



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

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

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

NOTIFICATION

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

In accordance with Article 35 of the Convention, I am pleased to be able to notify you that at its 9th Session on 7 and 8 June 2016 in Bern, the Committee of Technical Experts decided to modify:

UTP GEN-G Uniform Technical Prescriptions – General provisions
Common safety method on risk evaluation and assessment
 In the version as applicable from 1.1.2014

UTP WAG Uniform Technical Prescriptions
Rolling Stock – freight wagons
 In the version as applicable from 1.12.2015

The three OTIF language versions of the document setting out the Committee's decisions have been published on the

OTIF website under **Technology > Notifications**.

Addressees of this letter who wish to receive the document setting out the Committee's decisions, either by e-mail or by post, are invited to inform the Secretariat of their requirements.

Brief explanation of the amendments

The aim of the amendment to the **UTP GEN-G** on a common safety method (CSM) for risk evaluation and assessment is to facilitate the mutual recognition between States of assessment results relating to structural subsystems and vehicles, particularly in cases where the proposer chose to use explicit risk estimation. In such cases, harmonised design targets could be used to demonstrate the acceptability of risks arising from failures of functions of a technical system. Furthermore, in order to distinguish the acceptance of risks associated with technical systems from the acceptance of operational risks and of the overall risk at the level of the railway system, the term "risk acceptance criteria" with respect to technical systems was changed to "harmonised design targets" for such technical systems.

The amendment to the **UTP WAG** concerns in particular the introduction of the interoperability constituent (IC): "Friction element for wheel tread brakes" (often referred to as composite brake block), the assessment methods for this IC, the validity of its examination certificates and the transitional provisions relating to the new IC. In addition, there are some amendments to further align the UTP and the European Union's equivalent Technical Specification for Interoperability (TSI), particularly in the field of axle traceability. Finally, there are some editorial improvements and updates to legal references.

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 December 2016**, 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 amendments notified by this circular letter, as long as their declaration is in force.

Objections

With regard to the revised or amended regulations that have been adopted, 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 **22 October 2016**, at the latest.

In accordance with 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 transit through it. If one quarter of the Member States object to a notified regulation, 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), 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 each modification 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

d.i.


(François Davenne)
Secretary General

The following international organisations and associations have been sent 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 Standardization (CEN)
- International Association of Private-Sidings Users (IVA)