

Draft document prepared by the European Commission for the 30<sup>th</sup> session of the WG TECH (16-17 November 2016)

**COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION**

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<p>Explanatory note:</p> <ul style="list-style-type: none"> <li>- In case of different wording: <b>text underlined in bold</b> (only when the wording can be compared)</li> <li>- In case of similar provision (including editorial/minor changes): no difference identified (I) IDENTICAL</li> <li>- In case of different content 5 categories have been identified:</li> </ul> <p>(A) NO IMPACT: means differences have no impact on the OTIF-EU equivalence                  (B) NO CHANGE in the 4th railway package: means we assume that the provision already existing are already equivalent                  (C) NOT RELEVANT to check differences for equivalence e.g. Elements related to the proper governance of OTIF and/or EU                  (D) AMENDMENT to be introduced: means that OTIF text should be reviewed.                  The Amendments will be divided into: Significant (***) OR Not Significant (*)</p> <p>(E) To be solved by a TABLE OF CORRESPONDENCE</p>		
<p><b>APTU- Apendix F to the Convention Applicable from 1.07.15</b></p>	<p><b>Corresponding provisions in: DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2016 on the interoperability of the rail system within the European Union</b></p>	<p><b>Comments</b></p>
<p><b>Article 1 Scope</b></p>		
<p>These Uniform Rules lay down, for railway material intended to be used in international traffic, the procedure for the validation of technical standards and the adoption of Uniform Technical Prescriptions (UTP).</p>		<p><b>(C) NOT RELEVANT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p align="center"><b>Article 2 Definitions</b></p>		
<p>For the purposes of these Uniform Rules, their Annex(es) and the UTP, in addition to the terms defined in Article 2 of ATMF, the term</p>		
<p>a) “carriage” (or “coach”) means a railway vehicle, not provided with a means of traction, which is intended to carry passengers; the term includes a luggage wagon which is intended to be carried in a passenger train;</p>		<p><b>NO PROVISION</b> Only "vehicle" is defined.</p>
<p>b) “project in an advanced stage of development” means any project whose planning/construction stage has reached a point where a change in the technical specifications <b>would be unacceptable to the Contracting State concerned. Such an impediment may be legal, contractual, economic, financial, social or environmental in nature and must be duly substantiated;</b></p>	<p>Art. 2 (23) ‘project at an advanced stage of development’ means any project the planning or construction stage of which has reached a point where a change in the technical specifications <b>may compromise the viability of the project as planned</b></p>	<p><b>(A) NO IMPACT</b></p>
<p>c) “substitution in the framework of maintenance” means any replacement of components by parts of identical function and performance in the framework of preventive or corrective maintenance;</p>	<p>Art. 2 (17) ‘substitution in the framework of maintenance’ means any replacement of components by parts of identical function and performance in the framework of preventive or corrective maintenance;</p>	<p><b>(B) NO CHANGE</b></p>
<p>d) “technical prescription” means a rule, other than a technical standard, included in the UTP, relating to the construction, operation, maintenance or safety aspects, or relating to a</p>	<p>Art. 2 (38) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, subsystem, process or service;</p>	<p>4<sup>th</sup> RP introduces in the directive definition of "technical specification" <b>(A) NO IMPACT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>procedure concerning railway material;</p>	<p>(11) ‘technical specification for interoperability’ (TSI) means a specification adopted in accordance with this Directive by which each subsystem or part of a subsystem is covered in order to meet the essential requirements and ensure the interoperability of the Union rail system;</p>	<p><b>(B) NO CHANGE</b></p>
<p>e) “technical standard” means a voluntary standard adopted by a recognised international standardisation body, according to the procedures applicable to it;</p>	<p>Art. 2(1) of Regulation 1025/2012  ‘standard’ means a technical specification, adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory, and which is one of the following:  (b) ‘European standard’ means a standard adopted by a European standardisation organisation;</p>	<p><b>(B) NO CHANGE</b></p>
<p>f) “traction unit” means a railway vehicle provided with a means of traction;</p>		<p>NO PROVISION  Only "vehicle" is defined.</p>
<p>g) “wagon” means a railway vehicle, not provided with a means of traction, which is intended to carry goods</p>		<p>NO PROVISION  Only "vehicle" is defined.</p>
<p style="text-align: center;"><b>Article 3  Aim</b></p>		
<p>§ 1 The validation of technical standards relating to railway material and the adoption of UTP applicable to railway material shall have as its aim to</p> <p>a) facilitate the free circulation of vehicles and the free use of other railway material in international traffic,</p>		<p><b>(C) NOT RELEVANT for standards  and  (B) NO CHANGE for UTP</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>b) contribute to ensuring the safety, efficiency and the availability for international traffic,</p> <p>c) take account of the protection of the environment and public health.</p>		
<p>§ 2 When technical standards are validated or UTP are adopted, only those prepared at the international level shall be taken into account.</p>		<p><b>(C) NOT RELEVANT</b></p>
<p>§ 3 To the extent possible</p> <p>a) it is appropriate to ensure interoperability of technical systems and components necessary for international traffic;</p> <p>b) technical standards and UTP shall be performance related; if appropriate, they shall include variants.</p>	<p>Recital (24)</p> <p>In view of the gradual approach to eliminating obstacles to the interoperability of the Union rail system and of the time consequently required for the adoption of TSIs, steps should be taken to avoid a situation where Member States adopt new national rules or undertake projects that increase the diversity of the present system.</p>	<p><b>(B) NO CHANGE</b></p>
<p><b>Article 4</b></p> <p><b>Preparation of technical standards and UTP</b></p>		
<p>§ 1 The preparation of technical standards concerning railway material and the standardisation of industrial products and procedures shall be the responsibility of recognised national and international standardisation bodies.</p> <p>§ 2 The preparation of UTP shall be the responsibility of the Committee of Technical Experts assisted by appropriate working groups and the Secretary General on the basis of applications made in accordance with Article 6.</p>	<p>Art. 5. 2</p> <p>In order to ensure uniform implementation of the delegated acts referred to in paragraph 1, the Commission shall request that the Agency draft TSIs and amendments thereto and make the relevant recommendations to the Commission. Each draft TSI shall be drawn up in the following stages:</p> <p>(a) the Agency shall identify the basic parameters for the TSI as well as the interfaces with the other subsystems and any other specific cases that may be necessary;</p> <p>(b) the Agency shall draw up the draft TSI on the basis of the basic parameters referred to in point (a). Where appropriate, the Agency shall take account of technical</p>	<p><b>(C) NOT RELEVANT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

	<p>progress, of standardisation work already carried out, of working parties already in place and of acknowledged research work.</p> <p>Art 5. 4. The Agency shall draft the TSIs and amendments thereto in accordance with Articles 5 and 19 of Regulation (EU) 2016/796 while fulfilling the criteria of openness, consensus and transparency as defined in Annex II to Regulation (EU) No 1025/2012.</p>	
<p style="text-align: center;"><b>Article 5</b> <b>Validation of technical standards</b></p>		
<p>§ 1 The Committee of Technical Experts shall decide whether to validate a technical standard or specific parts of it in accordance with the procedure laid down in Articles 16, 20 and 33 § 6 of the Convention. The decisions shall enter into force in accordance with Article 35 §§ 3 and 4 of the Convention.</p> <p>§ 2 An application for validation of a technical standard may be made by:</p> <ul style="list-style-type: none"> <li>a) any Contracting State;</li> <li>b) any regional organisation as defined in Article 2 x) of ATMF;</li> <li>c) any national or international standardisation body having the task of standardisation in the railway field; Article 3 § 2 shall be taken into account;</li> <li>d) any representative international association for whose members the existence of technical standards relating to railway material is indispensable for reasons of safety and economy</li> </ul>		<p><b>(B) NO CHANGE</b> Regulation 1025/2012 on European standardisation.</p> <p><b>(B) NO CHANGE</b> Regulation 1025/2012 on European standardisation</p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>in the exercise of their activity.</p> <p>§3 The references to validated technical standards shall be published by the Secretary General on the website of the Organisation. Once the reference is published, the application of this technical standard gives <b>presumption of compliance</b> with the corresponding UTP.</p> <p>§4 The application of validated technical standards is voluntary; however, a standard or a part of it may be made obligatory through provisions in a UTP.</p>	<p>Art. 17 (Presumption of conformity) Interoperability constituents and subsystems which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be <b>presumed to be in conformity</b> with the essential requirements covered by those standards or parts thereof.</p> <p>Art. 4. 8 TSIs may make an explicit, clearly identified reference to European or international standards or specifications or technical documents published by the Agency where this is strictly necessary in order to achieve the objectives of this Directive. In such a case, these standards or specifications (or their relevant parts) or technical documents shall be regarded as annexes to the TSI concerned and shall become mandatory from the moment the TSI is applicable. In the absence of such standards or specifications or technical documents, and pending their development, reference may be made to other clearly identified normative documents that are easily accessible and in the public domain.</p>	<p><b>(A) NO IMPACT</b></p> <p><b>(B) NO CHANGE</b></p>
<p style="text-align: center;"><b>Article 6 Adoption of UTP</b></p>		
<p>§ 1 The Committee of Technical Experts shall decide whether to adopt a UTP or a provision amending it in accordance with the procedure laid down in Articles 16, 20 and 33 § 6 of the Convention. The decisions shall enter into force in accordance with Article 35 §§ 3 and 4 of the Convention.</p>	<p>Art. 5. 11. The Commission shall establish, by means of implementing acts, TSIs to implement the specific objectives set out in the delegated acts referred to in paragraph 1.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article</p>	<p><b>(C) NOT RELEVANT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>§ 2 An application for adoption of a UTP or a provision amending it according to § 1 may be made by:</p> <ul style="list-style-type: none"> <li>a) any Contracting State;</li> <li>b) any regional organisation as defined in Article 2 x) of ATMF;</li> <li>c) any representative international association for whose members the existence of UTP relating to railway material is indispensable for reasons of safety and economy in the exercise of their activity.</li> </ul>	<p>51(3). They shall include all the elements listed in Article 4(3) and meet all the requirements set out in Article 4(4) to (6) and (8) level of harmonisation;</p>	
<p><b>Article 7</b> <b>Form of applications</b></p>		
<p>Applications referred to in Articles 5 and 6 shall be sent to the Secretary General and addressed to the Committee of Technical Experts in one of the working languages according to Article 1 § 6 of the Convention. The Committee of Technical Experts may reject any application, if it considers the application not to be complete, coherent, properly reasoned or justified. The application shall include an assessment of social, economic and environmental consequences.</p>		<p><b>(C) NOT RELEVANT</b></p>
<p><b>Article 7a</b> <b>Assessment of consequences</b></p>		
<p>§ 1 The Committee of Technical Experts shall take its decision after consideration of the reasoning and justification provided by the applicant.</p> <p>§ 2 The assessment shall indicate the likely impact for all Contracting States, operators and other relevant actors concerned. If the proposal has an impact on UTP other than the one for which the proposal is directly intended, these interfaces shall also be taken into account.</p>		<p><b>(C) NOT RELEVANT</b></p>



COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p style="text-align: center;">5</p> <p>§ 3 All concerned entities shall participate in the assessment by providing free of charge the requisite data unless covered by intellectual property rights.</p>		
<p style="text-align: center;"><b>Article 8</b> <b>UTP</b></p>		
<p>§ 1 The adopted UTP shall be published on the website of the Organisation.</p> <p>§2a The UTP shall apply to new subsystems. They shall also apply to an existing subsystem when it is renewed or upgraded and in accordance with the migration strategy referred to in § 4 f).</p> <p>§3 After the notification process according to Article 35 §§ 3 and 4 of the Convention and at least one month before entry into force, the Secretary General shall publish on the website of the Organisation</p> <ul style="list-style-type: none"> <li>a) the adopted and notified UTP;</li> <li>b) the date of its entry into force;</li> <li>c) the list of Contracting States to which this UTP applies; the updated list of UTP and their date of entry into force.</li> </ul>	<p>Art 4. 3 (h) <b>indicate the provisions applicable to the existing subsystems and vehicles, in particular in the event of upgrading and renewal and, in such cases, the modification work which requires an application for a new authorisation;</b></p>	<p><b>(C) NOT RELEVANT</b></p> <p><b>(A) NO IMPACT</b> Changes to wording not substance</p> <p><b>(C) NOT RELEVANT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>§ 4 To the extent necessary to achieve the aim set out in Article 3, the UTP referring to subsystems shall at least:</p> <p>a) indicate its intended scope (part of network or vehicles; subsystem or part of subsystem);</p> <p>b) lay down essential requirements for each subsystem concerned and its interfaces vis-à-vis other subsystems;</p> <p>c) establish the functional and technical specifications to be met by the subsystem and its interfaces vis-à-vis other subsystems. If need be, these specifications may vary according to the use of the subsystem, for example according to the categories of line, hub and/or vehicles;</p> <p>d) determine <b>the elements of construction</b> or interoperability constituents and interfaces which must be covered <b>by technical standards</b>, which are necessary to achieve interoperability within the rail system;</p> <p>e) state, in each case under consideration, which procedures are to be used in order to assess the conformity <b>with the provisions of the UTP</b>. These procedures shall be based on the assessment modules defined in a general UTP referred to in § 8;</p> <p>f) indicate the strategy for implementing the UTP. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the UTP shall be the norm; for each stage, appropriate transitional provisions shall be included</p>	<p>Art 4. 3 To the extent necessary to achieve the objectives of this Directive referred to in Article 1, each TSI shall:</p> <p>(a) indicate its intended scope (part of network or vehicles referred to in Annex I; subsystem or part of subsystem referred to in Annex II);</p> <p>(b) lay down essential requirements for each subsystem concerned and its interfaces in relation to other subsystems;</p> <p>(c) establish the functional and technical specifications to be met by the subsystem and its interfaces in relation to other subsystems. If necessary, these specifications may vary according to the use of the subsystem, for example according to the categories of line, hub and/or vehicles provided for in Annex I;</p> <p>(d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the Union rail system;</p> <p>(e) state, in each case under consideration, which procedures are to be used in order to assess the conformity <b>or the suitability for use of the interoperability constituents</b>, on the one hand, or the ‘EC’ verification of the subsystems, on the other. Those procedures shall be based on the modules defined in Commission Decision 2010/713/EU (1);</p> <p>(f) indicate the strategy for the application of the TSI. In particular, it is necessary to specify the stages to be completed, <b>taking into account the estimated costs and benefits and the expected repercussions for the stakeholders affected in order to make a gradual</b></p>	<p>(B) NO CHANGE</p> <p>(B) NO CHANGE</p> <p>(B) NO CHANGE</p> <p>(B) NO CHANGE</p> <p>(A) NO CHANGE (only references have been updated)</p> <p>(A) NO IMPACT</p>
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COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>and</p> <p>g) indicate, for the staff concerned, the professional qualifications and health and safety conditions at work required for the operation and maintenance of the subsystem concerned, as well as for the implementation of the UTP.</p> <p>§ 5 Each UTP shall be drawn up on the basis of an examination of</p>	<p><b>transition</b> from the existing situation to the final situation in which compliance with the TSI shall be the norm. <b>Where coordinated implementation of the TSI is necessary, such as along a corridor or between infrastructure managers and railway undertakings, the strategy may include proposals for staged completion;</b></p> <p>(g) indicate, for the staff concerned, the professional qualifications and health and safety conditions at work required for the operation and maintenance of the above subsystem, as well as for the application of the TSIs;</p> <p><b>(h) indicate the provisions applicable to the existing subsystems and vehicles, in particular in the event of upgrading and renewal and, in such cases, the modification work which requires an application for a new authorisation;</b></p> <p><b>(i) indicate the parameters of the vehicles and fixed subsystems to be checked by the railway undertaking and the procedures to be applied to check those parameters after the delivery of the vehicle authorisation for placing on the market and before the first use of the vehicle to ensure compatibility between vehicles and the routes on which they are to be operate</b></p> <p>Art. 4. 4 Each TSI shall be drawn up on the basis of an examination of an existing subsystem and indicate a target subsystem that may be obtained gradually within a reasonable timescale. Accordingly, the adoption of the TSIs and compliance with them shall gradually facilitate achievement of the interoperability of the Union rail</p>	<p><b>(B) NO CHANGE</b> Same as in the previous Interoperability Directive 2008/57</p> <p><b>D) AMENDMENT*</b></p> <p><b>(D) AMENDMENT**</b> To be discussed also in the context of interoperability</p> <p><b>(B) NO CHANGE</b></p>
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COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>an existing subsystem and indicate one or more target subsystems that may be obtained gradually within a reasonable time scale. Accordingly, the gradual adoption of the UTP and compliance therewith will help gradually to achieve the interoperability of the rail system.</p> <p>§ 6 The UTP shall retain, in an appropriate manner, the compatibility of the existing rail system of each Contracting State. <b>With this objective, provision may be made in each UTP for “specific cases” covering one or more Contracting States, with regard to both network and vehicles; special attention must be given to the loading gauge, the track gauge or space between the tracks and to vehicles originating from or destined for third countries. For each specific case, the UTP shall stipulate the implementing rules of the elements indicated in § 4 c) to g).</b></p> <p>§ 7 If certain technical aspects corresponding to the essential requirements cannot be explicitly covered in the UTP, they shall be clearly identified in it as “open points”.</p> <p>§ 8 The Committee of Technical Experts may adopt UTP which do not refer to subsystems, such as general provisions, essential requirements or assessment modules.</p> <p>§ 9 The UTP shall have a two column format. Text which appears in full width without columns is identical to corresponding texts of the European Union Technical Specifications for Interoperability (TSI). Text which is split into two columns is different for the UTP and for the corresponding TSI or other corresponding European Union regulations. The left-hand column</p>	<p>system.</p> <p>Art. 4. 5 TSIs shall retain, in an appropriate manner, the compatibility of the existing rail system of each Member State. <b>For that purpose, specific cases for each TSI may be provided for</b>, with regard to both network and vehicles, and in particular for the loading gauge, the track gauge or space between the tracks and vehicles originating from or destined for third countries. For each specific case, the TSIs shall stipulate the implementing rules of the elements of the TSIs provided for in points (c) to (g) of paragraph 3.</p> <p>Art.4. 6 If certain technical aspects corresponding to the essential requirements cannot be explicitly covered in a TSI, they shall be clearly identified in an annex to the TSI as open points.</p>	<p><b>(A) NO IMPACT</b> Changes to wording not substance. OTIF definition identical to the previous Interoperability Directive 2008/57</p> <p><b>(A) NO CHANGE</b></p> <p><b>NO PROVISION</b></p> <p><b>(C) NOT RELEVANT</b></p>
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COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>shows the UTP text (OTIF regulations), while the right-hand column shows the European Union TSI text. On the far right the TSI reference is indicated</p>		
<p style="text-align: center;"><b>Article 8a</b> <b>Deficiencies in UTP</b></p>		
<p>§ 1 If it comes to the attention of the Committee of Technical Experts that an adopted UTP contains errors or deficiencies including where an adopted UTP does not fully meet the essential requirements, the Committee shall take the appropriate measures including:</p> <ul style="list-style-type: none"> <li>a) the decision whether the relevant UTP may need to be amended in accordance with Articles 6 and 8 and</li> <li>b) recommendations for justified provisional solutions.</li> </ul> <p>§ 2 The Contracting States, regional organisations and assessing bodies have the obligation to inform the Secretary General without delay if they discover errors or deficiencies in a UTP.</p>	<p>Art. 6 (Deficiencies in TSIs)</p> <ol style="list-style-type: none"> <li>1. If, after its adoption, it appears that a TSI has a deficiency, that TSI shall be amended in accordance with Article 5 (11). If appropriate, the Commission shall apply this procedure without delay. Such deficiencies shall include cases which could result in unsafe operations within a Member State.</li> <li>2. Pending the review of a TSI, the Commission may request an opinion from the Agency. The Commission shall analyse the Agency's opinion and inform the committee of its conclusions.</li> <li>3. At the request of the Commission, the Agency's opinion referred to in paragraph 2 shall constitute acceptable means of compliance and may therefore be used for the assessment of projects, pending the adoption of a revised TSI. 4. Any member of the network of representative bodies referred to in Article 38(4) of Regulation (EU) 2016/796 may make the Commission aware of possible TSI deficiencies</li> </ol>	<p style="text-align: center;"><b>(A) NO IMPACT</b></p>
<p style="text-align: center;"><b>Article 9</b> <b>Declarations</b></p>		
<p>§ 1 Any Contracting State may, within a period of four months from the day of notification of the decision of the Committee of Technical Experts by the Secretary General, make a reasoned declaration notifying him that it will not apply or will apply only partially, the validated technical standard or the adopted UTP, so far as it concerns the railway infrastructure situated on its territory</p>		<p style="text-align: center;"><b>(C) NOT RELEVANT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>and the traffic on that infrastructure.</p> <p>§ 2 The Contracting States which have made a declaration in accordance with § 1 shall not be taken into account in determining the number of States which must formulate an objection in accordance with Article 35 § 4 of the Convention, in order that a decision of the Committee of Technical Experts should not enter into force.</p> <p>§ 3 A State which has made a declaration in accordance with § 1 may withdraw it at any time by notification to the Secretary General. This withdrawal shall take effect on the first day of the second month following the notification.</p>		
<p style="text-align: center;"><b>Article 10</b> <b>Abrogation of Technical Unity</b></p>		
<p>The entry into force of the UTP, adopted by the Committee of Technical Experts in accordance with Article 6 § 1, in all the States parties to the 1938 version of the International Convention on the Technical Unity of Railways, signed at Berne on 21 October 1882, shall abrogate that convention.</p>		<p><b>(C) NOT RELEVANT</b></p>
<p style="text-align: center;"><b>Article 11</b> <b>Precedence of the UTP</b></p>		
<p>§ 1 With the entry into force of the UTP, adopted by the Committee of Technical Experts in accordance with Article 6 § 1, the technical standards and the UTP shall take precedence, in relations between Contracting States, over the provisions of the 1938 version of the International Convention on the Technical Unity of Railways, signed at Berne on 21 October 1882.</p> <p>§ 2 With the entry into force of the UTP, adopted by the Committee of Technical Experts in accordance with Article 6 § 1, these Uniform Rules as well as the technical standards and the UTP, shall take precedence, in the Contracting States, over the</p>		<p><b>(C) NOT RELEVANT</b></p> <p><b>(C) NOT RELEVANT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>technical provisions</p> <p>a) of the Regulation governing the reciprocal use of carriages and brake vans in international traffic (RIC),</p> <p>b) of the Regulation governing the reciprocal use of wagons in international traffic (RIV).</p>		
<p style="text-align: center;"><b>Article 12</b> <b>National technical requirements</b></p>		
<p>§ 1 Contracting States shall ensure that the Secretary General is informed of their national technical requirements which apply to railway vehicles. The Secretary General shall publish these requirements in the data bank referred to in Article 13 of the ATMF Uniform Rules.</p> <p>The information shall be received by the Secretary General within 3 months from the day when the revised Uniform Rules enter into force.</p> <p>Such a requirement may stay in force only until it or an analogous requirement is brought into force through the adoption of prescriptions according to the Articles above. The Contracting State may at any time withdraw the temporary provision and notify this to the Secretary General.</p>	<p>Art. 14</p> <p>1. Member States shall notify to the Commission and to the Agency the existing national rules referred to in Article 13(2) in the following cases: (a) where the national rule(s) has/have not been notified by 15 June 2016. In that case, they shall be notified by 16 December 2016; (b) each time the rules are changed; (c) when a new request has been submitted in accordance with Article 7 for non-application of the TSI; (d) where national rules become redundant after publication or revision of the TSI concerned.</p> <p>2. Member States shall notify the full text of national rules referred to in paragraph 1 through the appropriate IT system in accordance with Article 27 of Regulation (EU) 2016/796.</p> <p>3. Member States shall ensure that national rules referred to in paragraph 1, including those covering the interfaces between vehicles and networks, are easily accessible, in the public domain and formulated in terminology that all interested parties can understand. Member States may be requested to provide additional information on those national rules.</p> <p>4. Member States may lay down new national rules only in the following cases: (a) when a TSI does not fully</p>	<p>4<sup>th</sup> Railway Package introduced a detailed new procedure, however, it does not affect the relationship between EU and OTIF.</p> <p><b>(A) NO IMPACT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

	<p>meet the essential requirements; (b) as an urgent preventive measure, in particular following an accident.</p> <p>5. Member States shall submit, through the appropriate IT system in accordance with Article 27 of Regulation (EU) 2016/796, the drafts of new national rules to the Agency and the Commission for consideration before the expected introduction of the proposed new rule into the national legal system, in due time and within the deadlines referred to in Article 25(1) of Regulation (EU) 2016/796 and provide justification for the introduction of that new national rule. Member States shall ensure that the draft is sufficiently developed to allow the Agency to carry out its examination in accordance with Article 25(2) of Regulation (EU) 2016/796.</p> <p>6. When they adopt a new national rule, Member States shall notify it to the Agency and the Commission through the appropriate IT system in accordance with Article 27 of Regulation (EU) 2016/796.</p> <p>7. In the case of urgent preventive measures, Member States may adopt and apply a new national rule immediately. That rule shall be notified in accordance with Article 27(2) of Regulation (EU) 2016/796 and subject to the assessment of the Agency in accordance with Article 26(1), (2) and (5) of that Regulation.</p> <p>8. When notifying a national rule referred to in paragraph 1 or a new national rule, Member States shall provide justification of the need for that rule in order to fulfil an essential requirement not already covered by the relevant TSI.</p> <p>9. Draft national rules and national rules referred to in paragraph 1 shall be examined by the Agency in accordance with the procedures laid down in Articles 25 and 26 of Regulation (EU) 2016/796.</p>	
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COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>§ 2 When a UTP has been adopted or amended, the Contracting State shall ensure that the Secretary General is informed - with justification - of those national technical requirements mentioned in § 1 which it will still require to be complied with in order to ensure the technical compatibility between the vehicles and its network concerned; this includes national rules applicable to “open points” in the technical prescriptions and applicable to the specific cases duly identified in the technical prescription. The information shall include indication of the “open point(s)” and/or “specific case(s)” in the UTP to which each national</p>	<p>10. The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of facilitating cross-acceptance in different Member States and the placing on the market of vehicles, including compatibility between fixed and mobile equipment. Those implementing acts shall build on the progress achieved by the Agency in the field of cross-acceptance and shall be adopted in accordance with the examination procedure referred to in Article 51(3). The Agency shall classify, in accordance with the implementing acts referred to in the first subparagraph, the national rules which are notified in accordance with this Article.</p> <p>11. Member States may decide not to notify rules and restrictions of a strictly local nature. In such cases, Member States shall mention those rules and restrictions in the registers of infrastructure referred to in Article 49.</p> <p>12. National rules notified under this Article are not subject to the notification procedure set out in Directive (EU) 2015/1535 of the European Parliament and of the Council (1).</p> <p>13. National rules not notified in accordance with this Article shall not apply for the purposes of this Directive.</p> <p>Art. 13. 2 National rules for implementing the essential requirements and, where relevant, acceptable national means of compliance, shall apply in the following cases:</p> <p>(a) where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including open points as referred to in Article 4(6);</p> <p>(b) where non-application of one or more TSIs or parts</p>	<p><b>(C) NOT RELEVANT</b></p>
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COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>technical requirement relates. The national technical requirements shall only remain valid if the notification is received by the Secretary General within 6 months from the day when the technical prescription in question or the change to it has entered into force.</p> <p>§ 3 The information shall include the full text of the national technical provision in an official language of the Contracting State as well as the title and a summary in one of the official OTIF languages</p>	<p>of them has been notified under Article 7;</p> <p>(c) where a specific case requires the application of technical rules not included in the relevant TSI;</p> <p>(d) national rules used to specify existing systems, limited to the aim of assessing technical compatibility of the vehicle with the network;</p> <p>(e) networks and vehicles not covered by TSIs;</p> <p>(f) as an urgent temporary preventive measure, in particular following an accident.</p> <p>Art. 14. 2 Member States shall notify the full text of national rules referred to in paragraph 1 through the appropriate IT system in accordance with Article 27 of Regulation (EU) 2016/796.</p>	<p><b>(C) NOT RELEVANT</b></p>
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COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p align="center"><b>Article 13</b> <b>Equivalence table</b></p>		
<p>§ 1 In order to minimise the assessments and thereby the costs for applying for a technical admission, national technical requirements in accordance with Article 12 shall be classified pursuant to the list of parameters and the principles set out in the Annex to these Uniform Rules. The classification shall be carried out under the responsibility of the Committee of Technical Experts. The Contracting States and the regional organisations shall cooperate with the Committee of Technical Experts and the Secretary General in this task.</p> <p>§ 2 The Committee of Technical Experts may review the Annex taking account of the experience with the cross-acceptance of vehicles in the Contracting States.</p> <p>§ 3 The Committee of Technical Experts shall ensure that a reference document is drawn up cross-referencing all the notified national technical requirements. The reference document shall also indicate the relevant provisions in the UTP and the corresponding TSI (Article 8 § 9). The reference document shall be published on the website of the Organisation and shall be kept up to date.</p> <p>§ 4 Taking due account of the opinion of the Contracting States concerned and of the regional organisations involved, the Committee of Technical Experts may decide to declare the equivalence in railway safety terms:</p> <p>a) between national technical requirements of</p>	<p>Art. 14. 10 The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of facilitating cross-acceptance in different Member States and the placing on the market of vehicles, including compatibility between fixed and mobile equipment. Those implementing acts shall build on the progress achieved by the Agency in the field of cross-acceptance and shall be adopted in accordance with the examination procedure referred to in Article 51(3). The Agency shall classify, in accordance with the implementing acts referred to in the first subparagraph, the national rules which are notified in accordance with this Article</p>	<p>4th Railway Package introduced new wording for clarification purposes. No change in the substance. <b>(A) NO IMPACT</b></p> <p>4th Railway Package introduced new wording for clarification purposes. No change in the substance. <b>(A) NO IMPACT</b></p> <p>4th Railway Package introduced new wording for clarification purposes. No change in the substance. <b>(A) NO IMPACT</b></p> <p>4th Railway Package introduced new wording for clarification purposes. No change in the substance. <b>(A) NO IMPACT</b></p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>different Contracting States;</p> <p>b) between provisions in the UTP and the corresponding TSI; and</p> <p>between national technical requirements of one or more Contracting States and provisions in the UTP and/or provisions in the TSI.</p> <p>The declared equivalence shall be indicated in an equivalence table in the reference document mentioned in § 3 above</p>		
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COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<b>Annex: Parameters to be checked in Conjunction with the Technical Admission of Non-UTP Conform Vehicles and Classification of the National Technical Requirements</b>	<b>Annex V of previous Directive 2008/57</b>	
<p><b>List of Parameters</b></p> <p>1.1 General documentation <i>General documentation (including description of new, renewed or upgraded vehicle and its intended use, design, repair, operation and maintenance information, technical file, etc.)</i></p> <p>1.2 Structure and mechanical parts <i>Mechanical integrity and interface between vehicles (including draw and buffer gear, gangways), strength of vehicle structure and fittings (e.g. seats), loading capability, passive safety (including interior and exterior crashworthiness)</i></p> <p>1.3 Track interaction and gauging <i>Mechanical interfaces to the infrastructure (including static and dynamic behaviour, clearances and fits, gauge, running gear, etc.)</i></p> <p>1.4 Braking equipment <i>Braking-related items (including wheel-slide protection, braking control, and braking performance in service, emergency and parking modes)</i></p> <p>1.5 Passenger-related items <i>Passenger facilities and passenger environment (including passenger windows and doors, requirements for persons with reduced mobility, etc.)</i></p> <p>1.6 Environmental conditions and aerodynamic effects <i>Impact of the environment on the vehicle and impact of</i></p>	<p>Art. 55. 1 Annexes IV, V, VII and IX to Directive 2008/57/EC shall apply until the date of application of the corresponding implementing acts referred to in Article 7(5), Article 9(4), Article 14(10) and Article 15(9) of this Directive.</p>	<p><b>(B) NO CHANGE</b> The transitional provision art. 55 applies until it is reviewed. No change from 4<sup>th</sup> railway package as the annex is still in force</p>

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p><i>the vehicle on the environment (including aerodynamic conditions and both the interface between the vehicle and the trackside part of the railway system and the interface with the external environment)</i></p>		
<p>1.7 External warning, marking, functions and software integrity requirements</p> <p><i>External warnings, markings, functions and integrity of software, e.g. safety-related functions with an impact on train behaviour including train bus</i></p>		
<p>1.8 Onboard power supply and control systems</p> <p><i>Onboard propulsion, power and control systems, plus the interface of the vehicle with the power supply infrastructure and all aspects of electromagnetic compatibility</i></p>		
<p>1.9 Staff facilities, interfaces and environment</p> <p><i>On-board facilities, interfaces, working conditions and environment for staff (including drivers' cabs, driver machine interface)</i></p>		
<p>1.10 Fire safety and evacuation</p>		
<p>1.11 Servicing</p> <p><i>Onboard facilities and interfaces for servicing</i></p>		
<p>1.12 Onboard control, command and signalling</p> <p><i>All the on-board equipment necessary to ensure safety and to command and control movements of trains authorised to travel on the network and its effects on the trackside part of the railway system</i></p>		
<p>1.13 Specific operational requirements</p> <p><i>Specific operational requirements for vehicles (including degraded mode, vehicle recovery etc.)</i></p>		
<p>1.14 Freight related items</p>		

COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p><i>Freight-specific requirements and environment (including facilities specifically required for dangerous goods)</i></p> <p>Explanations and examples <i>in italics</i> above are for information only and are not definitions of the parameters</p> <p><b>2. Classification of the National Technical Requirements</b></p> <p>The national technical requirements relating to the parameters identified in section 1 shall be attributed to one of the following three groups. Rules and restrictions of a strictly local nature are not involved; their verification involves checks to be put in place by mutual agreement between the railway undertakings and the infrastructure managers.</p> <p><b>Group A</b></p> <p>Group A covers:</p> <ul style="list-style-type: none"><li>- international standards,</li><li>- national rules deemed to be equivalent, in railway safety terms, to national rules of other Member States,</li><li>- national rules deemed to be equivalent, in railway safety terms, to the provisions in the UTP and/or provisions in the TSI.</li></ul> <p><b>Group B</b></p> <p>Group B covers all rules that do not fall within the scope of Group A or Group C, or that it has not yet been possible to classify in one of these groups.</p> <p><b>Group C</b></p>		
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COMPARISON TABLE BETWEEN APTU AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION

<p>Group C covers rules that are strictly necessary and are associated with technical infrastructure characteristics, in order to ensure safe and interoperable use in the network concerned (e.g. the loading gauge)</p>		
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