that it had to adopt regulations which took into account the interests of all the various parties involved.

6. Uniform Technical Prescriptions (for adoption)

6.1 UTP WAG Annex PP

The issue of UTP WAG Annex PP had been on the agenda at the 4th session of the CTE in September 2011 and had subsequently been put to the vote using the written procedure as part of the UTP WAGONS. This particular Annex had been rejected (as the wrong version had been put to the vote). The correct version had been prepared for this session of the CTE. The counterpart in the EU regulations was not in the TSI Wagons but in the TSI Operation (also called Annex PP). It basically consisted of two parts. The first part was Annex PP, which was valid until 31 December 2013, and the second part was Annex PPa (which took into account possible future EU regulations: TSI WAG and TSI OPE), which was valid from 1 January 2014. Comments on this document had been submitted by the EU and RS.

EU proposal to delete Annex PPa completely:

The reason for this proposal was to ensure consistency with applicable EU regulations, as Annex PPa would only enter into force in 2014.

The representative of the EU explained that one reason not to adopt Annex PPa was that the EU was witnessing a situation in which the legislation was being changed rapidly. He reminded the CTE that the common aim should be to bring the regulations into force in the EU and OTIF at the same time. The reason not to adopt Annex PPa at this session of the CTE was that the EU regulations were undergoing changes. The CTE could adopt Annex PP (same in the EU and in OTIF) and adopt Annex PPa at the next session of the CTE in June 2013.

The **Chairman** suggested adopting the EU's proposal to delete Annex PPa and to postpone the discussion on Annex PPa until the next session of the CTE.

The meeting tacitly adopted the proposal not to adopt Annex PPa.

Point 1 of the EU's editorial proposal to delete “- Commission Decision 2010/640/EU published in the EU Official Journal L280 on 26.10.2010 - as amended by...” in the footnote on page 1:

This proposal was tacitly adopted.

Point 2 of the EU's proposal to delete footnotes 8 and 9 in PP.2.2 (page 6):

The **Secretariat's** opinion was that the EU comment was not completely valid, as with regard to footnote 8, similar text appeared in the TSI Operation (not applicable to wagons) and with regard to footnote 9, similar text also appeared in part Pa of the TSI Operation (not applicable to wagons). The **Secretariat** would not be in favour of deleting footnotes 8 and 9.

The representative of the EU explained that the justification for deleting footnotes 8 and 9 was that the EU did not consider it necessary to include footnotes when the right-hand column was empty.

In reply to the **Chairman's** question as to whether there were any consequences as a result of deleting footnotes 8 and 9, **Mr. Raff** said there were, as this would introduce differences between UTPs and EU regulations. Wagons authorised in a non-EU OTIF MS with this additional marking could encounter problems entering the EU, where such regulations did not exist. As Mr. Leermakers had rightly said, the TSI Operation contained such regulations (Commission decision 2011/314/EC), but not for freight wagons. They applied to locomotives, power cars and special vehicles. Footnote 9 could be deleted as it referred to Annex Pa of TSI OPE and its counterpart in the OTIF regulations (Annex PPa).

CER explained that for freight wagons the 12 digit numbering system was used with a few exceptions (e.g. UK). For locomotives, keepers were allowed to use their internal numbering systems (giving them the possibility of using their IT systems) separately from the European number. It suggested deleting the whole left-hand part (including footnotes) as these proposed regulations were valid for freight wagons only.

After a coordination meeting with the EU MS **the representative of the EU** proposed that the text on page 6 be expanded as follows: *“The keeper can add, in letters of larger size than the standard number, an own number marking (consisting generally of digits of the serial number supplemented by alphabetical coding) useful in operations. The place where the own number is marked is left to the choice of the keeper.”* This text should appear across the whole width, because in the EU this applied to all vehicles (in the TSI Operation). He proposed that the following part: *“However, it must always be possible to identify easily the unique standard number from the keeper’s own number marking.”* be maintained in the left-hand column. He also proposed to delete footnotes 8 and 9 as they did not contain any additional information.

This proposal was tacitly adopted.

Point 3 of the EU’s proposal to add “2011/314/EU Annex P, part 5” as an EU reference (page 10):

This editorial amendment was tacitly adopted.

Point 4 of the EU’s proposal to delete section PP 6.2 (page 13):

The reason for deleting this was that the “GE” and “CW” markings would not be applicable before 01.01.2014.

The deletion of section PP 6.2 was tacitly adopted.

The EU’s proposals in points 5, 6, 7 and 8 were no longer relevant as Annex PPa had been deleted in its entirety.

RS proposed to delete the line starting with the cell “Traffic” in table PP.6.1 and the line above and to merge the remaining text into one field as in table PPa.6.1.

Mr. **Raff** confirmed that RS’s proposal was logical and correct.

CER suggested that the whole row be deleted.

With regard to the French and German versions of Annex PP, the **Secretariat** confirmed that as the corrections were only deletions and simple additions, the Secretariat could make these changes without having to consult the translators.

CER agreed with the deletion of section PP.6.2 dealing with the “GE” and “CW” markings, as there would be no equivalent in the EU regulations until 1 January 2014. It informed the meeting that in the past the RIV marking on freight wagons had had a precise meaning and every operator knew how to handle such wagons. A few thousand wagons approved between 1 January 2007 and now only bore the TEN marking, which also had a precise meaning. **CER** informed the CTE that it was preparing a letter to the Commission asking that after the revised TSI Wagons was adopted, a keeper should be able to ask the NSA which approved the wagon for permission to put the “GE” or “CW” marking on the approved wagon on a voluntary basis. This marking should facilitate the operation of such wagons.

All these proposals were adopted tacitly.

The representative of the EU supported the deletion of the line starting with the cell “Traffic” proposed by **RS** in table PP.6.1 on page 12. It would create a difference between the OTIF and EU regulations but the EU was preparing to delete this line in the TSI Operation as well.

This proposal was adopted tacitly.

The result of the vote on UTP WAG Annex PP (in all three language versions) was: 17 in favour, one against.

Conclusion:

Annex PP to UTP WAG (in all three language versions), including all the amendments, was adopted.

6.2 UTP NOI: ROLLING STOCK - NOISE

UTP NOI transposed the 2011 version of the TSI NOISE (Commission decision 2011/229/EU). Some editorial amendments had been made to all three language versions available on the OTIF website to align them strictly with the TSI. These amendments had been made on the basis of comments submitted by CER. In addition, the formula in section E 6.2.3.4 had been corrected in the UTP NOI. There was still an error in this formula in the TSI NOISE and the EU informed OTIF that this error would be corrected.

The result of the vote on UTP NOISE was: 17 in favour, one against.

Conclusion:

UTP NOI: ROLLING STOCK NOISE was adopted.

7. Uniform format of certificates (Design Type Certificate & Certificate of Operation) (for adoption)

The certificates had been developed in accordance with Article 11 of ATMF. The certificates would not be mandatory for vehicles intended to be used inside the EU only.

The EU’s proposal to delete the whole paragraph concerning the Design Type Certificate – obligatory annex 1 (page 3):

The **Secretariat** was against deleting this paragraph as Article 11 § 2a of ATMF required that the designer and intended manufacturer of the construction type of the railway vehicle be specified.

The representative of the EU assumed that the same argument also applied to the second EU proposal, as it concerned the same issue. These types of certificates were a good starting point but there was no legal basis for their application in the EU. As a compromise he suggested expressing clearly in the introduction that this regulation would not be mandatory for vehicles placed into service in the EU. In reply to the **Chairman’s** question as to whether these certificates would be recognised in the EU, he said that according to ATMF Article 3a, the EU “Authorisation for placing in service” and the OTIF “Certificate of Operation” would be mutually recognised. The EU’s compromise solution following a discussion, in which **the representative of the EU**, the **Secretariat**, the **Chairman**, **CER**, **RS** and **CH** took part, was to amend:

“This regulation is not mandatory for authorisation of vehicles which are restricted to domestic traffic or restricted to traffic between the Member States of the European Union.”

to read:

“This regulation is not mandatory for vehicles placed in service in the European Union.

This regulation is not mandatory for the admission of vehicles which are restricted to domestic traffic.”

After accepting the new wording **the representative of the EU** withdrew the two proposals from the EU position paper.

RS withdrew its proposal to add a tick box to the Certificate of Operation indicating that it was a complementary admission according to Article 6 § 4 of ATMF, as the possibility of indicating this information on the proposed certificate already existed.

The result of the vote on document A 93-01/2.2012, Uniform format of certificates, including the adopted amendments, was: all in favour.

Conclusion:

The document “Uniform format of certificates” was unanimously adopted.

8. Amendment of the specifications for the National Vehicle Registers (NVR) (for adoption)

This issue was pending from the 4th session of the CTE. The standing working group WG TECH had amended this document after the 4th session of CTE. It had been developed in accordance with Article 13 § 1 of ATMF and was based on Commission Decision 2011/107/EU amending Commission Decision 2007/756/EC. The typographical errors in the numbering in English (page 27) and French versions (page 29) were corrected.

Point 1 of the EU's proposal to add a new point (5) to the introduction (page 2) and to delete the first section on the scope:

The **Secretariat** did not see the need to add the new point as the reference to the decision was already mentioned in the scope.

The representative of the EU explained that this proposal was not one of substance, but was more of a formal issue. The formats of derogations, uniform formats and NVRs were different and this proposal was aimed at using “standard” formats, starting with an explanation of the legal basis by means of explanatory notes, then the rules and the annex. The derogation document started with the scope, rules and procedures and finished with the explanatory remarks. In the NVR document the explanatory notes were at the beginning and were followed by the decision.

The proposal was adopted tacitly.

Point 2 of the EU's proposal to delete the words “except for section 3.2.5 (3) of the Annex” in the decision in section 4 (page 3):

The representative of the EU explained that the aim of this proposal was to improve the legislative situation. An identical decision on NVR was valid in the EU and for Liechtenstein and Norway. The obligation mentioned in 3.2.5 (3) already existed in the EU. It would be up to ERA and the Secretary General to cooperate and ensure that data would be exchanged in a proper manner by all parties.

The proposal was tacitly adopted.

Point 3 of the EU's (editorial) proposal to rename “1 DATA, Item 1” as “Unique numeric identification code” in the annex (page 4):

The proposal was tacitly adopted .

Points 4 and 5 of the EU's (editorial) proposals to replace “EVN” in the Annex, section 3.1, second bullet (page 11) and in the Annex, section 3.2.3, second bullet (page 11) with “unique vehicle number”:

The proposals were tacitly adopted.

Point 6 of the EU's proposal to add at the end of the sentence or as a footnote in the Annex, section 3.2.5 item 3 (to ensure consistency with amendment number 2) the wording “If any vehicle already admitted in a non-EU OTIF-CS is registered in an EU-MS, the registration will also contain data relating to items 2, 6, 12 and 13 for each of the non-EU OTIF-CS where it is admitted.

To this end, and as long as the connection between the ECVVR and the respective NVRs is not established, the Registration Holder informs the Registering Entity where the vehicle is first registered about all additional admissions/authorisations” (page 13):

The proposal was tacitly adopted.

Point 7 of the EU’s proposal to amend the heading of 5.0 (page 24) to read “Reference to the Central Register of Admitted/Authorised Types” and to amend footnote 10 (page 24) to include “... and OTIF term is Register of Admitted Types”

The proposal was tacitly adopted.

As a consequence, title 5 in Appendix 4 was amended to read “Reference to the register of admitted/authorised types (the technical data)”.

CER drew attention to the fact that in the French version of the NVR document, the terms were not in conformity with European Commission Decision 2011/107/EU. He also pointed out that the last paragraph of section 3.2.3 was not the same as in the European Commission Decision.

In reply to the question from **the representative of the EU** as to whether the text of the last paragraph of section 3.2.3 accorded exactly with the decision of the 16th session of the standing working group WG TECH, **Mr. Raff** answered that there might be slight differences compared with the EU text, but the intention was to have the same text. In the OTIF regulations, the obligation of the authority when issuing an admission to operate was to ensure that the vehicle was properly registered.

The representative of the EU drew attention to the fact that the EU text was shorter than the text proposed in the document.

For the last paragraph of section 3.2.3 the **Secretariat** suggested taking the text from the EU regulations and to amend it in line with the OTIF terminology (e.g. TSI Operation replaced by UTP WAG Annex PP and admission replaced by authorisation).

The following text for the last paragraph of section 3.2.3 was tacitly adopted:

“In cases where, in accordance with the UTP WAG Annex PP, due to technical changes, the vehicle has to be given a new unique vehicle number, the registration holder shall inform of these changes and, if applicable, of the new admission of operation the RE of the Contracting State where the vehicle is registered. The RE shall assign to the vehicle a new unique vehicle number”.

CH supported the idea of putting the whole document to the vote with possible amendments in future if the differences were not significant.

The representative of the EU agreed that there should be a vote on the English and German versions and a reservation concerning the French version, but he asked that the reservation should be precisely defined. The French version could be adopted in a vote using the written procedure.

CER reminded the CTE that in the event of differences, for COTIF the French version prevailed. He agreed that the only solution in terms of adopting the French version would be a vote using the written procedure.

The **Chairman** considered that the solution for adopting the French version (vote using the written procedure) was acceptable, despite the fact that this would be time-consuming. He thought adopting the NVR document was a lower priority than adopting the “Freight wagons” package.

The representative of the EU drew attention to the fact that a vote using the written procedure only allowed a vote in favour or against. It did not provide the opportunity of making comments. He asked that the French version be checked after it had been improved by FR or BE before the vote.

Before putting the French version to the vote using the written procedure, **FR** would be consulted on the French version reviewed and corrected by the Secretariat.

The result of the vote on specifications for the National Vehicle Register, including all the amendments adopted during this session (English and German versions), was: 18 in favour (unanimous).

Conclusion:

The English and German versions of the document on specifications for the National Vehicle Register, including all the amendments adopted during this session, were adopted.

The **Secretariat** would review and correct the French version. **FR** would be consulted on the reviewed and corrected version before putting it to the vote using the written procedure.

9. ATMF, Article 15 § 3 - “ensure or ascertain” (for adoption)

This issue was pending from the 4th session of the CTE. The standing working group WG TECH had amended the document after the 4th session of CTE. The aim of the amplification of the Explanatory notes was to clarify the responsibilities of the ECM in relation to the RUs.

CER and **UIP** underlined the importance of this document as it clearly stated the responsibilities of RUs, IMs and ECMs. Both organisations said they would be grateful if this document could be adopted by the CTE and submitted to the Revision Committee which had a mandate to amend the ATMF. **CER** suggested deleting the wording in the first indent on page 3 referring to “visual check”. This text had already been deleted by the standing working group and had now reappeared. The second comment on the French version was that the term “exploitant ferroviaire” should be replaced by “entreprise ferroviaire” throughout the document.

The replacement of the term “exploitant ferroviaire” by “entreprise ferroviaire” throughout the French version of the document was tacitly adopted.

Mr. Raff explained that the text concerning the visual check had been kept because it concerned a check on the wagon, not on the load. The text in the brackets “*including the equip-*

ment for securing the load on freight wagons” explained that the check was not on the safe load itself. He thought this text was correct.

As there was no coordinated position on this issue, **the representative of the EU** explained the European Commission’s position. He reminded the meeting that during the discussion on this issue it had been said that it would be unwise to prescribe exactly what RUs have to do and what they do not have to do. The risk of listing the checks was that it might be thought that this was an exhaustive list and that it did not cover anything else. This was contrary to the Safety Directive, where the RUs responsible for transport safety have to ensure that no unnecessary risks are entered into. Therefore, the text in brackets was not very helpful, and it could even be dangerous. Why refer only to this particular equipment for securing the load and not to any other equipment? On behalf of the European Commission he supported CER’s suggestion.

The **Chairman** suggested deleting this example. It could be dangerous to list one example and not others. It was correctly pointed out that the RUs are in any case responsible for the safe operation of a train. The experience in Switzerland was that careful inspections on freight trains in terminals had a positive impact on safety. He said he considered the visual inspection to be very important for safety, e.g. for the population living near railway lines and for passenger trains passing freight trains.

RS also stressed the importance of visual checks. It agreed to delete the text in brackets.

The deletion of the text “*(including the equipment for securing the load on freight wagons)*” on page 3, first intent, was tacitly adopted.

The result of the vote on the proposal to amplify the Explanatory Notes on Article 15 of ATMF (in all three language versions) was: 17 in favour, one against.

Conclusion:

The proposal to amplify the Explanatory Notes on Article 15 of ATMF was adopted in all three language versions.

CER thanked the CTE for adopting this document.

10. Notification of the national technical requirements according to Article 12 APTU (for information)

The deadline for notification of the national technical requirements (title and classification) was 1 March 2011 (three months after the revised APTU and ATMF entered into force). The second deadline for notification of the national technical requirements (summary and full text) was 1 June 2011. National technical rules which had not been notified could not be applied in relation to vehicles performing or intended to be admitted to international traffic in the scope of COTIF. For new Contracting States (and for MS revoking the declaration according to Article 42 not to apply APTU), the deadlines were 3 and 6 months. A solution should be agreed between the OTIF Secretariat and the European Commission for the notification from the EU Contracting States (at present Austria, Belgium, Denmark, Finland, Greece, Hungary, Lithuania, Netherlands and Poland). Six MS had complied with the first deadline: Bosnia and Her-

zegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Switzerland. Only two MS, Serbia and Switzerland, had complied with the second deadline.

Before he left OTIF, Mr. **Raff** had drafted a circular (not yet sent out) explaining the consequences of not complying with the obligation to notify national technical rules.

EL commented that the text in document A 92-01/2.2012 “a solution should be agreed between the OTIF Secretariat and DG MOVE” did not reflect the reality, because in the EU national technical rules could be notified through the NOTIF IT system. It proposed to amend the text to read “the solution already agreed”.

The representative of the EU supported **EL**'s position. The NOTIF IT system was up and running and therefore a technical solution already existed. He asked the Secretariat to change the document. When drafting the revised text of APTU, the EU and Germany had clearly requested not to impose the obligation to notify national technical rules twice. What was needed was OTIF access to the notified national rules of the EU MS.

Mr. **Raff** reminded the meeting that according to the (revised) APTU, notification of the national technical rules was required. He suggested that when the two structural UTPs were adopted (UTP WAGONS and UTP NOISE) the remaining MS should be given the opportunity of notifying the national technical requirements they have in relation to these two UTPs. The question of not notifying the national rules of the EU MS had been discussed several times and it had been agreed that they could notify the Secretary General via the system in place. Looking at the system before it became the ERA system, he had found many national rules concerning operation and safety but not one single rule about the notified technical requirements. The question was when OTIF could rely on the NOTIF IT system, especially for wagons and noise.

The **Chairman** suggested not opening the discussion on the issue of NOTIF IT. Based on the idea that notification is a continuous process, he proposed that a second deadline be agreed for those MS that had not yet notified by 31 October 2012.

CH supported this proposal, saying that it would be useful.

The **Chairman** concluded that as some of the OTIF MS had not notified the Secretary General of their national technical requirements, the second deadline for notification would be 31 October 2012.

The representative of the EU asked to be able to consult the European Commission before the document was distributed to the CTE and not to discuss it during the CTE.

Conclusion:

The Secretariat would send the OTIF MS a circular with a second deadline of 31 October 2012 for notification of the national technical rules according to Article 12 §1 of APTU.

11. EU presentation of two TSIs (for information)

In his presentation, Mr. **Denis Biasin** from **ERA** introduced:

- Basic information about the revised WAG TSI,
- Last amendments to the revised WAG TSI,
- TSI OPE, Appendix P; NVR-decision.

Instead of going into the technical details of the revised WAG TSI, he explained the philosophy behind it, how the TSI was built and how it worked.

The revised WAG TSI addressed basic parameters, the technical parameters necessary for achieving interoperability. The Interoperability Directive (ID) attempted to achieve an optimised level of harmonisation. This was the aim to be achieved by the revised WAG TSI, i.e. not to have too many parameters, not to have technical requirements that were too detailed, but to have a limited number of functional requirements to cover the essential requirements of the ID. That included, in particular, all issues relating to compatibility with the network and issues relating to safe integration into the existing environment (operation, maintenance etc.). An important issue in drafting this TSI was the allocation of responsibilities among the different actors during the authorisation for placing into service. The objective of the TSI was to enable the NSA to grant the “authorisation for placing into service”. Several entities had several responsibilities. The applicant had to comply with all applicable legislation (not only railway-specific legislation) and had to meet all essential requirements according to the basic principle of the new approach. The Notified Body (NoBo) supported the applicant by checking compliance with all the requirements. The Designated Body (DeBo) checked against the notified national technical rules relating to the open points and specific cases (if any). The Independent Safety Assessor (ISA) carried out the risk assessment relating to the technical compatibility and safe integration relevant to the essential requirements which are not covered in the TSI or notified national technical rules. The intervention of the ISA should not be necessary for freight wagons. It should be relevant for more complex types of operation. The most important role belonged to the National Safety Authority (NSA), which supervises the procedure for granting the “Authorisation for Placing in Service” (APS). The NSA receives the certificates, the declaration of certification and finally grants the APS. The different roles for different entities had been very clearly defined.

The APS was not the ultimate item needed to fulfill the essential requirements. There were other responsibilities that had to be covered during operation and maintenance. The RUs, together with ECMs and IMs, were responsible for safe operation on the basis of the SMS (Article 4(3) Safety Directive). Safe operation included compatibility with the network on which the wagons would operate and safe integration into the existing maintenance system and operation system. The important item in this respect was the technical file, which provided the RUs with all the relevant information for operating the wagon safely. This file must be submitted to the RU. During the operation the NSA grants the safety certificate and supervises the RUs. ERA’s opinion was that the main role of the NSAs was to supervise the RUs to check whether everything was done according to the rules and not to check the technical details.

The current WAG TSI featured different levels of requirements relating to different issues. First of all there were requirements relating to interoperability, fulfilling the essential require-

ments and meeting the basic parameters for interoperability. There were also requirements concerning the RIV operating regime. This solution was pragmatic because the RIV was widely used and was well known by everybody. It was an agreement under which most wagons were operated in the past. There were also requirements regarding EU regulations other than railway regulations, e.g. health and safety at work.

In the revised WAG TSI, the core TSI (mandatory regulation) only addressed, although completely, the functional requirements to ensure interoperability. Appendix C (optional regulation) had been added to the core TSI with the aim of bridging the gap between the existing system and the system under the revised WAG TSI. The Interoperability Directive required that the European Commission and ERA ensure retroactive compatibility. Appendix C contained some requirements concerning the operative regime (RIV), some requirements relating to other regulations, such as health and safety of workers, and not just the functional requirements, but technical solutions as well. There was also an intermediate state, called clause 7.1.2. It was optional whether wagons were produced according to clause 7.1.2. This constituted a sort of compromise; some requirements from Appendix C made mandatory, combined with some freedom in the core TSI for issuing the APS.

There were three levels of compliance with the revised WAG TSI:

1. Compliance with the core TSI for the first authorisation for placing in service according to Article 22(2) and 23(2) of IOD 2008/57/EC was the minimum level to ensure interoperability. This was absolutely mandatory; it contained all the requirements to achieve interoperability according to the core TSI and compatibility with the network, as well as information on how to determine these elements. All parameters were checked and transferred into the technical file. It also addressed the safe integration described in sections 4.4 and 4.5 of the TSI. Four open points still remained. There was still a need for national technical rules even if the core TSI was complied with. All this information was recorded in the technical file which has to be transmitted to the RUs, including conditions for use. This authorisation for placing in service would be for a single MS or for several MS.
2. This level of compliance was optional, subject to compliance with the core TSI. The additional conditions were listed in chapter 7.1.2 (specific solution for closing the open points, solutions for avoiding the application of notified national technical rules for specific cases). The authorisation for placing in service would be mutually recognised by all MS in the EU. Section 7.1.2 included conditions for mitigating the concerns of the MS with regard to the responsibilities of the players. The reason for this was the lack of confidence between different actors. There was a lack of confidence between the NSAs and between the NSAs and RUs with regard to the RUs' ability to fulfill their obligations. APS according to level 2 compliance was valid in all MS.
3. This level of compliance was optional and was the most complete; compliance with the core TSI (including section 7.1.2) and the full Appendix C. In addition to the mutual recognition of authorisations for placing in service in the EU, this level of compliance allowed RUs to operate as they used to (similar to the RIV regime). Appendix C only described some technical features. These features would be checked by the NoBo. The NoBo would issue a certificate of compliance with Appendix C or part of Appendix C. It was up to the RUs how they used this certificate. They may conclude an agreement between themselves that they would exchange wagons meeting the techni-

cal features of Appendix C. Obviously Appendix C did not fit into the philosophy of the Interoperability Directive. In the near future (5, 10 or maybe 20 years) when the sector is ready, Appendix C would be taken out of the WAG TSI and placed elsewhere, e.g. into a standard, GCU or another appropriate location for voluntary application.

Most of the comments received during the consultation period (also from non-EU OTIF MS) had been taken into account and integrated into the TSI.

Wagons that did not comply with the TSI would be given an authorisation plate (formerly referred to as a “derogation plate”) and digit 4 or 8 as the first digit of the European Vehicle Number (EVN).

Wagons complying with the core TSI only would be given an authorisation plate (formerly referred to as a “derogation plate”) and digit 4 or 8 as the first digit of the EVN.

Wagons complying with the core TSI and the conditions listed in section 7.1.2 would be given the marking TEN and digit 4 or 8 as the first digit of the EVN.

Wagons complying fully with the core TSI, the conditions listed in section 7.1.2 and Appendix C would be given the marking TEN and digit 0, 1, 2 or 3 as the first digit of the EVN.

At the request of the sector (mainly RUs), there were two additional markings (entirely voluntary):

- “GE” for wagons complying fully with Appendix C (confirmed/assessed by the NoBo)
- “CW” for wagons complying with Appendix C, except one or several conditions in C.3, C.6 or C.7b (confirmed/assessed by the NoBo).

The main achievements of the revised WAG TSI for the sector were: separation of the interoperability requirements and other aspects allowing the RUs/keepers to make a choice as to whether they wish to exchange wagons all over Europe or for a dedicated line, or dedicated activity. This approach allowed more freedom to operate block trains. The approach had been changed from one that was detailed to functional requirements, which would facilitate innovative solutions. Mutual recognition of the first APS, which was already possible in accordance with Decision 2009/107/EC, had been extended to all wagons. In accordance with the mandate given to ERA, the geographical scope had now been extended from the TEN network to the entire network for wagons. The detailed requirements of the UIC leaflets were replaced by references to ENs. The revised WAG TSI reduced the number of Interoperability Constituents and introduced rules concerning the use of non-certified components.

The main benefits of the revised WAG TSI for the sector were that RUs/keepers could choose freely whether or not to prepare their wagons for this particular operative regime. It facilitated compliance with the TSI for custom made or innovative solutions. The scope of mutual recognition was potentially extended to all wagons. Together with the mutual recognition of the authorisation, one APS was sufficient for the whole EU railway network. The revised WAG TSI was 370 pages shorter than the WAG TSI now in force.

The presentation on the TSI OPE focused on Appendix P, as the most important comments from the consultation on the draft TSI OPE by the non-EU OTIF MS had been on this Annex, and there had been two minor comments on the rest of the draft TSI.

The Operation and Traffic Management TSI was split into two TSIs, as it was at present - one for conventional rail and the other for the high speed system. For wagons, the TSI for conventional rail was relevant (European Commission Decision 2011/314/EC). This TSI had two Appendices: Appendix P, which was valid until 31 December 2013 and Appendix Pa, which would be valid from 1 January 2014. The situation concerning the TSIs was not stable. The WAG TSI was in the process of being revised, and there would be a vote on it soon. The OPE TSI was also being revised with the aim of drafting a single OPE TSI for conventional and high speed rail and to extend the scope of the TSI to the entire network. The OPE TSI would be aligned with the revised TSI WAG when Appendix Pa was approved. The concept of the EVN in force from 1 January 2014 had already been described in the previous presentation. Vehicle marking would remain in the OPE TSI, while the responsibilities of the registering entity (granting the vehicle number itself), currently set out in Part 6 of Appendix Pa, would be dealt with in the decision on the NVR. From 1 January 2014, assignment of the EVN (coding rules) would be in the NVR decision; aspects concerning the size of the letters and the position of the EVN on the vehicle would remain in the OPE TSI. This scheme had been supported by the RISC meeting in March 2012 and was expected to be in force from 1 January 2014.

Questions/remarks on the presentations:

The **deputy Secretary General** reminded the CTE that it was planned to hold the 25th session of the Revision Committee at the end of 2013. The Revision Committee had the competence to amend the APTU and ATMF Appendices. He suggested taking advantage of this opportunity to prepare the amendments to APTU and ATMF in relation to the Safety Management System for the 25th session of the Revision Committee.

The **representative of the EU** was in favour of revising the existing APTU and ATMF Appendices, as the OTIF regulations did not contain any regulations similar to the EU Safety Directive. This could cause problems when transposing the TSIs into UTPs. He recommended that the discussion on this be initiated at the next session of the standing working group WG TECH.

The **Chairman's** recommendation to mandate the standing working group to prepare a proposal for the next session of the CTE for amendments to APTU and ATMF relating to the transposition of the TSIs into UTPs, taking into account the issues regulated in the EU Safety Directive, was tacitly adopted.

Mr. **Raff** commented that according to the adopted UTP WAG, different kinds of brake blocks could be used. Section 7.1.2 of the revised WAG TSI prescribed the use of composite brake blocks. Wagons equipped with cast iron blocks would no longer be allowed. The mutual recognition of admission to operation/PIS between EU MS and non-EU OTIF MS based on the equivalence of the TSIs/UTPs would no longer be valid. He hoped that wagons admitted to operation in a non-EU OTIF MS would not be prevented from operating in the EU.

The **Secretariat** reminded the CTE that UTP NOISE had also been adopted at the same time as the UTP WAG had been adopted. In practice, the UTP NOISE rules out the use of cast iron

brake blocks. It was practically impossible to produce a freight wagon complying with the UTP NOISE equipped with cast iron brake blocks. In this sense, Mr. Raff's comment was only theoretical.

CER commented that the old TSI had offered the possibility of introducing innovative solutions. There had not been many on the market recently. It also reminded the meeting that small RUs did not have the resources to come up with new proposals for trains. In France, trials were underway with 900 m long trains with expensive loading tests. Many solutions in the revised WAG TSI were put into standards (harmonised). If something was not mentioned in the TSI it was not compulsory. If a manufacturer did not follow the harmonised standard then it was up to the NoBo to decide whether the solution was acceptable. Harmonised standards were developed by a group of about 30 persons, followed by studies in many countries. In order for a standard to be adopted, 70% had to be in favour. Compared with the requirements for car brakes in the EU Directive for cars (15 pages with mathematical formulas and 3 pages of essential requirements), there seemed to be very few requirements in the revised WAG TSI.

F shared CER's opinion concerning the drastic reduction of the number of pages in the revised WAG TSI. A shorter text did not necessarily mean better quality. **F** was concerned about the probable emergence of national rules owing to the absence of rules in the TSI. It suggested that OTIF should check the reaction to reducing the number of requirements in the non-EU OTIF MS.

The representative of the EU confirmed that the number of pages was not a criterion to judge the quality of the TSI. The trend in the European Commission to simplify legislation and improve quality. Simplification of the regulations provided greater freedom to the market and industry so that products could be developed. This could be achieved by simplifying the legislation and of course by maintaining the safety and security of personnel, environmental protection, etc. Better legislation meant well drafted texts without circular or multiple references. The RIV regulation had contained references from one leaflet to another, cross references. Different issues, technical requirements, operational requirements and requirements for maintenance were mixed up in one regulation. In the previous system, the same company was responsible for everything (design, operation and maintenance). In the new system, which was much more open, this was no longer possible. In order to achieve better quality legislation, issues were arranged by subject. A distinction was made for different requirements; if something was voluntary, it was outside the TSI, whereas compulsory issues were included in the TSI. With regard to the preoccupation on the part of the NSAs, he reminded the CTE that the recent report on railway safety had recorded a general improvement in the safety level over the last five years (2005 to 2010). Safety was of course mainly the concern of the NSAs, but at MS level, safety was not the main preoccupation. The main concern was the economic crisis. The aim was to transport more passengers and more freight by rail in order to protect the environment.

Mr. Raff recommended making reference to standard EN 15877, which had already been adopted, and to delete the corresponding text in the OPE TSI.

Mr. Biasin (ERA) thanked Mr. Raff for this remark and replied that the working party had already taken this idea into account. It would check whether it might be possible to delete some more text from the TSI by referring to EN 15877.

12. Vehicle Keeper Marking - Cooperation with OSJD (for information)

In 2010 OSJD had decided to cooperate with OTIF concerning the VKM register. Since September 2010 the OSJD website had included a link to the VKM register on the OTIF website. The explanations and descriptions of the columns in the VKM register on the OTIF website had been accompanied by a Russian translation since September 2010. The next step planned was to achieve acceptance of the VKM codes for keepers in the OSJD MS as they appear in the recent VKM and to agree with OSJD to process applications from keepers in the OSJD non-OTIF MS. The details of how this procedure would work had still to be coordinated and agreed by OTIF and OSJD.

The first application for a VKM code from the Russian Federation had recently been received.

13. Status of development of the NVRs in Contracting States (for information)

Compared to document A 94-20/2.2012 dated 23.03.2012 describing the status of implementation of the NVRs in the EU as of November 2011, the status as of 20 April 2012 was as follows:

The EC VVR connection status “Test” or “Production” (referring to version 1.1) is as follows:

- 13 EU OTIF MS had the status “online”: Bulgaria, Czech Republic, Denmark, France, Italy, Lithuania, Luxembourg, Netherlands, Portugal, Romania, Sweden, Slovak Republic and Slovenia, plus Norway, which applies these EU regulations.
- 7 EU OTIF MS had the status “offline”: Austria, Belgium, Estonia, Greece Ireland, Poland and Spain.
- 5 EU OTIF MS were not yet connected either in testing or in production: Germany, Finland, Hungary, Latvia and United Kingdom. Communication to resolve these issues had already been initiated with some of these countries.

The EC VVR connection status “Test” (referring to the new version 1.2) was as follows:

Denmark, Greece, Italy (based on sNVR) and Belgium, Estonia, Finland, Latvia, UK (based on NVR-TE) were the first countries involved in the implementation of the next release.

Four non-EU OTIF MS plan to have a connection to VVR in the near future: Montenegro, Serbia, Former Yugoslav Republic of Macedonia (based on the sNVR) and Switzerland (NVR-TE¹ most probably).

The **Chairman** reminded the meeting that the NVR registers should be operational in every MS at one point, preferably as soon as possible

14. Work programme of the Committee of Technical Experts for 2012 and 2013 (for discussion)

The **Secretariat** introduced the work planned for 2012 and 2013. It was suggested that the following TSIs be transposed into UTPs:

¹ TE means translation engine

- LOC & PAS for conventional rail (soon to be merged with the High Speed TSI),
- OPE (wait until merge completed),
- WAGONS: (revised) start transposition into UTP as soon as it was adopted, taking into account all the discussions at this session.

It was suggested that APTU and ATMF be amended to ensure consistency and compatibility with the EU regulations, especially with regard to safety certification and safety management.

The remaining tasks related to the registers:

- Conclusion of an agreement concerning the ERA-OTIF central body to administer the joint registers to avoid duplication,
- Cooperation with the EU concerning notification of the national technical requirements,
- Specification and creation of the register of admitted vehicle types,
- Register of ECM certificates,
- Register of national authorities.

The **Secretariat** asked the CTE for comments on these commitments.

The representative of the EU explained that there was no specific EU position on this issue. He made the following statement on behalf of the European Commission. At the beginning of the work in the “Schweinsberg” group to prepare the revision of the APTU and ATMF Appendices, the ambition had been to carry out perfect work. It was very soon realised that this was rather a theoretical exercise and the decision was taken to adopt something and then test it. Mr. Schweinsberg’s approach should be applied to future activities as well. The highest priority should be the adoption of the UTP WAGONS (revised) as most international activities concerned freight traffic. Yesterday the first “package” had been adopted (UTP WAG and UTP NOISE), which could be used for interoperability across the whole territory of the OTIF MS. In September 2011 the common safety methods and assessment of risk analysis, together with certification of ECMs, had been adopted. Rather than start the extensive work on UTPs for locomotives, passenger carriages, CCS system, etc. he proposed to concentrate on other aspects, such as how to deal with errors, which had been discussed in the standing working group, but without defining a procedure on how to coordinate the work in such a way that the OTIF system would encompass the EU system. The other issues were derogation rules, notification of the national rules, registers and implementing the rules of ECM certification. Together with the UTP WAGONS, this would constitute a huge step forward. Once all these regulations were in place for freight wagons, the work on other specifications could start.

The **Chairman** concluded that the first priority should be the UTP Freight Wagons.

CH fully supported the proposal made by the representative of the EU speaking on behalf of the European Commission.

F also fully supported this proposal, particularly with regard to freight wagons.

CER agreed with these priorities and said that the issue of revising APTU and ATMF in relation to safety certificates, SMS, etc. should not be forgotten.

The representative of the EU reminded the meeting that according to the decision of this CTE, the work on Annex PP should be carried out with the aim of bringing it into force on 1 January 2014.

The question of whether a subgroup of the standing working group WG TECH should be set up to prepare the amendments to APTU and ATMF would be decided at the next meeting of WG TECH according to the terms of reference for this group.

Conclusion:

Main tasks for the OTIF Technology section:

1. Transposition of the TSI WAGONS (revised) into UTP,
2. Dealing with errors (coordinate the work between OTIF and EU),
3. Derogation rules,
4. Notification of the national rules,
5. Registers,
6. Implementing the ECM certification rules,
7. Preparation of Annex PP (aim: in force on 1 January 2014).

The priority was to transpose the TSI WAGONS into UTP, which was tacitly adopted.

15. Any other business

None.

16. Next session

The **Secretariat** proposed following dates for the next sessions of the standing working group WG TECH:

- 17th session on 4 and 5 September 2012 (already announced)
- 18th session on 7 and 8 November 2012
- 19th session on 13 and 14 February 2013

The **CTE** agreed these dates.

The **CTE** decided to hold its 6th session on 12 and 13 June 2013.

Closing of the session

The **Chairman** emphasised the positive conclusion of this session, which had adopted five documents out of six prepared for adoption. The adopted documents would facilitate international freight traffic in a more harmonised manner over the whole OTIF area. Four documents were ready for notification immediately (UTP NOISE, UTP WAG, Uniform format of Certificates, NVR Decision), with the exception of the French version of the NVR document. This would be adopted in a vote using the written procedure. They would come into force at the end of 2012. Thanks to the participants, solutions had been found to each of the problems that had arisen in connection with the documents, thus enabling the documents to be adopted. He thanked both the OTIF Secretariat and the European Commission, together with ERA, for providing the basis for discussion. All the documents submitted had been analysed in advance, which had contributed to the facilitation of the CTE work. He also thanked the interpreters for their excellent work. Lastly, he thanked Mr. Raff on behalf of the CTE. After joining the OTIF Secretariat, he had developed the Technology section's work and had achieved a lot of success. Now the 5th session of the CTE had taken place and the CTE had achieved good results. The **Chairman** underlined that Mr. Raff and his work at OTIF would not be forgotten.

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
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**5^{ème} session de la Commission d'experts techniques
5. Tagung des Fachausschusses technischer Experten
5th session of the Committee of Technical Experts
Berne/Bern, 23. – 24.05.2012**

CTE5 / PV

**Annexe I
Anlage I
Annex I**

Original: FR/DE/EN

**Liste des participants
Teilnehmerliste
List of participants**

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Berne, 23./24.05.2012

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Annex II

Original : EN

List of documents

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4. Report from the Committee of Technical Experts working group WG TECH (for information)
- A 92-03/1.2012** Report from the Committee of Technical Experts working group WG TECH - Activities since the 4th session of CTE (September 2011)
5. Derogation rules (ATMF Article 7a) (for adoption)
- A 94-40/2.2012** ATMF Annex B – Derogation rules
6. Uniform Technical Prescriptions UTPs (for adoption)
- 6.1** UTP WAG Annex PP
- A 94-02-PP/3.2011 rev1** FREIGHT WAGONS – UTP WAG – Annex PP
- 6.2** UTP NOI: ROLLING STOCK - NOISE
- A 94-04/1.2012** UTP NOI Rolling Stock – Noise
7. Uniform format of certificates (Design Type Certificate & Certificate of Operation) (for adoption)
- A 93-01/1.2012** Uniform format of certificates (Design Type & Operation)
8. Amendment to the specifications for the National Vehicle Registers (NVR) (for adoption)
- A 94-20/1.2012** National Vehicle Registers (NVR) amendments
9. ATMF, Article 15 § 3 – “ensure or ascertain” (for adoption)
- A 93-01/2.2012** Proposal for amplification of the Explanatory notes to ATMF, Article 15
10. Notification of the national technical requirements according to Article 12 APTU (for information)
- A 92-01/1.2012** Status of the notifications of the national technical requirements according to Article 12 of APTU
11. Consultation of non-EU OTIF MS on two TSIs:
- 1) Operation & Management (merged) and
 - 2) Freight wagons revised
- (for information)
- A 94-00/8.2011** Consultation of non-EU OTIF Member States on the TSI Operation and Management (merged) and TSI Freight Wagons revised

12. Vehicle Keeper Marking

**12.1 Cooperation with OSJD
(for information)**

A 95-01/5.2012 Cooperation with OSJD

13. Vehicle Registers

**13.1 Status of the development of the NVRs in the Contracting States
(for information)**

A 94-20/2.2012 Status of development of the NVRs in the Contracting States

**14. Work programme of the Committee of Technical Experts for 2012 and 2013
(for discussion)**

A 92-03/2.2012 Work programme of the Committee of Technical Experts for 2012 and 2013