

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

**Secrétaire général
Generalsekretär
Secretary General**

**A 92-03/506.2011
30.11.2011**

Original : EN

TO THE GOVERNMENTS OF THE MEMBER STATES OF OTIF

NOTIFICATION

of Regulations adopted by the Committee of Technical Experts in accordance with Appendix F (APTU) or Appendix G (ATMF) to the Convention

Par souci d'économie, le présent document a fait l'objet d'un tirage limité. Les délégués sont priés d'apporter leurs exemplaires aux réunions. L'OTIF ne dispose que d'une réserve très restreinte.

Aus Kostengründen wurde dieses Dokument nur in begrenzter Auflage gedruckt. Die Delegierten werden daher gebeten, die ihnen zugesandten Exemplare zu den Sitzungen mitzubringen. Die OTIF verfügt nur über eine sehr geringe Reserve.

For reasons of cost, only a limited number of copies of this document have been made. Delegates are asked to bring their own copies of documents to meetings. OTIF only has a small number of copies available.

I have the pleasure to notify the Member States that at its 4th Session on 14-15 September 2011, the Committee of Technical Experts unanimously adopted/amended/renamed the following regulations:

UTP GEN-A: Doc. A 94-01A/1.2011	GENERAL PROVISIONS – ESSENTIAL REQUIREMENTS	<i>renamed only</i>
UTP GEN-B: Doc. A 94-01B/1.2011	GENERAL PROVISIONS – SUBSYSTEMS	<i>renamed and amended</i>
UTP GEN-C: Doc. A 94-01C/1.2011	GENERAL PROVISIONS – TECHNICAL FILE	<i>renamed only</i>
UTP GEN-E: Doc. A 94-01E/1.2011	GENERAL PROVISIONS – ASSESSING ENTITY – QUALIFICATIONS AND INDEPENDENCE	<i>renamed only</i>
UTP GEN-G : Doc. A 94-01G/2.2011	GENERAL PROVISIONS – COMMON SAFETY METHOD (CSM) ON RISK EVALUATION AND ASSESSMENT (RA)	<i>new</i>
ATMF Annex 1 : Doc. A 94-30/4.2011	CERTIFICATION AND AUDITING OF ENTITIES IN CHARGE OF MAINTENANCE (ECM)	<i>new</i>

These regulations are placed on the OTIF website under “Technology”.

In accordance with the second sentence of Article 35 § 3 of the Convention, these regulations - with the exception of the three above which are marked “*renamed only*” - will **enter into force** on the first day of the sixth month following that during which the Secretary General has given notice of them to the Member States, i.e. on **1 May 2012**, unless the number of objections received (see below) invalidates the entry into force.

Member States which have made a declaration in accordance with Article 42 of the Convention that they will not apply Appendix F to COTIF 1999 will not be affected by the entry into force of these regulations while their declaration is in force.

Noting that the amendments to the regulations which have only been renamed (see table above) are insignificant editorial amendments to the titles, but did not include any amendments to the regulation itself, the Committee of Technical Experts decided that the legal validity of these regulations will remain unaffected and the possibility of formulating an objection in accordance with Article 35 § 4 of the Convention after notification of these amendments will not apply to these amendments. They are therefore valid in their amended form from the day after this notification.

With regard to the other adopted regulations, a Member State which, at the time of expiry of the deadline indicated below, applies the Appendix to the Convention in pursuance of which a regulation has been adopted, may, according to Article 35 §§ 4 and 6 of the Convention, formulate an **objection** to the adoption of the regulation within a period of four months from the day of the notification, i.e. in this case by **30 March 2012**, at the latest. The objection may concern the whole regulation or specific parts of it.

According to Article 38 § 3 of the Convention the EU may exercise the right of its Member States to submit an objection, in which case the EU Member States concerned may not vote.

The consequences of an objection are indicated in Article 35 § 4. In most cases, an objection will jeopardise the unrestricted international circulation of railway vehicles out of the objecting State and in transit through it. If one quarter of the Member States object to one of the notified regulations, it will not enter into force.

According to Article 35 § 6 of the Convention, Member States which

- a) do not have the right to vote (Article 14 § 5, Article 26 § 7 or Article 40 § 4),
- b) are not members of the Committee concerned (Article 16 § 1, second sentence), or
- c) have made a declaration in accordance with Article 9 § 1 of the APTU Uniform Rules,

will not be taken into account when determining the number of objections.

The definitive date of entry into force of a regulation or its rejection will be communicated to the Member States by a circular and published on the OTIF website shortly after the deadline for objections has passed.

I should like to use this opportunity to draw the Member States' attention to Article 26 of the Vienna Convention, which implies that for their national territory, the Member States concerned shall have brought into force the laws, regulations and administrative provisions necessary to comply with these regulations by the date of their entry into force, at the latest.

* * * * *

For your information, at its 4th session, the Committee of Technical Experts also unanimously adopted the English version of UTP GEN-D "General provisions – ASSESSMENT PROCEDURES (MODULES)" and UTP WAG "FREIGHT WAGONS" including the latter's 32 annexes. However, as the French and German versions of these regulations were not available at the time of the session, the French and German versions will be voted upon separately by the written procedure in accordance with Article 23 § 3 of the Committee of Technical Experts' Rules of Procedure. A separate circular will announce the vote using the written procedure.

* * * * *

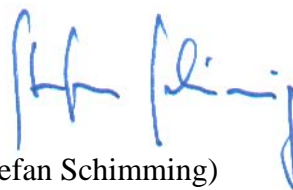
These international organisations and associations:

- European Railway Agency (ERA)
- International Union of Railways (UIC)
- International Rail Transport Committee (CIT)
- International Union of Private Railway Wagons (UIP)
- Organisation for Railways Cooperation (OSJD)
- Community of European Railway and Infrastructure Companies (CER)
- European Rail Freight Association (ERFA)
- Union of European Railway Industries (UNIFE)
- International Association of Public Transport (UITP)

- International Union of combined Road-Rail transport companies (UIRR)
- European Committee for Standardisation (CEN)
- International Association of Private-Sidings Users (IVA)

have received a copy of this circular.

Yours faithfully



(Stefan Schimming)
Secretary General

cc:

- the international organisations and associations listed above