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**Commission d'experts techniques
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INTEROPERABILITY BEYOND THE EU

An inventory of possible subjects to cover

1. INTRODUCTION

In addition to the fully developed COTIF provisions supporting the exchange of vehicles in international traffic set out in APTU and ATMF, the next logical step for the development of COTIF is also to facilitate the operation of complete trains, rather than just vehicles, across borders.

This document is a follow-up to the discussion paper “Interoperability beyond the EU” (reference TECH-16018-CTE9-6.3) of 1.4.2016 and it builds on the basic principles set out in the discussion paper that was endorsed by the Committee of Technical Experts.

This document has been drafted by the OTIF Secretariat at the request of the Committee of Technical Experts. It aims to identify and analyse the elements needed to realise interoperability beyond the EU.

2. BASIC ASSUMPTIONS

For the following reasons, the further development of interoperability within the scope of COTIF would best be done under a new Appendix to COTIF:

- Firstly, the scopes of the existing Appendices do not fully cover interoperability and the associated operational and safety provisions.
- Secondly, not all Member States of OTIF may be interested in or ready for interoperability, which implies having foreign trains operated on their territory. A new Appendix to COTIF would allow each Member State to choose whether or not to apply the new Appendix.

The preparatory work and drafting this new Appendix would be best coordinated within the Committee of Technical Experts, seeking legal advice where needed. This is because the subject of interoperability, including safety and operational provisions, is more closely related to the expertise of the Committee of Technical Experts than to any other standing Committee. Also, in the EU, the subjects of vehicle authorisation (in parallel with APTU and ATMF), interoperability, safety and operations are covered by one Committee (RISC). This will facilitate coordination.

This document assumes in particular that:

- The new provisions should be developed as an add-on to the existing provisions of APTU and ATMF and their subsidiary provisions, such as UTP;
- APTU and ATMF already provide for a harmonised framework, including processes and technical requirements, for the admission of subsystems. Therefore, the technical safety of subsystems, such as vehicles, is covered by the scopes of APTU and ATMF;
- COTIF is not an instrument for market regulation and, as such, the interoperability provisions should be neutral with respect to how States grant access to their rail networks. New provisions should be designed so that they can function in an open-market competitive model (such as, e.g., in the EU) as well as in a non-competitive cooperation model (e.g. based on reciprocity and cooperation between neighbouring railways);
- States that choose to apply the provisions on interoperability actually want to promote and facilitate the international operation of trains on their territory; said States should therefore put in place (national) provisions that promote the operation of international trains on their networks, including access to all facilities and services required for such operation.

Based on these assumptions, the scope of the new provisions under COTIF can be limited to:

- Harmonising, as far as feasible and required, provisions related to the safe operation of trains in international traffic,
- Defining the roles and responsibilities of railway undertakings and the infrastructure manager and how they should cooperate (even when both belong to one integrated entity),
- Making transparent the requirements and processes applicable for the licensing and safety certification of railway undertakings in each State,
- Making transparent the processes and responsibilities applicable to the allocation of train paths in each State,
- Making accessible, to all parties whose activities rely on them, registers relevant to interoperability.

All provisions should be compatible with EU provisions, so that they can contribute to making international rail traffic more efficient, both outside the EU and across the EU's outer borders.

3. METHOD

Some non-EU countries, such as Switzerland and Norway, have concluded agreements with the EU in order to enable, among other aims, railway interoperability. Actual interoperability beyond the EU is in place on the basis of such agreements.

The Secretariat has analysed the agreement between the EU and Switzerland on the carriage of goods and passengers by rail and road (as last amended by Decision No 1/2015 of the Community/Switzerland Inland Transport Committee of 16 December 2015). The Secretariat used the consolidated English version dated 1.1.2016¹, further referred to as the EU-CH agreement.

The Secretariat thought this agreement to be a good starting point for two main reasons; firstly, it forms the legal basis of actual interoperability between the EU and a non-EU State and secondly, because the agreement and all its references are publicly accessible.

Several elements of the EU-CH agreement are already covered in COTIF, in particular by APTU and ATMF. These elements do not need to be analysed further or repeated in the new provisions.

Only part of the EU-CH agreement is of relevance in terms of this document. The agreement deals with both road and rail transport and is structured as follows:

<i>Title I</i>	<i>General provisions – Articles 1-4</i>
<i>Title II</i>	<i>Road – Articles 5-22</i>
<i>Title III</i>	<i>Rail – Articles 23-29</i>
<i>Title IV</i>	<i>Coordinated transport policy</i>
	<i>A. General provisions - Articles 30-32</i>
	<i>B. Rail and combined transport – Articles 33-36</i>

¹ published here: [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02002A0430\(03\)-20160101&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02002A0430(03)-20160101&from=EN)

C. Road transport charging systems- Articles 37-42

D. Supporting measures- Articles 43-45

E. Corrective measures – Articles 46-48

Title V General and final provisions – Articles 49-58

Annexes 1-10 (Annex 1 – Section 4 lists the applicable EU railway provisions)

The parts of the agreement related exclusively to road transport are less relevant in terms of this document. The subjects related to rail transport covered by the agreement can be roughly categorised into subjects required for technical and operational interoperability on the one hand and subjects related to market opening and competition on the other.

The aim of OTIF is to promote, improve and facilitate, in all respects, international traffic by rail. COTIF is not an instrument for market integration and, as such, should not aim to regulate, promote or hinder the market access conditions and competition for railway systems in its Member States. Neither is COTIF an instrument for regulating the transfer of funds and regulating investments between States.

The Secretariat has analysed the provisions of the agreement related to rail and has categorised them into three groups; elements which should be covered, elements for which it is not yet clear if they should be covered and elements which should not be covered. This categorisation of provisions is set out in the three tables below. The reference to the EU-CH agreement should not be understood as a suggestion that the provisions should be similar, but rather as an aid to the reader to help trace the provisions in the EU-CH agreement. Several articles are referred to in more than one table; this is to indicate that the subject of the article may need to be covered, but probably not in the same way as in the EU-CH agreement.

4. LISTING OF PROVISIONS

This chapter lists elements and subjects that could be covered under COTIF, those that should not be covered under COTIF and subjects whose status in terms of COTIF is not yet clear.

4.1. ELEMENTS COVERED BY THE CORE TEXT OF THE EU-CH AGREEMENT

This table lists elements which would fit in with the scope of COTIF and would be required for the aims of interoperability beyond the EU.



Element	Reference EU-CH agreement
Aim and objectives. Ensure efficient international railway traffic. Principles of reciprocity.	Article 1
Scope of application in terms of types of transport, parties concerned and geographical scope (lines). The scope must fall within the scope of the Convention (i.e. international rail transport) and be limited to those States that choose to apply the new provisions.	Articles 2, 57

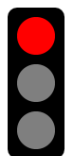
Element	Reference EU-CH agreement
Definitions, to be adapted to take into account the possibility of integrated RU/IM structure, references to prices should be dispensed with.	Article 3(2)
Functional separation of railway infrastructure management from the provision of railway transport services. For COTIF, there should be separation, at least at the operational level. Financial, managerial or other organisational separation should not be required.	Article 23
Right of access. For COTIF the conditions for access in each State should at least be transparent; this does not mean they must be harmonised by law.	Article 24
Licensing of railway undertakings. Licensing should be a precondition for any access. Issuing licences should be a national competence, based on transparent conditions. Some elements related to licensing may possibly be harmonised at COTIF level.	Article 25
Sufficient financial guarantee to cover civil liability of railway undertakings; linked to licensing.	Article 25(5)
Safety certification of railway undertakings. For COTIF each railway undertaking must have safety certificate(s) valid in each State and for each line on which it will provide transport services.	Article 26
Train path allocation. Each State should designate a body responsible for allocating train paths. Publication of the conditions for access to the international lines in a State. Transparency on the process and conditions for train path requests and allocation. Possibility of coordinating international train paths.	Article 27

The following table lists elements for which it is not yet clear if they would fit in with the scope of COTIF or if they would be required for the aims of interoperability beyond the EU:



Element	Reference EU-CH agreement
Reciprocity principles.	Article 1
Harmonised access and transit conditions. Note: no absolute right of access should be regulated under COTIF.	Article 24
Transparency in case of prioritisation of certain types of rail services (e.g. services in the public interest).	Article 27(3)
Harmonised RU licensing conditions Note: the minimum is that these conditions are transparent for each State; harmonising certain conditions may facilitate railway undertakings' being licensed in several States.	Article 25
Cross-recognition of (parts of) licenses issued by a foreign licensing body, including reciprocity principles.	Article 25(4)
Objective of creating rail freight corridors (the EU-CH agreement does not itself establish corridors).	Article 36(4)
Facilitation of frontier controls. Customs and inspection of freight wagons (more related to CIM, in particular Article 6 § 7)	Article 43
Facilitation of frontier controls; to simplify formalities, particularly for customs.	Articles 36, 43
National appeal body or regulatory body.	Article 29

The following table lists elements that either do not fall within the scope of COTIF or are not required to be harmonised at the level of COTIF for the aims of interoperability beyond the EU:



Element	Reference EU-CH agreement
Liberalised access to the rail transport market.	Article 1
Management independence between different railway undertakings and between railway undertakings and infrastructure managers.	Article 23
Right of access of railway undertakings to infrastructure.	Article 24
Non-discrimination principle for allocation of infrastructure capacity for rail services of similar types.	Article 27

Element	Reference EU-CH agreement
Charges for track access and the use of infrastructure.	Article 28
Balance of accounts of infrastructure managers between revenues and expenditure.	Article 28
Basis on which the infrastructure users' fee is determined.	Article 28
Coordinated transport policy, including general objectives.	Article 30
Competition between transport modes (e.g. road and rail).	Article 31
Non-discrimination principles for competition between modes.	Article 32

4.2. REFERENCES IN THE ANNEX TO THE EU-CH AGREEMENT

Section 4 of Annex 1 to the EU-CH agreements lists railway provisions that, in accordance with Article 56 of the EU-CH agreement, form an integral part of the agreement. Section 4 of the Annex lists EU legal instruments, i.e. Directives, Regulations and Decisions in the field of railways. Several of these instruments have been transposed into COTIF through ATPU or ATMF.

The fields marked in grey are high level provisions (mainly Directives), which qualify for being regulated at the level of a COTIF Appendix. The non-marked fields are 'secondary' EU legislation, developed subsidiarily to the Directives, which qualify for being transposed at a level subsidiary to an Appendix (by analogy with UTP being developed under ATPU).

Subject : reference and short description	Already covered by COTIF?	Relevant to interoperability beyond the EU?
91/440/EEC – development of the Community's railways (repealed by 2012/34/EU)	No	Partly
95/18/EC – licensing of railway undertakings (repealed by 2012/34/EU)	No	Yes
95/19/EC – allocation of infrastructure capacity and the charging of infrastructure fees (repealed by 2001/14/EC which in turn is repealed by 2012/34/EU)	No	Partly
2004/49/EC – Safety Directive	Partly	Yes
No 653/2007 – common format for safety certificates and validity of safety certificates	No	Maybe
2007/756/EC – National vehicle register specification	Yes	Yes
2008/57/EC – Interoperability Directive	Partly	Yes

Subject : reference and short description	Already covered by COTIF?	Relevant to interoperability beyond the EU?
No 352/2009 – Common safety method (CSM) on risk evaluation and assessment	Yes	Yes
2010/713/EU – assessment modules	Yes	Yes
No 1158/2010 – CSM for safety certification (concerns RU)	No	Probably
No 1169/2010 – CSM for safety authorisation (concerns IM)	No	Probably not
No 201/2011 – model of declaration of conformity to an authorised type of vehicle	No	Maybe
2011/275/EU – Technical Specification for Interoperability (TSI) Infrastructure	No	Maybe, but in the scope of APTU
No 445/2011 – certification of ECM for freight wagons	Yes	Yes
No 454/2011 – TSI telematic application for passenger services	No	Maybe
2011/633/EU – specification of the register of infrastructure	No	Probably
2011/665/EU – European register of authorised types of vehicles	No	Probably
2012/88/EU – TSI command control and signalling	No	Probably, but in the scope of APTU
2012/757/EU – TSI operations and traffic management	Partly	Yes
No 1077/2012 CSM on supervision by national safety authorities after issuing a safety certificate or safety authorisation	No	Maybe
No 1078/2012 CSM on monitoring to be applied by RUs, IMs and ECMs after receiving a safety certificate or safety authorisation.	No	Probably for RUs
No 321/2013 TSI freight wagons	Yes	Yes
No 1300/2014 TSI accessibility for PRM	Partly. Already covered as far as required within the scope of COTIF.	Partly

Subject : reference and short description	Already covered by COTIF?	Relevant to interoperability beyond the EU?
No 1301/2014 TSI energy	No	Maybe, but in the scope of APTU.
No 1302/2014 TSI for locomotives and passenger rolling stock	Yes	Yes
No 1303/2014 TSI for safety in railway tunnels	Partly, covered as far as vehicles are concerned.	Yes, at least the operational and safety provisions would be relevant.
No 1304/2014 TSI rolling stock noise	Yes	Yes
No 1305/2014 TSI telematic application for freight	Foreseen for 2017	Probably

4.3. ELEMENTS OF EU LAW RELEVANT TO INTEROPERABILITY BUT WHICH ARE NOT COVERED BY THE EU-CH AGREEMENT

Some EU provisions relevant to interoperability within the EU are not referred to in the EU-CH agreement. Nevertheless, some of these provisions may be relevant.

- Directive 2007/59/EC² on the certification of train drivers operating locomotives and trains on the railway system in the Community. (Particularly relevant to allow for the possibility of drivers operating one train in more than one State.)

This Directive sets out, for EU Member States, the conditions and procedures for the certification of train drivers operating locomotives and trains on railway systems in the EU. It relies on two documents: firstly, a license confirming that a driver meets minimum requirements for medical and psychological fitness, basic education and general professional skills and in addition, a harmonised complementary certificate indicating the railway lines (route knowledge) and types of trains/locomotives for which the driver is authorised.

Some harmonised principles might, in the future, be interesting to consider for COTIF with a view to facilitating the mutual acceptance between States of parts of the license. The two-level certification as defined in the EU Directive may be a good principle, as it allows certain qualifications at international level to be harmonised, whilst maintaining room for requirements related to the national situation in each State. Even though in the EU the certification of drivers is the subject of a Directive, requirements for drivers under COTIF would probably be best developed at the level of subsidiary regulation.

- Directive 2012/34/EU establishing a single European railway area.

Although Directive 2012/34/EU is not referred to in the EU-CH agreement, a combination of Directives that preceded it is part of the EU-CH agreement; in particular 91/440/EEC, 91/18/EC and 95/18/EC.

² According to information from the EU Commission, CH has transposed Directive 2007/59/EC despite it not being referred to in the EU-CH agreement.

Directive 2012/34/EU establishes rules for opening the railway market to competition. In particular, 2012/34/EU requires EU Member States to grant the right of access to rail infrastructure to railway undertakings for the purpose of operating all types of (i.e. national and international) freight services and for the purpose of international passenger services. As explained in section 2 of this document, these provisions are not relevant to COTIF, in the sense that COTIF is not an instrument for market regulation.

Of particular interest to the development of interoperability rules under COTIF are Annex II and Annex IV of Directive 2012/34/EU. Annex II lists the services to be supplied by infrastructure managers to railway undertakings, without which the operation of trains would not be possible or viable. This list includes, for example, the use of electrical supply for traction, the use of stations, etc. Annex IV defines the contents of the network statement, which makes transparent for railway undertakings the nature of the infrastructure and the conditions for access.

4.4. ELEMENTS TO BE COVERED BY SPECIFIC COTIF PROVISIONS

Some subjects required for interoperability under COTIF are either not covered by elements in the EU-CH agreement, or are covered in the EU-CH agreement but are not suitable for inclusion in COTIF. In both cases specific COTIF provisions need be developed.

Specific COTIF developments	Where
Article 6 COTIF: Uniform Rules to include new Appendix. Article 16-20 COTIF: Reference to new Appendix in relation to Committees. Article 33 COTIF: Competence (of the Organs) Article 34 COTIF: Decisions of the General Assembly Article 35 COTIF: Decisions of the Committees	COTIF base Convention
Competences for the development of subsidiary rules under COTIF, e.g. harmonised operational and safety provisions.	New Appendix
Mandate for the development of subsidiary rules under COTIF, e.g. harmonised operational and safety provisions.	New Appendix

5. NATURE OF COTIF PROVISIONS FOR INTEROPERABILITY

The scope of possible COTIF provisions for interoperability should cover subjects that would otherwise be covered by bilateral agreements between States wishing to enable interoperability or seeking to further harmonise their railway systems.

Prudence is required because of the complexity of the subject and the possible overlap that COTIF rules may have with provisions applicable in each State. Several types of rules can be distinguished.

- Opt-in rule that applies only after a State declares that it will apply it. This is the general nature of international conventions.
- Opt-out rule that applies unless a States declares that it will not apply it. This is the general nature of COTIF Appendices and would apply to a new Appendix to COTIF. This principle can also be used for rules subsidiary to a particular Appendix, e.g. in the scope of APTU this principle is used for new UTP in accordance with Article 9 APTU.

- Supplementary rule that only applies if there is no other provision covering the subject. Supplementary rules can take different forms:
 - A national rule may be supplementary to COTIF, meaning that a national rule stays in force until a harmonised rule is brought into force under COTIF (e.g. Article 12 APTU);
 - A COTIF rule may be supplementary to national rules, meaning that if there is no national rule governing the subject, COTIF rules apply. Specific cases in UTP could be seen as falling within this category, but the conditions for the EU's accession to COTIF (Article 2 of the accession agreement) are also in this spirit.
- National rules called for by COTIF.
 - National rules that require notification and publication, such as national technical requirements according to Article 12 APTU;
 - Subjects that need to be regulated by each State, without the need for notification or publication in the scope of COTIF.

Recognising and making effective use of these different types of rules may facilitate the development, acceptance and ultimately the application of harmonised provisions under COTIF.

Rules for interoperability at COTIF level should be developed progressively, step-by-step, because due to the complexity of the substance and the time necessary to develop them, they cannot all be introduced at once. For this reason it is important firstly to define aims and principles at the level of an Appendix to COTIF and subsequently to develop subsidiary rules, by analogy with the development of UTPs under APTU.

6. WAY FORWARD

Following the discussions of the Committee of Technical Experts and the mandate given by it, the Secretariat of OTIF drafted this paper with the aim of providing a starting point for the development of provisions for interoperability under COTIF.

The Annex to this document contains a set of tables with subjects that the Secretariat suggests should be covered in a new Appendix to COTIF.

ANNEX

This annex provides a draft inventory of the subjects and elements to be covered in a new Appendix to COTIF for the cross-border interoperability of complete trains.

1. AIM AND OBJECTIVES

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
The provisions should aim to provide a legal basis and to facilitate the cross-border operation of complete trains consisting of admitted vehicles.	The provisions should not establish access rights, i.e. they should not impose market opening.	
The Appendix should provide a mandate and set out competences for the further development of subsidiary provisions in the form of harmonised interoperability provisions.	Such provisions could be modelled on the way uniform technical prescriptions are developed under APTU.	

2. SCOPE

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
The provisions should apply to the cross-border operation of international trains and the entities (RU and IM) operating them.	The provisions should not establish access rights, i.e. they should not impose market opening.	
There should be an opt-in principle for the entire Appendix, so that it applies only to Member States of OTIF that have declared that they will apply it.	Some states may not want cross-border interoperability of trains, or may not be ready for it.	
It should be possible to apply the provisions to certain lines, in particular to foster the creation of corridors.	States should notify and the Secretary General would publish the lines on which the provisions apply, i.e. those which are open for cross-border operation with complete trains.	
The provisions should be seen as an add-on to ATMF and APTU. Therefore, the scope	Trains should be composed of vehicles admitted for use in	COTIF does not currently set out infrastructure (fixed installation) requirements;

should be linked to ATMF and APTU.	international traffic. The provisions should only apply when the ATMF and APTU also apply.	however, if they were to be developed, this could be done under ATMF.
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3. DEFINITIONS

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
Only definitions not yet covered by APTU and ATMF.	Definitions already in APTU/ATMF could simply be referenced.	This principle is in line with APTU Article 2: <i>“For the purposes of these Uniform Rules, their Annex(es) and the UTP, in addition to the terms defined in Article 2 of ATMF, ...”</i>
Interoperability	Cross-border operation of trains without the need to reconfigure them.	
Licensed railway undertaking (RU)	RU that is licensed by a State to operate international trains in any State where the license is valid.	Each State should decide if a license is valid on its network. Mutual recognition of licenses should be possible.
Infrastructure manager (IM)	Public body or undertaking responsible in particular for establishing and maintaining railway infrastructure, as well as for operating the control and safety systems.	Depending on the rules applicable in each State, an IM may or may not be part of an integrated railway company. Separation of management and accounts should not be required by COTIF.
Competent authority	Competent organisation for responsibilities incumbent on the State in accordance with the COTIF rules on interoperability.	
Licensing authority	Subsidiary to the competent authority, responsible for licensing RUs.	
Train path		Take on board the discussion of the CUI working group
Train path allocation	The process of assigning a train path to a railway undertaking.	Minimal transparency rules.

Allocation body	Body entitled to allocate train paths in a State.	
Safety management system	The organisation, arrangements and procedures established by an infrastructure manager or a railway undertaking to ensure the safe management of its operations.	
Safety certificate	Evidence that the railway undertaking concerned has established its safety management system and that it is able to operate safely in the intended area of operation.	
Incident	Any occurrence, other than an accident or serious accident, affecting the safety of railway operations.	
Accident	An unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions; derailments; level crossing accidents; accidents to persons involving rolling stock in motion; fires and others.	
Serious accident	Accident with consequences, in terms of loss and damage, exceeding a defined threshold.	

4. RULES

4.1. SEPARATION OF FUNCTIONS

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
States applying the provisions should ensure that at operational level the management of infrastructure is separated from the operation of trains.	Functional definition of IM/RU and path allocation bodies.	

4.2. OPERATIONAL LICENSES

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
Conditions for licensing of railway undertaking	States should be clear on their conditions for licensing foreign RUs.	The high level provisions should be in an Appendix to COTIF, detailed provisions should be developed in subsidiary rules. Should a safety certificate be a precondition for a railway licence, i.e. should the subjects of licensing and certification be linked?
Body issuing licences to railway undertakings	Notification of the competent body by each State.	
Validity of RU licences		
Sufficient financial guarantee to cover civil liability for legal persons	RU and its staff shall, in every State it operates, be adequately insured or have adequate guarantees to cover its liabilities in the event of accidents.	
Conditions for licensing on-board staff		The high level provisions should be in an Appendix to COTIF, detailed provisions should be developed in subsidiary rules.
Body issuing licences for on-board staff		
Validity of on-board staff licences		

4.3. ACCESS TO THE NETWORK

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
Conditions for network access and allocation of infrastructure capacity (paths).	States should be clear about how access is granted to its network, how capacity can be reserved and under which conditions.	
Body(/ies) granting network access and allocating capacity		

Network statement	Making available the access conditions and technical characteristics of the parts of the network open for international traffic by means of interoperability.	The high level provisions should be in an Appendix to COTIF, detailed provisions should be developed in subsidiary rules.
Minimum services to be supplied by the infrastructure manager to the railway undertaking	Handling of requests for capacity, use of infrastructure, use of optional systems related to the running of trains (power supply, signalling, communication, etc.), use of services such as stations and freight terminals.	

4.4. SAFETY

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
States shall ensure that responsibility for the safe operation of trains is shared between IM and RU (these being functionally defined).	<p>The safe cross-border operation of international trains should be the shared responsibility of the RU and the IM, with clear tasks for each party.</p> <p>Basic principles and responsibilities could be harmonised under COTIF. These would have to be complemented and implemented at national level.</p>	The high level provisions should be in an Appendix to COTIF, detailed provisions should be developed in subsidiary rules.
Each RU operating trains in international traffic must have a certified safety management system (SMS) adapted to the international operation of trains, valid in each State where it operates trains.	<p>Initially the SMS could be certified according to the provisions in each State, without these provisions being harmonised.</p> <p>Harmonised rules for the certification of the SMS and harmonised implementation of these rules would facilitate the mutual recognition of SMS.</p>	The high level provisions related to the SMS should be in an Appendix to COTIF, detailed provisions should be developed in subsidiary rules.
Safety certification of RU	Based on harmonised principles.	

Responsibilities of IM	<p>Be clear about its own responsibilities with respect to train operation and the management of safety and have clear tasks vis-à-vis the railway undertaking.</p> <p>Ensure the lines used for international operation of trains are well maintained and operated in accordance with the information provided to the RU.</p>	
Responsibilities of RU	<p>To understand and accept its responsibilities with respect to train operation and the management of safety.</p> <p>Ensure that the train is composed correctly and all required functions are available at train level</p> <p>Ensure that the train is compatible with the route it will be running on</p> <p>Operate the train and all its vehicles within their limits and conditions of use</p>	<p>The operational requirements for train composition are covered in UTP WAG and UTP LOC&PAS</p> <p>Provisions for vehicles are set out in ATMF Articles 6 and 9.</p> <p>Train composition is covered by ATMF Article 15a.</p>
National safety requirements	States should ensure that rules applicable to railway undertakings when operating international trains on their territory are available to these railway undertakings.	
Competences for the development of subsidiary rules under COTIF, i.e. harmonised safety provisions.		

4.5. INTEROPERABILITY

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
Ensuring compatibility between the train and the fixed installations it is operating with	IM to provide all information necessary for the railway undertaking to ensure that the train it operates is compatible with the route it is running on	Currently covered by ATMF Article 15a § 4

Operational interface arrangements between IM and RU	Fundamental operating principles	Look at developments in OPE TSI WP
Competences for the development of subsidiary rules under COTIF i.e. harmonised operational provisions.		

4.6. REGISTERS

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
Register of infrastructure accessible to international traffic	Technical characteristics of lines	The high level provisions should be in an Appendix to COTIF, detailed provisions should be developed in subsidiary rules.
Competences for the further development of registers under COTIF, i.e. harmonised register specifications.		

4.7. ACCIDENT INVESTIGATION

Subjects to cover	Elements to be taken into account	Remarks or questions to be answered
	<p>There should be a mechanism to learn from incidents and accidents to improve regulations where needed and to avoid reactions to them that lead to over-regulation.</p> <p>Could take the form of recommendations, e.g. on investigation procedures and reporting.</p>	Article 16 ATMF already sets out provisions related to accidents.