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Committee of Technical Experts**

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**REPORT FROM THE COMMITTEE OF TECHNICAL EXPERTS'
STANDING WORKING GROUP TECH**

For information

1. TASKS FOR THE WG TECH FOLLOWING THE 8TH SESSION OF THE COMMITTEE OF TECHNICAL EXPERTS (JUNE 2015)

CTE 8, which was held on 10 June 2015, discussed the document entitled “Technology section – Strategy and work programme for the period 2015/2016”. In accordance with the results of the discussion, the technology department of the OTIF Secretariat focused its activities on the following priorities:

1. Developing additional requirements for a unique admission for passenger rolling stock to be annexed to both the UTP and the TSI LOC&PAS, within the framework of the ERA Working Party.
2. Making accessible at international level the definition of harmonised technical solutions for inter-vehicle interfaces for passenger coaches in addition to the UTP/TSI LOC&PAS.
3. Developing appropriate instruments (e.g. guidance or regulations) covering responsibilities for the operational actors (i.e. RU, keeper, ECM) to clarify further the new ATMF Article 15a and with a view to developing a vision of interoperability outside the EU. The first objective would be to analyse the situation and identify the need and legal basis for further developments.
4. Working together with RID experts to improve consistency between ATMF and RID.
5. Developing legal drafting principles for the amendment or revision of UTPs and their subsequent publication.
6. Following the activities of ERA, particularly in areas where OTIF and the EU have equivalent rules. Where necessary, and in cooperation with ERA, advise WG TECH on these regulatory developments and the steps OTIF should take.
7. The development of explanatory documents for:
 - APTU,
 - the Common Safety Methods on risk assessment and evaluation (UTP GEN-G) and
 - the conformity assessment procedures (UTP GEN-D).
8. Monitoring and dissemination activities, particularly with non-EU Member States.

2. WG TECH’S ACTIVITIES AFTER THE 8TH SESSION OF THE COMMITTEE OF TECHNICAL EXPERTS

The standing working group technology held three meetings:

- 26th meeting on 9 and 10 September 2015 in Amiens
- 27th meeting on 17 and 18 November 2015 in Bern
- 28th meeting on 16 and 17 February 2016 in Bern.

Delegations from the following 10 MS took part in the meetings:

Belgium, Bosnia-Herzegovina, Czech Republic, France, Germany, Italy, Romania, Serbia, Switzerland and Turkey.

The European Commission’s DG MOVE and ERA and the international non-governmental organisations CER and UNIFE were also represented at the meetings.

3. THE FOLLOWING DOCUMENTS WERE PREPARED FOR ADOPTION BY THE CTE:

3.1 UTP WAG amendments– assessment of composite brake blocks

(Discussed at the 26th, 27th and 28th meetings)

The EU adopted provisions for the assessment of composite brake blocks as interoperability constituents by notified bodies (Regulation No 924/2015). Until these specifications came into force, the approval of composite brake blocks was carried out by UIC. The UTP should be amended to provide equivalent provisions at COTIF level.

WG TECH discussed the draft amendment of the UTP WAG and noted that the document reflected the changes made by the EU. Apart from Point 4.2.3.6.4, “requirement for traceability of axles”, the draft amendment of the UTP WAG was ready to be submitted to CTE 9 for a vote. The amendment regarding the traceability of axles was accepted on condition that ERA provides the report on freight wagon maintenance referred to in the TSI and its annexes with a reference number and date and makes the annexes public.

3.2 UTP GEN-G amendment – CSM design targets

(Discussed at the 26th, 27th and 28th meetings)

In 2015, Implementing Regulation (EU) No 2015/1136 of the European Commission amended the EU CSM provisions by including additional risk acceptance criteria. The aim of these changes was to facilitate the mutual recognition between States of assessment results related to structural subsystems and vehicles, in particular in cases where the proposer chose to use explicit risk estimation. In such cases, harmonised design targets could be used to demonstrate the acceptability of risks which were caused by failures in the functions of a technical system. Furthermore, in order to distinguish the acceptance of risks associated with technical systems from the acceptance of operational risks and of the overall risk at the level of the railway system, the term “risk acceptance criteria” with respect to technical systems was changed to “harmonised design targets” for such technical systems.

The draft amendment of the UTP GEN-G was discussed, and it was concluded that the draft was ready to be submitted to CTE 9 as a proposal for adoption.

4. THE FOLLOWING SUBJECTS WERE DISCUSSED BY WG TECH:

4.1 Interchangeable coaches

(Discussed at the 26th, 27th and 28th meetings)

During 2015 and 2016 ERA’s WP on “Unique authorisation” developed a recommendation to the EC to amend TSI LOC&PAS in order to set out the conditions under which a vehicle, after it is authorised in one Member State, does not need additional authorisation for placing into service to run in other MSs. The OTIF Secretariat monitored the work of the ERA WP and both ERA and the OTIF Secretariat kept the WG TECH informed of progress.

Unique authorisation was one element required for interchangeable coaches, the other being compatible inter-vehicle interfaces, such as couplings and data interfaces. At WG TECH 26, CER in particular was unable to support a joint proposal submitted by ERA and the OTIF Secretariat. As the provisions were aimed at facilitating the exchange of vehicles by the sector, the sector, in particular CER, should consider the provisions useful. In order to find a solution that could be supported by

CER, the European Commission organised a workshop on 4 November, attended by ERA, CER, UNIFE and the OTIF Secretariat. The result of the workshop was a detailed list of specifications that could be used by ERA as input to their WP. As of January 2016, ERA's WP on TSI LOC&PAS started to develop an additional clause covering interchangeability for vehicles intended for general operation based on the list established in the workshop. Application of these new TSI clauses on vehicle interfaces would be voluntary. The provisions for interchangeable coaches should be ready by 2017 or 2018, at the latest.

4.2 EU - OTIF equivalence table

(Discussed at the 26th, 27th and 28th meetings)

WG TECH noted the updated versions of the equivalence table and highlighted its value to the railway sector and as a tool for checking equivalence between OTIF and EU legislation.

4.3 Draft explanatory document for UTP GEN-D (assessment modules)

(Discussed at the 28th meeting)

The Secretariat had drafted an explanatory document on the principles and structure of the assessment procedure of the UTP. The Secretariat explained that the document would be submitted to CTE 9 for discussion. The Secretariat would only publish it once it had been reviewed by the CTE.

4.4 Joint OTIF Secretariat/European Commission expert RID/ATMF working group

(Discussed at the 28th meeting)

As announced to the 8th session of the Committee of Technical Experts, a working group had been set up following the joint analysis set out in the paper prepared by the OTIF Secretariat and the European Commission entitled "Interaction between RID and ATMF, improving consistency between COTIF Appendices C and G". Taking into account the joint paper, the working group's remit is as follows:

- Analyse the results of the EC study mentioned above and identify issues where the interaction between the railway legislation and the dangerous goods legislation should be improved;
- Identify the new elements that have emerged since the end of the study;
- Establish whether the measures already taken by all actors are enough. If this is not the case, identify issues with no route to resolution and propose actions to address them. "Actions" in this context are of a legislative or non-legislative nature;
- Propose a sustainable coordination framework for all subjects that might be in the remit of both Committees, based on issues and solutions identified within the listed tasks.

The working group held its first meeting in Bern on 3 and 4 February 2016. The OTIF Secretariat briefly informed WG TECH about it.

4.5 Developing principles for the amendment of UTPs and their subsequent publication

(Discussed at the 27th meeting)

Technical prescriptions, such as the UTPs, are subject to regular updates. This presents a challenge in terms of managing and publishing the provisions in force. A small editorial amendment may not require a complete UTP to be renamed and re-issued with a new date of entry into force. At the same

time, users of the rules should at all times have easy access to the latest provisions in force via the Organisation's website.

As requested by the CTE 8, the Secretariat presented its ideas for managing and publishing several subsequent amendments to rules such as the UTPs. In order to provide easy access to the latest versions of COTIF's technical provisions, such as UTPs, the Secretariat would publish consolidated versions of amended instruments. A consolidated version includes all the current (amended) provisions of the instrument. As the original instrument and the amendments do not usually enter into force on the same date, it follows that the provisions in the consolidated version did not all enter into force on the same date. A consolidated version should therefore be for information only.

The original instrument and all of its amendments together form the legal provisions, with each amendment having its specific date of entry into force.

4.6 TAF TSI transposition: listing and analysis of implementing options

(Discussed at the 26th and 28th meetings)

a. Information about the workshop

ERA presented the analysis of the pros and cons of options for implementing the transposition of TAF TSI into OTIF's legal framework, with regard to the scenarios and sub-scenarios envisaged in OTIF's study entitled "Analysis of how OTIF should proceed with TAF TSI". ERA supported the transposition of TAF TSI into a UTP, with a reference to the technical appendices on the ERA website (Scenario: 2b of the above-mentioned study). The EU supported this proposal.

It was acknowledged that it would be necessary to organise a workshop to introduce the general framework of TAF to non-EU stakeholders. The OTIF Secretariat, in coordination with ERA, would organise such a workshop in early 2016. No non-EU Member State of OTIF could be found to host the workshop. The Secretariat welcomed the invitation from RailNet Europe to host the workshop in Vienna.

b. Discussion of principles and planning the transposition

The transposition of TAF into COTIF could be proposed for adoption at CTE 10 in June 2017, at the earliest. The TAF TSI would be transposed into a UTP TAF, with a reference to the technical appendices on the ERA website.

4.7 CSM Assessment Bodies Register

(Discussed at the 26th and 27th meetings)

The OTIF Secretariat presented its initiative on creating a joint register with ERA to make public the accreditation and/or recognition bodies and the CSM assessment bodies¹. This initiative was analogous to the joint OTIF/ERA ECM register hosted by ERA.

It was noted that there was no need for a formal CTE decision on establishing an ERA/OTIF CSM joint register, as the (revised) ATMF and UTP GEN-G already provided the legal basis. As soon as the technical conditions were met, ERA would inform the OTIF Secretariat when it would be possible to set up a joint register.

4.8 Analysis of the need for further clarification of safety-related responsibilities in EU law and COTIF

¹ Article 13 of UTP GEN-G

(Discussed at the 27th meeting)

In a presentation, the Secretariat informed WG TECH about some of the conceptual differences between COTIF and EU law. It had not identified any problems to be resolved. Some of the more explicit tasks for keepers in ATMF compared to EU law were explained by the fact that the scope of ATMF does not include the entire railway system, but the admission and use of vehicles in international traffic. The exchange of such vehicles requires some explicit tasks for the keeper. The standing coordination between OTIF, the EC and ERA, based on the administrative arrangements, would be the correct forum to identify possible future needs for further action.

4.9 Interoperability beyond the EU

(Discussed at the 28th meeting)

The OTIF Secretariat presented its initial thoughts on developing “interoperability beyond the EU” in the scope of COTIF. In practical terms, the Secretariat thought COTIF could evolve further so that it also provides a basis for interoperability (in the sense of trains crossing borders without interruption). This would be complementary to the scope of ATMF, which currently supports the exchange of vehicles (and not the operation of complete trains) in international traffic. Whereas the EU concept of interoperability is linked to market opening and competition, COTIF should not prescribe or rely on a particular market model. More detailed plans would be presented to the CTE.

4.10 Draft agenda for the 9th session of the CTE on 7 and 8 June 2016

(Discussed at the 28th meeting)

WG TECH prepared the agenda for CTE 9.

5. PRESENTATIONS GIVEN BY MEMBER STATES AND ORGANISATIONS AT THE WG TECH MEETING

5.1 Information on developments in EU regulations which will affect equivalence with OTIF law and discussion on next steps

a. Fourth Railway Package

(Discussed at the 26th, 27th and 28th meetings)

The European Commission presented the main elements of the fourth railway package: a renewed framework for safety and interoperability. The European Commission agreed to carry out a preliminary analysis of the possible impact of the fourth railway package on the compatibility of the new EU instruments on the one hand and APTU and ATMF on the other. The Secretariat offered the Commission its support in this task.

b. Noise reduction policy and the retrofitting of existing freight wagons with composite brake blocks

(Discussed at the 28th meeting)

The European Commission presented a working document concerning possible future steps in the European noise reduction policy, including the retrofitting of existing freight wagons with composite brake blocks. The subsequent discussion made clear that the development of noise abatement policy is subject to very diverging views among different Member States.

5.2 ERA activities and developments which relate to the activities of OTIF

a. WAG TSI – limited revision

(Discussed at the 26th and 27th meetings)

ERA presented the WAG TSI limited revision 2015, which was expected to be adopted in the EU by the end of 2016, which means that the corresponding revision of UTP WAG could be adopted in June 2017 at the earliest. This limited revision focussed mainly on closing open points.

b. Vehicle-related registers

(Discussed at the 26th, 27th and 28th meetings)

ERA introduced the “Rationalisation of Vehicle Related Registers” (RVRR), i.e. rationalisation of the NVR, ERATV, VKMR and ECM registers. This work was linked to the COTIF specifications for the National Vehicle Register. One single European Vehicle Register (EVR) should therefore remain compatible with the connected NVRs of non-EU OTIF MS.

At the 28th meeting the OTIF Secretariat said that it had forwarded ERA’s questionnaire on the use of customs fields in the NVR to the non-EU competent authorities. The aim was to identify common elements that should perhaps be added to the harmonised NVR dataset. It was once again highlighted that it was important to retain the functionality of those NVRs of the non-EU OTIF MSs that were already connected to the ECVVR.

An ERA Workshop on ECVVR and ERATV was held on 9 February 2016. Beside the OTIF Secretariat, CH and TR as non-EU MS also took part in this workshop. ERA noted that if need be, additional training could be organised for the other non-EU OTIF MS connected to VVR that are using ERA’s software. As of 7 January 2016, all EU MS and CH and RS are connected to VVR.

c. ERA’s ad-hoc task force on the sectoral scheme for the accreditation of notified bodies

(Discussed at the 28th meeting)

ERA presented its activities in connection with developing an accreditation scheme for notified bodies with the help of a task force and in accordance with the Interoperability Directive. This work is linked to the provisions of COTIF set out in ATMF Article 5 and UTP GEN-E.

The ERA ad-hoc task force on the sectoral scheme for the accreditation of NoBos under Directive 2008/57/EC held its last meeting in Lille on 3 December 2015. The OTIF Secretariat took part in all its meetings. The task force’s recommendation, which ERA planned to submit to the EC, consisted of a sectoral scheme for the accreditation of conformity assessment bodies for the purpose of notification.

d. Revision of CSMs for conformity assessment and CSM on supervision

(Discussed at the 28th meeting)

ERA presented the developments regarding the work of the WG on revising CSMs for conformity assessment and CSM on supervision. The WG’s objective was to ensure that a more consistent approach across NSAs is adopted, taking into account that ERA would also be authorised to issue single safety certificates. ERA’s recommendation to the EC will be submitted by 1 June 2017. These developments have no direct link to COTIF.

e. Revision of the LOC&PAS TSI

(Discussed at the 28th meeting)

ERA presented a status update and the main elements of the revision of the LOC&PAS TSI. A recommendation to revise TSI LOC&PAS had been sent to the EC in December 2015. In addition, in 2016 ERA planned to close three open points and to include optional requirements for compatibility with RIC coaches. These provisions would affect equivalence with the UTP LOC&PAS.

f. OPE TSI revision

(Discussed at the 28th meeting)

ERA presented the main elements of the TSI OPE revision scheduled to be prepared during 2016 and 2017. The revision would further develop Appendices B and C of the TSI OPE, with the aim of further harmonisation of operating rules and to ensure interoperability. One of the main tasks would be to reduce and/or delete unnecessary national safety regulations already covered by EU legislation.

The OTIF Secretariat took part in the kick-off meeting of ERA's WP on the revision of OPE TSI. The Secretariat reminded the WP of the equivalence that now existed between EU law and COTIF and that this equivalence should be maintained. This would mean that any amendments to the OPE TSI provisions should be coordinated with OTIF, i.e. they should be checked to ensure that they were feasible for COTIF. It should also be ensured that equivalence was maintained by making the same amendments to both legal systems.

g. ECM regulations –extending the scope

(Discussed at the 26th, 27th and 28th meetings)

In 2015, ERA received a mandate from the Commission to analyse a possible extension of the scope of the ECM regulation to all railway vehicles. The first step was to assess the impact of extending the scope of ECM certification.

The OTIF Secretariat provided input to ERA's work in this respect by submitting a position paper. In its position paper, the OTIF Secretariat illustrated the differences between EU and non-EU States concerning the possible extension of the scope of the ECM certification scheme. Some of the main points were:

- The mandatory certification of ECMs for freight wagons had been fully implemented and had not been called into question.
- In the case of locomotives and train sets, it was quite common that the RU operating the vehicle was also the keeper and the ECM of the vehicle. In such a case, there were no questions concerning responsibilities and the railway undertaking was in a good position to influence the quality of maintenance.
- The number of these kinds of vehicles that are used internationally under COTIF is limited, so certification of ECM might lead to relatively high costs per vehicle with limited benefits.
- Application of the ECM certification to vehicles other than freight wagons on a voluntary basis could be a good way forward.
