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ferroviaires (OTIF)

Zwischenstaatliche Organisation  
für den internationalen  
Eisenbahnverkehr (OTIF)

Intergovernmental Organisation  
for International Carriage  
by Rail (OTIF)

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# **WG TECH**

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

### **Minutes**

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**Berne, 14-15.02.2012**



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**AGENDA**

1. Approval of the agenda
2. Election of chairman
3. Approval of the minutes of the 15<sup>th</sup> session of WG TECH  
**Provisional minutes (with delegates' corrections)**
4. Derogation rules according to Article 7a ATMF  
Documents: **A 94-40/1.2011** Derogation rules according to Article 7a ATMF
5. Uniform Technical Prescriptions (UTP)
  - 5.1 UTP NOI Rolling Stock - Noise  
**A 94-04/2.2011 rev1** UTP NOI Rolling Stock -Noise
6. Uniform format of certificates (Type & Operation)  
**A 93-01/2.2011 rev1** Uniform format of certificates (Design Type & Operation)
7. OTIF Register system - Rolling Stock; National Vehicle Register
  - 7.1 Amendments to document A 94-20/1.2009 adopted at the 3<sup>rd</sup> session of the Committee of Technical Experts (February 2009)  
**A 94-20/3.2011 rev1** National Vehicle Registers (NVR) amendments
  - 7.2 Common ERA-OTIF Register of ECM Certificates
8. ATMF, Article 15 § 3 -“ensure or ascertain”  
**A 93-01/1.2011 rev1** Proposal for amplification of the Explanatory notes on ATMF, Article 15
9. Preparation of the 5<sup>th</sup> session of the Committee of Technical Experts on 23 and 24 May 2012
10. Any other business
  - 10.1 Correspondence with MS
  - 10.2 Notification of the documents adopted at the 4<sup>th</sup> session of CTE (September 2011)
11. Next session

## DISCUSSIONS

### Welcome by the Secretariat of OTIF

Mr Karl Erik **Raff** welcomed the participants, including Mr. Leermakers from ERA, who was participating in the working group for the first time and would be Mr Raff's successor in OTIF. He then opened the session.

#### 1. Approval of the agenda

The **Secretariat** explained that the provisional agenda had been sent to participants with the invitation on 18 January 2012 (circular **A 92-03/501.2012**). WG TECH agreed to **DE**'s proposal to change the order of items 4 and 5 so that the issue of derogations could be discussed before the issue of UTP Noise.

The **representative of the EU** asked that the two following matters be discussed under item 10, "Any other business":

- the format of OTIF correspondence with Member States and
- the procedure for notifying the documents adopted at the 4<sup>th</sup> session of the Committee of Technical Experts.

WG TECH approved this amendment to the agenda.

#### 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 15<sup>th</sup> session of WG TECH

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

The **Secretariat** had amended the provisional minutes in accordance with the corrections requested by the representative of the EU.

#### Conclusion:

The minutes of the 16<sup>th</sup> session of WG TECH were approved.

#### 4. Derogation rules according to Article 7a ATMF

Documents: **A 94-40/1.2011**

Derogation rules according to Article 7a ATMF

As decided at the 15<sup>th</sup> session of WG TECH (Ljubljana, November 2011), on 25 January 2012 a small ad hoc group drafted the derogation rules. These rules were based on Article 9 of Directive 2008/57/EC.

**DE** gave a presentation on the procedure for authorising/admitting a vehicle when applying UTP and TSI, and on derogations from UTP and TSI. The presentation illustrated the following 4 scenarios;

1. Derogation for one Member State, which is a Member State of the EU (EU law applicable). In the cases of paragraphs 1a, c, and e of Article 9 of Directive 2008/57/EC, the decision is made by the MS autonomously and the MS only informs the European Commission (EC) by sending it a file. In all other cases, the derogation will be decided by the EC in accordance with the opinion of RISC.
2. Derogation for two Member States which are Member States of the EU (EU law applicable). These two states should cooperate.
3. Admission of a vehicle in one non-EU Contracting State not intended for international traffic. The convention only applies to international traffic, so UTPs do not apply. There is no formal derogation.
4. Derogation for two OTIF Member States which are not Member States of the EU. In this case, only the law of COTIF applies.
5. Derogation applicable to at least one Member State of the EU and one non Member State of the EU. Cooperation between the MSs and cooperation between the OTIF Secretariat and European Commission is required.

The **Secretariat** would not be able to evaluate the national technical alternative. It could only check the justification.

After a discussion in which **RS**, **the representative of the EU**, **DE**, the **Secretariat** and **CER** took part, WG TECH came to the following conclusions:

1. WG TECH requested that the amendments made to the document as a result of the “small” working group on derogations (deletion of the second paragraph in section 1, SCOPE) be revoked.
2. One derogation for a project may be sufficient and may support several admissions. Each additional MS evaluates whether the derogation is acceptable or not and may therefore refuse to accept the derogation. In the explanatory notes, the different cases need to be clarified.
3. **The representative of the EU** proposed that the explanatory notes should contain an explanation of all three types of traffic: between EU OTIF MS, between non-EU OTIF MS and between EU and non-EU OTIF MS.



## 5. Uniform Technical Prescriptions (UTP)

### 5.1 UTP NOI Rolling Stock - Noise

Documents:     **A 94-04/2.2011 rev1**             UTP NOI Rolling Stock - Noise

**The Secretariat** informed the meeting that the legal service of OTIF had checked the draft UTP NOISE. Section 0.2, “Transitional provisions”, had been added in order to avoid the compulsory re-admission and retrofitting of about 700,000 wagons. The deadline for these transitional provisions would be the date on which the UTP NOI would come into force.

**CER** drew attention to the fact that the formula in section E 6.2.3.4 was wrong.

After the comments from **ERA, CER, DE, the representative of the EU, RS** and the **Secretariat**, **WG TECH** agreed on the following conclusions:

1. In section 0.2, the sentence referring to admission between 01.12.2010 and the date of entry into force of this UTP was deleted, as it was considered superfluous.
2. Section 1.1: the sentence “*Noise generated from braking is not in the scope of this UTP*” would be included in the footnote rather than in the text.
3. Section 7.4: the whole text in the left-hand column was deleted.
4. Section 7.5.1: the text in the left-hand column was deleted.
5. The sections suggested by the Secretariat (7.5.2, 7.7.2.7.1 and 7.7.2.7.2) were not accepted.
6. ERA would provide an opinion on the accuracy of the formula in section E.6.2.3.4.

## 6. Uniform format of certificates (Type & Operation)

Document:       **A 93-01/2.2011 rev1**             Uniform format of certificates (Design Type & Operation)

**RS** asked for detailed data specifications in the event that the certificate was not the first one, rather than just a reference to the previous certificate.

The **Secretariat** explained that a new certificate might be issued if the technical parameters of the wagon were changed (and the wagon number, especially digits 5 to 8, might be changed), or if the numbering changed due to a change of keeper.

The **Chairman** supported **DE**’s proposal to make clear in the explanatory notes that if there was no date in the “UNTIL DATE” field, this meant that the certificate was valid for an unlimited period.

**The representative of the EU** explained that he had not had sufficient time to consult the EU MS on this document.

Conclusion:

If the field “UNTIL DATE” is blank, this means unlimited. This explanation would be added to the explanatory notes.

## 7. OTIF Register system - Rolling Stock; National Vehicle Register

### 7.1 Amendments to document A 94-20/1.2009 adopted at the 3<sup>rd</sup> session of the Committee of Technical Experts (February 2009)

Document:      **A 94-20/3.2011 rev1**              National Vehicle Register (NVR) amendments

The **Secretariat** explained that the Annex to document A 94-20/1.2009 had been revoked. No major changes had been made since the last WG TECH (Ljubljana, November 2011). Some provisions concerning re-registration had been added to Section 3.2.

**The representative of the EU** commented that there was no reference to digits 5 to 8 of the wagon number in the EU regulations.

The **Secretariat** had added ECM to the table of access rights.

Conclusion:

1. The addition to Section 4.1.7 was agreed
2. The title of 4.3 was changed to “Transfer of data from former registration entity”.
3. The document would be (informally) distributed to DE, CER, the representative of the EU and Italy with the amendments shown.

### 7.2 Common ERA-OTIF Register of ECM Certificates

Users had requested that there should only be one register of ECM certificates. One possible solution would be to set up parallel ERA and OTIF registers containing exactly the same information (like the VKM register).

## 8. ATMF, Article 15 § 3 -“ensure or ascertain”

Document:      **A 93-01/1.2011 rev1**              Proposal for amplification of the Explanatory notes to ATMF, Article 15

The amendments suggested by the Secretariat were not accepted. WG TECH requested that the amendments agreed at the 15<sup>th</sup> session of WG TECH be maintained.

Conclusion:

The wording agreed at the 15<sup>th</sup> session of WG TECH would be kept.

## 9. Preparation of the 5<sup>th</sup> session of the Committee of Technical Experts on 23 and 24 May 2012

The following agenda for the 5<sup>th</sup> session of CTE was adopted (with items for adoption to be dealt with on the first day):

1. Approval of the agenda
  2. Presence and quorum
  3. Election of chairman
  4. Report of the Committee of Technical Experts' working group WG TECH  
(for information)
  5. **Derogation rules (APTU Article 7a)  
(for adoption)**
  6. **Uniform Technical Prescriptions  
(for adoption)**
    - 6.1 **UTP NOI: ROLLING STOCK - NOISE (new)**
  7. **Uniform format of certificates (Design Type Certificate & Certificate of Operation)  
(for adoption)**
  8. **Amendment to the specifications for the National Vehicle Registers (NVR)  
(for adoption)**
  9. **ATMF, Article 15 § 3 - "ensure or ascertain"  
(for adoption)**
  10. Notification of national technical requirements according to Article 12 APTU  
(for information)
  11. Consultation of non-EU OTIF MS on two TSIs:
    - 1) Operation & Management (merged) and
    - 2) Freight wagons revised  
(for information)
  12. Vehicle Keeper Marking
    - 12.1 Cooperation with OSJD  
(for information)
  13. Vehicle Registers
    - 13.1 Status of the development of the NVRs in the Contracting States  
(for information)
  14. Work programme of the Committee of Technical Experts for 2012 and 2013  
(for discussion)
  15. Any other business
  16. Next session
- 10. Any other business**

### **10.1 Correspondence with MS**

**The representative of the EU** noted that despite the accession of the EU to COTIF on 1 July 2011, the EU was not mentioned as an addressee of the circulars sent by OTIF Secretariat to the Member States of OTIF. In addition EU was not any more listed as one of the organisations that had been sent a copy of the various circulars. As the EU is a party to COTIF, it is a full member of all its bodies (except the Administrative Committee). Thus, for example, when OTIF Secretariat sends an invitation for a CTE or a WG TECH meeting, the EU should be mentioned explicitly as an addressee on the front page of OTIF's circulars.

In reply to the Secretariat's question as to whether the Commission received OTIF correspondence by e-mail, the representative of the EU confirmed that this was the case.

## **10.2 Notification of the documents adopted at the 4<sup>th</sup> session of CTE (September 2011)**

**The representative of the EU** wished to consult the minutes of the 4<sup>th</sup> session of the CTE before approving the notified documents adopted at the 4<sup>th</sup> session of the CTE, for which the deadline for objections was 30 March 2012.

The **Secretariat** said it would send the Commission the English version of the minutes (before they were sent out in all three working languages) by 29 February 2012.

## **11. Next session**

The next session of WG TECH will be held on 4 and 5 September 2012. The venue would be decided in due course (probably not Berne).

**OTIF**



**ORGANISATION INTERGOUVERNEMENTALE POUR  
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBAHNVERKEHR**

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**16<sup>th</sup> WG TECH  
Berne, 14.-15.02.2012**

**ANNEX I**

**Liste des participants  
Teilnehmerliste  
List of participants**

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.

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S'est excusée.  
Hat sich entschuldigt.  
Sent apologies.

### Bosnie-Herzégovine/Bosnien und Herzegowina/Bosnia and Herzegovina


S'est excusée.  
Hat sich entschuldigt.  
Sent apologies.

### Bulgarie/Bulgarien/Bulgaria

S'est excusée.  
Hat sich entschuldigt.  
Sent apologies.

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Hat sich entschuldigt.  
Sent apologies.


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Hat sich entschuldigt.  
Sent apologies.

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Hat sich entschuldigt.  
Sent apologies.

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S'est excusé.  
Hat sich entschuldigt.  
Sent apologies.


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Sent apologies.

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