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pour les transports internationaux  
ferroviaires (OTIF)

Zwischenstaatliche Organisation  
für den internationalen  
Eisenbahnverkehr (OTIF)

Intergovernmental Organisation  
for International Carriage  
by Rail (OTIF)

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# **WG TECH**

## **12<sup>th</sup> session**

### **Provisional minutes**

**(with delegates' corrections)**

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**Berne, 15-16.09.2010**



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## AGENDA

1. Adoption of the agenda
2. Election of chairman
3. Approval of the minutes of the 11<sup>th</sup> session of WG TECH  
**Provisional minutes (with delegates' corrections)**
4. Uniform Technical Prescriptions (UTP)
  - 4.1 UTP WAG Freight Wagons
 

<b>A 94-02/1.2010</b>	UTP Freight Wagons
<b>08/57-DV37</b>	Working document DG MOVE/ERA
<b>08/57-DV37</b>	Working document DG MOVE/ERA Complement related to some UTP Annexes
  - 4.2 UTP NOI Rolling Stock - Noise
 

<b>A 94-04/1.2010</b>	UTP Rolling Stock - Noise
<b>08/57-DV37</b>	Working document DG MOVE/ERA
  - 4.3 UTP GEN-D Assessment Procedures (Modules)
 

<b>A 94-01D/1.2010</b>	UTP GEN-D Assessment Procedures (Modules)
<b>08/57-DV37</b>	Working document DG MOVE/ERA
  - 4.4 UTP GEN-F Definition of OTIF Rail system
 

<b>A 94-01F/1.2010</b>	UTP GEN-D Definition of OTIF Rail system
<b>08/57-DV37</b>	Working document DG MOVE/ERA
5. Vehicle registers
  - 5.1 Status of the development of the NVRs in the Contracting States
 

<b>A 94-20/2.2010</b>	Status of the development of the NVRs in the Contracting States
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  - 5.2 Connection of NVRs from non-EU OTIF Member States to the ECVVR (ERA search engine) – specification of the interface
 

<b>A 94-20/3.2010</b>	VVR and sNVR ERA presentation
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6. Preparation of the 4<sup>th</sup> session of the Committee of Technical Experts
7. Any other business
8. Next session



## DISCUSSIONS

### Welcome by the Secretariat of OTIF

Mr Karl Erik **Raff** opened the session and welcomed the participants, particularly the delegation from the new Member State Montenegro (Mr. Nikić, Mr. Vuković and Mr. Vujović) and delegations from Romania (Mr. Dragomir) and Slovenia (Mr. Šinkovec) that were participating in the working group for the first time. He reminded the meeting that for these two days (15 and 16 September 2010) the session of the Committee of Technical Experts had been convened, but that after receiving substantial comments from the EU after the coordination meeting of the EU Member States (MS), the Secretary General had instead decided to hold a working group to discuss the comments and to find solutions.

Mr. Gustav **Kafka**, the deputy to the Secretary General, also welcomed the participants (see Annex III).

A statement by the **representative of the European Commission (EC)** is attached to these minutes (Annex IV).

### 1. Adoption of the agenda

The **Secretariat** explained that the provisional agenda had been sent to participants with the invitation on 1 September 2010 (circular **A92-03/510.2010**). A proposal from **the Secretariat** to discuss the issue of the UTP NOI Rolling Stock - Noise as agenda item 4.2 was adopted by **WG TECH**. Items 4.2 and 4.3 from the provisional agenda were renumbered agenda items 4.3 and 4.4.

### 2. Election of chairman

The **Secretariat** proposed Mr Roland Bacher (Switzerland) to chair this session.

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

### 3. Approval of the minutes of the 11<sup>th</sup> session of WG TECH

Document: **Provisional minutes (with delegates' corrections)**

The **Secretariat** had amended the provisional minutes in accordance with the request from **NL**.

### Conclusion:

The minutes of the 11<sup>th</sup> session of WG TECH were approved.

#### 4. Uniform Technical Prescriptions (UTP)

The **Secretariat** had analysed the coordinated EU position received on 24 August 2010 and selected the most important (principal) problems and on 10 September 2010 distributed a list of them to all participants of the meeting. No additional major problems were announced at this WG TECH meeting. The **Chair** proposed to discuss these problems and find solutions to them.

The **representative of the EC** stated that all comments in the coordinated EU position should be discussed. The Chair suggested that this may be difficult to achieve in view of the time constraints of the meeting. Therefore the Chair proposed the remaining points to be discussed between OTIF secretariat and ERA later on.

##### 4.1 UTP WAG Freight Wagons

Documents:	<b>A 94-02/1.2010</b>	UTP Freight Wagons
	<b>08/57-DV37</b>	Working document DG MOVE/ERA
	<b>08/57-DV37</b>	Working document DG MOVE/ERA Complement related to some UTP Annexes

The UTP Freight wagons was a core document for adoption at the next session of the Committee of Technical Experts (CTE).

The **Secretariat** explained that the TSI Rolling Stock - freight wagons (Commission Decision 2006/861/EC of 28 July 2006) contained many deficiencies, and even errors. The industry and MS had asked the Secretariat to draft the UTP without open points, thereby allowing the admission procedure where one Contracting State may issue an approval that is valid in all Contracting States (ATMF Article 6 § 3), so that the procedure would be as similar as possible to the that of the RIV regulations. Commission Decision 2009/107/EC of 23 January 2009 amending Commission Decision 2006/861/EC solved some problems by closing a number of open points. Revision of the TSI Freight wagons was still ongoing. In TSI in force, a category of *passee partout* wagons had been introduced into section 7.6.4 (track gauge 1435mm, loading gauge G1, axle distance does not exceed 17 500 mm) with additional requirements concerning some parts of the wagon, e.g. requirements concerning the interface between the wagon body points for lifting and the gear used by the rescue services. During the workshop in Skopje (May 2010) and the 11<sup>th</sup> session of WG TECH the concept of *passee partout* wagons was also introduced in UTP WAG section 7.6.4. As the Secretariat, supported by qualified experts, had found no logical reason not to apply these additional requirements to all wagons, it had extended them to apply to all wagons, thus removing all the “open points” (except for composite brake blocks). Furthermore, some of the additional requirements related to safety, so that not extending these requirements would result in a situation where, for example, a wagon which differed from a *passee partout* wagon only by having a G2 profile instead of G1 would not be subject to any requirements (not even as open points) with respect to these features. Thus these wagons would fully comply with the TSI because the TSI does not contain any requirements in this respect. Hence under Directive 2008/57/EC Article 23(1), they would



be authorised in all EU Member States (and all COTIF Contracting States). The opinion of the **Secretariat** was that this concept did not affect equivalence between TSI and UTP.

The **representative of the EC** commented that as a result of the existence of many “open points”, the TSI Rolling Stock - Freight wagons (Commission Decision 2006/861/EC of 28 July 2006) did not make it possible for wagons to be accepted in all MS, as they had been under the RIV regulations. Among other amendments, Commission Decision 2009/107/EC of 23 January 2009 closed some open points so that authorisation for placing into service by one MS would be valid in all EU MS. As a general comment he reminded the meeting that the aim of transposing TSI into UTP was to help the industry and all the OTIF MS. In the procedure of transposing TSI into UTP, it was not anticipated that ideas from individual experts would be taken into account specifically. Developing UTP in such a way would cause problems in terms of achieving equivalence with TSI. Amendments could only be proposed by competent organisations or MS. It was not the aim of the TSI to make all wagons identical. Certain part of the wagon fleet would not cross border, other parts could be used for local services or covered by bilateral agreements. He considered that the solution proposed by the OTIF Secretariat (section 7.6.4) did not leave room for specific solutions for specific commercial applications. As far as the correction of errors was concerned the representative of the EC suggested that Technical Opinions approved by RISC and published by ERA could be taken into account in UTP.

**RS** recommended that the ERA Technical Opinions should be included in UTP and published on the OTIF website.

**ERA** explained that technical opinions had no legal value. In the EU a MS or an authority could send requests to correct errors, which ERA had to investigate. A specific WP could be set up and the investigation would be carried out either with or without the author of the request. ERA would then prepare draft advice, which had to be endorsed by the EU. If recognised errors were corrected, these corrected versions could then be implemented into national law in the EU Member States.

The **Secretariat** commented that a similar procedure for managing errors in UTP was described in Article 8a of APTU in the version adopted by the 24<sup>th</sup> Revision Committee, which would enter into force on 1 December 2010. Changes to UTP should be adopted by the competent body, which is the Committee of Technical Experts (CTE).

The **representative of the EC** stressed the difference between an ERA Technical Opinion and an ERA Technical Document. TSIs could refer to standards or technical documents. Technical documents might be attached to the TSI as an annex with legal effect. The advantage of the technical document was that it was more flexible, and there was no need to publish it in the Official Journal of the EU. Technical opinions are prepared by ERA at the request of the EC, further to a notification of error by a MS or any stakeholder. If accepted by the EC after consultation of the RISC, the Technical Opinion is published on the ERA website so that any actor (industry, conformity assessment body, national safety authority, ...) can apply it pending the next revision of the TSI concerned.

**ERA** underlined that a lot of proposals to correct an error could be discussed in the ERA Working Party, but the final outcome and solution adopted by the Commission would not necessarily be the one preferred by the proposer or ERA. Transposing TSI into UTP and

introducing changes to the UTP could lead to two different sets of regulations and create new barriers in international traffic.

As an example of changes to the TSI in force, the **Secretariat** mentioned section 4.2.2.3.2.4 Lifting and jacking, which, in ERA's draft revised TSI Wagons (version 2.13) applied to all wagons, as proposed by the Secretariat. In this case, ERA and the WP had obviously been of the same opinion as the Secretariat.

In the discussion on transposing TSI into UTP **RS** asked that equivalent technical requirements be contained in both the TSI and the UTP.

Two options for transposing TSI into UTP were discussed:

- a. transposition of TSI into UTP one by one, including alleged deficiencies and errors (but not obvious mistakes and elements that could endanger safety) on which there is no existing ERA Technical Opinion validated by the EU RISC Committee;
- b. transposition of TSI into UTP, introducing amendments and corrections into UTP before introducing them into TSI.

**CH, DK, RS, UK** and **CER** supported option a. There was no support for option b.

**CH** asked that the non-EU MS be allowed to participate in the EU process of preparing the TSI, with the aim of improving them, i.e. to be members of the ERA WP. This request was supported by **UK** and **DK**.

The **representative of the EC** reminded the meeting that this issue had already been discussed on many occasions. The proposal only to include references to TSI in the OTIF regulations had been rejected. It was agreed to copy TSI into UTP and in the UTP, only to adapt the wording and procedures, not the technical requirements, so that the TSI and UTP could be adopted at the same time. The current delay in preparing the UTPs was because of the history of the development of the TSI WAG in the EU. Cooperation between OTIF and the EU had been agreed at the 4<sup>th</sup> session of WG LEGAL in June 2008 in Prague. This cooperation would involve consulting OTIF on ERA's draft TSI at the same time as the social partners and users were consulted. In future, the non-EU OTIF MS would also be consulted approximately six months before adoption in the EU on all new and revised TSIs on the basis of the drafts produced by ERA. The response from the consulted parties would then be considered when the final draft from ERA was drafted.

With regard to participation in developing the TSI, "institutional" issues had to be considered; the EC regulation establishing a European Railway Agency (Agency regulation) would have to be revised. Once the EU had become a full member of OTIF, a proposal to invite non-EU experts to participate in the ERA working parties (WP) could be considered.

**ERA** confirmed that it was not at liberty to invite experts from non-EU MS to participate in the WP. As a transitional solution it proposed that the non-EU MS' experts and National Safety Authorities should participate in CER hearing groups, where they could express their opinions. CER representatives were on the list of ERA WP participants.

Concerning the references to assessment modules the TSI Freight wagons in force contained references to old modules. References to new modules would be used only in the revised version of TSI Freight wagons. WG TECH agreed that in the UTP Freight wagons

the references would be to new assessment modules. As an exception, the **representative of the EC** agreed to this solution in anticipation of having the Commission decision on the new assessment modules by the end of 2010.

### Annex B.1 marking

Basically, there would be two markings, TEN and UTP, both cross-accepted for a harmonised authorisation system. Voluntary RIV marking would still be possible, but not as part of the mandatory regulations. RIV had to remain in its present form for existing wagons (Article 19 ATMF, version in force from 1 December 2010). There was a need for additional marking (e.g. G1-loading gauge in TEN; similar for UTP). UTP Freight wagons would take over the whole numbering system from TSI OPE Annex P.4 as referred to in section 4.2.2.3. In UTP it was already planned to include these regulations in Annex PP as shown in the list of Annexes to the UTP WAG.

A small subgroup of WG TECH discussed this issue and came to the conclusion that the subgroup was in favour of having a marking indicating whether a wagon was subject to section 7.6.4 (*passee partout*); “TEN+” and “UTP+” were proposed to indicate this. The subgroup also concluded that TEN or UTP marking should only be applied to fully TSI/UTP compliant wagons, which was not the case in EC Decision 2009/107/EC, which is in force. In the next few weeks, discussions would take place in the EU on the clear marking of *passee partout* wagons.

### **Conclusions:**

1. TSI should be transposed into UTP on a one to one basis concerning the technical requirements, including alleged deficiencies and errors (but not obvious mistakes and elements that could endanger safety) on which there is no existing ERA Technical Opinion validated by the EU RISC Committee.
2. The amendment process would only take place unilaterally (normally in respect of TSI), but with the continued involvement of OTIF in the whole amendment process.
3. New assessment modules would be referred to in the left-hand column (UTP). The right-hand column (TSI reference for information) would refer to old modules, with an explanatory footnote.
4. The **representative of the EC** confirmed that non-EU MS would be consulted at the same time of the process of consulting the social partners, not only for new TSIs but also for revisions of TSIs (as for TSI Energy, TSI Infrastructure and TSI Locomotives & Passenger Carriages).
5. As a transitional solution for participating in the development of TSI, **ERA** proposed that non-EU railway undertakings and infrastructure managers could do so via CER, of which they are members.
6. The meeting accepted the offer by **the representative of the EC** to present the EU error management system at the next WG TECH meeting.
7. The contact person in the EU for the OTIF Secretariat concerning transposition of TSIs into UTPs and consultation on UTPs would be Mr Patrizio Grillo.

## 4.2 UTP NOI Rolling Stock – Noise

Documents: A 94-04/1.2010 UTP Rolling Stock - Noise  
 08/57-DV37 Working document DG MOVE/ERA

The 11<sup>th</sup> session of WG TECH had decided to prepare UTP NOISE to include relevant parts concerning freight wagons only, and to amend it to include the remaining provisions at a later stage. However, the Secretariat had been able to draft a complete UTP NOI, including the specifications for other vehicle types as well.

The **OTIF Secretariat** stated that some MS had indicated problems, especially economic, with the low noise level limits allowed, and had asked for a way of resolving these problems. The OTIF Secretariat had drafted section 1.2.2 Derogations allowing the Contracting States (except those which are also EU members) to conclude bilateral or multilateral agreements derogating from the noise limits set out in UTP for vehicles moving only between (and within) the States concerned by the agreement(s).

The **representative of the EC** objected said that derogations had been the OTIF Secretariat's idea he was not aware of any specific request by MS. He reminded the meeting that the OTIF regulations provided many opportunities not to apply the limits, one of which could be to have a different values as par of the target system, e.g. for States where higher noise levels were accepted due to sparse population. The various possibilities were already largely discussed in a WG TECH meeting in June 2008 when the concept of variations was discussed and finally withdrawn. He did not consider OTIF's solution satisfactory because there is not point to adopt a uniform prescription and then to allow easy opt out solutions. If MS have real difficulties with too demanding noise levels, he proposed that this be resolved by agreeing different values as part of the target system or by agreeing specific cases for one or more MS.

The **Chair** confirmed that the issue of noise had political dimensions. None of the MS represented at the meeting replied to his question as to whether any of them were in favour of resolving this issue by allowing derogations from the UTP. He proposed to delete section 1.2.2 Derogations and to return to the question of derogations at the next session of WG TECH if two or more MS so requested, with proper justification in a written document.

### Conclusion:

Section 1.2.2 Derogations was deleted. This question would be re-examined at the next WG TECH if the MS so requested, with proper justification.

## 4.3 UTP GEN-D Assessment Modules (Procedures)

Documents: A 94-01D/1.2010 UTP GEN-D Assessment Procedures (Modules)  
 08/57-DV37 Working document DG MOVE/ERA  
 A 94-00/5.2010 UTP GEN-D Assessment Procedures (Modules)  
 OTIF presentation

The **OTIF Secretariat** had prepared an 80 page document (A 94-01D/1.2010) based on the new EU assessment modules and explained the principles of the OTIF assessment procedures in a presentation (document A 94-00/5.2010). The assessment procedures for subsystems were divided into two parts:

- part 1 for design assessment and production assessment of conformity with the UTP/TSI, which fully corresponded to the EU assessment modules and
- part 2 for the remaining assessment of conformity with applicable national requirements and safe integration of the subsystem, resulting in a Design type certificate and Certificate of operation. Part 2 would be repeated if necessary if the vehicle was subject to Article 6 § 4 of ATMF (subsequent admission in Contracting States other than the first admitting one).

The assessment procedures (modules) for interoperability constituents were introduced on a voluntary basis, but were fully in line with the EU modules.

**RS** expressed a general objection to part 2. UTP GEN D should not contain part 2 because it concerned more than just assessment procedures. This part should be covered in ATMF or in a separate document.

**ERA** commented that the OTIF Secretariat had changed the scope of the modules. In the EU, as set out in Article 17 of Directive 2008/57/EC, the assessment of national rules and the format of authorisations of placing into service were not harmonised because it had not been considered necessary to harmonise them.

The **Chair** underlined that assessment modules were necessary in the UTP Freight wagons .

#### **Conclusion:**

1. Part 1 would be developed further.
2. Part 2 of the assessment procedures was not accepted by WG TECH as presented and would not be included in UTP GEN-D.

#### **4.4 UTP GEN-F Definition of the OTIF Rail System**

Documents: **A 94-01F/1.2010** UTP GEN-D Definition of OTIF Rail system  
**08/57-DV37** Working document DG MOVE/ERA

The OTIF **Secretariat** explained that the UTP GEN-D definition of “OTIF rail system” had been drafted in accordance with the discussion at the 11<sup>th</sup> session of WG TECH in June 2010. The EU definition of “rail system” was the map of TEN lines adopted in the EU. OTIF could only ask the MS to notify their lines on which international traffic took place. To help define “HS” and “CR” lines, OTIF had introduced a definition of line based on a definition used in the Netherlands. There was no definition of a line at EU level.

**RS** requested that the whole paragraph in section 1.1 starting with “As a consequence of the definition, ...” be deleted, arguing that it was much too detailed. It also opposed the strict 200 km/h threshold for HS and CR. It proposed that the MS be allowed to decide whether a particular line was part of the HS system or not.

The **representative of the EC** supported the request made by RS. What was important was that once a line had been declared CR or HS, then the infrastructure and the rolling stock had to comply with the relevant UTPs.

**Conclusions:**

1. The definition of “line” would not be included in UTP GEN-F.
2. No precise threshold between high speed (HS) and conventional rail (CR) was needed (political decision on declaration of high speed lines). The “physical” requirements of HS and CR had to be covered in TSI/UTP. The definition of HS and CR would be based on the criteria of the Interoperability Directive (2008/57/EC).
3. For the 4<sup>th</sup> session of CTE, UTP GEN-F had the same priority as UTP GEN-D, UTP WAG and UTP NOI.

**5. Vehicle registers****5.1 Status of the development of the NVRs in the Contracting States**

Document: **A 94-20/2.2010 rev1** Status of the development of the NVRs in the Contracting States

The status of the development of the NVRs in the Contracting States was as follows:

Switzerland NVR operational, Serbia contract for ERA software, operational in October 2010, Turkey TCDD register could be operational as NVR after adaptation.

For Poland (the only EU Contracting State at present), a note would be added to document A 94-20/2.2010 explaining that Poland is not affected by the decision of the 3<sup>rd</sup> CTE concerning NVR.

The remaining 11 Contracting States had not responded to the Secretariat’s status request at all.

With regard to the EU Member States and Norway (status as of 09.09.2010; document A 94-20/3.2010 - ERA presentation):

8 MS are connected to VVR with status “Production online”: Denmark, France, Lithuania, Netherlands, Norway, Portugal Slovak Republic and Slovenia,

6 MS are connected to VVR with status “Production offline”: Austria, Czech Republic, Ireland, Italy, Luxembourg and Romania,

3 MS are connected to VVR with status “Test online”: Belgium, Spain and Poland and

9 are connected to VVR with status “Test offline”: Austria, Bulgaria, Czech Republic, Greece, France, Luxembourg, Netherlands, Portugal and Romania.

Deadlines for implementation in EU:

Changes to the standard NVR: 30 June 2011

Changes to non standard NVRs: 31 December 2011

Connection to VVR: 31 December 2011

Data on ECM business number: 31 December 2011

Application guide: 30 June 2011.

## **5.2 Connection of NVRs of non-EU OTIF Member States to the ECVVR (ERA search engine) - specification of the interface**

Document: **A 94-20/3.2010** VVR and sNVR  
ERA presentation

For non-EU OTIF MS, ERA explained that there were two options for connecting to VVR:

Option 1: use sNVR (standard) software based on a single license payment.

Option 2: develop own NVR software and connect to VVR via translation engine.

In the updated EU NVR, a new field, 9.2 “Registered business number of the ECM” had been introduced and some items had been changed.

## **6. Preparation of the 4<sup>th</sup> session of the Committee of Technical Experts**

The 4<sup>th</sup> session of the Committee of Technical Experts will be held on 7 and 8 September 2011. In reply to the question from the **Chair** concerning the expected date of entry into force of the revised TSI Freight wagons, the **representative of the EC** said that it would certainly be after September 2011.

## **7. Any other business**

None.

## **8. Next session**

The next (13<sup>th</sup>) session of WG TECH will be held on 16 and 17 February 2011.

The **Chair** thanked the delegates and the Secretariat and closed the meeting.