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Zwischenstaatliche Organisation  
für den internationalen  
Eisenbahnverkehr (OTIF)

Intergovernmental Organisation  
for International Carriage  
by Rail (OTIF)

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# **Committee of Technical Experts**

## **6<sup>th</sup> Session**

## **Minutes**

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**Geneva, 12.06.2013**



## Table of contents

	<b>Page</b>
<b>AGENDA</b>	<b>5</b>
<b>DISCUSSIONS</b>	<b>7</b>
1. Approval of the agenda	8
2. Presence and quorum	8
3. Election of chairman	9
4. Amendment of Article 20 § 3 of the Convention	9
5. Report from the Committee of Technical Experts' working group TECH and ad-hoc safety subgroup	10
6. Uniform Technical Prescriptions	11
6.1 UTP WAG: ROLLING STOCK - FREIGHT WAGONS	11
6.2 UTP GEN-G Amendment	16
7. Derogation rules (APTU Article 7a)	20
8. Mandate for establishing a joint OTIF – EU register for ECM certification bodies and certified ECMs	20
9. Mandate for establishing a joint OTIF - EU VKM register	22
10. Process for dealing with deficiencies in UTPs	23
11. Notification of the technical requirements according to Article 12 APTU	23
12. Consultation of non-EU OTIF MS on draft TSIs:	24
13. Vehicle registers	24
13.1 Status of the development of the NVRs in Contracting States	24
14. Strategy and work programme of the Committee of Technical Experts	25
15. Any other business	29
16. Next session	29
<b>CLOSING REMARKS</b>	<b>29</b>
<b>ANNEX I</b>	<b>LIST OF PARTICIPANTS</b>
<b>ANNEX II</b>	<b>LIST OF DOCUMENTS</b>



## **AGENDA**

- 1.** Approval of the agenda
- 2.** Presence and quorum
- 3.** Election of chairman
- 4.** Amendment of Article 20 § 3 of the Convention
- 5.** Report from the Committee of Technical Experts' working group TECH and ad-hoc safety sub-group
- 6.** Uniform Technical Prescriptions
  - 6.1** UTP WAG: ROLLING STOCK - FREIGHT WAGONS
  - 6.2** UTP GEN-G Amendment
- 7.** Derogation rules (APTU Article 7a)
- 8.** Mandate for establishing a joint OTIF - EU register for ECM certification bodies and certified ECMs
- 9.** Mandate for establishing a joint OTIF - EU VKM register
- 10.** Process for dealing with deficiencies in UTPs
- 11.** Notification of the national technical requirements according to Article 12 APTU
- 12.** Consultation of non-EU OTIF MS on draft TSIs:
  - 1) LOC & PAS
  - 2) SRT
  - 3) PRM
  - 4) ENE
  - 5) INF
  - 6) NOI
- 13.** Vehicle Registers
  - 13.1** Status of the development of the NVRs in the Contracting States
- 14.** Strategy and work programme of the Committee of Technical Experts
- 15.** Any other business
- 16.** Next session



## DISCUSSIONS

### Welcome by the Secretary General

Mr **François Davenne** (OTIF's new Secretary General (France)) opened the Committee of Technical Experts' (CTE) session. He welcomed the participants and thanked them for attending in sufficient numbers to achieve the quorum. He particularly highlighted the work on the UTP WAG, which had been completed, and which would be very important to OTIF in the future, as well as the amendments to the UTP GEN-G. These regulations would enable OTIF to develop the exchange of freight wagons in Europe.

The Secretary General underlined two issues; first of all, that recent events had shown that various technical regulations OTIF had implemented would become more relevant from the operational point of view, e.g. the ECM regulation. For the cross-border acceptance of wagons, they must be assigned a registered ECM. Such operational relevance was something very new in OTIF and would mean that the application of the technical regulations would have to be managed much more rigorously, obviously in close cooperation with the Member States.

Secondly, the Secretary General pointed out the importance of the final document for this session, which set out the strategy and work programme for the implementation of the UTPs in the next few years. This document had been subject to external consultation with ERA and the European Commission. OTIF would like to develop from the current regulations, which are based on the operational model of the exchange of vehicles, towards interoperability (where one railway undertaking can operate trains across borders). OTIF would not impose one model (exchange of vehicles versus interoperability), but would try to make its regulations compatible with both models. It was important to share views and obtain a joint view on this strategy. OTIF had spent a great deal of time on preparing the strategy document and after discussing it, OTIF wished to validate this strategy for the development of the UTPs. Implementation of the strategy should also be based on partnership with ERA.

A Memorandum of Understanding (MoU) between ERA, the European Commission and OTIF was in the final phase of negotiations. The MoU would enable OTIF and the EU to streamline the joint work and in particular, to strengthen the influence of the OTIF Member States that were not members of the EU. Without going into the details of the MoU, which would be presented after it was signed, there would be some technical and management meetings to define the implementation of the regulations and there would be consultation with the OTIF Member States that are not members of the EU. OTIF might organise some workshops in order to discuss and explain regulations and developments to non-EU OTIF Member States. The last point set out in the MoU was to formalise coordination on the registers. The ECM register was cited as a typical example which would benefit from having coordinated registers. This MoU was a basis for developing shared regulations.

Considering the high level of consensus on the documents submitted, the Secretary General considered that the question of whether the representative of the Commission could vote on behalf of all its Member States or only on behalf of the States that were present was not really so important. What was important was that there was a consensus on adopting the UTPs. From the legal point of view, bearing in mind the Accession Agreement between OTIF and the EU, there was no doubt that the representative of the Commission could vote on behalf of all its Member States. It was important to have a clear understanding that the OTIF regulations would only be applicable and applied if there was a consensus on them. The question of the voting rights would probably not arise frequently, provided there was a consensus on the documents submitted to the Committee each time.

Mr **Leermakers** (head of OTIF's technical section) also welcomed the participants and interpreters to the 6<sup>th</sup> session of the CTE. He informed participants that there would be simultaneous interpretation from and into English, French and German. The session would also be recorded.

The documents for this session were available in all three languages and had been uploaded onto the OTIF website two months before the meeting, in line with the CTE's Rules of Procedure.

The documents for items 8, 9, 12 and 14 had not been ready on time, but they were now available in the room. A meeting room document was also available. This contained proposals for amendments to the meeting documents as the result of input received during the last two months. The proposed changes were basically editorial, explanatory or corrections of obvious errors.

The discussions on the substance of the documents had taken place at three working group (WG TECH) sessions held since the 5<sup>th</sup> session of the CTE. In principle therefore, this CTE session was not so much for discussion as for finalising the documents and adopting them.

## 1. Approval of the agenda

The **Secretariat** explained that the provisional agenda had been sent to participants with a circular on 12 April 2013 (circular A 92-03/503.2013). The **Secretariat** suggested minor changes: items 8 and 9, "Mandate for establishing joint OTIF-EU ECM and VKM registers" should be an item "for discussion", rather than "for adoption". It was not necessary to adopt the mandate, as the legal basis for establishing such registers was contained in the ATMF Appendix.

CTE approved the agenda with this amendment.

## 2. Presence and quorum

The quorum for items 1, 3 and 4 was 21 Member States (present or represented). 25 Member States were present and represented at the session. There was therefore a quorum. The European Commission declared that the European Union had exclusive competence for items 6.1, 6.2, 7, 8 and 9 (exclusive competence would not have to be exercised for items 8 and 9 as they were no longer for adoption). This meant that in any voting on items 6.1, 6.2, and 7, the representative of the EU would vote on behalf of all the EU OTIF Contracting States.

**The representative of the EU, Mr Grillo**, also welcomed participants and explained that he was representing the EU at this session. As this was the first session of the CTE after the election of Mr Davenne as the Secretary General of OTIF, **the representative of the EU** congratulated him on his election and wished him success for his term of office, as well as for this Committee.

With regard to the quorum, the EU interpretation was that the EU was entitled to vote on behalf of all the EU Contracting States when **the EU was present** at the session [16 at the time of the meeting]. To reach the quorum [of 17], the presence of one non-EU OTIF Member State would be sufficient. But as the Secretary General had already said, the question of the quorum should not influence the CTE too much, where the aim was to adopt the UTP WAG revised, UTP GEN-G amendments and the derogation rules. **The representative of the EU** also suggested that as far as possible, the decisions of the CTE should be based on consensus. After this session, the question of the inter-



pretation of the EU's voting rights would be resolved, so that it would not cause problems in the future.

### 3. Election of chairman

As there were no suggestions from delegates, **the Secretariat** proposed that Switzerland (Mr Bacher) should chair the session.

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

The **Chairman** thanked the participants for the trust it had placed in him and thanked the Secretary General for his words of welcome and for taking part in the work of this session.

The **Chairman** made the following preliminary comments:

First of all, the challenges facing this Committee would not be so difficult now, because it had been possible at previous sessions to ensure that uniform technical regulations for freight transport were adopted for the whole OTIF area. The new challenge now was to adapt the OTIF regulations on the basis of amendments carried out in the EU. The challenge of deliberating and adopting the documents that had been prepared was vital, as the CTE was only held once a year and the users of the regulations (especially the railway industry) would have to wait another year without necessarily seeing any benefit.

The **Chairman** asked all participants to do everything possible to adopt the documents prepared for adoption. This was the reason that it was necessary to reach a consensus in the meeting. The **Chairman** welcomed the statement by the representative of the EU that he would do everything possible and make every effort to ensure that the meeting would reach a consensus.

### 4. Amendment of Article 20 § 3 of the Convention

The **Secretariat** explained that if adopted by the CTE, document A 92-03/8.2012 v02 prepared for this session would be submitted to the Revision Committee, the organ responsible for amending the Convention. Article 20 § 3 of the Convention was not in line with practice or with Article 33 § 6 of the Convention. The proposal for the amendment was to separate the rules for validation of technical standards from the rules for adoption of UTPs. On the one hand, standards could either be validated or rejected, but not under any circumstances modified (e.g. EN or ISO standards, which were not developed under the competence of the CTE or the CTE working groups). On the other hand, UTPs were developed under the umbrella of the CTE (by the standing working group TECH). The CTE should be able to introduce last-minute modifications to UTPs. This had in fact been the practice since the 1<sup>st</sup> session of the CTE. By adopting this document, the CTE would recognise that it would work in accordance with the modified provisions.

The **Chairman** added that the Convention, and particularly Article 20, was written at a time when it had not been entirely clear that the UTPs would be incorporated into the Convention. At that time, the difference between validating the standards and adopting the UTPs was not seen which led to the difficult situation that existed at present. The intention of the proposed amendment to Article 20 § 3 was to make matters clearer.

**The representative of the EU** said that the EU did not have exclusive competence for this issue, but on behalf of the European Commission he supported the proposal.

**Vote:**

The result of the vote on the amendment of Article 20 § 3 of the Convention was: 25 votes in favour.

**Conclusion:**

The document containing a proposal to amend Article 20 § 3 of the Convention was unanimously adopted. The CTE will submit the document to the Revision Committee so that the Convention can be amended accordingly.

**5. Report from the Committee of Technical Experts' working group TECH and ad-hoc safety subgroup**

The **Secretariat** explained that document A 92-03/1.2013 had been prepared for this item. The document described the outcome of these working groups and explained the reasons for having two parallel groups: the ad-hoc safety subgroup and the standing working group TECH.

The previous CTE (May 2012) had concluded that terms of reference for safety requirements in COTIF should be established. The ad-hoc safety subgroup was therefore set up and reported to standing working group TECH.

The ad-hoc safety subgroup met twice:

- November 2012 in Košice to draft preliminary analyses and conclusions and
- January 2013 in Belgrade to finalise analyses and conclusions (document A 92-04/2.2012 for item 6.1: Ad-hoc safety subgroup - Analyses and conclusions).

The standing working group TECH held three meetings:

- September 2012 in Bern, to discuss:
  - the derogation rules (deferred from CTE5),
  - UTP correction procedure,
  - UTP WAG roadmap (document A 94-02/3.2012 v01 for item 6.1 of this CTE: Background and explanation for the revision of the UTP WAG:2012).
 This meeting established the ad-hoc safety subgroup.
- November 2012 in Košice, which:
  - finalised the derogation rules (document A 94-40/3.2012 v04 for item 7 of this CTE: Derogation rules (APTU Article 7a)),
  - obtained initial feedback from the ad-hoc safety subgroup,
  - finalised the UTP correction procedure (document A 94-00/1.2012 v03 for item 10 of this CTE: Process for dealing with deficiencies in UTPs),
  - discussed and reviewed the first draft of the revised UTP WAG,
  - discussed the issue of national technical requirements (item 11 of this CTE).
- February 2013 in Bern, which:
  - approved the ad-hoc safety subgroup's conclusions,
  - continued the discussion on the more advanced draft of the revised UTP WAG,
  - approved the revision of the UTP GEN-G (document A 94-01G/1.2012 v 02 UTP GEN-G Amendment for item 6.2 of this CTE),

- approved the provisional agenda for CTE6.

On behalf of the CTE, the **Chairman** thanked the standing working group TECH for the large amount of preparatory work it had carried out since the previous CTE session on drafting the documents and regulations for this CTE.

### **Conclusion:**

The **CTE** took note without comment of the work of the standing working group TECH and the ad-hoc safety subgroup and tacitly approved the report.

## **6. Uniform Technical Prescriptions**

### **6.1 UTP WAG: rolling stock - freight wagons**

The **Secretariat** explained that this was one of the main issues for this session. **The Secretariat** had prepared four documents, which were available on the OTIF website:

1. Document A 92-04/2.2012 v05: *Ad-hoc safety subgroup's recommendations*, explanatory document listing all the elements relating to the safe use of wagons. The document contained an analysis of the need to include safety provisions in the OTIF regulations. One of the conclusions was that in developing the revised UTP WAG, some elements relating to the safe use of these wagons should be included in the UTP WAG.
2. Document A 94-40/3.2012 v01: *Background and explanation for the revision of UTP WAG:2012*, summarising and explaining the discussions that had taken place in the standing working group TECH. The document listed several options: not to revise the UTP, partly to revise the UTP or fully to revise the UTP. The preferred solution was the complete revision of the UTP, maintaining full equivalence with the TSI in order not to jeopardise the interoperability of freight wagons within the OTIF area.
3. Document A 94-02/2.2012 v05: UTP WAG: ROLLING STOCK - FREIGHT WAGONS revised.
4. Document A 94-02/2.2012 v06: UTP WAG: ROLLING STOCK - FREIGHT WAGONS revised.

The reason why there were two versions of the UTP WAG was that when the revised UTP WAG was being drafted, there were also some developments in the EU on amending the revised TSI WAG. Before this session, the OTIF Secretariat had not been certain whether the EU would approve these amendments (as the decision had only been taken one week earlier at RISC). The OTIF Secretariat had therefore decided to prepare two versions, version 05 reflecting the WAG TSI as published at the beginning of this year and version 06, which reflected the amendments to WAG TSI to be approved by RISC.

**The representative of the EU** thanked the Secretary General and his team for the great deal of work that had been carried out on preparing this UTP WAG and for the flexible approach of submitting two versions. The last RISC meeting had approved the proposed amendments to the WAG TSI (RISC is equivalent to the CTE, where texts could be adopted on the basis of qualified majority voting on projects or draft measures submitted by the European Commission). This meant that it was version 06 of the UTP WAG which had to be voted on at this Committee.

### **Conclusion on points 1 and 2:**

The **CTE** agreed on the work of the ad-hoc safety subgroup and approved document A 92-04/2.2012 v05: Ad-hoc safety subgroup's recommendations, and supported the subgroup's recommendations.

The **Chairman** added that the work and report of the ad-hoc safety subgroup had already been assessed and approved by standing working group TECH.

The **CTE** approved document A 94-40/3.2012 v01: Background and explanation for the revision of UTP WAG:2012.

The **Chairman** thanked those who had prepared these documents and the ad-hoc safety subgroup, chaired by Mr Patrizio Grillo, for its work.

### **Discussion on points 3 and 4:**

**The Secretariat** explained the process concerning the document that was submitted to this CTE for approval. The 17<sup>th</sup> session of WG TECH had concluded that it was necessary to submit the revised UTP WAG to the 6<sup>th</sup> session of CTE (June 2013) for approval in order that it could apply from the same date (1 January 2014) as the corresponding TSI. If the UTP were adopted, the UTP and the corresponding TSI would apply from the same date. This would be the first time that fully aligned TSI and UTP entered into force at the same time.

The 17<sup>th</sup> session of WG TECH also discussed the terms of reference for the ad-hoc safety subgroup and established the subgroup. The results of the ad-hoc safety subgroup were carried over to the UTP WAG draft version 2 issued after the 18<sup>th</sup> session of WG TECH. Draft version 3 was prepared for discussion at the 19<sup>th</sup> session of WG TECH, which also approved the results of the ad-hoc safety subgroup. After that session, draft version 4 was issued, which was the subject of comments from some participants at the WG TECH sessions. Versions 5 and 6 were prepared on the basis of these comments. This CTE would concentrate only on version 6, version 5 being obsolete following the information provided by the representative of the EU.

The draft revised UTP WAG corresponded to the revised TSI WAG, with some additional elements:

- Appendix PP vehicle numbering (based on the NVR specifications)
- Appendix H from CCS TSI and
- Appendix I from TSI OPE containing the safety management provisions.

These additional elements ensured equivalence with EU rules regarding the design and production of wagons and the safe use of wagons.

The room documents submitted listed all the last-minute changes, which were mainly of an editorial nature.

**CER** thanked the Secretary General and the European Commission and ERA for taking into account many detailed amendments which CER had suggested in order to make the text easier to adopt. It commented that as the revised version of TSI WAG had been approved at the last RISC meeting, there had been some discussion about the transitional period for the TSI now in force and the revised TSI applicable from 1 January 2014 concerning the marking of wagons. A minor adapta-

tion was proposed and this would be discussed at the RISC meeting in October 2013. The aim of this adaptation was to facilitate work in practice and to avoid errors.

**CER** thought that in general, the text was satisfactory. However, **CER** had a comment on Appendix I (page 85 of version 6, following sentence in the left-hand column (right-hand column point 4.2.2.4.1)): *“The rail transport undertaking operating the train must make sure that freight vehicles are safely and securely loaded and remain so throughout the journey”*. According to **CER**, this paragraph did not correspond to reality or to other legal texts which were in force, particularly two texts in COTIF 1999; Article 13 of CIM concerning the loading of wagons and the responsibility of the consignor, and RID Chapter 1.4, which places the responsibility upon the loader/consignor (loader or filler of the tank-wagon). **CER** thought the European Commission had recognised that there was a problem here, because the European Commission proposed to amend Article 4 of the Safety Directive by including these actors (loader, filler and consignor). **CER** suggested that this sentence should not be included in the left-hand column of UTP WAG. If this suggestion were adopted, it would not create a difference between UTP WAG and WAG TSI, because this text was no longer in the WAG TSI. There would be no legal consequences of deleting this text, as Article 13 of CIM and RID Chapter 1.4 apply, and continue to apply without any difficulty. Apart from this point, **CER** fully supported the rest of the revised UTP WAG.

In reply to **CER**'s suggestion, the **Secretary General** commented that this point had given rise to a lengthy discussion when the TSI was being revised. The task was to align the two regulations, but fundamentally, **CER**'s statement was correct in terms of the question of responsibility. In OPE TSI the correct loading of wagons was the responsibility of the railway undertaking without mentioning how the railway undertaking could ensure the correct loading of wagons. CIM contained provisions dealing with the issue of responsibility for wagon loading at the level of the carrier and not the railway undertaking. The **Secretary General**'s view was that this was a problem of consistency between the technical regulations and the part of the OPE TSI to be transposed into UTP WAG and the responsibility regime defined in CIM and CUV. It was right to include the provision from OPE TSI in the UTP WAG, but consideration should be given to the contractual instruments (CIM and CUV) in order to deal correctly with the problem of allocating responsibilities.

The **Secretary General** announced that an OTIF working group dealing with these issues would be set up in the next few months.

**The representative of the EU** confirmed that this issue was very complicated at the legal level, as **CER** was referring to Article 13 CIM. This Article did not refer to railway undertakings. He welcomed the **Secretary General**'s proposal, as it was necessary to compare CIM, RID and the other instruments to try to ensure that they were consistent. **The representative of the EU** did not support the **CER** suggestion to delete the sentence. He said the European Commission would be prepared to participate in the working group announced by the **Secretary General**.

The **CTE** welcomed the **Secretary General**'s initiative to set up an OTIF working group with the aim of sorting out the issue of responsibility for wagon loading in COTIF and the EU regulations.

The **CTE** rejected **CER**'s suggestion to delete the sentence in the left-hand column on page 85 of version 6 of UTP WAG (right-hand column point 4.2.2.4.1).

The following amendments to version 6 of UTP WAG were either discussed in the meeting (amendments 1, 3 and 9) or tacitly adopted as part of the meeting room document (all amendments except 1, 3 and 9):

Amendment number	Point as it is now (section and page)	Amendment proposal	Justification/comment
1	0 (Page 1)	The TSI for freight wagons ( <del>EU Regulation ...</del> <b>Commission Regulation (EU) No 321/2013 of 13 March 2013</b> ) which...	According to the adopted regulation.
2	0 (Page 2)	“A UTP certificate of verification and a UTP declaration of verification of a vehicle which is in conformity with the UTP WAG:2012 shall be valid until the end of a transitional period of three years from <del>[the date of entry into force of the revised TSI WAG]</del> <b>13 April 2013.</b> ”	Date according to the adopted regulation. It entered into force the day following that of its publication (Art 12).
3	0 (page 2)	Add footnote to first paragraph: <b>“<u>The validity of certificates and declarations referred to in this paragraph is indicated for the purpose of delivery of admission to operation according to Article 6 of ATMF.</u>”</b>	
4	4.2.3.3, indent a) (Page 13)	The last bullet point should read: “The electrical resistance between the running surfaces of the opposite wheels of a wheelset. <del>If the wagon is equipped with a system that incorporates brake blocks or scrubbers acting on the wheel thread, the effect of such a system shall be taken into account</del> ”.	For consistency with the EU text. See also comment on Appendix H. NB: Like any other parameter, this one needs to be assessed for the design operating state of the wagon, that is, the deleted text is not needed. The parameter is also covered by the assessment for approval of composite brake blocks.
5	4.3.3 (page 28)	The text should read: The <b>interfaces</b> requirements for compatibility with train detection systems are set out in Appendix H of this UTP.	Appendix H defines interfaces.
6	7.1 (Page 49)	The text should be modified so that <ul style="list-style-type: none"> <li>• the part across two columns reads “...which are placed in service after the date of <del>application of this</del>”;</li> <li>• the left-hand column reads “<b>entry into force of this</b> UTP”;</li> <li>• the right-hand column reads “<b>application of this</b> TSI”</li> </ul>	No date of application is defined in the UTP.

Amendment number	Point as it is now (section and page)	Amendment proposal	Justification/comment
7	7.1.2 (Page 49)	<p>In the left-hand column, the first paragraph should read:</p> <p>“Without prejudice to specific cases, vehicles which are admitted to operation in a Contracting State and which fully meet the conditions set out in a) to k) shall not be subject to any additional admission to operation in OTIF Contracting States <del>which are also EU Member States.</del>”</p> <p>In the left-hand column, after the end of the first paragraph, the following should be added:</p> <p><b><u>“Without prejudice to specific cases, vehicles which are authorised for placing in service in a Contracting State which is also an EU Member State according to Article 22 of Directive 2008/57/EC and which fully meet the conditions set out in section 7.1.2 of TSI WAG:2013 shall not be subject to any additional admission to operation in OTIF Contracting States.”</u></b></p>	<p>Reciprocity principle was missing. This was unintended and it was correctly expressed in other parts of the document (Appendix PP). Amendment needed in order not to create uncertainty for additional admission of wagons between non-EU CSs.</p>
8	Footnote 48 to appendix C point 7, (page 66)	<p>The footnote should read:</p> <p>“According to <b><u>clause 7.1.2 and</u></b> Appendix H, the distance between two adjacent axles shall not exceed 20000 mm <b><u>and CW wagons must comply with this value. For wagons marked GE</u></b> this value in <b><u>clause 7.1.2 and</u></b> Appendix H is <del>substituted</del> <b><u>made stricter</u></b> by the maximum value 17500 mm, as set out in point (b).”</p>	<p>This concerns an explanatory note, to illustrate that the eligibility requirements related to maximum axle distance for marking a wagon “GE” are not the same as for marking a wagon “CW”.</p>
9	Appendix H (Page 79)	<p>The text should read “The electrical resistance between the running surfaces of the opposite wheels of a wheelset shall not exceed 0.05 Ohm, measured at a voltage of between 1.8 VDC and 2.0 VDC (open circuit). <del>If the wagon is equipped with a system that incorporates brake blocks or scrubbers acting on the wheel thread, the effect of such a system shall be taken into account</del>”.</p>	<p>For consistency with the EU text. See also comment on clause 4.2.2.3, indent a). NB: Like any other parameter, this one needs to be assessed for the design operating state of the wagon, that is, the deleted text is not needed. The parameter is also covered by the assessment for approval of composite brake blocks.</p>

<b>Amendment number</b>	<b>Point as it is now (section and page)</b>	<b>Amendment proposal</b>	<b>Justification/comment</b>
10	Appendix PP, clause 6, indent 2 (Page 113)	The text should read "...according to Articles 22(4) of EU Directive 2008/57/EC..."	To this effect it is irrelevant whether a vehicle has been authorised according to Art. 22(1) or 22(2). In either case it falls under the application of Art. 23(1) in the EU and does not need an additional APS.
11	Appendix PP, clause 11, footnote (a) (Page 122)	The text should read "Wagons permitted to carry the TEN marking, see <del>Appendix P-part 6</del> <b>Appendix PP clause 6...</b> "	Editorial correction

**Vote:**

The result of the vote on the UTP WAG, including all the amendments listed above was: 23 votes in favour (unanimous).

**Conclusion:**

The UTP WAG, including all amendments listed in this document, was adopted.

**6.2 UTP GEN-G Amendment**

The **Secretariat** explained that this item concerned amendments to the UTP GEN-G (on Common Safety Methods on Risk Assessment - CSM), which was already in force (and equivalent to the EU regulation on the same subject). A process of revision of these rules was underway within the EU. This was discussed at the 19<sup>th</sup> session of WG TECH, which agreed to prepare the same amendments for the OTIF regulations. As it had limited resources for preparing these amendments, the OTIF Secretariat was very pleased to accept the offer of ERA's collaboration. After a combined effort by ERA and the OTIF Secretariat, draft document A 94-01G/1.2012 v02 was prepared and placed on the OTIF website. Additional last-minute modifications were described in the meeting room document.

With regard to the changes in the amendment, it was important to note that the principles of the risk assessment and risk management processes themselves had not been changed. The changes that were proposed were basically to ensure a similar quality of independent assessment work by accreditation and recognition schemes for CSM assessment bodies. The accreditation and recognition scheme showed similarities with the scheme for ECM certification bodies.

The following amendments to the UTP GEN-G version 02 were tacitly adopted (amendment number 5 discussed at the session):



Amendment number	Point as it is now (section and page)	Amendment proposal	Justification/comment
1	Footnote 1 (page 1)	Footnote 1 should be “Commission Implementing Regulation (EU) 402/2013 of 30 April 2013, published in the Official Journal of the European Union on 3.5.2013 L 121/8”	Correction of reference
2	1.2 (page 1)	Three items on the list should be numbered as follows: “(a) the risk management processes used to assess impact of changes on the safety levels and compliance with safety requirements; (b) the exchange of safety-relevant information between different actors within the rail sector in order to manage safety across the different interfaces which may exist within this sector; (c) the evidence resulting from the application of a risk management process”	For consistency with the amendment of the CSM RA as adopted by the EU Commission
3	6.1 (page 9)	The third paragraph should be reworded such that the full width and left-hand column combined read:  “ <b><u>Where the assessment body is not already designated by existing national legislation,</u></b> the proposer shall appoint its own assessment body at the earliest appropriate stage of the risk assessment process.”	To take into account the fact that , assessment bodies may also be designated by national legislation in non-EU Contracting States. For reference, the EU text reads: “ <i>Where the assessment body is not already designated by existing Union or national legislation, the proposer shall appoint its own assessment body at the earliest appropriate stage of the risk assessment process.</i> ”
4	6.4 (page 10)	In the right-hand column the text should read: “ <del>a vehicle</del> needs an authorisation for placing in service, as referred to in Articles 22(2) and 24(2) of Directive 2008/57/EC”;	Editorial correction to avoid repetition.

Amendment number	Point as it is now (section and page)	Amendment proposal	Justification/comment
5	8.1, footnote 3 (page 12)	The footnote should read: “In OTIF a railway undertaking or an infrastructure manager cannot be recognised as an assessment body through the assessment and supervision of their SMS. In order to act as an assessment body, a railway undertaking or an infrastructure manager must be accredited according to clause 7.1 indent a) <b>or recognised according to indent 9.1 a) or d)</b> ”.	Correction for clarity (the role of proposer is not relevant in this clause).
6	9.1(c) (page 13)	The words "recognition by the" should be aligned with the rest of the text.	Minor editorial amendment
7	10.2 (page 12 and 14)	The complete content should be on the right-hand side, the left-hand side should only read “ <b>(reserved)</b> ”	There is no requirement for OTIF, due to absence of harmonised SMS rules.
8	Footnote 4 (page 14)	Footnote should be deleted.	Content is covered by footnote 3.
9	13.1 (page 15)	The text should read “Where applicable, by no later than <del>{specific date to be inserted when OTIF text will be adopted + two years after the date of entry into force}</del> <b>21 May 2015</b> ”	To synchronise application in the EU and OTIF. If the amendment is not included, the text should be in two columns with “21 May 2015” for the EU.
10	13.2 (page 15)	The text should read “By no later than <del>{specific date to be inserted when OTIF text will be adopted + two years after the date of entry into force}</del> <b>21 May 2015</b> ”	As above.
11	13.3 (page 15)	The text should read “By no later than <del>{specific date to be inserted when OTIF text will be adopted + two years after the date of entry into force}</del> <b>21 May 2015</b> ”	As above.
12	14.2 (Page 16)	In the right-hand column, the text should be as follows: "The Agency <b>shall organise</b> , in collaboration with the European cooperation for Accreditation (EA), <del>shall organise training....</del> "	For consistency with the amendment of the CSM RA in the EU
13	15.5 (Page 17)	The text should read as follows: "Mutual recognition shall be conditional <b>upon</b> demonstration..."	For consistency with the amendment of the CSM RA in the EU

Amendment number	Point as it is now (section and page)	Amendment proposal	Justification/comment
14	17.3 (Page 18)	In the right-hand column "...Regulation by <del>by</del> railway undertakings, infrastructure managers..."	Minor editorial amendment
15	18 (Pages 18-19)	Paragraphs in the first column of the document should be numbered as 18.1, 18.2, etc. (not 1, 2, etc.)	For consistency with the amendment of the CSM RA in the EU
16	18.6 (page 20)	The text in the right-hand column should read "Before <del>{specific date to be inserted when OTIF text will be adopted}</del> <del>two years after the date of entry into force}</del> <b><u>21 May 2015</u></b> "	For consistency with the amendment of the CSM RA in the EU
17	19 (page 20)	The text in both left and right-hand columns should read "...is repealed with effect from <del>{two years after entry into force}</del> <b><u>21 May 2015</u></b> "	To synchronise application in the EU and OTIF. If the amendment is not included for OTIF, in the right-hand column the change should be made in order to be consistent with the adopted EU text.
18	20 (Page 21)	The title of the right-hand column should be "ENTRY INTO FORCE <b><u>AND APPLICATION</u></b> "  The first two paragraphs in the right-hand column should read: "This Regulation shall enter into force on the 20 <sup>th</sup> day following its publication in the Official Journal of the European Union <del>EN 29.4.2009 Official Journal of the European Union L 108/9.</del> It shall apply from <del>{specific date to be inserted when CSM text will be published in EC Official Journal}</del> <del>two years after the date of entry into force}</del> <b><u>21 May 2015</u></b> "	For consistency with the amendment of the CSM RA as adopted in the EU
19	20 (Page 21)	In the left-hand column the text should read: " <b><u>APPLICATION</u></b> <b><u>This UTP shall apply from 21 May 2015</u></b> "	To synchronise application in the EU and OTIF. Otherwise, it would start applying in non-EU OTIF at the moment of entry into force (probably more than one year before it applies in the EU)
20	Annex II, point 3 (Page 31)	The elements of the list should be numbered a), b) and c) (not d), e) and f)).	For consistency with the amendment of the CSM RA as adopted in the EU

**Vote:**

The result of the vote on the UTP GEN-G, including all amendments listed above, was: 23 votes in favour (unanimous).

**Conclusion:**

The UTP GEN-G, including all the amendments, was adopted.

**7. Derogation rules (APTU Article 7a)**

The **Secretariat** explained that this subject had been on the agenda of the 5<sup>th</sup> session of CTE, but that it had not been possible to reach a conclusion on the document, as it had proven impossible to resolve some minor issues during the session. The matter had been forwarded to the standing working group TECH, which had discussed the document at its meeting in September 2012, taking into account the discussion at the 5<sup>th</sup> session of the CTE. The meeting of WG TECH in Košice in November 2012 concluded that document A 94-01G/1.2012 v02 was ready for submission to the next CTE for adoption. The **Secretariat** reminded the meeting that derogation rules constituted an instrument giving the Contracting State the possibility not to apply the UTPs in certain cases. The derogation rules were equivalent to Article 9 of the Interoperability Directive, with the difference that derogations from the OTIF regulations in non-EU Contracting States only applied to international traffic. As a result, derogations from the OTIF regulations generally concerned more than one country. This issue was dealt with in detail in the Explanatory remarks.

In reply to the **Chairman's** question as to whether this document should be submitted to the Revision Committee following adoption by the CTE, the **Secretariat** said that adoption by CTE was sufficient.

**Vote:**

The document was put to the vote without amendments. The result of the vote on ATMF Annex B Derogation rules: 23 votes in favour (unanimous).

**Conclusion:**

ATMF Annex B Derogation rules was adopted.

**8. Mandate for establishing a joint OTIF – EU register for ECM certification bodies and certified ECMs**

The **Secretariat** explained that it had prepared document A 95-00/2.2013 to ask the CTE to agree to the objective of OTIF, the European Commission and ERA of trying to find a way to establish a joint register for ECM certification bodies and certified ECMs.

At present, there were two registers; one on the ERA website containing the ECM certificates and ECM certification bodies registered with ERA, and the other on the OTIF website containing ECM certificates and ECM certification bodies having their place of business in a non-EU OTIF Contracting State. The ERA register included not only all the EU ECM documents, but was also used for non-EU entries, at least from Switzerland. The current situation was functional, but not optimal, as it was clear that having one place to store all the information would have benefits in terms of transparency and clarity for users of the ECM registers.

The document prepared for this agenda item described three scenarios. In the opinion of the **Secretariat** the best scenario was one in which the ERA register would become the place for a joint register (one complete register would be kept on the ERA website, with a link to it from the OTIF website). There were two main reasons for this position: one was that the resources of the OTIF Secretariat were limited, and the other was that there are many more entries in the ERA register. The **Secretariat** identified some requirements of the non-EU OTIF Contracting States and some obligations followed from the Convention, e.g. using all three OTIF working languages. The OTIF Secretariat would continue to be the interface between the non-EU OTIF Contracting States and ERA. These were the main issues to be dealt with in the contract between OTIF and EC/ERA. The **Secretariat's** intention was to draft a contract along these lines and to obtain a clear mandate from the CTE on how to proceed.

**CER** encouraged the approach initiated by EU/ERA and OTIF and said that in its view, the solution proposed was the best one; another solution (keeping two regularly updated parallel registers on the OTIF and ERA websites) could cause problems in terms of the synchronised updating of two registers. **CER** supported a solution which would make the registers easier to use. At present, the OTIF register was in “.pdf” format, which was not easy to use, e.g. for staff in marshalling yards and border crossing stations.

**RS** proposed to delete the following wording in section 2.1 of the document: “*accredited by an accreditation body or recognised by a competent authority in a non-EU OTIF Member State and*” and to keep the words “*list of certification bodies*”, because in accordance with ATMF Annex A, a certification body may be an accredited body, a recognised body or the competent authority itself.

**The representative of the EU** confirmed that in some cases the NSA could be the certification body. In order to make matters transparent for the sector, if an NSA was a certification body, it should appear in the register of ECM certification bodies. He supported **RS's** proposal.

**CER** stressed the importance of the dates of validity of the certifications, as an accreditation body might lose its accreditation as a result of improper accreditation work.

The **Secretariat** agreed with **RS's** proposal. It took note of **CER's** remark. The validity date of the certification bodies was a more difficult issue, as the certification bodies were appointed by the ministries, but not always with a validity date associated with the certificate, and the OTIF Secretariat was not always aware of changes in the situation concerning the authority of certification bodies.

The **CTE** agreed to mandate the OTIF Secretariat to contact the EU to draft an agreement with the aim of establishing a joint OTIF-EU register for ECM certification bodies and ECM certificates.

The following amendments (proposed by **RS**) to document A 92-00/2.2013 version 01 should be taken into account in the negotiations with the EU:

Section 2, indent 1	The text should read: 1. list of certification bodies <del>accredited by an accreditation body or recognised by a competent authority in a non EU OTIF Member State and</del>	For consistency with ATMF Annex A
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Section 3, point 1, both indents	<p>The text should read:</p> <ul style="list-style-type: none"> <li>• an OTIF register containing ECM Certificates and certification bodies <del>accredited by an accreditation body or recognised by a competent authority</del> in a non-EU OTIF Member State on the OTIF website and</li> <li>• an EU register containing ECM Certificates and ECM certification bodies <del>accredited by an accreditation body or recognised by a competent authority</del> in an EU OTIF Member State or the EEA countries on the ERA website.</li> </ul>	For consistency with ATMF Annex A
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### Conclusion:

On the basis of the document and the amendments to it listed above, the CTE supported the initiative to develop a joint ECM register.

## 9. Mandate for establishing a joint OTIF - EU VKM register

The **Secretariat** explained that this item was very similar to the previous item. According to document A 95-00/1.2013, OTIF intended to enter into negotiations with EU/ERA to try to establish a joint OTIF-EU VKM register. At present, there was a great deal of cooperation to achieve identical VKM registers on the OTIF and ERA websites, which were updated once a month. There were two options for the VKM register:

- to continue with the current practice,
- to maintain one complete list on the ERA website with a link to it from the OTIF website.

There was an additional element: as the VKM register was used by the OSJD Member States, it was also published in Russian on the OTIF website (as well as the link to it from the OSJD website).

If it were decided to keep two separate registers, the existing agreement between ERA and OTIF would need to be updated, as some of the elements in this agreement were outdated, e.g. some references were no longer valid. Annex 1 to the document contained proposed amendments. The **Secretariat** proposed that option 2 should be chosen.

In reply to RS's question as to who applications from a non-EU OTIF Contracting State should be sent to under option 2, the **Secretariat** replied that it would always be prepared to act as the interface between the non-EU Contracting States and ERA. The Secretariat would be prepared to receive applications from non-EU Contracting States and forward them to ERA.

**ERA** supported the principle of having a single register, but expressed concern with regard to the increased workload for ERA if all OSJD and OTIF countries were to be included in the register maintained by ERA.

To illustrate the limited workload from OSJD so far, the **Secretariat** explained that it had only received one application from the OSJD countries. Such applications would be submitted to OTIF and not to ERA.

The **CTE** agreed to mandate the OTIF Secretariat to contact the EU to draft an agreement aimed at setting up a joint OTIF-EU VKM register. When drafting the agreement, the number of applications from non-EU OTIF Contracting States should be accurately assessed as simply and as practically as possible, and the possible increase in workload should also be taken into account.

The following amendment (correction of typographical error) to document A 92-00/1.2013 version 01 would be taken into account:

Section 4, first paragraph	The text should read: The CTE mandates the OTIF Secretariat to enter into an agreement with the EU and ERA to establish joint <del>ECM</del> <b>VKM</b> registers as set out in section 3 of this document.	Correction of typographical error.
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### **Conclusion:**

On the basis of the document and the amendments to it listed above, the CTE supported the initiative to develop a joint VKM register.

### **10. Process for dealing with deficiencies in UTPs**

The **Secretariat** explained that the possibility of dealing with deficiencies and amendments had been discussed at WG TECH meetings in September and November 2012. The **Secretariat** proposed a process that was based on the EU's method of dealing with deficiencies in the TSIs. This proposed process would be compatible with the EU process. This would be important, because improvements were often necessary in both the EU and the OTIF regulations, as the UTPs and EU rail regulations were supposed to be equivalent.

Document A 94-00/1.2012 ver.03 described the process and explained that it was not necessary to adopt it, as the legal provisions already existed (Article 8a APTU). The process described focused on harmonising the views of EC/ERA and OTIF on such amendments in order to ensure that the changes were implemented homogeneously. The CTE had to approve all amendments. Amendments could be approved at a regular session or at an extraordinary session if the amendments were urgent. Another possibility would be to vote using the written procedure if no discussion was necessary.

Amendments to TSIs, for example, may be supported by a technical opinion issued by ERA. In such cases, it would be necessary to coordinate the opinion of ERA and OTIF. However, ERA would still issue a technical opinion in its own capacity and OTIF would issue its own technical interpretation.

**DE** commented that the (EU) process might look very complicated, but assured the CTE that after practical implementation in the EU, it worked well and was not too bureaucratic.

The **Chairman** thanked DE for this valuable statement and said he thought that such a solution was practicable and feasible and would lead to solutions within a suitable timescale.

### **Conclusion:**

The **CTE** noted the process for dealing with deficiencies in UTPs in the OTIF Secretariat. The CTE wished to be provided with feedback from the practical use of this process.

### **11. Notification of the national technical requirements according to Article 12 APTU**

The **Secretariat** explained that for this item, it had prepared document A 92-01/1.2013, which provided a detailed overview of the notification of national technical requirements received by the

OTIF Secretariat. The deadline for notifying national technical requirements according to Article 12 § 1 APTU was 1 March 2011. As not all OTIF Contracting States had notified these rules, the last session of the CTE (May 2012) had decided to extend this deadline to 31 October 2012. The OTIF Secretariat had sent out circular A 92-00/501.2012 on 3 August 2012 reminding its Member States of the obligation to notify their national technical requirements.

The OTIF Secretariat noted that the national technical rules in the EU were published on the European Commission website in the NOTIF-IT public databases and on the ERA website in the RDD public database, which meant that the national technical rules in the EU OTIF Contracting States were publicly accessible, which the OTIF Secretariat deemed sufficient to comply with the Convention.

For the non-EU Contracting States, the document contained an overview of notified national technical requirements and their scope (summary and full text received). Many non-EU Contracting States had still not notified their national technical requirements which, according to a strict interpretation of Article 12 § 1 APTU, meant that these States did not have any national technical requirements.

#### **Conclusion:**

The CTE noted the document and the Secretariat's explanation without further comments.

### **12. Consultation of non-EU OTIF MS on draft TSIs:**

The **Secretariat** explained that document A 94-00/1.2013 gave an overview of the consultation of the non-EU OTIF Contracting States which had taken place over the last year, showing the circulars with which the draft TSIs were circulated and the deadlines for comments. The following TSIs were concerned:

- 1) LOC & PAS
- 2) SRT
- 3) PRM
- 4) ENE
- 5) INF
- 6) NOI

Point 3 showed the number of comments the OTIF Secretariat had received. The OTIF Secretariat had forwarded the comments to the European Commission without comment, as the technology section was not in a position to evaluate the comments from other non-EU OTIF Contracting States.

#### **Conclusion:**

The CTE noted the document and the Secretariat's explanation without further comments.

### **13. Vehicle registers**

#### **13.1 Status of the development of the NVRs in Contracting States**

The **Secretariat** explained that document A 92-01/1.2013 contained a comprehensive overview of the status of the development of the NVRs in the Contracting States. The information was from the beginning of May this year.



Only Switzerland had implemented the NVR in line with the OTIF NVR requirements. In several Contracting States the NVR was at different stages of development (e.g. Republic of Serbia at an advanced stage) and the OTIF Secretariat had not received any information from other Contracting States or notification that the NVR had not been implemented in accordance with the OTIF NVR requirements.

### **Conclusion:**

The CTE noted the document and the Secretariat's explanation without further comments.

## **14. Strategy and work programme of the Committee of Technical Experts**

The **Secretariat** underlined that this was a very important agenda item for OTIF. The aim of document A 92-03/3.2013 was to establish a clear view and strategy for the development of technical rules in OTIF in future years. The document started with an overview of the results of the previous session of the CTE and an overview of the priorities set out last year.

The document continued by categorising the main activities in the technology section and the scope of CTE. The activities of the technology section were divided into four main types of activity:

1. Revision of and amendments to the UTPs in force. With the increasing number of regulations adopted, it would become a more frequent task to make sure that the OTIF regulations were kept up to date and in line with the EU regulations. For the coming year the **Secretariat** considered it necessary to update the UTP NOISE, UTP GEN-A and UTP GEN-C, in line with amendments in the EU.
2. Drafting new regulations. This was clearly a demanding activity and was not just a matter of copying and pasting from EU regulations, such as the TSIs. It was necessary to analyse legislative environment of OTIF in OTIF's legal scope in which the UTP would be enshrined and to compare this with the legislative environment of EU where the TSIs were enshrined in order to ensure that the UTP were drafted correctly. A clear example of such work was the revised UTP WAG, which had just been adopted at this meeting, in which the OTIF Secretariat had had to include some safety management provisions.

Both these activities would be coordinated within WG TECH.

3. A third activity identified was 'dissemination and monitoring'. With the introduction of UTPs and other OTIF regulations, there were quite a lot of documents which were correlated and were not easy to understand if somebody was not working with them on a daily basis. The OTIF Secretariat considered that one of its tasks was to assist the Contracting States, particularly those that were not members of the EU, in understanding and implementing the OTIF rules correctly. For COTIF to function correctly, the Contracting States must be confident that other Contracting states have also implemented the OTIF regulations correctly. This could be done in various ways, e.g. by explanatory documents (such as the recently issued document on ECM regulations), holding bilateral or multilateral meetings, organising workshops, etc. The OTIF Secretariat was open to suggestions on how to optimise assistance to the OTIF Contracting States. Linked to the dissemination of information and assistance was the concept of monitoring. To achieve mutual confidence among the OTIF Contracting States, OTIF was finding it increasingly important to obtain some sort of overview of how the rules were applied. This should also help in implementing the rules in a consistent and correct way. In addition to dissemination, it would be preferable to find a way to issue appli-

cation guides in cooperation with the European Commission and ERA. They were almost inevitable if the rules relating to construction were to be applied correctly.

4. The final activity concerned 'studies'. OTIF would like to give young university graduates from the OTIF Member States the opportunity to work at OTIF for a set period. They could focus their work on one or two issues where they could study particular elements of importance to OTIF and where OTIF had no resources to do so itself. The work would be carried out under supervision and with the support of the OTIF team. One of the elements seen as a priority was to study the exchange of information in international freight traffic. Several regulations and practices existed in this field, e.g. TAF TSI, databases operated by the private sector, electronic consignment notes, etc. for the exchange of information between railway undertakings, ECMs and other actors. For OTIF, it was essential to obtain a comprehensive overview of this particular area.

For the development of technical rules in the long term, OTIF proposed to develop rules which not only facilitate the vehicle exchange model, but also the interoperability model. Both models are and will remain compatible with COTIF. The idea was to open the door to the rules for the interoperability model and at the same time, understand that some countries would not apply these rules because they would keep the vehicle exchange model. Development of the UTP for locomotives, for example, would be useful only in the interoperability model. APTU and ATMF contained provisions which gave Contracting States the possibility not to apply certain rules.

Looking at the recent past, the following was of note:

- In 2009 the legal basis for the further development of UTPs was established (e.g. requirements for independent assessment).
- In 2012 level 1 of the development of the OTIF technical rules was achieved (freight railway package regulations adopted: UTP WAG, UTP NOI, UPT GEN-A and UTP GEN-G). This allowed the exchange of freight wagons in international traffic based on OTIF rules.

OTIF proposed to do the same for passenger carriages: to develop UTP PAS, which would allow the exchange of passenger coaches in international traffic. Elements from TSI LOC & PAS would be taken over and complemented with vehicle-related provisions from TSI SRT and TSI PRM, probably with the addition of some safety management provisions, as was the case for UTP WAG. The question should be discussed as to whether it would be possible to include in UTP PAS something equivalent to section 7.1.2 of the UTP WAG (closing open points voluntarily by means of technical solutions on the basis of RIC). Adoption of the passenger railway package would mean achieving level 2 and almost full compatibility with the vehicle exchange model. After that, levels 3 and 4 could be reached, at which point the interoperability model would prevail. The Contracting States would be free to choose the level of application. The **Secretariat** asked the CTE to support the conclusion set out in chapter 4 of the document.

The **Chairman** stressed the importance of this document, which was a clear statement from the management of OTIF concerning development of the OTIF technical rules and the activities of the technology section.

**The representative of the EU** stated that there had been a preliminary discussion on the strategy and work programme document between the European Commission and the OTIF Secretariat. He particularly welcomed the idea of timeframes and for discussing different steps, and the idea of the two concepts (vehicle exchange and interoperability model). The statement in the document that the EU model was not really compatible with the exchange of vehicle model was not completely correct, as the EU model with subsystems and TSIs specifying parameters and interfaces still permitted

the exchange of vehicles. This vehicle exchange model could be understood as a single wagon load model compatible with the TSIs. It may be that the text was referring to the coupling system between vehicles, which was not specified in the TSI, but this did not mean that the EU model was not compatible with the vehicle exchange model (the coupling system could be subject to standards applied by the sector). The strategy for the future looked really interesting, as it was a step by step approach (first freight wagons, then passenger coaches, then the full train and lastly the infrastructure). On the whole, the European Commission shared this view. The experts should discuss further the idea of splitting up the LOC & PAS TSI and of keeping only specifications concerning passenger coaches, as this would create a lot of work and was probably not the ideal solution because of the current situation in which there were passenger vehicles with traction. In general, the European Commission supported this model.

Safety management provisions for level 2 would probably have an impact on ATMF. He asked whether the revision of ATMF was necessary or whether it was planned in this strategy. Another issue was the development of rules for the 1520 mm system and their impact on future developments. The CTE's competence in terms of dissemination and monitoring activities and studies, not including the issue of registers, was called into question. **The representative of the EU** would make a clear distinction between the first two activities (revision of and amendments to UTPs and drafting UTPs), where the CTE was really competent and needed to be involved in the preparation and voting on documents at the end and activities 3 (dissemination and monitoring) and 4 (studies), which were more the task of the Secretariat, although of course under the supervision of the CTE.

**CER** also wondered about the separation of passenger coaches and locomotives. In fact the LOC & PAS TSI covered locomotives, passenger coaches and also railcars, EMUs and DMUs. CER did not think it was necessary to introduce a sort of discrimination between trains with locomotives and coaches and railcars. It would be difficult to find a solution to close the open points and would create a lot of work, as the separation was not done in the TSI. It reminded the meeting of the results of the ad-hoc safety subgroup, where the first option was to include some text in the UTP WAG concerning safety provisions, and the second option was to amend ATMF, which would be a task for the Revision Committee in the near future. The registers were for operational use and **CER** was very interested in the question of registers, such as e.g. ERATV (European Register of Authorised Types of Vehicles), and the register of infrastructure which both ensure compatibility between vehicles and infrastructure, and which are not mentioned in the document. The use of registers did not stop at the EU border.

**ERA** commented that at present, a considerable fleet of existing passenger coaches was in service, but the LOC & PAS TSI did not apply to them. In addition, the UTP would only apply to new vehicles to be put in service. The tendency for new rolling stock for passenger traffic was train sets, DMUs and EMUs, rather than new passenger coaches. Development of UTP PAS only would not bring a lot of benefit, as there were very few new single passenger coaches compared to train sets, DMUs and EMUs. Moreover, for the exchange of vehicles model, it would be necessary to develop detailed provisions for interfaces similar to Appendix C of UTP WAG, which would entail a considerable amount of work. There were no such provisions in the LOC & PAS TSI. Even in the OTIF Contracting States without open access to the infrastructure, complete train sets could still operate in different countries in international traffic on the basis of bilateral agreements between rail transport undertakings. UTP covering traction vehicles would be useful in terms of international traffic.

The **Secretariat** welcomed these useful comments. It agreed with the comment by the representative of the EU that the title of this document was strategy and work programme for the CTE and parts of the document described activities of the OTIF Secretariat which were not under the direct control of the CTE. The problem was in the title of the document, rather than in the content. With

regard to registers, the document should perhaps contain more explicit information on activities in connection with registers. Equally, with regard to the safety management provisions and ATMF, the analysis of ATMF amendments should certainly be put on the agenda of WG TECH. With regard to the UTP PAS, the Secretariat took note of the comments and understood them. With the introduction of the LOC & PAS TSI in the EU, it was no longer sufficient to meet the conditions of RIC in order to obtain an authorisation in the EU. The Secretariat agreed with ERA that fewer coaches were being produced and the number of trainsets being produced was increasing, but in some of the non-EU OTIF Member States there was still a market for passenger coaches, in particular for international traffic. OTIF had recently been confronted with the problem of authorising a newly built coach in the EU and non-EU Contracting States. This coach met all the conditions of RIC and TSI, but could not be authorised in one step. The Secretariat appreciated that the LOC & PAS TSI comprised the rules for all types of vehicles, i.e. locomotives, trainsets, passenger coaches, etc., but these requirements were quite clearly separated. It might be a good idea to carry out an investigation to find out whether it would be possible to include some elements from RIC, because for several decades there had been coaches complying with RIC that were able to circulate freely, but these rules had not been replaced. This could be a similar principle to the UTP WAG replacing the RIV.

**DE** underlined that the main aspect was mutual recognition between the EU system and the OTIF system to the greatest possible extent. The LOC & PAS TSI should be transposed into UTP LOC & PAS. However, consideration could be given to whether a chapter similar to chapter 7.1.2 in UTP WAG could be added concerning requirements for the mutual recognition of a complete vehicle approval for individual coaches. In connection with the first version of the LOC & PAS TSI, the introduction of chapter 7.5.4 had been discussed, as in the WAG TSI, but without success, probably because of lack of time. If the non-EU Contracting States saw a need of such chapter, **DE** would not oppose reconsidering this issue. In this case, there should be a separate, clearly identified chapter, with no misunderstanding that the TSI and the UTP were still compatible.

The **Chairman** noted that this was the third argument put forward not to split up the LOC & PAS TSI. He suggested the following conclusions:

1. Development of UTP LOC & PAS (instead of UTP PAS),
2. Revision of ATMF in relation to safety aspects,
3. Question of registers should be considered,
4. Dissemination and monitoring to be discussed in WG TECH,
5. Priorities to be set as follows:
  - a. Development of the UTP LOC & PASS,
  - b. Revision of UTP NOISE.

**ERA** proposed that the revision of Appendices H and I of the UTP WAG be added to the activities in chapter 3.1 in line with EU developments (closure of the open points for train detection systems in the CCS TSI, Operation and traffic management TSI).

**The representative of the EU** supported changing the priority from developing UTP PAS to developing UTP LOC & PAS. Activities in connection with developing the application guides, the dissemination of information, and monitoring and conducting studies in strategic areas should be discussed and supported by WG TECH, but these activities should not be an issue for the CTE, as it has no decision-making tasks in connection with these activities. The issue of registers should be transferred to WG TECH and submitted to CTE if the specifications are amended.

**CH** suggested deleting the last three tasks: development of application guides, dissemination of information and monitoring and conducting studies, as the list already contained a number of higher priority tasks. In addition, the Secretariat did not need a mandate for these activities.

The **Secretariat** replied that these activities were part of the Secretary General's current mandate and his priorities for the Secretariat, and were probably of less importance in terms of the CTE.

The title of the document should be adapted to reflect the fact that it contained the strategy and work programme for the technology section.

The **Secretariat** asked whether the document should be updated or whether the minutes should contain precise conclusions on this document.

**The representative of the EU** thought the document was very important and suggested mandating the Secretariat to revise it, taking into account the discussions at this CTE. It could then be discussed at WG TECH.

**ERA** proposed the following editorial amendment: in Annex 1 item 14, right-hand column after the sentence "*UTP GEN-D stipulates requirements for declarations; the format for 'assessment report' has not been established*", a sentence should be added to say that that UTP WAG and UTP NOISE stipulate the content of this document.

**CER** raised a question on Annex 1 point 2 concerning the validation and publication of technical standards, where no activities were planned. There was a harmonised system in the EU, which meant that by publishing a reference to a standard in the Official Journal of the EU, a presumption of conformity was established. The question was how it would work in the OTIF system. If somebody wished to use the same standard to indicate conformity with the requirements of the UTP, would that standard be recognised as ensuring conformity with the OTIF system or not? Was there work to be done in this area?

The **Chairman** concluded that the next WG TECH would deal with the question raised by CER.

## 15. Any other business

None.

## 16. Next session

For the next (7<sup>th</sup>) session of the CTE, the Secretariat proposed 4 and 5 June 2014, presumably in Bern.

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

- 20<sup>th</sup> session on 11 and 12 September 2013 in Istanbul
- 21<sup>st</sup> session on 3 and 4 December 2013 in Bern
- 22<sup>nd</sup> session on 5 and 6 February 2014 (not in Bern, venue to be decided).

The **CTE** agreed on these dates.

## CLOSING REMARKS

The **Chairman** summed up by saying that the CTE had achieved a high level of equivalence with the EU regulations for rail freight transport. These good results had been achieved in a short time

thanks to the very good specifications prepared by the OTIF Secretariat, in cooperation with ERA. He also thanked Peter Sorger for organising the quorum. He thanked the Member States that had voted on behalf of other Member States. He thanked the European Commission and ERA for ensuring that developments in the EU had been carried out in such a way as to be ready to transpose into the OTIF regulations, while ensuring that COTIF continued to be in the interests of the non-EU Member States. He thanked delegates for their future efforts in terms of implementing the adopted regulations in the Contracting States. He also thanked the observers, as they were in fact the users of the specifications the CTE adopted. He always noticed that this sector provided important and useful information which helped the CTE improve the specifications. He also thanked the interpreters and closed the 6<sup>th</sup> session of the CTE.