

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

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

	Version 01	Reference: A 94-02/3.2012	Original: EN	Date: 17.12.2012
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Background and explanation for the revision of the UTP WAG:2012

The present document sets out the considerations, justifications and conclusions of the WG TECH preceding the revision of the UTP for freight wagons.

1. 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, is first achieved for wagons by 1 December 2012 when the UTP WAG:2012¹ entered into force which is equivalent to the WAG TSI:2006².

In June 2012 a draft revised WAG TSI was positively voted on in RISC by the Member States of the European Union (EU MSs) and is foreseen to enter into force on 1 January 2014. If the UTP WAG:2012 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 would also have to be revised.

2. Stakes

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 full equivalence between UTP and TSI as per ATMF Article 3a §§ 1 and 2.

¹ A 94-02/3.2011

² EU Decision 2006/861/EC as amended by Decision 2009/107/EC and Decision 2012/464/EU

3. The revised WAG TSI and the EU ‘new approach’

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 (in addition to level 1) 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 (in addition to level 2) 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 applicant to declare a wagon compatible and exchangeable with the existing fleet of ‘RIV’- wagons.

In today’s WAG TSI and the UTP WAG:2012, 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.

4. Consequences of the TSI revision for the equivalence with the UTP

In OTIF, the responsibilities and safety functions are not defined in the same harmonised way as in the EU and that is why answering the following question is important:

Can a wagon automatically be considered as compliant with the revised WAG TSI:2014 if it complies with the UTP WAG:2012?

During the revision of the WAG TSI, many technical solutions which were mandated in the WAG TSI:2006 have been defined as functional requirements. This allows meeting this functional requirement with the same solution as before, or with an alternative solution, which equally meets these functional requirements. This alone would allow for a positive answer to the question above. However, the revised WAG TSI contains several specifications and basic parameters which are additional to those in the WAG TSI:2006, like:

- Bogie – strength (4.2.3.6.1)
- Wheel - set strength (4.2.3.6.2)
- Wheel – strength (4.2.3.6.3)
- Axles - strength (4.2.3.6.4)
- Axle boxes / bearings - mechanical resistance / fatigue (4.2.3.6.5)
- Variable gauge wheelset - safe locking (4.2.3.6.6)
- Brake – safety requirements (4.2.4.2)

In addition to the above, the revised WAG TSI refers to the most recent EN standards in order to consider the technical progress. The previous WAG TSI:2006, in contrast, referred to either EN standards available before 2005, or, in most of the cases, to its Appendix where the content of UIC leaflets available before 2005 is copied. Detailed investigation by CEN and UIC experts would be necessary to establish the exact differences between old/new standards.

Considering all of the above, the conclusion is that full technical equivalence between the revised WAG TSI and the UTP WAG:2012 can not be taken for granted.

The draft revised WAG TSI includes in Article 9 of the Commission Regulation the following text:

The declaration of verification and/or conformity to type of a new vehicle established in accordance with Decision 2006/861/EC shall be considered valid until the end of a transition period of three years after the entry into force of this Regulation.

Declaring this 3-year transition period also applicable to vehicles in compliance with the UTP WAG:2102, would grant UTP compliant wagons the same rights as equivalent wagons validated according to the WAG TSI:2006. Such transition period is justified on the basis of full equivalence between the UTP WAG:2012 and Decision 2006/861/EC (and its amendments).

5. Scenarios

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

- a) Do nothing. This would mean the UTP WAG:2012 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 UTP WAG:2012 would not automatically be accepted in EU MSs because of the lack of equivalence between the revised WAG TSI and the UTP WAG:2012 (although the same wagons built in 2013 in accordance with the UTP WAG:2012 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) 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 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 therefore not feasible. Option b) fully meets the objectives of COTIF and would therefore be a feasible option. Option c) would not meet the COTIF objectives because of lacking equivalence between the revised WAG TSI and the UTP WAG:2012 as set out under section 4 of the present document.

If option b) – full revision- were chosen, consideration should be taken of the fact that not all OTIF CSs have implemented the safety management and safety certification provisions, which 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.

If option b) –full revision- were chosen, an option to be explored is mandating the application of appendix C (level 3 compliance), which would result in 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 may require that an OTIF Contracting State implements certain harmonised safety management principles. Provisions for this purpose would have to be defined with the assistance of an ad hoc Safety subgroup³.

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 is 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.

6. Conclusion and way forward

The WG TECH decided in its 17th session to start working on the revision of the UTP WAG in order to prepare a draft which retains full equivalence with the revised WAG TSI; scenario b). In its 18th session the WG TECH decided that the revised UTP WAG should follow the same principles as the revised WAG TSI, i.e. all three levels of compliance should be possible. At the same time it was decided to investigate the need for including operational parameters for the safe use of wagons. Such parameters should cover train composition and assuring that wagons are used within their conditions and limits of use as specified in the technical file.

The draft revised UTP WAG should be prepared for vote in the CTE 6 meeting on 12 and 13 June 2013. In case this planning can be achieved, the entry into force of the revised TSI WAG and the revised WAG UTP could be aligned to 1 January 2014. If this planning cannot be achieved, transitional measures should be developed and adopted.

³ Established under and reporting to the WG TECH as mandated by the CTE 5.