



Organisation intergouvernementale pour les transports internationaux ferroviaires  
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr  
Intergovernmental Organisation for International Carriage by Rail

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**Commission d'experts techniques  
Fachausschuss für technische Fragen  
Committee of Technical Experts**

**TECH-16023-WGT29 -2**

**13.07.2016**

Original: DE

**FOR INFORMATION: PUBLISHING ADOPTED OR AMENDED UTP**

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Principles for the notification and publication of UTPs following adoption by the CTE

This paper describes the principles for the publication of Uniform Technical Prescriptions (UTP)<sup>1</sup> or modifications to them following adoption by the Committee of Technical Experts.

### **Decision**

In accordance with Article 20 § 1 b) COTIF and Articles 6 and 8a APTU, the Committee of Technical Experts (CTE) is competent to take decisions about the adoption of a UTP or a provision amending a UTP. In practical terms, such a decision may concern:

1. **The adoption of a new UTP** covering a subsystem, part of a subsystem, or another subject as set out in Article 8 § 8 APTU that was not previously covered by a UTP.
2. **The adoption of a UTP to replace an existing UTP:** in this case, the decision of the CTE repeals the original UTP and a new, modified UTP replaces the existing one. Such a decision is taken if the existing provisions must undergo major modifications, thus affecting a significant part of the UTP.
3. **Amendment of an existing UTP:** the original instrument remains in force, albeit modified in accordance with the CTE decision. The amendments may improve some parts of the original provisions, or add new provisions, or delete them. The parts of the existing UTP not subject to the amendments remain unaffected. The decision amending the UTP should be read in conjunction with the existing UTP and, from the date of entry into force of the decision, the UTP should be read in conjunction with all the amendments.

Within the meaning of Article 35 COTIF, any of these three cases are deemed ‘modifications’.

### **Notification**

Following the CTE decision to adopt or amend the UTP, the Secretary General is required to notify these modifications to the Member States in accordance with Article 35 § 1 COTIF. This is done by means of a circular letter. In the first two cases described above, the notification will concern the entire UTP, while in the third case it will concern the amendments only.

Notification is the action that formally initiates the process for entry into force of the modification. Article 35 § 3 and 4 COTIF set out the conditions for the modifications to enter into force following their notification.

In the case of modifications decided by the CTE, the entry into force of a modification takes place<sup>2</sup> on the first day of the sixth month following the notification.

### **Publication**

APTU Article 8 § 1 stipulates that UTP must be published on the Organisation’s website. § 3 of the same Article further specifies that publication must take place at least one month before entry into force and that the website should also indicate the date of entry into force of the UTP.

**For the adoption of a new UTP:** publication is straightforward. The Secretariat makes the UTP available in three languages in pdf format.

**For the adoption of a UTP to replace an existing UTP:** publication is identical to the first case. In addition, although it is not formally required by the Convention, the Secretariat ensures that the previous version of the UTP remains accessible on the website. On the one hand, this may be

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<sup>1</sup> The same principles apply to rules other than UTP developed under APTU and ATMF, such as, for example, annexes to ATMF.

<sup>2</sup> Provided that objections from Member States do not prevent entry into force in accordance with Article 35 § 4 COTIF.

important because the previous version might in some cases continue to apply during a transitional period. On the other hand, this may be useful e.g. in terms of traceability, as it provides access to the requirements on the basis of which a vehicle was approved in the past. The status of the former UTP will be changed in accordance with the CTE decision; in most cases, this will mean that the previous version of the UTP is repealed.

**For the amendment of an existing UTP:** the CTE decision amending the UTP will be published on the same website page in addition to the existing UTP that has already been published. If a UTP is amended more than once, all amendment decisions will be published.

For information and documentation purposes the Secretariat will also publish consolidated versions of amended UTPs. A consolidated version includes all the amendments to date. As the original instrument and the amendments do not usually enter into force on the same date, it follows that the provisions in the consolidated version did not all enter into force on the same date. A consolidated version should therefore be for information only and contain a disclaimer which clarifies its status. A table on the opening pages of the consolidated UTP will list all the applicable amendments. A consolidated version is intended for use as a documentation tool and has no legal value; the legally binding provisions are those which are notified by the Secretary General in accordance with Article 35 COTIF.

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