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Eisenbahnverkehr (OTIF)

Intergovernmental Organisation
for International Carriage
by Rail (OTIF)

WG TECH

19th Session

Provisional Minutes

(with delegates' corrections)

Bern, 13-14.02.2013

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AGENDA

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3. Approval of the minutes of the 18th session of WG TECH
Provisional minutes (with delegates' corrections)
4. Final preparation of the 6th session of the Committee of Technical Experts
 - 4.1 Process for dealing with deficiencies in UTPs

Document:	A 94-00/1.2012 ver.02	Process for correcting deficiencies in UTP
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 - 4.2 Results of the ad-hoc safety subgroup

Document:	A 92-04/2.2012 ver.04	Ad-hoc safety subgroup recommendations
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 - 4.3 Transposition of draft revised WAG TSI into the draft revised UTP WAG

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 - 4.4 ECM registers
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Document:	A 92-03/8.2012 ver.01	Amendments to Article 20 § 3 of the Convention
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5. Any other business
 - 5.1 Information concerning the latest developments in EU regulations
 - 5.2 Amendment of GEN - G
6. Draft agenda for the 6th session of the Committee of Technical Experts

Document:	A 92-03/7.2012 ver.02	Draft agenda for the 6 th session of the Committee of Technical Experts on 12 and 13 June 2013
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7. Next session

DISCUSSIONS

Welcome by the Secretary General

Mr François **Davenne** (new Secretary General (France)) welcomed the participants, and said how satisfied he was at the number of participants. He said that he would be attending the working groups more frequently than the previous Secretary General. Together with Mr. Bas **Leermakers**, he reviewed the work of the technical group and thought the results of the ad-hoc safety subgroup were interesting and very important for the development of OTIF. He described the transposition of EU safety rules and SMS into COTIF as very challenging.

Within OTIF, he had asked that in future, there should be more cooperation between the Technology section and the Dangerous Goods section, especially on issues relating to wagons and ECM.

He wished the working group success in its work.

The representative of the EU said that he was pleased with the outcome of the election of the new Secretary General, which could lead to better relations between EU and OTIF. He had attended the meeting between Mr Davenne and Mr Paquet, the director of DG MOVE - B, where the main issue had been to establish better cooperation between OTIF and EU/ERA for the benefit of the railway sector. The next meeting planned would focus on discussing and finding ways to enhance cooperation.

The **Secretary General** confirmed his intention to strengthen relations with ERA, with the involvement of the non-EU Contracting States (CS), thus giving them the opportunity to present their positions. In this context, he expressed his satisfaction that Bosnia and Herzegovina, Turkey and Serbia were taking part in the work of this technical group.

Welcome by the Secretariat

Mr Bas **Leermakers** welcomed the participants, including new participants from Bosnia and Herzegovina, Turkey and CER, who were participating in the working group for the first time, and he opened the session.

1. Approval of the agenda

The **Secretariat** explained that the provisional agenda had been sent to participants with the invitation on 13 December 2012 (circular **A 92-03/519.2012**). The **Secretariat** suggested adding two further matters to item 5, “Any other business”: Information concerning the latest developments in EU regulations and the amendment of UTP GEN-G. It also suggested dealing with item 4.7, “Draft agenda for the 6th CTE” after the item on “Any other business”, in order that the amendment of GEN-G could be discussed before the draft agenda for the 6th session of CTE.

CER asked that item 4.1 be dealt with after items 4.2 and 4.3.

WG TECH approved the agenda with this amendment.

2. Election of chairman

RS 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. Mr Bacher accepted the nomination.

The **Chairman** thanked the working group for the trust it had placed in him and thanked the Secretary General for his words of welcome and for taking part in the work of this group.

3. Approval of the minutes of the 18th session of WG TECH

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

The **Secretariat** had sent the provisional minutes to delegates who had attended the 18th session on 22 November 2012. It had amended the provisional minutes in accordance with the corrections requested by EU/ERA.

All amendments were displayed on the screen and reviewed.

ERA asked that the chapter number in conclusion 6 on item 4.3 be corrected to read "6.2.3.6.4". This proposal was accepted.

CER asked that on page 12, second paragraph, first sentence, the word "approval" should be replaced by "authorisation". This proposal was accepted.

Conclusion:

The minutes of the 18th session of WG TECH were approved with the two corrections requested by ERA and CER.

4. Final preparation of the 6th session of the Committee of Technical Experts

4.1 Process of dealing with deficiencies in UTPs

Document: **A 94-00/1.2012 ver.02** Process for correcting deficiencies in UTP

The **Secretariat** explained that the draft document had been updated to version 02 in accordance with the conclusions of the 18th session of WG TECH. In cooperation with ERA, the flow chart in the document had been modified to show the links between the OTIF process and the process in the EU. The **Secretariat** presented the OTIF and EU processes and their time frames and the points which should be synchronisation in the EU and OTIF processes.

CER asked that in chapter 2, "Input", the possibility of providing input into the process should be allowed.

The **representative of the EU** proposed to add at the end of the document an explanation on the implementation of the process

Conclusions:

1. At the end of chapter 2, “Input”, the words “or stakeholders” would be added.
2. At the end of the document, a new chapter 6 “Implementation” would be added, to read as follows “This document implements provisions already set out in the Convention (APTU Article 8a) and can be implemented immediately”.
3. The document was ready, so it could be used to inform the 6th session of CTE of the implementation of the process for dealing with deficiencies in UTPs.
4. The process could be implemented immediately.

4.2 Result of the ad-hoc safety subgroup

Document: **A 92-04/2.2012 ver.04** Ad-hoc safety subgroup recommendations

The **Secretariat** explained that the 5th session of the CTE had mandated the working group to set up an ad-hoc subgroup based on terms of reference drafted by the Secretariat. The 17th meeting of the standing working group TECH (WG TECH) had adopted the terms of reference and established the ad-hoc safety subgroup. This subgroup met for the first time in November 2012, just before the 18th meeting of WG TECH, and tasked the Secretariat to prepare a document on preliminary analyses and conclusions. At its second meeting in January 2013, the subgroup finalised the analyses and conclusions. The **Secretariat** briefly summarised the conclusions.

RS proposed that the conclusions be set out as explanatory notes to UTP WAG.

The key conclusions were

- All wagons, irrespective of their design, must meet the essential requirements in their design operating state,
- It is the task of the rail transport undertaking to use each vehicle correctly, in accordance with its limits and conditions for use,
- Contracting States should supervise the activities of rail transport undertaking(s) operating on their territory.

In reply to a question from **RS** as to whether this document would entail any legal obligations, the **Secretariat** said that this was only a document setting out the conclusions of an ad-hoc working group, and hence had no force of law.

In order to introduce the safety management provisions into OTIF regulations, the ad-hoc safety group recommended a step by step approach:

- The first step would be to revise the UTP WAG, including provisions relating to train composition and the use of wagons,
- The second step would be to consider any necessary amendments to ATMF and its explanatory notes,
- The third step would be to consider the development of UTP Operation.

If a type of wagon were not compatible with a rail transport undertaking’s fleet or operational environment, it might not be possible for this rail transport undertaking to operate this type of wagon. This assertion could be considered contradictory to Article 17 ATMF. If this were the conclusion, Article 17 ATMF should be revised by the Revision Committee.

In reply to a question from **RS** as to when the amendment of Article 17 ATMF would be submitted to the Revision Committee, the **Secretary General** informed WG TECH that the next Revision Committee would probably take place at the beginning of 2014.

CER requested that its support for the position some CSs held on the relevance of registers and databases to safety be mentioned in the document (page 5). **CER** repeated its comment that the requirement in the second bullet on page 10 contradicted Article 13 CIM and the RID rules.

Conclusion:

1. WG TECH approved the document and agreed the conclusions of the ad-hoc safety group (pages 11 and 12 of the document).
2. The conclusions of the ad-hoc safety group should be understood in the context of the whole document (and should therefore not be taken out of this context).
3. The right of the RU to refuse a wagon in relation to Article 17 ATMF was clarified in two steps:
 - i. explain the conditions in explanatory notes
 - ii. amend the wording of Article 17 ATMF.
4. On page 5, the words “and CER” would be added at the end of the first sentence under table 2.
5. The content of the document and the conclusions would be used for the revised UTP WAG.
6. The document would be submitted to CTE for information.

The **Chairman** thanked the ad-hoc safety subgroup for its work. When transposing the revised WAG TSI into the revised UTP WAG, the safety aspect would have to be dealt with, as safety systems varied in different OTIF MSs. The ad-hoc safety subgroup had found a solution to this problem.

4.3 Transposition of draft revised WAG TSI into the draft revised UTP WAG

Documents:	A 94-02/3.2012 ver.01	Background and explanation for the revision of the UTP WAG:2012
	A 94-02/2.2012 ver.03	Draft of revised UTP WAG

The **Secretariat** explained the process of drafting the revised UTP WAG, which had started with a draft strategy and roadmap, including planning, which had been submitted to WG TECH 17 in September 2012, together with terms of reference for the ad-hoc safety subgroup. For WG TECH 18 in November 2012, the **Secretariat** had prepared a first draft of UTP WAG (version 0), together with the final strategy and roadmap document. Version 02 of the UTP WAG had been uploaded onto the OTIF website in mid-December 2012. Version 03 (input for WG TECH 19) had been prepared, taking into account the results of the ad-hoc safety subgroup.

The **Secretariat** proposed the course of action between WG TECH 19 and the CTE. The next version (04) containing amendments required by WG TECH 19 would be issued in March 2013. WG TECH participants would be asked to carry out a final check to find any errors. If possible, version 04 would be available in all three OTIF languages. Version 05 would be distributed (according to the Rules of Procedure of the CTE) on 12 April 2013 at the latest.

The ~~scope of draft revised UTP WAG was transposes the revised~~ WAG TSI and includes additional operational parameters to be included asset out in Appendix PP (vehicle numbering from EU NVR specification), ~~and~~ Appendix H (from CCS TSI) and Appendix I (from OPE TSI).

WG TECH reviewed and discussed in detail the content of the draft UTP WAG (version 3), including the following issues:

- ERA technical documents would be taken over as Appendices to UTP WAG,
 - As far as possible, the right-hand column should contain equivalent EU texts, including those from EU regulations other than WAG TSI,
 - Safety management provisions (Appendix I to UTP WAG) would take into account separate ERA comments and texts would be as close as possible to the OPE TSI texts,
 - Transitional provisions would be aligned more closely with those in the draft TSI WAG,
 - Discussion on whether or not a general specific case should be maintained for non-EU OTIF Contracting States concerning the distance between two adjacent axles, which should not exceed 17500 mm (specific case was not maintained).
 - The content of the application guide should be largely similar for the UTP and for the TSI and it might therefore be of benefit if the guide were to be issued jointly by ERA and OTIF.
- Conclusion:

1. With regard to the list of approved brake blocks, a static reference to the latest ERA document would be included in UTP WAG. Any reference to a newer ERA document would be modified by means of the UTP amendment procedure. If it were found in future that this procedure was not practicable, a way of issuing a joint ERA/OTIF document would be investigated.
2. **ERA** technical documents (which only exist in English) would be included as Annexes to UTP WAG in all three language versions,
3. The **Secretariat** would find a solution for the application guide (e.g. a common EC/ERA/OTIF document). As this was not a legally binding document, it would not need to be adopted by the CTE.

4.4 ECM registers

The **Secretariat** explained that the obligation in section 10 of Annex A to ATMF to publish a list of Certification bodies and a list of ECM certificates had been met. The OTIF website contained two lists

1. List of the Certification bodies accredited by an accreditation body in non-EU OTIF MSs.
2. List of ECM certificates. This list did not contain ECM certificates issued by a certification body in EU to ECMs with their place of business in the EU.

For EU ECM certificates the OTIF website contains links to the ERA website. Users of the ECM register had to consult two registers in two places to get the full picture. Such a solution was workable, but not optimal.

In the next few months, EC/ERA and OTIF would try to find ways to improve cooperation, including cooperation on the registers.

This issue had been addressed in WG TECH as a matter of good practice, as all subjects are addressed to WG TECH before being submitted to CTE.

4.5 VKM regulations update

The **Secretariat** explained that the identical VKM register are published at the same time on the ERA and OTIF websites. The Rules for registering a VKM code (common ERA - OTIF document) were adopted at the 3rd session of CTE in February 2009. The main reason why updating and improvement were necessary was because the document contained

- Updated references to EU and OTIF regulations,
- References to provisional lists which were published up to the end of 2009,
- Outdated references to the ERA and OTIF website.

As for item 4.4, “ECM registers”, this issue was being addressed in WG TECH before being submitted to CTE.

4.6 Rules of Procedure for the Committee of Technical Experts

Document: **A 92-03/8.2012 ver.01** Amendments of Article 20 § 3 of the
Convention

The **Secretariat** explained that the current wording of Article 20 § 3 of the 1999 Convention only allowed UTPs to be adopted or rejected, which did not reflect the practice where the CTE also amends UTPs before adopting them and which was not in line with Article 33 § 6 of the 1999 Convention. The Secretariat explained that it was better to address this inconvenient reality and resolve it, rather than just ignoring it. The **Secretariat** proposed two options to resolve this contradiction:

- A short term solution by dividing the CTE meeting into
 - I. A session of WG TECH to prepare the final amendments to the UTPs proposed for adoption, succeeded by
 - II. A session of the CTE to adopt or reject the UTPs proposed for adoption.
- Long term solution: amendment of the 1999 Convention to allow UTPs to be amended by the CTE just before they are adopted.

The **Chairman** thought this rule must have been defined before the 1999 Convention was signed, when the practicalities concerning the adoption of UTPs were not yet known. In addition, only high speed TSIs existed at that time. Today it was clear that the CTE was amending UTPs just before adopting them, as they were developed by OTIF’s WG TECH.

The representative of the EU expressed his surprise concerning this situation, as the Rules of Procedure for the CTE clearly allowed UTPs to be amended. He thought the short term solution was unreasonable, and supported the long term solution instead.

RS also supported the long term solution.

Conclusion:

1. The **Secretariat** would start the process of amending Article 20 § 3 of the 1999 Convention to bring it into line with the activities of the CTE by submitting it to the Revision Committee.
2. The **Secretariat** would prepare information for CTE concerning this issue, which would enable the CTE to recognise the inconsistency and to work with it in a pragmatic way.
3. Pending the outcome of 1, the CTE would act on the basis of its Rules of Procedure and Article 33 § 6 of the 1999 Convention.

5. Any other business

5.1 Information concerning the latest developments in EU regulations

The **Secretariat** presented the cross-reference table containing the EU and OTIF regulations which had been tabled at the meeting prepared in cooperation with ERA. The aim of the table was to provide an overview of the differences between EU and OTIF regulations in force that had come about as a result of developments within the EU.

The **Chairman** thought the table was useful for maintaining compatibility between EU and OTIF regulations.

The **Secretariat** suggested that this table should be updated before each WG TECH.

In response to a comment from **ERA** that this table should be kept as short as possible, the **Secretariat** said that all regulations from the Interoperability and Safety directives should be included in this table to enable the OTIF Secretariat to consider which regulations OTIF might need to take over within the scope of application of COTIF.

NL recommended that this table also be used by CTE to decide the priorities for the Secretariat's work.

Conclusion:

1. The aim of the cross-reference table is to provide a complete overview of the equivalences and differences between EU and OTIF regulations.
2. A procedure for updating the cross-reference table would be developed by **ERA** and the **OTIF Secretariat**,

The representative of the EU informed the working group that on 13-30 January 2013, the Commission had adopted the 4th Railway Package. . The package had to be adopted by the European Parliament and Council. This would have implications for the work in the technical area of COTIF.

ERA's role would be strengthened. ERA would be responsible for "authorisations for placing vehicles on the market" and for the certification of railway undertakings.

The RISC meeting in January 2013 had voted positively on the revised CSM-RA. Four workshops on LOC & PAS, INF, ENE and RST had recently been held.

This year, it was anticipated that four revised TSIs would be adopted. The revised WAG TSI might be adopted in March 2013. Owing to technical developments, it was planned to adopt amendments to TSIs in June 2013 using the OMNIBUS procedure.

The **Secretariat** said that the UTPs should only be amended after the TSIs had been amended.

The **Chairman** endorsed this procedure.

The representative of the EU informed the working group that on 7 and 8 February 2013, a workshop on the procedure for authorising vehicles had been held and had focused on the various interpretations of the rules for authorisation in different MSs. ~~A task force had been set up to improve the authorisation process.~~

On 12 March 2013, a workshop on registers in EU legislation would take place in Lille. The main topics of the workshop would be the scenario for the future use of registers by RU, IM and stakeholders, the question of using the registers for administration or real time use.

In reply to **Chairman's** question as to whether non-EU OTIF MSs may attend this workshop, **the representative of the EU** said that some places at the workshop could be offered to non-EU OTIF MSs, depending on the capacity of the venue.

The **Chairman** thanked the representative of the EU for this information and suggested that this item concerning information on the latest developments in EU regulation be included as a standing item on each agenda before "any other business".

5.2 Amendment of GEN-G

The representative of the EU presented an overview of the anticipated amendments to Regulation 352/2009 on CSM for risk assessment. The OTIF equivalent of this EU regulation was UTP GEN-G. The latter would also have to be amended in order to maintain equivalence between these regulations.

According to the current and amended EU Regulation, a "proposer" applying CSM could be:

- A railway undertaking or an infrastructure manager, when changing the railway system parameters
- Contracting entities or manufacturers when they invite a notified body to apply the "EC" verification procedure. The applicant for an "authorisation for placing in service of vehicles", when required in a TSI
- Other actors, where necessary.

CSM should be applied if there are significant changes to the railway system which might entail new risks. This has been applied since 2010 for changes to technical systems and since 2012 for operational and organisational changes. Annex I (including the flow chart) on risk assessment and risk management processes will not be affected by the EU amendment.

The anticipated amendment to the EU Regulation will not affect the current risk assessment process. The reason the EU Regulation was revised was to set stricter requirements for the assessment bodies and to ensure the correct application of CSM to enable the mutual recognition of the results from CSM. Therefore, in the future regulation as amended, assessment bodies would have to be accredited or recognised. The EU Member States would be allowed to use accreditation or recognition of assessment bodies or a combination of these two options. There might be several assessment bodies or no assessment body at all within an EU Member State.

Anticipated amendments to the EU Regulation to ensure a similar quality of independent assessment include:

- Accreditation and recognition scheme for assessment body,
- Specification on how to arrive at judgment of suitability of application of CSM and appropriateness of its results,
- Common structure for independent safety assessment report,
- Review of existing criteria in Annex II to be met by assessment body and completion of additional criteria (use of standard ISO/IEC 17020:2012 and specific requirements for CSM for risk assessment (e.g. competence in railways)).

A common view on additional harmonised risk acceptance criteria would not be included in the amendments to the Regulation. It was agreed to leave more time for a more in-depth analysis, validation and an economic impact assessment of current practices for accepting risks linked to failures of technical systems.

The short analysis carried out by the **Secretariat** showed that new Articles (7 to 14, 16, 19) had been introduced into the revised CSM on RA as Annex III. Articles 13 and 14 anticipated the involvement of ERA.

The **Chairman** asked whether it would be feasible to prepare the revised UTP GEN-G during April 2013 for adoption in the 6th session of CTE, as this was an element of the OTIF “freight wagons package”.

The **Secretariat** thought there were two options; to prepare the UTP GEN-G for adoption by the 6th session of CTE (work to be carried out quickly) or that the EU would allow OTIF a further two years to adopt the revised UTP GEN-G, with continuous mutual recognition between revised CSM on RA and the UTP GEN-G in force.

The representative of the EU replied that the impact of such a solution should be studied. He suggested the options of postponing the 6th session of CTE or of convening an extraordinary session of CTE.

The **Secretariat** was not in favour of postponing the 6th session of CTE.

Subject to the positive response from the ERA Safety unit, **ERA** proposed its possible support of ERA by developing revised UTP GEN-G.

6. Draft agenda for the 6th session of the Committee of Technical Experts

Document: **A 92-03/7.2012 ver.02** Draft agenda for the 6th session of the
Committee of Technical Experts on
12 and 13 June 2013

The **Secretariat** had prepared a draft agenda, taking into account the fact that all items for adoption had to be dealt with as early in the agenda as possible. Item 6.2 concerning UTP GEN-G equivalence with revised CSM on RA was changed from “for adoption” to “for discussion”.

ERA suggested adding “PRM TSI” to item 12, “Consultation of non-EU OTIF MS on TSI” with PRM TSI.

The **Secretariat** explained that for OTIF the TSI PRM was not a priority and that OTIF had not been asked to organise the non-EU OTIF MS consultation on TSI PRM.

The representative of the EU apologised that OTIF was not involved in the consultation process of PRM, ENE and INF TSIs. He promised to submit these three TSI to OTIF for consultation and that OTIF would be allowed the agreed three months to obtain the results of the consultation.

The **Secretariat** suggested renaming item 14 as “Strategy and work programme of CTE”. Documents prepared for this item would contain not only a list of regulations to be adopted by CTE, but also a strategy for the future activities of OTIF with the new Secretary General. Within the EU, the development of legislation was rapid. Some of this legislation was beyond the scope of the 1999 Convention. The OTIF Secretariat was considering a model menu for non-EU OTIF MSs to give them the choice of which OTIF regulations they would apply.

7. Next session

After the 6th session of the Committee of Technical Experts, which will be held on 12 and 13 June 2013, the next (20th) session of WG TECH will be held in Ankara on 11 and 12 September 2013, at the kind invitation of Turkey

The 21st session of WG TECH will be held in Bern on 3 and 4 December 2013.

TR was looking forward to hosting WG TECH and to welcoming the participants to Turkey.

CLOSING REMARKS

The **Chairman** said how satisfied he was that cooperation between EC/ERA and OTIF was improving and that he especially valued ERA’s support for the work of the OTIF Secretariat. He thought it was very likely that the new UTP WAG could be adopted at the 6th session of CTE. He thanked the Secretariat for preparing the huge amount of documents with great accuracy. He appreciated the active participation of the MSs at this session, and was particularly pleased to note the recent participation of Turkey and Bosnia and Herzegovina.