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Committee of Technical Experts

9th Session

Report

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DISCUSSIONS

Welcome by the OTIF Secretariat

Mr Bas Leermakers (head of OTIF's technology department) opened the 9th session of the Committee of Technical Experts (CTE). He welcomed all the participants and interpreters, particularly Azerbaijan which was attending the meeting for the first time. He informed participants that there would be simultaneous interpretation from and into English, French and German and that the session would also be recorded. The list of participants is attached to these minutes as Annex 1.

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.

1. Approval of the agenda

On behalf of the **OTIF Secretariat** (hereinafter referred to as the **Secretariat**), Mr Leermakers explained that the provisional agenda and documents for the 9th session of the CTE had been sent to participants with a circular on 6 April 2016 (circular <u>TECH16022 e Circular letter CTE9</u>). As there were no requests to amend the agenda, it was adopted as the Secretariat had proposed to CTE 9.

Conclusion: CTE approved the agenda for the 9th session (<u>Annex II</u>).

The **Secretariat** informed CTE that, since the previous session, Sweden and Ireland had ratified COTIF 1999 without reservations and that France, Slovakia, the United Kingdom and Monaco had withdrawn their reservations. Furthermore, Azerbaijan had become the 50th OTIF Member State (applying COTIF Appendices CIM and RID).

2. Presence and quorum

The **Secretariat** reminded the meeting that members of the CTE with the right to vote were those Member States of OTIF that applied APTU or ATMF at the time of the session, i.e. 42 of the 50 OTIF Member States.

The **Secretariat** informed CTE that at the time of the session, two Contracting States had no voting rights according to Article 26 § 7 of the Convention and the EU would exercise the voting rights of all EU Member States which were also COTIF Contracting States for items 5.1 and 5.2. This meant that the representative of the EU represented 25 EU Member States with voting rights.

The quorum for adoption of the APTU regulations (UTP WAG and UTP GEN-G) was 21 States (one half of 42 Contracting States with the right to vote). As 25 EU OTIF Contracting States and 4 non-EU OTIF Contracting States were present or represented in the meeting, the number of States entitled to vote was 29:

There was therefore a quorum for decisions concerning APTU (exceeded by 8).

The **Secretariat** explained the process for adopting documents concerning item 5. A proposal was adopted if the number of votes in favour was equal to at least one third of the members of the CTE represented at the time of the vote and greater than the number of votes against.

All the documents subject to a vote had been uploaded onto the OTIF website two months before the session. After uploading these documents, the Secretariat had received comments from the EU aimed at improving them. The Secretariat had analysed these comments, translated them and included them in a room document², which was made available to all delegates. These uploaded documents, together with the amendments noted in the room document, formed the proposal for adoption by CTE. To facilitate the decision-making process, prior to voting, the consolidated versions of both documents, including all the amendments, were shown on the screen...

The CTE voted simultaneously on all three language versions.

3. Election of chairman

The **Secretariat** explained the procedure for the election of the chairman.

The Secretariat asked for nominations for chairs from the delegates. As there were no suggestions from delegates, the Secretariat nominated Switzerland, in the shape of Mr Roland Bacher, to chair the session. No other candidates were nominated. Mr Roland Bacher accepted the nomination and the CTE unanimously elected Switzerland, in the shape of Mr Roland Bacher, to chair the Committee session.

The **Chairman** thanked the participants for the trust it had placed in him. He highlighted item 6 of the agenda, under which further developments in OTIF's legislation would be discussed, and he hoped CTE would deal with all other the agenda items in an atmosphere of cooperation.

4. For information

4.1. Report from the Committee of Technical Experts' working group TECH

Document: TECH-16017-CTE9-4.1-e-WG TECH Report

The Secretariat informed CTE about the results of Working Group TECH, in accordance with the decisions made at the previous CTE (June 2015). The Secretariat had drafted a report and briefly presented the main content relevant to the CTE 9 agenda. It highlighted that, owing to the increasing number of OTIF's technical rules, maintaining the established equivalence between OTIF and EU rules was becoming a more important part of the work.

WG TECH had held three meetings since the 8th session of the CTE, at which the following topics were discussed:

- UTP WAG amendment (discussed at 26th, 27th and 28th WG TECH),
- UTP GEN-G amendment (at 26th, 27th and 28th),
- Vehicle-related registers (at 26th, 27th and 28th),

Article 21 of the CTE's Rules of Procedure

² Excerpts of the room document are reproduced in this report.

- Progress of the RID/ATMF and DDD WG (at 28th),
- Interchangeable coaches (at 26th, 27th and 28th),
- TAF TSI transposition and planning (at 26th and 28th),
- UTP GEN-D explanatory document (at 28th),
- Interoperability beyond the EU (at 28th).

Before opening the floor for questions or discussion, the **Chairman** highlighted the important contributions from OTIF's MS and representatives of the rail sector organisations and noted the very good and beneficial cooperation between the OTIF Secretariat, the EC and ERA³.

With regard to the report, the representative of the EU stated that it reflected very accurately the quality of what had been discussed at WG TECH and the work that had been carried out. She also informed the CTE that the fourth railway package, i.e. the three legal texts of the "technical pillar", had now been published and would enter into force on 15 June 2016⁴.

The **Chairman** concluded that the report of the standing WG TECH did not raise any questions and that the CTE took note of the report.

4.2. Status of notifications of the national technical requirements according to Article 12 APTU

The **Secretariat** informed CTE that Switzerland and the EU had notified the Secretary General of the national technical requirements (NTR) with reference to Article 12 APTU and that they were accessible on OTIF's website (reference on OTIF's website: http://www.otif.org/en/technology/regulations-in-force.html).

RS wondered whether the NTRs that had already been notified needed to be updated.

The **Secretariat** reminded the Contracting States that NTR only remain valid if notification is received by the Secretary General within 6 months of the day on which the technical provision in question or the change to it entered into force. This may explain why NTR notified with reference to an obsolete version of a UTP were no longer published.

When NTR are notified, the Secretariat did not check the validity of notified rules, as it does not have the competence to decide whether or not they are justified. The Secretariat published the NTR on OTIF's website.

The **representative of the EU** informed the CTE about ERA's programme at EU level to update the national rules and to align them with EU law by deleting obsolete and redundant rules within 3 years.

http://www.otif.org/fileadmin/user_upload/otif_verlinkte_files/08_Presse/Com_Presse/CP_201_3/A_57-21_501_2013_25_11_2013_e_OTIF-EU-ERA_AA_Brussels_24_10_2013.pdf

³ Based on OTIF/DG MOVE/ERA Administrative Arrangements of 2013,

⁴OJ of the EU L 138, 26.5.2016,

⁻ Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004,

⁻ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union

⁻ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety

The **Chairman** underlined that in the present situation, NTR could not be avoided. However, in a unified legal area within the framework of COTIF, the existence of a great number of NTR was not sustainable. National authorities should therefore be prepared for this transformation and analyse their NTR and keep only those that were important and necessary. On the other hand, some of the uniform technical prescriptions might have to be aligned with EU law and/or supplemented to some extent with additional national provisions, bearing in mind that the EU and OTIF railway areas are not physically and technically unified.

Conclusion:

CTE noted the information from the Secretariat without further comment.

4.3. ERA consultation of non-EU OTIF Member States (CCS TSI revision)

The **Secretariat** informed the meeting that since the 8th session of CTE only one consultation had taken place, which concerned the recast of the TSI relating to the control-command and signalling sub-systems (CCS).

The process of consulting the non-EU OTIF Contracting States had been carried out on the basis of an ERA working document. Although equivalent provisions do not exist under COTIF, the Secretariat explained that the recast TSI may influence the future development of OTIF's regulations and may have an impact on the non-EU OTIF Member States in terms of their international traffic to and from the EU. The Secretariat also informed the meeting that it had received comments from one of the non-EU OTIF Contracting States, Switzerland, and had forwarded them to ERA, that provided answers to the Secretariat and to Switzerland.

The **Chairman** reminded the meeting that the process of consultations was a very important process in terms of legislative developments for the non-EU OTIF MS, through which they have the opportunity to influence and take part in the EU's legislative development process. He encouraged the non-EU OTIF MS to make use of this opportunity. As Switzerland's representative, the Chairman confirmed that ERA always responded to position papers that were submitted and confirmed that proposals were considered and assessed.

The **representative of the EU** informed the Committee that the 75th session of the EU's RISC committee had voted in favour of the recast of CCS TSI. The final text had been adopted last week and would soon be published in the EU's Official Journal.

Conclusion:

CTE noted the information from the Secretariat without further comment.

4.4. Status of the development of the NVRs in the Contracting States

The **Secretariat** informed CTE about the following ECVVR connectivity status of the NVRs in the Contracting States as of 15.5.2016:

- All EU OTIF Contracting States have their NVR connected to ECVVR
- **4 non-EU OTIF Contracting States** have their NVR connected to ECVVR: Norway, Serbia, Switzerland and Turkey
- **2 non-EU OTIF Contracting States** have purchased ERA's NVR software, but are not connected to ECVVR: Bosnia and Herzegovina and Montenegro.

The Secretariat also informed CTE that on 25 May 2016, ERA had organised a training event on how to use ERA's software and had invited some of the non-EU MS⁵ to attend, regardless of the status of their connection to the ECVVR. The Secretariat welcomed ERA's initiative.

In response to the Chairman's question as to whether any improvements were required, the Secretariat reminded the meeting that, as an important tool to support international traffic and exchange vehicles across borders, the NVR was the main tool for competent authorities and RUs to ascertain whether vehicles had been authorised. It reminded the meeting that vehicles coming from states whose NVR is not connected to the VVR could be stopped at the border. The Secretariat invited those Member States that apply Appendices F and G to ensure that their registers are connected to VVR in order to avoid hampering international traffic.

Conclusion:

CTE noted the information from the Secretariat. CTE also supported the Secretariat's remark and urged Member States which have not fully implemented the NVR or which are not yet connected to the VVR to review their national situation and to resolve it in the shortest possible time.

4.5. Briefing on the progress of the RID/ATMF working group and DDD working group

The **Secretariat** informed the meeting of the conclusions of the Derailment Detection Devices (DDD) working group, set up by the RID Committee of Experts. Although it was an RID working group, CTE experts had also been invited to participate.

The working group decided that the use of mechanical detection technologies should remain voluntary, so there would be no need to amend RID, and in particular the existing note in 7.1.1. It also decided that the safe use of derailment detectors would remain under the responsibility of railway undertakings. However, the working group was of the opinion that ERA should develop harmonised Technical Specifications to ensure the safe and interoperable use of detection and prevention functions for derailments. Such Technical Specifications should cover both types of detectors:

- those that actuate the brakes within the train composition (after a derailment),
- those that report alarms in the driver's cab (either before or after a derailment).

The DDD working group also encouraged further development of electronic alarm-reporting detectors.

In response to FR's question as to how the CTE should react to this information, the **Secretariat** explained that CTE was not being invited to validate the results of the DDD working group or to vote on them, but was just being informed about its decisions.

The **representative of the EU** informed the meeting that this topic had already been discussed in the EU Council. Should the EU Member States have any further comments, it could be discussed again, after ERA had prepared updated information about the next steps.

With regard to the joint OTIF Secretariat and European Commission RID/ATMF working group, the **Secretariat** reminded the meeting of the reasons which had led to coordinate the work on improving consistency between COTIF Appendices C and G and informed the meeting of the list of items elaborated during the first meeting, which had taken place on 3 and 4 February 2016 in Bern. The second meeting was planned for 9 and 10 June in Bern.

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⁵ Bosnia and Herzegovina, Montenegro, Serbia, Switzerland and Turkey

Conclusion:

The Chairman thanked the Secretariat for the information. The CTE noted the Secretariat's information with regard to the DDD working group's decisions. The CTE also noted the information on the status update of the joint OTIF Secretariat and European Commission RID/ATMF working group and noted with satisfaction the improved coordination between these two OTIF committees.

4.6. Update on progress regarding interchangeable coaches

Document: TECH-16012-CTE9-4.6-e-interchangeable coaches

The **Secretariat** informed the meeting of the reasons which had led to the development of requirements for interchangeable passenger coaches. The Secretariat pointed out that this was the first time a topic originally initiated by WG TECH had been transferred to an ERA WP for further development. It also reminded the meeting that specifications were divided into three different categories:

- unique authorisation, where the vehicle must not be subject to specific cases which affect compatibility with the network,
- harmonised inter-vehicle interfaces, where the UTP/TSI relating to compatibility with the infrastructure should not contain any open points, and
- agreements between railway undertakings and/or manufacturers to use, e.g. harmonised operational and communications concepts.

The Secretariat highlighted that application of all these requirements would be voluntary.

Before opening the discussion, the **Chairman** pointed out that the CTE should agree upon the next steps as described in point 6 of the published document.

In addition to what was said, **ERA** highlighted the existence of the two different processes, i.e. the single authorisation process, where the recommendation has already been forwarded to the EC, and the process of ensuring compatibility between RIC coaches.

The **representative of the EU** confirmed that the recommendation for unique authorisation had already been submitted to the EC, while the recommendation for vehicle interfaces was expected to be submitted by the end of 2016. The latter would be followed by the relevant review by RISC⁶.

CER expressed its appreciation of the work of the Secretariat, the EC and ERA and its satisfaction with the progress achieved so far.

Conclusion:

The CTE noted the status update on interchangeable coaches and welcomed the progress that has been made. CTE also agreed with the next steps as set out under item 6 of the uploaded document TECH-16012-CTE9-4.6-e-interchangeable coaches, as published on OTIF's website.

⁶ Railway Interoperability and Safety Committee: the EU Committee competent to review recommendations from ERA before they are adopted by the European Commission.

5. For adoption:

5.1. UTP WAG - Uniform Technical Prescription Applicable to the Rolling Stock subsystem: FREIGHT WAGONS

Document: TECH-16016-CTE9-5.1a-e-UTP WAG decision document

Document: TECH-16014-CTE9-5.1b-e-UTP WAG

Two months before the session, the **Secretariat** had submitted two documents to CTE:

- a) for adoption, TECH-16016-CTE9-5.1a-e-UTP WAG decision document, describing the proposal for decision,
- b) for information, TECH-16014-CTE9-5.1b-e-UTP WAG consolidated version of the UTP WAG, showing the modifications in track changes.

The amendments comprised the following main changes:

- the revision of Appendices F and G to COTIF applicable as of 1 July 2015,
- amendments made to the WAG TSI, which concerned, in particular, amendments relating to the introduction of the interoperability constituent: "Friction element for wheel tread brakes", the assessment methods for this IC, the validity of its examination certificates and the transitional provisions related to the new IC.
- amendments requested by the OTIF Contracting States expressed at the WG TECH meetings to further align the UTP and TSI, in particular in the field of axle traceability.
- editorial improvements and updates to legal references.

The Secretariat explained that the first draft was based on the European Union's Commission Regulation (EU) 2015/924 and had been submitted to WG TECH 26. It had been reviewed and discussed at WG TECH 26, 27 and 28. At WG TECH 28, UTP WAG had been validated for submission to CTE 9.

After its publication for CTE 9, the Secretariat had received a few (minor) amendments from the EU. These amendments had been taken into account in the room document attached to these minutes as <u>Annex III</u>.

The **Chairman** proposed that further discussion on the subject should be based on the room document as prepared for CTE 9, which listed the proposed changes compared to the document submitted to CTE 9 two months before the session.

For each amendment, compared to the document submitted two months before the session, the Secretariat would make an introductory statement, to be followed by discussion in the plenary. After the discussion and once there was consensus on each of the items, CTE would vote on the decision document in all three language versions, together with possible modifications decided by CTE during the discussion.

In line with the explanation, CTE 9 discussed the following:

1. After reminding CTE about the adoption and notification procedures and that the quorum had been achieved, the Secretariat explained the first amendment, as shown in the room document. The main reason for the amendments was to maintain equivalence with the EU provisions.

The **Chairman** noted that there was a consensus on the first amendment.

2. With regard to the second amendment⁷, the EU proposed that the sentence should not be exclusive to the design examination certificates, but to examination certificates in general.

RS wondered whether the terminology was consistent, i.e. instead of "examination certificate" should it refer to a "certificate of conformity"? In his opinion the conformity assessment of the friction element (as the element of construction - IC) should be applied, so a "certificate of conformity" should be issued. To justify this, he also referred to the terminology used in UTP GEN-D.

With regard to RS's comment, the **representative of the EU** asked a question of principle, i.e. whether CTE 9 would also adopt an explanatory part of the decision document.

The **Secretariat** was of the opinion that the term: "examination certificate" was appropriate, with more general and neutral wording. With reference to EU's question, the Secretariat was of the view that this wording was an explanatory part of the document and, as such, it should not be subject to a vote.

ERA was of the view that the proposed deletion should be maintained. Otherwise, the present wording would need to be extended to cover design and type examination certificates. The proposed deletion covered both examination certificates, and was shorter.

The **Chairman** reminded the meeting that UTP GEN-D referred to the whole conformity examination process and was not limited to the "design examination certificate" only. Therefore, the proposed amendment in the room document was correct. **RS** agreed with this. The Chairman also noted that there was a consensus on deleting the term: "design", so the second amendment was adopted as proposed in the room document.

3. With regard to the third amendment, the **Secretariat** explained that it was purely editorial and concerned the correction of the reference.

The **Chairman** noted that there was a consensus on the third amendment.

4. With regard to the fourth amendment, the Secretariat explained that without this amendment, the last sentence of Section 3 could create confusion and lead to ambiguities and it was therefore proposed to delete it.

The **representative of the EU** thanked the Secretariat for accepting this proposal.

The **Chairman** noted that there was a consensus on the fourth amendment.

5. With regard to the fifth amendment, the **Secretariat** explained that its purpose was to maintain equivalence with the EU provisions and that it only concerned the English version of the document.

The **Chairman** noted that there was a consensus on the fifth amendment.

6. With regard to the sixth amendment, the **Secretariat** explained that it concerned a linguistic alignment with EU text.

The **Chairman** noted that there was a consensus on the sixth amendment.

⁷ Amendments 2a, 2b and 2c refer to the English, German and French languages respectively. The same principle applies to other amendments.

7. With regard to the seventh amendment, the **Secretariat** explained that this correction to the reference was not covered in the decision document.

The **Chairman** noted that there was a consensus on the seventh amendment.

The **Chairman** noted that the document was ready to vote on.

Vote:

The vote concerned the adoption of the decision as set out in "TECH-16016-CTE9-5.1a-e-UTP WAG - decision document", including the amendments set out in the room document.

The result of the vote was: 29 votes in favour (unanimous).

Decision:

CTE 9 unanimously adopted all language versions of the UTP WAG amendments as proposed, with the amendments set out in the meeting room document prepared for CTE 9.

5.2. UTP GEN-G

Document: TECH-16015-CTE9-5.2a-e-UTP GEN-G decision document

Document: TECH-16015-CTE9-5.2b-e-UTP GEN G

The **Secretariat** had prepared for adoption decision document TECH-16015-CTE9-5.2a-e-UTP GEN-G , which had been submitted to CTE two months before the session. The first draft was based on the European Union's Commission Implementing Regulation (EU) 2015/1136 and had been submitted to WG TECH 26. It was reviewed and discussed at the 26th, 27th and 28th WG TECH meetings. WG TECH 28 validated the document for submission to CTE 9 for a vote.

The UTP GEN-G comprised the following main changes:

- to include additional risk acceptance criteria, as amended in the EU in 2015
- to facilitate the mutual recognition between States of assessment results, in particular when explicit risk estimation was used.
- In such cases, harmonised design targets could be used to demonstrate the acceptability of risks arising from failures of functions of a technical system.
- In order to distinguish the acceptance of risks associated with technical systems from the acceptance of operational risks and from 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.

After its publication for CTE 9, the Secretariat had received a request from the EU for an editorial amendment, which only affected the English version of the decision document, as follows: in the Annex to the decision document, on page 3, in points 36 and 37, instead of "10-9" it should read "10-9" and instead of "10-7" it should read "10-7", respectively. The Secretariat had decided not to include this editorial amendment in the room document, but just to show it on the screen to be discussed at CTE 9.

The **Chairman** noted that there was a consensus on the amendment and that the document was ready to vote on.

Vote:

The vote concerned the adoption of the decision as set out in "TECH-16015-CTE9-5.2a-e-UTP GEN-G decision document", including the amendment above.

The result of the vote was: 29 votes in favour (unanimous).

Decision:

CTE 9 unanimously adopted all language versions of the UTP GEN-G amendments as proposed, with the minor editorial amendment described above.

6. For discussion:

6.1. TSI TAF - transposition and planning

Document: TECH-16010-CTE9-6.1-e-TAF

The **Secretariat** reminded the meeting that CTE 8 had instructed WG TECH to continue working on TAF and to identify all the options and corresponding proposals (scenarios) for marking the TAF specifications available at OTIF level and to provide feedback by the next CTE meeting. Furthermore, the OTIF Secretariat had been requested, in cooperation with ERA, to organise a workshop on TAF in order to explain the principles and benefits of the TAF TSI to the non-EU OTIF Member States.

For this meeting, the Secretariat had prepared a document which summarised the findings so far in order to help the CTE decide on the next steps, including a suggestion for transposition of the TAF TSI into COTIF provisions.

The Secretariat informed the meeting of the workshop jointly organised with ERA on 27 April 2016 in Vienna. The workshop was hosted by RailNetEurope (RNE) and was attended by the competent authorities, private and logistics companies from Bosnia and Herzegovina, Bulgaria, Netherlands, Serbia, Switzerland and Turkey, and by UIP, RAILDATA, UNIFE, Hitrail and the Telematics Joint Sector Group (JSG). The main messages after the workshop were:

- TAF implementation has the potential hugely to increase the efficiency and international coordination of rail freight traffic.
- Many commercially available solutions can help in implementing the TAF TSI in an efficient way.
- The OTIF Secretariat could be involved in the TAF TSI Cooperation Group, allowing non-EU OTIF Member States to influence future developments.

Bearing in mind the results of WG TECH's discussions (discussed at the 26th and 28th meetings), the messages from the workshop on TAF, and OTIF's study entitled "Analysis of how OTIF should proceed with TAF TSI", the Secretariat suggested the following way forward:

- To transpose the core TAF TSI into UTP TAF and refer to the technical appendices on ERA's website
- Implementation of the UTP TAF would be voluntary for non-EU OTIF CS
- The TAF TSI technical appendices would be available on ERA's website

- Conditions should be agreed for the non-EU OTIF Member States and the OTIF Secretariat to take part in developing the technical appendices which are managed by ERA.

The **Chairman** thanked the Secretariat for its clear suggestions and opened the discussion.

The **representative of the EU** reiterated its earlier position regarding the transposition of TAF TSI into COTIF legislation and highlighted the fact that if IT investments and developments were made, this should be done in a harmonised way on the basis of compatible requirements. The EU therefore welcomed the process of transposing the TAF requirements into the COTIF legal framework.

ERA informed the meeting about the 4th Regional TAF TSI workshop in Rome (7 and 8 June 2016), for which representatives from Serbia and Bosnia and Herzegovina also confirmed their participation. ERA was of the view that the OTIF Secretariat, together with its non-EU OTIF Member States, would be welcome to attend or organise similar workshops jointly with ERA.

The **Chairman** summarised the discussion and concluded as follows:

- CTE 9 thanked those who organised the workshop on TAF in Vienna, in order to explain the principles and benefits of the TAF TSI to non-EU Member States,
- CTE 9 noted the possibilities and importance of telematics technology in facilitating international freight transport,
- CTE 9 supported the suggested way forward, as proposed in document TECH-16010-CTE9-6.1-e-TAF, where the objective is to adopt UTP TAF at the next CTE meeting.

6.2. UTP GEN-D explanatory document

Document: TECH-16013-CTE9-6.2-e-expl doc UTP GEN-D

The **Secretariat** had prepared document TECH-16013-CTE9-6.2-e-expl doc UTP GEN-D, which explained the principles and structure of the assessment procedure of the UTP and the interoperability constituents in accordance with COTIF. Its aim was to help the reader understand UTP GEN-D. The idea of preparing this document came after feedback had been received to the effect that the procedure for assessments was not very clear. The first draft had been submitted to WG TECH 28, following which it had been translated into German and French without any further comments and published as a document for review by CTE 9. The Secretariat proposed to publish the document on OTIF's website once it had been reviewed by the CTE.

The **Chairman** thanked the Secretariat for the introduction and proposed that CTE should first discuss whether the explanatory document was ready for publication on OTIF's website, and then discuss the application of the assessment procedures (modules) in practice.

The **representative of the EU** agreed with the document and since no comments had been received from ERA experts or EU Member States, the EU supported publication on OTIF's website. No other delegation made any comments.

The **Chairman** concluded that CTE agreed to publish the explanatory document on OTIF's website.

With regard to the application of modules in practice, the Competent Authority of Bosnia and Herzegovina was faced with the following situation:

- A type examination certificate based on module SB had been issued for a new freight wagon type to manufacturer A,
- Manufacturer B in another Contracting State would be producing this type of freight wagon,
- Manufacturer B received the technical documentation from manufacturer A so that it could produce the wagon according to the type,
- Each freight wagon produced would be certified according to module SD.

RS and BA asked whether it would be permitted/possible within the legal framework for an assessing entity to issue a UTP certificate of verification (module SD) to manufacturer B, whilst the type examination certificate (module SB) was issued for the technical design from another applicant in another State? In other words, could a manufacturer of a type of wagon use a type examination certificate (module SB) previously issued to another manufacturer?

DE was of the view that in this particular case and based on RS's explanation, once module SB has been completed, the assessing entity issues a type examination certificate, on the basis of which manufacturer A could issue a declaration of verification. Furthermore, the technical documentation was handed on from manufacturer A to manufacturer B, so manufacturer B has to ensure in his quality management system that he knows what type of wagon is being manufactured and he has to ensure that the wagon is properly manufactured in series, as with the first manufacturer A. Moreover, the NoBo needs to assess the quality management system of manufacturer B, and in turn issue a certificate using module SB. So DE did not see any problems of principle, but did not have any practical experience with such a case. If the NoBo were not the same, the procedure would be more complicated. DE also informed the meeting that in Germany, it is relatively frequently the case that the production location changes from one location to another, but within one company. In practical terms, after receiving the SB module certificate, via his system the manufacturer issues the SD certificate and decides to continue manufacturing in another place. However, it must ensure that at the new place of manufacture, the vehicle is manufactured under module SD with the same level of quality as at the first place of manufacture. From his point of view, it was important that the document has been handed on and that the new manufacturer has familiarised himself with the technical documentation and ensured that the type which he is producing is compliant with the type. It was also important that the NoBo (if different to the one in module SB) should carefully check the examinations under module SD for the type, so the NoBO must be in a position to assess this fully.

CER was of the opinion that the type examination certificate (module SB) was for the applicants and the certificate of verification (module SD) was for the workshops. In his view, the same SD certificate should be issued to both manufacturers for the same type of vehicle with the same technical file concerned and if assured that the vehicle's production is at least at the same level of quality.

In addition to the explanation of the (initial) case concerned, **RS** clarified that the same NoBO issued the type examination certificate (SB) to manufacturer A and approved the quality management system (SD) of manufacturer B. If modules (SB and SD) or (SB and SF) were combined, RS wondered to whom a certificate of verification would be issued: to manufacturer A, manufacturer B or to both manufacturers?

The **representative of the EU** was of the view that this question was very important and could therefore be discussed at the next WG TECH. She proposed to discuss this case with a broader group of experts.

The **Chairman** noted the EU's proposal and suggested that this item could also be explored. It might be possible that the NB Rail coordination group had already discussed such a case.

The **Secretariat** was of the view that a certificate issued in accordance with module SB related to the technical design of a type and not to the manufacturer. Therefore, in the Secretariat's view, there was no legal problem with the case in question. In practical terms the Intermediate Statement of Verification⁸ (ISV) might be useful. In such case, an ISV issued to manufacturer A, in accordance with module SB, could be used by manufacturer B to produce the product and carry out the certification process under module SD. Manufacturer B would have the obligation to ensure that all the elements from the certified technical design are carried over in the final product.

FR wondered if the reference to the Interoperability Directive 2008/57/EC in item 6 of the document was accurate, bearing in mind that the directive had been "recast". He asked whether equivalence would be affected and whether the document should be updated accordingly?

The **Secretariat** explained that for the time being, the reference was correct, as the UTP GEN-D was aligned with Directive 2008/57/EC. However, it should in future be analysed whether the reference needed updating.

The **Chairman** summarised the discussion and concluded as follows:

- CTE 9 agreed to publish TECH-16013-CTE9-6.2-e-expl doc UTP GEN-D on OTIF's website
- CTE 9 invited all Member States to submit any questions on implementing the conformity assessment system to the OTIF Secretariat by e-mail by the end of June 2016.
- OTIF Secretariat would transmit all questions received to the European Commission and would submit them for discussion at the next WG TECH.

6.3. Interoperability beyond the EU

Document: TECH-16018-CTE9-6.3-e-interoperability beyond EU

The Secretariat had prepared document TECH-16018-CTE9-6.3-e-interoperability beyond EU for discussion at CTE 9. The Secretariat explained the importance of the subject, and that this had been noted at the 12th General Assembly. It reminded the meeting that at present, COTIF contained requirements for the exchange of freight or passenger vehicles across borders, but not all the requirements needed for the cross-border operation of complete trains, referred to as interoperability. To explain the general idea and what needs to be done in order to support interoperability within COTIF, the Secretariat used four layers. The first layer in the process of development of harmonised international railway rules was needed to provide confidence for passengers and freight customers to use rail as a mode of transport. This layer set up CIM and CIV agreements, i.e. contractual relations between the carrier and their customers. The second layer provided that railway vehicles could be operated and exchanged across borders. This layer included the CUV Uniform Rules, i.e. contractual provisions between the keeper and carrier, and the APTU and ATMF Uniform Rules, which defined requirements and responsibilities for the construction, approval and maintenance of vehicles. The third layer supported interoperability, i.e. complete trains operated internationally without operational or technical barriers. In practical terms, this would mean that the IM has more

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⁸ Verification related to certain phases of the verification procedure or certain parts of the subsystem

than one foreign RU operating on its network. This third layer was not fully covered in COTIF. The fourth layer covered conditions under which States provided access for foreign RU to operate whole trains. This layer concerns market regulation, e.g. competition, which is not in the scope of COTIF.

The Secretariat suggested further development of the third layer, which would probably entail the creation of a new appendix to COTIF, application of which would be voluntary, and the development of secondary safety and operational provisions.

The **Chairman** thanked the Secretariat for the introduction and suggested that CTE should first discuss the general idea, followed by comments on the document submitted and then, if necessary, it could discuss any additional points. Finally, CTE would discuss how to proceed further. After CTE tacitly agreed on the suggestion, the Chairman opened the discussion.

RS supported the idea. However, he wondered whether it was possible to create a new appendix under the present COTIF's legal framework.

The **Secretariat** welcomed this question and explained that the CTE was the first OTIF Committee at which this topic would be discussed. It was not in the competence of the CTE to decide on adding an appendix to COTIF, as this was the exclusive competence of the General Assembly. However, the discussion had to be initiated somewhere and the Secretariat believed the knowledge and experience needed for drafting interoperability provisions were more associated with the CTE than with any other OTIF Committee. It was also clarified that the idea for a new appendix had been mooted with a purpose - it would allow each OTIF MS to decide on whether or not to apply such a new appendix. The Secretariat also believed that the development of interoperability provisions would be in line with COTIF and its aims, as it could facilitate international traffic.

The representative of **CER** supported the idea. In his view, this was an opportunity for the whole sector to harmonise the railway system. He advised the meeting that the possible duplication of work should be avoided and that the overall consistency of the work should be ensured, bearing in mind that the OTIF Secretariat brought together the ends of the interoperability work carried out by the EU. In his opinion, some of the operational rules also had to be developed, which would also require good coordination of the work between the OTIF Secretariat and ERA.

The **representative of the EU** supported the idea. She shared the Secretariat's opinion that this would facilitate and develop international rail traffic further. Nevertheless, she reminded the meeting that further discussion on the practical arrangements and solutions that have to be found should be dealt with in detail at WG TECH meetings. With regard to the document, she commented on the pyramid diagram on page 5. She suggested that a distinction be made between the recognised standardisation bodies⁹, which apply certain principles in their work, such as consensus and transparency (CEN, ISO, CENELEC, GOST), and those organisations which have technical expertise (UIC), but which cannot draft standards. She also noted that as an international organisation, OSJD should not be referred to as a technical harmonisation organisation, but should appear elsewhere in the diagram. She requested that the diagram be amended accordingly.

The **Secretariat** thanked the representative of the EU for her comments. It confirmed that the standardisation organisations on the one hand and organisations providing sector harmonisation on the other do not have the same scope of activities and as such, there could

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⁹ In the meaning of the World Trade Organisation's Agreement on Technical Barriers to Trade (the TBT Agreement)

be some justification for including different levels in the diagram. With regard to the comment concerning OSJD, the Secretariat explained that in addition to governments, railway companies were also members of OSJD, and they carry out some tasks that are comparable to those of UIC. For example, harmonised processes for the operation of trains could be developed by UIC, but also by railway undertakings which are members of OSJD. The diagram was intended to reflect this. The reason the Secretariat had prepared the diagram like this was to show that TSI/UTP parameters could be implemented by applying EN and ISO technical standards, but that they could also, in some cases, be directly implemented by the sector, without an interface to any standard. TAF implementation was an example of the latter; this had largely been done through harmonised products created by the sector associations, such as UIC.

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DE reminded the meeting that the topic related to operational requirements has been already discussed and had resulted in an extension of Articles 15 and 15a of ATMF. At the same time, it had been decided that items such as the Safety Management System and Safety Certificates should not be included in ATMF. Nevertheless, he was of the view that OTIF Secretariat should continue to reflect on how these issues could be developed further in COTIF, in particular in order to achieve compatibility with the EU system, so he therefore supported the proposed idea. He was also of the view that the compatibility already achieved between COTIF and EU law should be maintained, particularly if ATMF were extended or a new appendix were to be created, in which case a broad range of rules/activities that already exist in the EU would also need to be taken into account¹⁰. He also suggested that it might be necessary to transfer some rules from ATMF to a new appendix. With regard to the OTIF Secretariat's conceptual differentiation of operational safety provisions between COTIF (as a rules-based approach) and EU law (as a risk-based approach), he added that the EU also had a very strong rules-based approach, for example for vehicle approvals. He supported the EU's proposal that detailed discussions should take place.

RS wondered if, in addition to the additional vehicle-related rules for interoperability, it was necessary to adopt rules relating to the infrastructure (INF TSI, ENE TSI, CCS TSI or OPE TSI).

With regard to the Chairman's question on how to proceed further and whether a specific working group should be set up, **DE** agreed in terms of the procedure. However, he was of the view that WG TECH should analyse this topic after the OTIF Secretariat had prepared an initial draft on extending interoperability within the COTIF legal framework. The draft should include all the possible relevant topics, i.e. implications of a new appendix for the present COTIF legal framework and international law, safety responsibilities, safety certificates, drivers' licences, etc.

The **representative of the EU** supported DE's proposal and offered the OTIF Secretariat EU's expertise during the initial drafting process.

The **Chairman** suggested that discussions on possible implications for other subsystems, i.e. infrastructure, could take place at a later stage. He summarised the discussion and concluded as follows:

- 1. CTE 9 took note of document TECH-16018-CTE9-6.3-e-interoperability beyond EU.
- 2. In general, CTE 9 supported the OTIF Secretariat's idea to extend interoperability within the COTIF legal framework and agreed that this subject should be explored further.

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¹⁰ Safety Management System, additional operational requirements, safety responsibility rules, certificates for locomotive drivers, investigation of accidents, etc.

- 3. CTE 9 entrusted WG TECH to:
 - 3.1 identify and analyse the conditions for realising the elements relating to extending interoperability within the COTIF legal framework based on a first draft to be provided by the OTIF Secretariat
 - 3.2 assess which elements are suitable to be covered in international law and split them into those that can be covered by APTU/ATMF and those that would have to be included in a new appendix to COTIF
 - 3.3 draft a roadmap, outlining the main elements and their interactions
 - 3.4 report the findings to the next CTE.

6.4. CTE work programme 2016/17

Document: TECH-16021-CTE9-6.4-e-strategy and work programme

The **Secretariat** explained that the aim of this item was to provide a comprehensive overview of the priorities and mandates for the next period. It highlighted five main areas of work for the forthcoming period, which would enable equivalence between COTIF and EU legal provisions to be maintained:

- Working within a coordination framework with ERA and DG MOVE, enabling OTIF to influence developments of mutual interest that are initiated in the EU.
- **Further development of technical regulations**, where OTIF's technical department would focus its activities on the following priorities:
 - 1. Interchangeable coaches: to ensure that a set of harmonised inter-vehicle requirements for passenger coaches is available at international level.
 - 2. TAF: to transpose the core TAF TSI into UTP TAF.
 - 3. 4th Railway Package: to analyse the consequences for equivalence with COTIF.
 - 4. Interoperability: follow the development of provisions for interoperability beyond the EU.
- **Revision and amendments to existing rules** that ERA is currently working on and which could affect equivalence with COTIF:
 - 1. ATMF Annex A: ERA studies a possible scope extension of ECM rules (initial phase)
 - 2. OPE TSI revision
 - 3. WAG TSI amendments (in final stage)
 - 4. LOC&PAS TSI amendments (in particular concerning unique authorisation and interchangeability)
 - 5. NVR, VKMR (RVRR)
 - 6. NoBo accreditation
- **Keeping a watch on the correct application of technical provisions.** The Secretariat supports non-EU Member States in particular in implementing correctly the technical provisions. This is done by issuing explanatory documents, dissemination and training.
- **Interdisciplinary coordination to** ensure that there is no inconsistency between RID and APTU/ATMF.

The **Chairman** thanked the Secretariat for the introduction and suggested that CTE should first discuss this document and then discuss some specific topics if necessary.

TR supported the document and explained that Turkey had already started to analyse the OTIF Secretariat's idea on interoperability beyond the EU.

The Secretariat reminded the meeting of the on-going "OTIF expert training programme" open to officials working for the competent authorities of non-EU OTIF Member States. Leaflets about this programme were available in the room and could be downloaded from the OTIF website.

As the **representative of TR** had himself taken part in OTIF's expert training programme, he briefly shared his personal experience. He stressed all the benefits of the programme for trainees and thanked the OTIF Secretariat for accepting him on the programme.

Conclusion:

The **Chairman** noted that CTE 9 had discussed and approved the work programme for 2016/2017 on the basis of a document prepared by the OTIF Secretariat. CTE also noted that WG TECH would extend its regular activities by exploring further the OTIF Secretariat's idea on interoperability within the legal framework of COTIF.

7. Any other business

The **Chairman** noted that there were no proposals to be discussed under this item.

8. Next session

The **Secretariat** proposed that the next (10th) session of CTE should take place in the first half of June 2017 in Bern.

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

- 29th session on 7 and 8 September 2016 in Lille
- 30th session on 16 and 17 November 2016 in Bern
- 31st session in February 2017 (date and venue to be decided).

CTE agreed on these dates. CTE also noted that CTE 10 was (provisionally) scheduled for 13 and 14 June 2017.

9. Closing remarks

The **Chairman** summed up by saying that CTE had worked very well, with the result that two documents had been adopted. He also noted that some important information had been shared with CTE, i.e. progress regarding interchangeable coaches, further development of the telematic application for freight, and the further development of interoperability within the non-EU OTIF MS. He thanked OTIF's technical department for its proactive approach, the European Commission and ERA for their immeasurable support, the EU and non-EU OTIF MS for their active participation in the discussions, the observers, as they were in fact the users of the specifications that CTE adopted. The Chairman noted the cooperative working atmosphere between all the main players. He also thanked the interpreters and closed the 9th session of CTE.

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Agenda Annex II

- 1. Approval of the agenda
- 2. Presence and quorum
- 3. Election of chairman
- 4. For information:
 - 4.1. Report from the Committee of Technical Experts' working group TECH

Document: TECH-16017-CTE9-4.1-e-WG TECH Report

- 4.2. Status of notifications of the national technical requirements according to Article 12 APTU
- 4.3. ERA consultation of non-EU OTIF Member States (CCS TSI revision)
- 4.4. Status of the development of the NVRs in the Contracting States
- 4.5. Briefing on the progress of the RID/ATMF working group and DDD working group
- 4.6. Update on progress regarding interchangeable coaches

Document: <u>TECH-16012-CTE9-4.6-e-interchangeable coaches</u>

5. For adoption:

5.1. UTP WAG

Document: TECH-16016-CTE9-5.1a-e-UTP WAG decision document

Document: <u>TECH-16014-CTE9-5.1b-e-UTP WAG</u>

5.2. UTP GEN-G

Document: <u>TECH-16015-CTE9-5.2a-e-UTP GEN-G decision document</u>

Document: TECH-16015-CTE9-5.2b-e-UTP GEN G

6. For discussion:

6.1. TAF TSI – transposition and planning

Document: <u>TECH-16010-CTE9-6.1-e-TAF</u>

6.2. UTP GEN-D explanatory document

Document: TECH-16013-CTE9-6.2-e-expl doc UTP GEN-D

6.3. Interoperability beyond the EU

Document: TECH-16018-CTE9-6.3-e-interoperability beyond EU

6.4. CTE work programme 2016/17

Document: TECH-16021-CTE9-6.4-e-strategy and work programme

- 7. Any other business
- 8. Next session

Room document Annex III

Amendment number	Language version	Point as it is now (section and page)	Amendment proposal	Justification/comment
Änderungs- Nummer	Sprach- Fassung	Aktueller Punkt (Abschnitt und Seite)	Änderungsvorschlag	Begründung/Kommentar
No. de la modification	Version linguistique	Point actuel (section et page)	Proposition de modification	Motif/remarque
1	EN	Page 2, section 1, last sentence	"However, these rules are subject to periodic updates and in order to maintain equivalence [] needs to be amended."	Linguistic correction
2a	EN	Page 2, section 2, point 2	"[] the validity of its design-examination certificates []"	The sentence should not be exclusive to design examination certificates
2b	DE	Seite 2, Abschnitt 2, Punkt 2	"[…] die Gültigkeit ihrer Entwurfsp P rüfbescheinigungen […]"	Dieser Satz sollte sich nicht ausschließlich auf Entwurfsprüfbescheinigungen beziehen.
2c	FR	Page 2, section 2, point 2	« [] la validité de ses certificats d'examen de la conception [] »	Cette phrase ne devrait pas uniquement concerner les certificats d'examen de la conception.
3a	EN	Throughout the document	Commission Regulation (EU) No 924/2015 2015/924	Correction of reference
3b	DE	Im gesamten Dokument	Verordnung (EU) Nr. 924/2015 2015/924 der Kommission	Korrektur des Verweises
3c	FR	Dans tout le document	Règlement (UE) n° 924/2015 2015/924 de la Commission	Correction de la référence

4a	EN	Page 6, after point 6	The following point 7 is inserted after point 6: "7. Article 3: the last sentence "The application of the present UTP does not ensure full compliance with these essential requirements." is deleted." As a result, original points 7-47 are renumbered	The sentence could be a source of confusion and after entry into force of the revised ATMF (in particular Article 7 § letter c) is no longer needed.
4b	DE	Seite 6, nach Punkt 6	Ein neuer Punkt 7 wird nach Punkt 6 eingefügt: "7. Abschnitt 3: Der gesamte letzte Absatz "Durch die Anwendung dieser ETV wird volle Konformität mit den grundlegenden Anforderungen nicht gewährleistet" wird gestrichen." Als Konsequenz werden die ursprünglichen Punkte 7-46 neu nummeriert.	Der Satz könnte Verwirrung stiften und wird nach dem Inkrafttreten der überarbeiteten ATMF (insbesondere Artikel 7 § 1 Buchst. c) nicht mehr benötigt.
4c	FR	Page 6, après le point 6	Un nouveau point 7 est ajouté après le point 6 : «7. Dans la partie 3, la dernière ligne « L'application de la présente PTU ne garantit pas la satisfaction pleine et entière à ces exigences essentielles. » est entièrement biffée. » En conséquence, les points 7 à 46 sont renumérotés.	Cette phrase pourrait prêter à confusion et n'est plus nécessaire après l'entrée en vigueur des ATMF révisées (en particulier, leur article 7, § 1, lettre c).
5	EN	Page 6, point 9	Point 9 is deleted. As a result original points 10-47 are renumbered accordingly	Point 9 only existed in English, but is not needed.
6	EN	Page 10, point 25	"As an alternative to performing on-track tests []"	Linguistic alignment to EU text

7a	EN	Page 13, after point 35	The following point 36 is inserted after point 35. "36. Appendix D, second table: in the row "Manual coupling system" in the column "Standard/UIC leaflet", the cell "6.2, 63.2" is amended to read as follows: 6.2, 6.2.3.1 "As a result original points 36-47 are renumbered accordingly	This modification was not covered in the decision document.
7Ъ	DE	Seite 13, nach Punkt 35	Ein neuer Punkt 36 wird nach Punkt 35 eingefügt: "36. Anhang D: In der zweiten Tabelle wird in der Zeile "Manuelle Kupplungssysteme" in der Spalte "Norm/UIC-Merkblatt" die Zelle "6.2, 6.3.2" wie folgt geändert: 6.2, 6.2.3.1 Als Konsequenz werden die ursprünglichen Punkte 36-46 neu nummeriert.	Diese Änderung war noch nicht im Beschlussdokument erfasst.
7c	FR	Page 13, après le point 35	Un nouveau point 36 est ajouté après le point 35 : « 36. À l'appendice D, dans le second tableau, à la ligne « Système d'accouplement manuel », dans la colonne « Norme/brochure de l'UIC », la case « 6.2, 6.3.2 » est modifiée comme suit : 6.2, 6.2.3.1 » En conséquence les points 36 à 46 sont renumérotés.	Cette modification n'était pas incluse dans la proposition de modification.