

# OTIF



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## **UTP WAG: Strategy and roadmap to maintain equivalence with the WAG TSI**

This document sets out a proposal regarding the planning and tasks for revision of the UTP for freight wagons.

### **Introduction**

According to ATMF Article 3a, full equivalence between TSIs and UTPs is needed for cross authorisation of vehicles. This equivalence, within the meaning of ATMF Article 3a, will first be achieved for wagons by 1 December 2012 when the UTP WAG enters into force.

Recently a draft revised WAG TSI was [adopted positively voted on in RISC](#) by the Member States of the European Union (EU MSs) and will presumably enter into force on 1 January 2014. If the UTP WAG is not amended or revised, there will no longer be full equivalence between UTP and TSI from that date.

In order to maintain equivalence between the revised WAG TSI and the UTP WAG beyond 1 January 2014 when the revised WAG TSI enters into force, the UTP WAG should be revised.

### **Definition of the problem**

Full equivalence between the UTP WAG and the WAG TSI is of benefit to cross authorisation/admittance of wagons. Wagons constructed according to either the UTP WAG or the WAG TSI and which are not subject to derogations and which are equipped with the defined solutions to close the open points related to network compatibility are admitted in all OTIF Contracting States as defined in ATMF Article 3a.

If nothing is done on the UTP side, there will no longer be full equivalence between the UTP WAG and the WAG TSI after 1 January 2014. This lack of equivalence would result in the loss of cross-authorisation/admittance based on equivalence between UTP and TSI as per ATMF Article 3a §§ 1 and 2.

### **Background information**

The revised WAG TSI is different from its predecessor; it relies heavily on the correct application of the EU 'new approach' principles and the application of the EU Safety Directive (2004/49/EC) by the parties concerned.

In the revised WAG TSI there are three levels of compliance:

1. Compliance with the core TSI in section 4, which mainly contains functional requirements; it allows for different technical solutions. The authorisation for placing in service needs to be obtained for each EU MS separately because the revised WAG TSI contains three open points and one specific case which could impact the interoperability. This level of compliance is mandatory for all wagons.
2. Compliance with point 7.1.2 of the TSI provides a set of conditions aimed at closing the open points, at dealing with specific cases and at mitigating the concerns of EU MSs related to the freedom of using different technical solutions as provided for under section 4. It is not mandatory to comply with section 7.1.2, but if 7.1.2 is complied with in addition to compliance with section 4, this will result in the mutual recognition of the first authorisation, which makes the authorisation valid in all EU MSs.
3. Compliance with appendix C is the third level of compliance, which is combined with a high level of technical harmonisation. It is not mandatory to comply with appendix C, but meeting these requirements could be the basis for the applicanta rail-transport undertaking to declare a wagon compatible and exchangeable with the existing fleet of 'RIV'- wagons. Such declaration remains under the full responsibility of the rail transport undertaking.

In today's WAG TSI and the forthcoming UTP WAG, there is no equivalence to level 1 or level 2 compliance. This level 1 or level 2 compliance presupposes a well-functioning safety management system (SMS) and a proper system of safety certification in place in order for the rail sector to deal with the associated freedom and responsibilities.

In accordance with the EU's 'new approach' principles, the essential requirements for the rail system are set out in the Interoperability Directive (2008/57/EC). Wagons have to meet the applicable essential requirements, considering their intended design operating states. For this purpose the manufacturer applies the common safety methods (CSM) and in accordance with its analysis the manufacturer creates a technical file for the wagon. A part of this technical file consists of all elements relating to the conditions and limits of use and to the instructions concerning servicing, monitoring, adjustment and maintenance. This technical file accompanies the wagon during its operational life and helps the railway undertaking in taking the responsibility for the safe operation of the wagon as allocated to them by the Safety Directive. The railway undertaking must have a certified safety management system in place to bear these responsibilities.

In OTIF, these responsibilities and safety functions are not defined in the same harmonised way as in the EU and that is why a plain copy/paste from TSI to UTP will probably not be the best approach for this transposition.

The Secretariat and the OTIF Member States should obtain a comprehensive overview of the opportunities and challenges that this transposition will entail.

### **Proposed plan and roadmap**

The following options have been identified with regard to the revision of the UTP WAG:

- a) Do nothing. This would mean the UTP WAG and revised WAG TSI would no longer be equivalent after 1 January 2014. It would no longer permit the mutual recognition of wagons placed in service in EU and non-EU OTIF Contracting States (CSs) according to ATMF Article 3a (cross authorising). As from 1 January 2014, wagons placed in service in EU MSs in accordance with the revised WAG TSI would not automatically be accepted in non-EU CSs (they would require an additional authorisation or derogations) and, vice-versa, wagons placed in service in non-EU OTIF CSs with the current UTP WAG would not automatically be accepted in EU MSs because of the lack of equivalence between the revised WAG TSI and the current UTP WAG (although the same wagons built in 2013 in accordance with current UTP WAG would be automatically accepted).
- b) Fully revise the UTP WAG in accordance with the WAG TSI in order to maintain equivalence. In this case it should first be analysed whether the three levels of compliance are useful outside the EU, bearing in mind the difference in the scope and objectives of the COTIF and EU legal regimes (COTIF only deals with international traffic and does not concern itself with the "internal market" objectives of the EU). This may be different from the EU application, also because the 'new approach' principles and the contents of the EU Safety Directive are not embedded in all OTIF CS.
- c) Slightly amend the UTP WAG, in order to ensure that wagons in compliance with the amended UTP WAG are also in compliance with the revised WAG TSI and in particular with its Appendix C. There would not be full equivalence between UTP and TSI, but the vehicle would be deemed compliant with the TSI. This would allow non-EU wagons to circulate in the EU. Wagons coming from the EU, but not vice-versa would only be able to circulate in non-EU Contracting States if they comply with Appendix C of the revised TSI. As a consequence of choosing this option c), the industry and railway sector doing business in non-EU Contracting States would not have access to the same technical and operational freedom as their counterparts in the EU.

Option a) does not meet the objective of COTIF and is not feasible. Because only Option b) fully meets the objectives of COTIF, the conclusion is that a full revision of the UTP WAG is the only and would therefore be a -feasible option.

If option b) – full revision- were chosen, The revision this should not be a straight copy of the TSI, because of the reasons mentioned in b) and because not all OTIF CSs have implemented the safety management and safety certification provisions, which are may be required for the application of the first two levels of compliance mentioned above (1: core TSI and 2: core TSI + section 7.1.2) of the revised WAG TSI.

Option c) could also meet the COTIF objectives. The outcome of an ERA study should, provide a comprehensive overview of the amendments that would be necessary to bring the existing UTP WAG into line with the revised WAG TSI's appendix C and the provisions in 7.1.2 thereof.

If option b) –full revision- were chosen, Aa solution could be to make the application of appendix C (level 3 compliance) mandatory, which will result in wagons which wagons, which are interchangeable with the existing pool of RIV wagons. However, this would entail the same drawbacks as mentioned in the last sentence under c).

Level 1 or 2 compliance would only be permitted in the event that an OTIF Contracting State has also implemented safety management principles in accordance with provisions which will have to be defined for this purpose.

An ad-hoc Safety subgroup ~~will~~could ~~have to be launched to~~ define such principles (as per the outcome of the discussion in WG TECH on 17 September 2012). In addition it should be confirmed whether the parameters in section 7.1.2 of the revised WAG TSI are also acceptable in non-EU OTIF CSs, as they are in the EU.

It should be noted that wagons for the 1520mm networks are outside the scope of the revised WAG TSI (and outside the scope of the present WAG TSI and UTP WAG). The European Commission and the European Railway Agency are in the process of defining parameters for 1520 mm wagons.

In the event that it is possible to adopt a revised UTP WAG based on full equivalence with the revised WAG TSI at CTE6 in June 2013, the UTP could enter into force at the same time as the revised TSI and there would then continue to be full equivalence between TSI and UTP. Such an approach would in principle be of benefit to all OTIF CSs and to the rail sector. The proposal of the OTIF Technology section is therefore to give this development priority. If such a concurrent revision of the UTP WAG were not possible, an amendment in line with option c) would need to be adopted.

**Planning**

The actual drafting of the UTP WAG will begin as soon as a direction is chosen. In order to meet the goals, the direction should become clear during the WG TECH in September 2012. The first draft should be prepared before the WG TECH in November 2012. Three WG TECH sessions are planned before the next CTE, which should be used to prepare the draft UTP WAG properly.

