



Organisation intergouvernementale
pour les transports internationaux
ferroviaires (OTIF)

Zwischenstaatliche Organisation
für den internationalen
Eisenbahnverkehr (OTIF)

Intergovernmental Organisation
for International Carriage
by Rail (OTIF)

WG TECH

13th session

Provisional Minutes

(with delegates' corrections)

Berne, 9-10.03.2011

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AGENDA

1. Adoption of the agenda
2. Election of chairman
3. Approval of the minutes of the 12th session of WG TECH
Provisional minutes (with delegates' corrections)
4. Uniform Technical Prescriptions (UTP)
 - 4.1 UTP WAG Freight Wagons
 - A 94-02/1.2011 and UTP Freight Wagons - (UTP WAG)
UTP WAG Annexes and UTP WAG Annexes
A, C, D, E, F, G, J,
K, L, M, N, O, P, Q,
R, S, Y, Z, BB, CC,
EE, FF, II, JJ, LL,
VV, XX, YY and ZZ**
 - A 94-00/1.2011** ERA comments
 - A 94-00/2.2011** Comments from the Republic of Serbia
 - 4.2 UTP GEN-D Assessment Procedures (Modules)
 - A 94-01D/1.2011** UTP GEN-D Assessment Procedures (Modules)
 - A 94-00/3.2011** OTIF presentation
 - A 94-00/1.2011** ERA comments
 - A 94-00/2.2011** Comments from the Republic of Serbia
 - 4.3 UTP NOI Rolling Stock - Noise
 - A 94-04/1.2011** UTP Rolling Stock - Noise
5. OTIF rules for certification and auditing the Entity in Charge of Maintenance (ECM)
 - A 94-30/1.2011** OTIF rules for certification and auditing the ECM
6. Vehicle registers
 - Status of the development of the NVRs in the Contracting States
 - A 94-20/1.2011** Status on the development of the NVRs in the Contracting States
7. ATMF Article 15 § 3 - “ensure or ascertain”

8. EU management of deficiencies

A 94-00/4.2011

EU management of deficiencies

Draft working document

9. Any other business

10. Next session

DISCUSSIONS

Welcome by the Secretariat of OTIF

Mr Karl Erik **Raff** opened the session and welcomed the participants, particularly Mr. Dimanovski and Mr. Joveski from the Former Yugoslav Republic of Macedonia, Mr. Peterhans representing AIEP/IVA/CRE/VAP and Mr. Metral from CER, who were participating in the working group for the first time.

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

1. Adoption of the agenda

The **Secretariat** explained that the provisional agenda had been sent to participants with the invitation on 20 January 2011 (circular **A92-03/501.2011**). A proposal from **the Secretariat** to discuss the issue of EU management of deficiencies as item 8 was adopted by **WG TECH**. Item 8, Any other business and item 9, Next session were renumbered agenda items 9 and 10.

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 12th session of WG TECH

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

The **Secretariat** had amended the provisional minutes in accordance with the request from **the representative of the European Commission (EC)**. **GR** asked for Annexes III and IV to the provisional minutes (with delegates' corrections). The Annexes III and IV were distributed with the draft Provisional minutes for the participants to comment, but not with the document for the 13th session of **WG TECH** called Provisional minutes (with delegates' corrections).

Conclusion:

1. The minutes of the 12th session of **WG TECH** were approved.
2. In future all Annexes to the minutes will form an integral part of the same file. Two Annexes were always attached: Annex I, the list of participants and Annex II, the list of documents.

4. Uniform Technical Prescriptions (UTP)

Since the last session, the **Secretariat** had revised the UTPs and their Annexes according to the EU position documents received on 24 August and 8 September 2010. The comments re-

ceived on 7 March 2011 from **RS** and on 8 March 2011 from **ERA** were also discussed at the meeting.

4.1 UTP WAG Freight Wagons

Documents: **A 94-02/1.2011 and UTP** UTP Freight Wagons - (UTP
WAG Annexes A, C, D, E, WAG) and UTP WAG An-
F, G, J, K, L, M, N, O, P, Q, nexes
R, S, Y, Z, BB, CC, EE, FF,
II, JJ, LL, VV, XX, YY and
ZZ

A 94-00/1.2011 ERA comments

A 94-00/2.2011 Comments from the Republic
of Serbia

The **Secretariat** explained that Annex B to UTP WAG had not been revised, because the OTIF Secretariat had not received the results to resolve the problem of freight wagon marking from the EU. Annexes I and PP to UTP WAG were not yet ready owing to the lack of resources in the OTIF Secretariat. They would be ready for the next session of WG TECH (24 and 25 May 2011).

Conclusions:

1. At the request of **RS**, an explanatory footnote was added to Chapter 6.1.2.2 to make clear the aim of avoiding duplicate checks.
2. Several amendments were agreed further to a request by the **representative of the EC** in Chapter 4 and mainly in Chapter 7.
3. All specific cases will be transferred to Chapter 7. EU MS specific cases will be copied from the relevant TSIs to a specific Annex, and a sentence referring to it will be added to the right-hand column.

4.2 UTP GEN-D Assessment Procedures (Modules)

Documents: **A 94-01D/1.2011** UTP GEN-D Assessment Procedures (Modules)

A 94-00/3.2011 OTIF presentation

A 94-00/1.2011 ERA comments

A 94-00/2.2011 Comments from the Republic of Serbia

In a presentation, the **Secretariat** explained the concept of Assessment Procedures.

DE asked to use same name for the approving authority that was in ATMF (competent authority) and proposed that the certificates produced by the modules related to assessment of ICs

and subsystems in OTIF should be called UTP Certificate ..., in order that there could be no confusion with the OTIF Certificates for Design Type and Operation.

RS proposed to allow the Contracting States to decide which body should carry out the assessments of national requirements and include notified “designated bodies” in the assessment procedure for national requirements, as in Article 15 of the EU regulation.

It was questioned whether an assessment of “safe integration” can formally be required according to COTIF. Nobody was opposed to the inclusion of “safe integration”, as this is an element in Article 17 of the EU Interoperability Directive (2008/57/EC). After the meeting, the Secretariat considered this and concluded that including “safe integration” in the UTP for assessment procedures was justified, as according to ATMF Article 10b § 1, the CTE is competent to adopt mandatory provisions for the assessments, and according to APTU Article 8 § 8, may adopt UTPs which do not refer to subsystems, such as general provisions, essential requirements or assessment modules.

The Secretariat’s presentation of the concept diagram was a working document; it is attached to these minutes in a revised form as document **A 94-00/3.2011**, including the option of “designated body” and following the proposals from DE.

The **representative of the EC** said he had several questions and comments concerning Chapters 1 and 4 of the document and referred to document **A 94-00/1.2011** from ERA, which set out its comments to all four chapters.

Conclusion:

In order to prepare the UTP GEN-D for the next session of WG TECH, the OTIF Secretariat would try to resolve the issues concerning Chapters 2 and 3 bilaterally with ERA and the issues concerning Chapters 1 and 4 with DG MOVE.

4.3 UTP NOI Rolling Stock - Noise

Document: **A 94-04/1.2011** UTP Rolling Stock – Noise

As no Contracting State had supported this provision at the 12th session of WG TECH, the **OTIF Secretariat** had deleted section 1.2.2 Derogations, which offered the possibility of agreeing other noise limits between some Contracting States. In addition, the technical scope of this UTP (section 1.1) had been slightly modified and a text adopted by EU RISC as proposed by ERA had been included.

CER proposed to delete section 3.3.2 relating to the essential requirements on health in the left-hand column, as there was no corresponding text in the EU regulations. There was a discussion on cabin noise in relation to workers’ (drivers’) health; it was concluded that fulfilment of the provisions in the UTP was enough to approve a vehicle from the technical point of view, but when operating the vehicle, the RU must apply national and international rules on workers’ health.

A discussion took place on where the provisions for specific cases should be placed in the UTP.

Conclusions:

1. The CER proposal was adopted.
2. The text of the Specific Cases will be placed in section 7.7 and not in Chapter 4. A Specific Case is valid for the State(s) indicated.

5. OTIF rules for certification and auditing the Entity in Charge of Maintenance (ECM)

Document: **A 94-30/1.2011** OTIF rules for certification and auditing the ECM

According to Article 15 § 2 of ATMF, every vehicle must be assigned an ECM.

The **OTIF Secretariat** had not had time to prepare this document in the two-column format. The **Chair** underlined that this document should be prepared for the next WG TECH in the two-column format with a view to its adoption at the next CTE.

The **Secretariat** explained that the certification of ECM and compliance with the deadlines (01.12.2010) and the requirement set out in ATMF Article 15 § 2 that only an external auditor can issue valid certificates had caused problems in some non-EU OTIF MS. One possible solution was to sign the Memorandum of Understanding establishing the common principles of a system for certifying Entities in Charge of Maintenance (ECM) of Freight Wagons. By means of a transitional provision in the regulation, certificates issued according to the Memorandum would also be valid until they expire. Self-certification by the ECM, as currently practised in the sector, was not in compliance with the requirement for a third party audit and therefore had no legal validity in relation to COTIF, but could help to clarify civil liability if an accident is caused by a wagon maintained by an ECM that has self-certified.

The **Chair** described this issue as a very sensitive part of the EU and OTIF regulations for the sector, particularly for vehicle keepers and railway undertakings.

MK explained that Macedonia as a candidate Member State of EU is going to adapt its national legislation to the European legislation, and as a result, the legislative act about Railway System Safety will be fully compatible with the EU Safety Directive, so there should be no problem with these requirements. At the moment, Macedonian ECMs are still in the self-certification phase, and after full constitution of the National Safety Agency, they could apply for certification according to the Railway System Safety act.

DE commented that non EU OTIF MS do not apply the Safety Directive, which contains a lot of legislation concerning the safety certification regime for railway undertakings. Self-certification was a short term solution to bridge the gap until the rules for the certification of ECM came into force.

Conclusion:

The Secretariat would prepare this document for the next WG TECH in the two-column format, taking account of problems on the basis of proposals to resolve them submitted in due time by the non-EU MS; the aim was to adopt this document at the next CTE.

6. Vehicle registers

Status of the development of the NVRs in the Contracting States

Document: **A 94-20/1.2011** 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:

Albania: NVR under development,

Bosnia and Herzegovina: undergoing additional implementation, with the aim of obtaining the current ERA software by the end of 2011,

Iran: implementation of NVR underway,

Liechtenstein: plans to establish NVR in the context of the revision of the railway act. At present there were no railway undertakings with a place of business in Liechtenstein,

Serbia: NVR not operational, problems with ERA software during the installation, awaiting technical assistance from ERA,

Switzerland NVR operational but not yet connected to the VVR,

Turkey TCDD register could be operational as NVR after adaptation.

The remaining 8 Contracting States had not responded to the Secretariat's status request at all.

MK explained that a National Safety Authority had just been founded in FYR Macedonia. The delegates of FYR Macedonia would transmit the information concerning the obligation and need to create NVR to the director of MK's NSA.

The deadline for the NVRs to be operational in the EU OTIF MS and Norway is 31 December 2011.

The representative of the EC reminded the meeting that there had been amendments to the Commission decision adopting the NVR (such as definition of and new data elements) and it would therefore be necessary to update OTIF's decision of 2009.

Conclusion:

In cooperation with DG MOVE/ERA, the Secretariat would prepare a document on updating the OTIF NVR decision for the 4th session of CTE.

7. ATMF Article 15 § 3 - "ensure or ascertain"

In November 2009 the Contracting MS were asked to vote on the revised ATMF with the word "ensure" in Article 15 § 3 in order not to block the whole revision process, which had already lasted for many years, on condition that if this text remained problematic, the issue would be resolved in the next revision of ATMF so as to protect the RUs sufficiently against false expectations in respect of liability. The word "ensure" only appeared to be problematic with regard to the English version.

As the document concerning ECM certification clearly defined the division of responsibilities between RUs and ECMs, the majority of the participants were satisfied with the current situation.

As CER feared a possible misinterpretation of Article 15 § 3, it was requested to propose a text to be discussed at the next WG TECH, which might be included in the Explanatory Report on ATMF.

8. EU management of deficiencies

Document: A 94-00/4.2011 EU management of deficiencies

Draft working document

The **representative of the EC** explained how the deficiencies in the TSIs were dealt with based on the draft working document that had been submitted. This working document had no legal status.

First of all the deficiencies were classified depending on the urgency of the correction required, depending whether it was a case of misspelling, a typing error, a technical error which needed to be analysed by ERA experts or a critical error requiring urgent correction. Page 2 described the procedure for managing the TSI deficiencies. Errors could potentially be made by RISC members, ERA, DG MOVE or stakeholders (e.g. infrastructure managers, railway undertakings, manufacturers, standardisation bodies). The author of the input could also propose an error classification and provide details for the cost implications. This input was validated by the European Commission, which then proposed a classification of the deficiency and forwarded it to ERA. ERA recorded the potential deficiency in the database. Then ERA checked the proposed correction or issued a Technical Opinion (TO). At this stage, ERA working parties, the task force or the network of representative bodies could be consulted. Following this, the EC transmitted the proposed correction or TO to the RISC for information or for adoption. After adoption of the TO by the RISC, it was published on the ERA website. This TO was valid until legal implementation of the correction through the revision of the relevant TSI, with parallel publication in the EU Official Journal. TOs had no legal force and were not part of the TSI in question until it was amended accordingly.

The question was raised as to the transposition of this error management system to the OTIF system, and coordination between the EU and COTIF systems.

Conclusion:

At present, it was not necessary to change OTIF's procedure set out in APTU for dealing with deficiencies. The EC was asked to consider how the non-EU OTIF MS could be involved in the EU process at an early stage. Closer cooperation on dealing with deficiencies in TSIs and UTPs would be discussed at a WG TECH session next year.

9. Any other business

Many participants complained that the link to APTU and ATMF on the OTIF website under "Technology" did not lead to the current versions of APTU and ATMF, which have been in

force since 1 December 2010, but to the old versions from July 2006. They asked the Secretariat to correct this as soon as possible.

After the session, the links to the APTU and ATMF in force (applicable from 01.12.2010) were corrected and are:

- for APTU:

French version:

<http://www.otif.org/fr/technique/reglementations-en-vigueur/cotif-aptu-appendice-f.html>,

German version:

<http://www.otif.org/technik/geltende-vorschriften/cotif-aptu-anhang-f.html>

English version:

<http://www.otif.org/en/technology/regulations-in-force/cotif-aptu-appendix-f.html>

- for ATMF:

French version:

<http://www.otif.org/fr/technique/reglementations-en-vigueur/cotif-atmf-appendice-g.html>

German version:

<http://www.otif.org/technik/geltende-vorschriften/cotif-atmf-anhang-g.html>

English version:

<http://www.otif.org/en/technology/regulations-in-force/cotif-atmf-appendix-g.html>

10. Next session

The next (14th) session of **WG TECH** will be held on **24 and 25 May 2011 in Berne**.

The **4th session** of the **Committee of Technical Experts** will be held on **14 and 15 September 2011 in Berne** with the aim of adopting the UTP WAG Freight Wagons, UTP GEN-D Assessment Procedures (Modules), UTP NOI Rolling Stock – Noise and the OTIF rules for certifying and auditing the ECM.

The OTIF Secretariat is planning a **workshop on 12 and 13 October 2011** dedicated to **UTPs and ECM certification**. The venue has not yet been decided.

Owing to the lack of resources in the technology section of the OTIF Secretariat, **consultation of the non-EU OTIF MS on the revised TSI Freight Wagons** (expected to start in mid April when the documentation has been received from EC and ending 3 months later) **will be carried out using the written procedure**. The OTIF Secretariat will not organise a workshop on this. Please note the deadlines for comments and proposals that will be indicated in the circular with which the draft TSI will be sent out.

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

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

**WG TECH
Berne, 09./10.03.2011**

**WG TECH
13th session**

Berne, 9.-10.3.2011

PVP - Annex I

**Liste des participants
Teilnehmerliste
List of participants**

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Hat sich entschuldigt.
Sent apologies.

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II. Organisations supranationales Supranationale Organisationen Supranational organisation

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ERA


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**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

**Commission d'experts techniques
Fachausschuss für technische Fragen
Committee of Technical Experts**

**WG TECH
13th session**

Berne, 9.-10.3.20110

PVP - Annex II

Original : EN

List of documents

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3. Approval of the minutes of the 12th session of WG TECH

Provisional minutes (with delegates' corrections)

4. Uniform Technical Prescriptions (UTP)

4.1 UTP WAG Freight Wagons

A 94-02/1.2011 and UTP Freight Wagons - (UTP WAG)

UTP WAG Annexes and UTP WAG Annexes A, C, D, E, F, G, J, K, L, M, N, A, C, D, E, F, G, J, O, P, Q, R, S, Y, Z, BB, CC, EE, FF, II, JJ, LL, VV, XX, K, L, M, N, O, P, Q, YY and ZZ
R, S, Y, Z, BB, CC, EE, FF, II, JJ, LL, VV, XX, YY and ZZ

A 94-00/1.2011 ERA comments

A 94-00/2.2011 Comments from the Republic of Serbia

4.2 UTP GEN-D Assessment Procedures (Modules)

A 94-01D/1.2011 UTP GEN-D Assessment Procedures (Modules)

A 94-00/3.2011 OTIF presentation

A 94-00/1.2011 ERA comments

A 94-00/2.2011 Comments from the Republic of Serbia

4.3 UTP NOI Rolling Stock - Noise

A 94-04/1.2011 UTP Rolling Stock - Noise

5. OTIF rules for certification and auditing the Entity in charge of maintenance (ECM)

A 94-30/1.2011 OTIF rules for certification and auditing the ECM

6. Vehicle registers

Status on the development of the NVRs in the Contracting States

A 94-20/1.2011 Status on the development of the NVRs in the Contracting States

8. EU management of deficiencies

A 94-00/4.2011 EU management of deficiencies

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OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

**Commission d'experts techniques
Fachausschuss für technische Fragen
Committee of Technical Experts**

**WG TECH
13th session**

Berne, 9.-10.03.2011

PVP - Annex III

Original : EN

Welcome by Mr. Gustav Kafka

Deputy to the General Secretary

Par souci d'économie, le présent document a fait l'objet d'un tirage limité. Les délégués sont priés d'apporter leurs exemplaires aux réunions. L'OTIF ne dispose que d'une réserve très restreinte.

Aus Kostengründen wurde dieses Dokument nur in begrenzter Auflage gedruckt. Die Delegierten werden daher gebeten, die ihnen zugesandten Exemplare zu den Sitzungen mitzubringen. Die OTIF verfügt nur über eine sehr geringe Reserve.

For reasons of cost, only a limited number of copies of this document have been made. Delegates are asked to bring their own copies of documents to meetings. OTIF only has a small number of copies available.

On behalf of our Organisation and on my own behalf I would like to extend a cordial welcome to all of you and thank you for following our invitation to this 13th session of the WG TECH, the standing working group set up by the Committee of Technical Experts (CTE) under Article 20 of its Rules of Procedure.

As always your agenda has many items most of which concern documents to be prepared for the 4th session of the CTE due to take place on the 8/9th September of this year where new UTPs are expected to be adopted

Meanwhile on the first December of 2010 the new versions of the Appendices F (APTU) and G (ATMF) to the COTIF-Convention entered into force so that the UTPs may not only take effect but could be operative as well. The prerequisite is that all States which made a declaration of non-application according to Article 42 of the Convention now that full compatibility between the provisions of these Annexes and the law of the EU is regained withdraw these declarations.

In this context I am pleased to note that at a meeting between the European Commission and OTIF which took place in Berne/Ittingen on the 25th February 2011 on the invitation by the Swiss Federal Office of Transport both sides agreed on proposals for compromise solutions for open questions concerning the Draft Agreement on the Accession of the EU to the COTIF. These solutions consist of

1. a unilateral Declaration by the EU on Article 2 concerning the Disconnection Clause which declaration is to be added as a further Annex to the Agreement and which clarifies the meaning of the clause,
2. a letter from the EU to the Secretary General of OTIF confirming the accuracy of the text versions of the Agreement in the non-OTIF languages as examined under the sole responsibility of the competent EU services and
3. the information that the EU is not going to make a declaration in accordance with Art. 42 of the COTIF.

If this compromise is accepted in the Council Working Group on Land Transport due to meet next week in Brussels on March 15 it seems most likely that at the 10th General Assembly of the OTIF to be held on 22/23 June 2011 an accorded text of the Agreement could be presented and hopefully adopted by consensus of all Member States of OTIF represented.

It is therefore my appeal to the Member States of the EU to accept the compromise presented by the Commission and thus pave the way to the final aim which would be undisturbed and intensified cooperation and mutual exchange of information and expertise between EU and non-EU Member States of OTIF.

With this hope and these expectations for the very near future and the times to come I want to close and wish you a very fruitful meeting.