

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**

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**TO THE MEMBER STATES OF OTIF AND TO REGIONAL
ORGANISATIONS WHICH HAVE ACCEDED TO COTIF**

NOTIFICATION

**of Regulations adopted by the 6th Committee of Technical Experts in accor-
dance with Appendix F (APTU) and 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 6th session on 12 June 2013, the Committee of Technical Experts adopted the following regulations:

UTP WAG Doc. A 94-02/2.2012 version 07	SUBSYSTEM ROLLING STOCK FREIGHT WAGONS
UTP GEN-G Doc. A 94-01G/1.2012 version 03	General provisions - COMMON SAFETY METHOD (CSM) ON RISK EVALUATION AND ASSESSMENT (RA)
ATMF - Annex B Doc. A 94-40/3.2012 version 04	Uniform rules set out in accordance with Article 7a - REQUIREMENTS AND PROCEDURE FOR DEROGATIONS FROM APPLICATION OF UTP(S) RELATED TO A STRUCTURAL OR FUNCTIONAL SUBSYSTEM

All three language versions of these regulations have been placed on the OTIF website under "Technology" > "Notifications".

Brief explanation on the new regulations

UTP WAG will enter into force at the same time as the fully equivalent EU regulation¹ WAG TSI.

This UTP WAG corresponds to the revised WAG TSI, with following additional elements:

- Appendix PP vehicle numbering (from NVR specifications)
- Appendix H from CCS TSI and
- Appendix I from TSI OPE containing the safety management provisions.

Please note that there are three levels at which a wagon may comply with the revised UTP WAG:

- Level 1: mandatory compliance with section 4 of the core UTP, which sets out the functional requirements. This level gives the freedom to use different technical solutions. The "admission to operate" needs to be obtained from each Contracting State, which means the wagon is not permitted free movement in accordance with ATMF Article 6 § 3.
- Level 2: in addition to meeting the requirements for level 1, compliance with section 7.1.2 is voluntary. This section provides a set of conditions aimed at closing the open points. Compliance with section 7.1.2 results in the mutual recognition of the first admission/authorisation. The wagon may be operated in all Contracting States, provided that the rail transport undertaking uses the wagon within its conditions and limits of use and on compatible infrastructure.

¹ Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC

- Level 3: in addition to meeting the requirements for level 2, compliance with Appendix C is voluntary. Appendix C provides a high level of technical harmonisation and if complied with, ensures compatibility and interchangeability with the existing fleet of 'RIV' wagons.

UTP GEN-G on Common Safety Methods. The original regulation has already been in force since 1 May 2012, and has now been amended following revision of the equivalent EU regulation². The changes are aimed at increasing the quality and similarity of risk assessments by harmonising the requirements for assessment bodies. The new regulation includes a scheme for the accreditation or recognition of CSM assessment bodies. The principles of the risk assessment and the risk management process themselves have not be changed.

ATMF Annex B Derogation rules are equivalent to Article 9 of the EU Interoperability Directive³, with the difference that derogations in non-EU OTIF Contracting States only apply to international traffic.

Entry into force

In accordance with the second sentence of Article 35 § 3 of the Convention, these regulations will **enter into force** on the first day of the sixth month following this notification, i.e. on **1 January 2014**, 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 (concerns UTP WAG and UTP GEN-G) or Appendix G to COTIF 1999 (concerns ATMF Annex B) will not be affected by the entry into force of these regulations as long as their declaration is in force.

Objections

With regard to the 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 **10 November 2013**, 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 object individually.

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.

² COMMISSION IMPLEMENTING REGULATION (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009

³ DIRECTIVE 2008/57/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 June 2008 on the interoperability of the rail system within the Community

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), or
- 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.

Confirmation of entry into force

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.

Yours faithfully



(François Davenne)
Secretary General

The following international organisations and associations have received a copy of this circular for information:

- European Railway Agency (ERA)
- International Union of Railways (UIC)
- International Rail Transport Committee (CIT)
- International Union of Wagon Keepers (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)