



ORGANISATION INTERGOUVERNEMENTALE POUR LES  
TRANSPORTS INTERNATIONAUX FERROVIAIRES

ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBahnVERKEHR

INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL  
CARRIAGE BY RAIL

# WORK PROGRAMME 2014/2015





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## INTRODUCTION

The first work programme after a change of management is always a particularly important moment. OTIF has the doubly unique feature of having a very broad field of competence and Member States which have very diverse structures and interests.

Above all else, I should like to reaffirm OTIF's role as a gateway. Thanks to flexible law which is adaptable to the different constraints of its Member States, the Organisation is able to offer a common framework and genuine interface law which enables the development of rail traffic in a unified framework.



**François Davenne**  
*Secretary General*

This is why the presentation of this activity report breaks with tradition. It is important to give our Member States a vision of the place our Organisation occupies in the railway landscape. Two concerns are at the heart of this programme: to define the added value of our actions and to become more aware – and publicise – the use that is made of OTIF law.

Affirming our added value requires the definition of a strategy for the Organisation. This is the subject of the first part of this report, which explains OTIF's role as a facilitator of rail traffic. The Organisation must be able to generate simple and shared law, «portable» law in the computing sense of the term, and to provide our Member States with a consistent tool box for their international rail traffic.

Today, in view of the much more precise definition of responsibilities, it is imperative to achieve a better understanding of the application of the regulations. The transposition of European rules into OTIF law has dramatically altered its scope, since, for example, the lack of a declaration in a register can lead to a train's being stopped at the borders. The various Appendices therefore assume a more marked operational character, which imposes closer relations between the Organisation and its Member States.

This ambitious programme is of course only possible if carried out by an Organisation that is more responsive, more communicative and which, above all, assumes its interdisciplinary nature. Implementation of the recommendations of the audit conducted in 2013 will aid this qualitative leap.

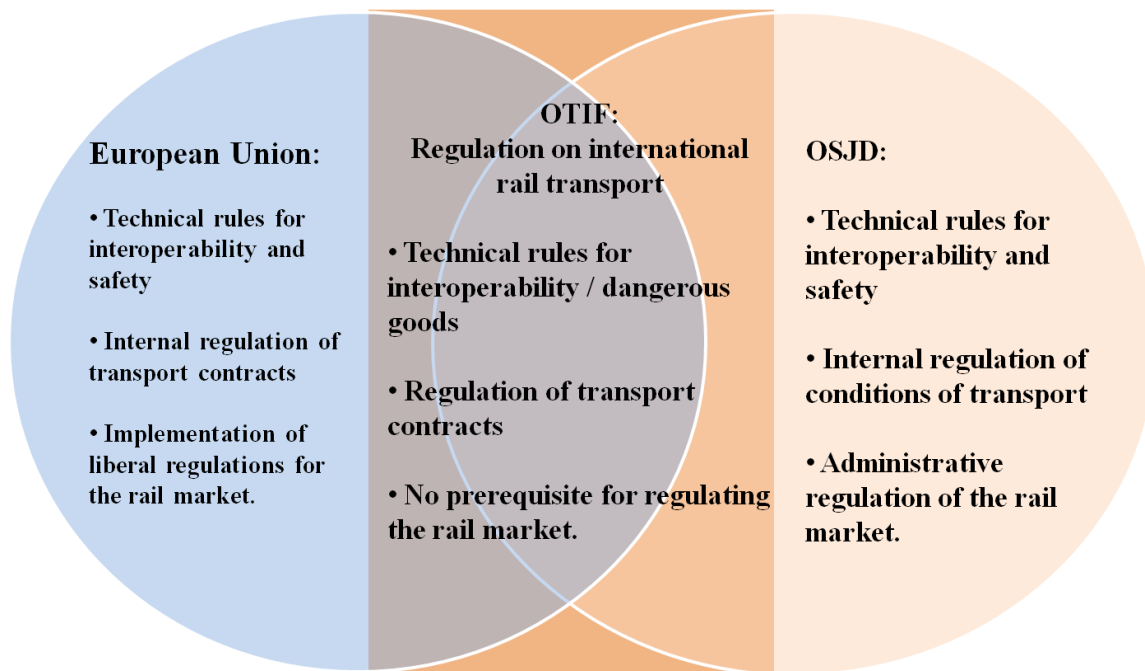


## 1. OTIF'S POSITION AND DEVELOPMENT STRATEGY

COTIF implements a «legal interface», which provides our Member States with the opportunity to make their various railway laws compatible so that international traffic can be developed.

The European Union and OSJD each offer a coherent model allowing the application of uniform procedures. Unfortunately, these two organisations' regulations are not compatible. OTIF must join in with efforts to unify the law by fully playing its role as a gateway between its Member States.

OTIF's strategic position



In addition, OTIF has to provide active partnership between the non-Member States of the EU and the European Railway Agency. In fact, the development of European railway law by pursuing the aim of opening up the market might have the paradoxical effect of strengthening closure of the European market as a result of the development of technical standards that end up being a barrier to entering the market. By focusing on the facilitation of international transport, OTIF has a role to play in ensuring that the regulations developed as TSI incorporate from the very beginning the constraints that States outside the EU have, in order to make it easier to adapt the corresponding UTP.



The **6 strategic priorities for the development of OTIF's legislation** stem from this position.

1. Develop a working relationship with the Commission and ERA, on the one hand, and OSJD on the other, through the implementation of framework agreements.
2. Intensify our exchanges with our Member States that are not members of the EU, in order to build up a knowledge base and to develop actions for training.
3. Establish the participation of experts from our Member States in the working groups of our preferred partners (ERA and OSJD) on the basis of the definition of common positions.
4. Make a central contribution to the definition of unified law in the field of freight transport and to the facilitation of international traffic.
5. Resolve issues of legal liability opened up by recent developments in European legislation.
6. Improve the compatibility of the RID rules with the technical approach of the TSI as regards issues concerning interoperability.

**OTIF must also define its strategy with regard to its scope of application:**

7. Extend the application of COTIF '99 to all the European Union countries and obtain the lifting of all the reservations concerning application.
8. Extend the application of COTIF to the Gulf States and central Asia.
9. Develop sound working relationships with the Economic and Social Commission for Asia and the Pacific (ESCAP).

Finally, **the management of OTIF must be given a new impetus**, with 3 strategic priorities:

10. Carry out an audit and implement its recommendations.
11. Stabilise the Organisation's budget.
12. Increase the attractiveness and degree of awareness of OTIF.





## 2. DEVELOPMENT OF OTIF TOWARDS ASIA AND THE MIDDLE EAST

**The national procedure for the accession of Azerbaijan should be completed by the end of 2013 or in the first few months of 2014.** The Ministry of Transport, the main authority concerned in the accession, has already resolved the associated political issues with the country's various bodies. In this regard, and at its request, in 2014 we will also organise a workshop in Baku in order to introduce and explain the COTIF regulations to the authorities and railway companies of this new Member State.

In this framework, OTIF will continue its efforts to encourage various countries to the east of Europe, such as **Turkmenistan, Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan**, to accede to COTIF. There is no doubt that the future accession of Azerbaijan to COTIF will assist and encourage the accession of these five countries.

OTIF's relations with the Gulf Cooperation Council (GCC) are improving and becoming more successful. In fact, in the second half of 2013, the steering committee of this intergovernmental organisation, which brings together six States, namely **Qatar, the United Arab Emirates, Bahrain, Saudi Arabia, Oman and Kuwait**, approved accession to COTIF, with the objective of simultaneous accession by these six States, which have delegated their competence for railway issues to this organisation. The accession negotiations could start in November 2013 and continue during the first half of 2014.

The accession of Pakistan on 1 September 2013 will enable us to establish contacts with **India and China**, countries that are adjacent to Pakistan.

Finally, to try to extend the scope of application of COTIF in these Asian countries, the Secretariat organised a meeting in Bern with the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), and it will continue to have contacts with this organisation, whose expertise has a great influence in its member countries when it comes to determining which of the two systems of law suits them better.

### ***Provisional calendar***

Accession of Azerbaijan – A training course is planned in Baku when the application for accession is received.

For the accession of the Gulf Cooperation Council, a seminar is planned in the second half of 2014.





### **3. PROMOTE BETTER APPLICATION OF COTIF**

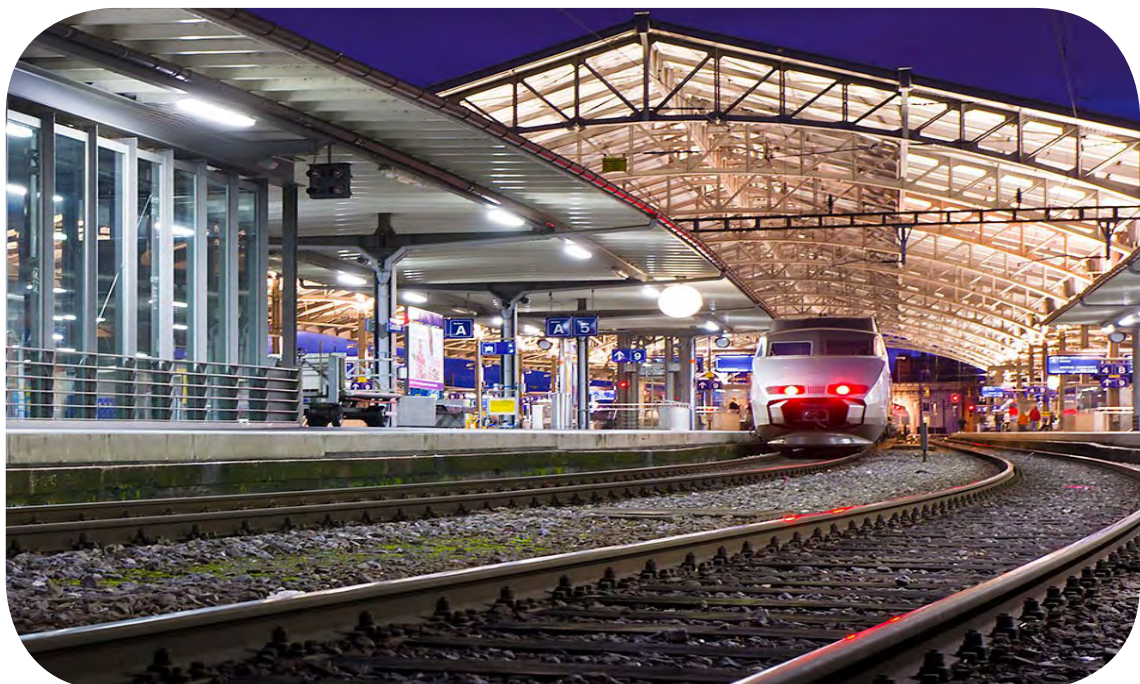
#### ***Promotion of COTIF 1999***

The Secretariat will increase its efforts to provide any assistance necessary to the three Member States that have not yet ratified the Vilnius Protocol (Ireland, Italy and Sweden). To this end, the Secretariat is in touch with the persons responsible for preparing the ratification of the Vilnius Protocol at each of these countries' Ministry of Transport, and if necessary, will provide them with all the information and documents they might need to help with their national ratification procedures.

The Secretariat will continue to work to ensure that the Member States of the EU and the EEA withdraw their declarations not to apply Appendices E, F and G to COTIF as soon as possible, if they have not already done so. Five EU Member States and one EEA Member States have not yet withdrawn their declarations (ES, FR, NO, CZ, SK and UK). The European Commission supports the Secretariat's efforts, given that since the three Appendices were revised in 2009 (entry into force on 1 December 2010) and the EU's accession to COTIF (1 July 2011), it no longer sees any potential sources of conflict between these Appendices and Community law.

#### ***The EU in the organs of OTIF***

When the European Union acceded to COTIF on 23 June 2011, a few matters of principle still had to be resolved for the coordination of work between the various technical bodies of OTIF and the European Commission, and in particular for the clarification of the European Union's voting rights in OTIF's Committee of Technical Experts and RID Committee of Experts.





Since the Committee of Technical Experts was set up under the new COTIF, and since the European Union's accession to COTIF, several sessions have been held at which there have been different interpretations as to how the quorum for the meetings is to be determined, not just so that they can be held with the required quorum, but also in order to establish which Member States that are present or represented were able to vote on matters put to the vote and to make a decision valid or not.

In an exchange of letters between the Secretary General of OTIF and the European Commission, a common interpretation of the provisions of COTIF has been agreed, which enables autonomous decision-making by OTIF's organs and the coordination procedure inherent in the European Union to be observed. This arrangement is in fact already implemented in the framework of these meetings.

### ***Discover and aid application of the regulations***

OTIF will use the strengthened partnership and a series of seminars, particularly with the States of the Maghreb and the Balkans, to take forward a policy to monitor application of its regulations. The information thus gathered will be made available to our Member States and preferred partners.

The success of this activity will decide OTIF's ability to become a force for synthesis and proposals to improve international railway law.

In this context, OTIF, together with the European Commission, will also provide its expertise in relaunching the Euromed programme.



## 4. REVISION OF COTIF IN JUNE 2014

The legal service and the technical and dangerous goods sections will play an active role in the revision of COTIF, the CIM, CIV, CUV and ATMF UR, in order to adapt these texts to recent developments, whether the proposed amendments lie within the competence of the Revision Committee or the General Assembly.

The Auditor has invited OTIF to initiate a process of revision of **COTIF**. The practice followed by the Secretariat in relation to financial and accounting matters is currently based on an annual rhythm, whereas Article 25 of COTIF prescribes that the Organisation's budget and accounts must cover a period of two calendar years. This situation must be formally regularised.

The main objective of the revision of the **CIM UR** will be to simplify use of the electronic consignment note in international rail traffic. It has in fact emerged that the principle of functional equivalence currently contained in the CIM UR was holding back implementation of the electronic consignment note at operational level, particularly as a result of the requirements of national law with regard to electronic signatures. CIT has therefore formed a group of experts, which has met regularly since 2011. OTIF is actively involved in the work of this group of experts, with the prime objective of developing a comprehensive legal framework in the CIM UR which, in addition, will aim to give priority to use of the electronic consignment note and accompanying documents over the paper versions.

The RID Committee of Experts will have to deal with the question of the use of electronic documents for the transport of dangerous goods, as the text currently in force in RID is also based on the principle of functional equivalence.

In contrast to the problems encountered with the electronic consignment note for freight, it does not seem absolutely necessary to amend the **CIV UR** with regard to transport documents (tickets, luggage vouchers, vehicle transport vouchers). Nevertheless, the revision could help improve the correlation between the CIV UR and EU Regulation No. 1371/2007 on rail passengers' rights and obligations and facilitate the application of CIV by including clarification in the Explanatory Report.



On the basis of a survey the Secretariat carried out among the Member States in 2013 on the application of the **CUI UR**, it will also consider, where appropriate, the revision of this Appendix to COTIF, particularly in terms of its scope of application.

As regards the **CUV UR**, an OTIF working group has been set up to examine amendments to incorporate in the contracts of use of wagons in international rail traffic the changes to the railway undertakings' and keepers' systems of liability brought about by the creation of the function of Entities in Charge of Maintenance (ECM) in OTIF law by Article 15 of the Uniform Rules concerning the technical admission of railway equipment (ATMF UR) and Annex A to the ATMF UR of 1 May 2012 on the certification and auditing of ECMs. This work will be continued in 2014.

Finally, the **ATMF should be amended** in line with the ad-hoc safety subgroup's findings of January 2012, which were validated by the CTE. According to these findings, particular safety responsibilities should be more clearly embedded in ATMF. On the occasion of amending ATMF, it should be fully analysed for possible further improvements.

A small subgroup has been set up by WG TECH to prepare proposals for the revision of ATMF. Once validated by WG TECH and the CTE in 2014, the proposals could be forwarded to the Revision Committee. It falls within the competence of the Revision Committee (and for some specific parts within the competence of the General Assembly) to revise the ATMF.

The Revision Committee will be held from 23 to 27 June 2014. It will deal with amendments to the UR CIM, CIV, CUI, CUV and ATMF.





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## 5. IMPROVE THE REGULATION OF CONTRACTS OF CARRIAGE

The legal service deals with almost all areas of the Organisation's activities. It has always provided assistance to the other services in the Secretariat. However thanks to the development of interdisciplinary work between the operational services of the Secretariat, its cooperation with the "railway technology" service and the "dangerous goods" service has significantly increased in 2013 and will continue to be strengthened to ensure that OTIF is able to meet the challenges it will face in 2014/2015, among which the following subjects deserve special mention:



Carlos del Olmo Morand  
Head of the legal service

### ***Railway facilitation: an approach based on the corridors***

Issues of railway facilitation will be dealt with by the legal service. Since 1 July 2006, the date of entry into force of COTIF 1999 within our Organisation, few matters have moved forward in the direction of international cooperation for the facilitation of international rail traffic, with the exception of the unfinished work of the Rail Facilitation Committee from November 2010 to 2012, which did not, unfortunately, lead to a final resolution. The declaration of 14 April 2011, which established the catalogue of objectives of the Rail Facilitation Committee, focused on the development of a new regulation of transcontinental railway law, which we do not consider necessary, and its objectives were perhaps too ambitious. OTIF considers that this question should be dealt with in the context of the work of the UNECE.

The existing corridors, put in place by both the EU and OSJD, operate satisfactorily. The ability of these two organisations to define uniform rules for their areas of respective competence guarantees a certain degree of efficiency. OTIF is interested in this issue, with the idea of carrying out a comprehensive study in 2014 to identify the legal obstacles to setting up a structured goods transport network on a Eurasian and Euro-Mediterranean scale. If this proves necessary and suitable, OTIF may then propose to its Member States the relevant regulatory developments, which will be the culmination of this process.

The term OTIF corridor must therefore be used to make reference to lines that provide structure for international freight traffic, rather than to complex institutional constructs such as the freight corridors of the EU and OSJD. We propose to study three corridors in partnership with UIC, which will contribute its expertise in this sector and the work already carried out by its working groups, particularly the GTC, and with CIT, which will contribute its legal expertise.



OTIF will set up the working group and organise the meetings of the group. On the basis of the study to be carried out, an initial meeting of the Rail Facilitation Committee on the question of the network will be held during the first half of 2014. It is envisaged to study three corridors:

1. a purely terrestrial corridor between Russia/China and Germany;
2. a corridor passing through Turkey (including an intermodal part on the Black Sea), with an attempt to carry goods by train from Pakistan (new OTIF Member State) to the heart of Europe, via Iran;
3. a new European-Maghreb corridor via the Iberian peninsula to the markets of Northern Europe, which, when the work is completed, may even be extended to the three Maghreb States that are members of OTIF, with the aim of promoting the freight corridors to and from the markets of the Maghreb, with the close involvement of OTIF for information and communication.

The following questions should be addressed as a priority:

1. interfaces with the homogeneous entities formed by OSJD and EU;
2. potential problems between OTIF Member States and non-Member States of OTIF;
3. matters pertaining to intermodality and the carriage of containers;
4. coordinated management of train paths and advanced use of the contracts of use of infrastructure, if required;
5. the flow of information and suggestions to international organisations in charge of customs matters; we must encourage our Member States which have not yet ratified the revised Kyoto Convention (International Convention on the simplification and harmonization of customs procedures) to endeavour to do so. For this, close collaboration with the World Customs Organization will be required;
6. problems between Member States of OTIF that cannot be resolved effectively by means of the current regulations.



### ***Develop unified Eurasian law***

The signature on 26 February 2013 by 37 UNECE countries of the joint declaration on the promotion of rail transport between Europe and Asia and of the activities carried out to this end has breathed new life into the UNECE project on “**Unified Euro-Asian Railway Law**”. In accordance with this declaration and in order to facilitate the continuation of work relating to the harmonisation of the carriage of freight by rail in Eurasia, OTIF has submitted its analysis and a proposal on the general legal framework to be put in place in this regard to the group of experts set up for this purpose by the UNECE under the chairmanship of the Russian Federation.

Rather than creating law overarching the two legal regimes of the CIM UR and SMGS, or creating autonomous law, **OTIF advocates and will defend the establishment of an interface regime between the CIM UR and SMGS**, with a common consignment note and a common liability regime, which could either apply to certain high-performance corridors, or simply if the parties to the contract of carriage so decide, when the goods consignments pass through the sphere of application of the CIM UR and SMGS.

A working document along these lines was proposed in the discussions of the group of experts.

On customs issues, Annex 9 to the International Convention on the Harmonization of Frontier Controls of Goods of 21 October 1982 entered into force on 30 November 2011 and thus became legally binding for all contracting parties. This Convention is managed by the UNECE’s Working Party WP.30, which deals with customs questions concerning transport. OTIF will support the work of WP.30 to achieve full implementation of this Annex 9 with the agreement of OSJD as well.

### ***Making the OTIF and OSJD contracts of carriage consistent***

**OTIF’s legal service continues to support the CIT/OSJD project to make CIM and SMGS legally interoperable.** The CIM/SMGS consignment note developed in the framework of this project is being used more frequently, particularly in container transport. Experience has shown that further efforts and training will be necessary to increase awareness among other groups of potential users of the advantages of the CIM/SMGS consignment note as a transport document (savings in time and money, avoidance of errors resulting from transcribing the consignment notes at the border between the CIM and SMGS legal systems), so that it becomes more widely used. The Secretariat of OTIF will help popularise the uniform consignment note.



Further work will focus mainly on the electronic CIM/SMGS consignment note. The Secretariat of OTIF will of course give this work the same attention it has given to the electronic CIM consignment note.

**With regard to the carriage of passengers, OTIF's legal service is available to provide advice in connection with CIV/SMPS traffic.** This relates not just to the law currently applicable to this traffic and to questions of interpretation that might arise in applying it, but also to questions that arise in the further development of SMPS and its alignment with CIV.

In terms of the application of law, it must be remembered that in the EU Member States, Regulation (EC) No. 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations (PRR) is also applicable. The Secretariat of OTIF took part in an analysis of the individual provisions of the CIV, PRR and SMPS initiated by CIT, with particular attention to the provisions governing liability, and will contribute to popularising the rules, which have been developed to help passengers.

It goes without saying that in any further development of the three sets of regulations, there must be coordination. The Secretariat of OTIF will try to ensure that this is the case, both with the European Commission's DG Move and with OSJD.







### ***Provisional calendar***

The group of experts of OSJD's principal commission (Transport Policy and Strategic Development) on facilitation will meet in Warsaw from 8 to 10 April 2014.

The OSJD Conference of Ministers will be held in Vilnius on 5 and 6 June 2014.

The annual meeting of OSJD's principal commission (Transport Policy and Strategic Development) will be held from 14 to 17 October 2014.

The group of experts on the unification of railway law (GEURL) will meet in Geneva on 3 and 4 April 2014, 10 and 11 July 2014 and 30 and 31 October 2014.

The Working Party on Rail Transport will meet in Geneva from 24 to 26 November 2014.

WP.30 on Customs Questions affecting Transport will hold its 136th session in Geneva from 3 to 7 February 2014 and its 137th session from 10 to 13 February and its 138th session from 7 to 10 October 2014.



## 6. IMPROVING INTEROPERABILITY AND SAFETY

The technology section performs the tasks attributed to the Organisation as defined in Appendices F and G to the Convention. It develops, updates and improves rules, procedures, registers and technical provisions for the benefit of international rail traffic. Decisions relating to the work of the technology section are taken by the Committee of Technical Experts (CTE). CTE sessions are prepared by the “standing working group technology” (WG TECH).



**Bas Leermakers**  
Head of the rail  
technology service

As defined in Article 3a of ATMF (Appendix G to the Convention), full equivalence between EU technical specifications (TSIs) and OTIF technical prescriptions (UTPs) will facilitate the mutual acceptance of rolling stock. The aim is to allow vehicles first admitted to operation outside the EU to be operated in the EU and vice versa. The technology section therefore aims to continue working on equivalence between TSIs and UTPs as far as the scope of the Convention permits.

### ***General scope of activities***

*Regulatory drafting* – The core activity of the technology section is to draft new and amended UTPs and to coordinate the adoption of UTPs and other regulations. A practical yearly working cycle has been implemented with three WG TECH meetings and one CTE meeting each year. For each of these meetings the technology section prepares all the documents for the meetings and drafts the minutes.

*Dissemination* – The increasing complexity of the applicable regulations also requires the dissemination of information, particularly to assist non-EU Contracting States<sup>1</sup> with the correct application of the OTIF regulations. Several dissemination activities are planned in this respect, ranging from issuing explanatory documents and application guides to presentations, workshops and visits to various States.

*Monitoring of implementation* – The quantity of technical regulations developed under APTU and ATMF is already large and is still growing. Dealing with the quantity and complexity of all the rules proves challenging for the OTIF Contracting States. At the same time, correct implementation is becoming increasingly important. If the OTIF regulations are not applied correctly, this may result in disruptions to international traffic, as illustrated by freight wagons which were blocked at borders in June 2013 because they had no valid Entity in Charge of Maintenance (ECM) assigned to them. The OTIF Secretariat would like to improve further its understanding of how the regulations are implemented in the Contracting States. The focus will be on non-EU Contracting States, as the EU has its internal processes in this respect.

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1. Although the EU has its internal processes, where possible synergy will be sought in dissemination activities, particularly with ERA.



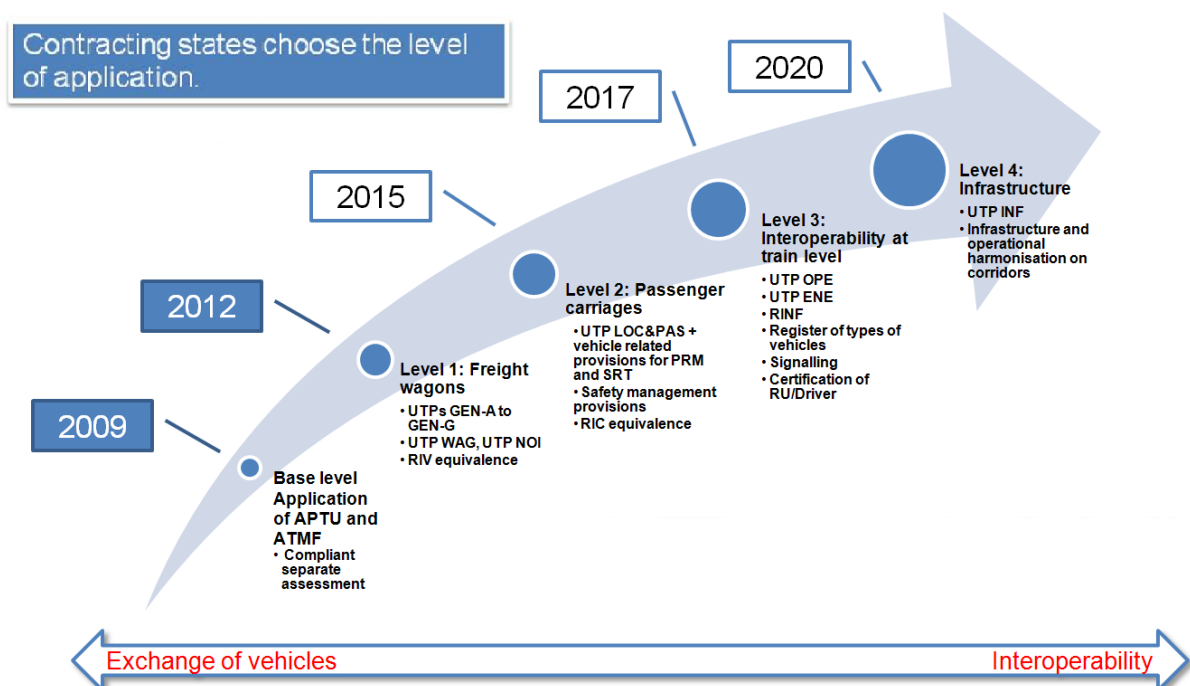
*International cooperation* – In order to carry out all these activities efficiently, good international cooperation is necessary. As full equivalence between OTIF and EU interoperability regulations is necessary, contacts with the European Railway Agency (ERA) in particular will be strengthened. This cooperation is formalised by the “Administrative Arrangements”, which have been signed by the European Commission, ERA and OTIF.

*Knowledge management* – In order to maintain a consistent set of regulations, stimulate the sharing of knowledge, improve the quality and efficiency of the work and facilitate the integration of new staff members, the OTIF Secretariat intends to improve its internal knowledge management. The technology section will coordinate activities with the aim of achieving these goals.

### ***Regulatory drafting***

Up to 2012, the OTIF regulations were developed in a consecutive process on the basis of EU regulations. First the EU regulations were developed and adopted, after which they were transposed into OTIF regulations. 1 January 2014 will mark the first time that equivalent OTIF and EU regulations enter into force simultaneously, notably the revised UTP and TSI for freight wagons. The OTIF Secretariat is proud of this milestone, which was only possible due to the good cooperation between the OTIF Secretariat, the non-EU Contracting States, the European Railway Agency (ERA) and the European Commission (EC).

The diagram below illustrates the main roadmap for the development of technical regulations in OTIF.





The following paragraphs provide details of planned developments and amendments to UTPs.

#### *PTU LOC&PAS*

As a first step the UTP LOC&PAS will transpose the (future) LOC&PAS TSI in full.

The UTP LOC&PAS will not be a straightforward copy/paste of the TSI, because it will have to include additional elements from EU law relating to vehicles that are not covered by OTIF law. This may include elements from the CCS TSI relating to train detection, ECM requirements, PRM TSI requirements relating to vehicles, etc. The aim is to adopt the UTP LOC&PAS in 2014.

As a second step (which may be developed in parallel with step one) an amendment to both the TSI and UTP for LOC&PAS will be developed to achieve a single admission/authorisation for passenger coaches meeting certain conditions (and possibly other types of vehicles meeting the same conditions). The amendment to both TSI and UTP is scheduled to be developed under the responsibility of an ERA Working Party (WP), which will be open to experts from OTIF representatives who are mandated to represent the interests of non-EU OTIF Contracting States. This WP will analyse two separate issues:

1. the harmonised conditions for a single admission, permitting ‘free circulation’ of the vehicle within the meaning of ATMF. For this reason the open points of the TSI must be closed (with technical solutions, for particular vehicles). There is a consensus that this should be included in the TSI/UTP amendment. This is comparable to section 7.1.2 of the UTP/TSI WAG;
2. the definition of harmonised vehicle-vehicle interfaces, to allow the exchange of vehicles in international traffic.

The aim of the ERA WP is to pave the way for an update of the UTP and TSI in 2015;

#### *Revised PTU NOI*

The UTP and TSI relating to noise limits for vehicles have been harmonised since December 2012. In September 2013 ERA issued a recommendation to the European Commission with a proposal to revise the NOI TSI. It is anticipated that the revised TSI NOI will be adopted in the EU in 2014. In order to maintain full equivalence between the UTP NOI and the NOI TSI, the UTP will have to be revised.



### *Revised UTP GEN-A*

The UTP GEN-A sets out the essential requirements applicable to subsystems. These essential requirements are equivalent to those set out in the European Interoperability Directive 2008/57/EC. In the EU the essential requirements have been extended, by including accessibility for people with a disability as a new essential requirement and the essential requirement relating to noise will be further elaborated. These changes in the EU must be reviewed within OTIF and the question of whether UTP GEN-A needs to be updated must be analysed.

### *Revised UTP GEN-C*

The UTP GEN-C is based on Annex VI Section 4 of the Interoperability Directive 2008/57/EC, which has been amended by Directive 2011/18/EU. The amendment consisted of minor, mainly editorial improvements and updated legal references. OTIF will need to review the text and assess the need for amendments to maintain equivalence between the EU and OTIF regulations.

### *Update of UTP WAG*

The revised UTP WAG was adopted at the CTE in June 2013. This version will maintain regulatory equivalence for freight wagons between OTIF and the EU. Some amendments in the EU are anticipated, which may have an impact on this equivalence. For this reason, activities to update appendices H and I of the UTP WAG are anticipated. In addition a common EU/OTIF specification for composite brake blocks should be defined.

## ***Dissemination and implementation assistance***

In order to assist the Contracting States, the OTIF Secretariat is offering its assistance where possible and considers it a priority to stay in close contact with persons responsible in each Contracting State. Dissemination of information is possible in several ways, such as workshops, seminars, bilateral meetings, improvement of the website, publications, etc. These activities will be focussed on the non-EU Contracting States.

### *Workshops*

External meetings with a focus on specific national features should be organised. Such meetings will enable a wide range of national experts to participate and should be open to people working in ministries, competent authorities, railway companies, industry, universities, etc. Where feasible, such meetings could be organised regionally, by involving several neighbouring Contracting States in one meeting. The aim of such sessions would be to explain and discuss the aims and possibilities of the application of Appendices F and G to the Convention, as well as the technical provisions stemming from them. At the same time the OTIF Secretariat would hope to receive feedback on the application of Appendices F and G. Such feedback could help to understand how the technical Appendices could be further improved. Because the OTIF technical regulations are relatively new, such an exchange of information is essential for the success and proper application of the OTIF technical regulations.



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### *Application guides*

Two types of application guides are planned; one general application guide explaining in detail the principles of ATMF and APTU and several application guides specific to a UTP. The target audience consists of professionals who work with UTPs, such as the staff of competent authorities, engineers in the supply industry, or assessors of assessing entities.

The specific guides will be based on EU/ERA TSI application guides, and will cover one set of UTP per guide.

### *Explanatory documents*

These are documents which explain in a few pages the principles of a regulation. The aim is to use clear language which can be understood by a wide audience.

## ***Monitoring implementation***

One of the key principles underpinning ATMF and APTU is the mutual trust between Contracting States that vehicles only receive one admission to international operation if all the requirements are fulfilled. Not only must the vehicle meet all the technical UTP requirements, but the conformity assessment itself must also be carried out in accordance with UTP GEN-D by an assessment entity meeting all the (independence) requirements as set out in ATMF Article 5 and UTP GEN-E.

If a Contracting State were to issue certificates without correctly applying all the relevant OTIF regulations, there is a major risk that this mutual trust would be jeopardised, with adverse consequences for international rail traffic. The OTIF Secretariat will therefore undertake activities to create a better overview of the implementation of ATMF in the non-EU Contracting States.

This activity can only be performed in cooperation with the Contracting States. The OTIF Secretariat will encourage the Contracting States to notify the discharge of responsibilities as set out in ATMF. The OTIF website should show for each Contracting State its competent authority and where applicable the accreditation body, assessing entity, ECM certification body and Common Safety Method (CSM) assessment bodies.

In addition to the above, the Secretariat will endeavour to establish closer contacts in Contracting States at working level e.g. through the workshops mentioned under the previous point.



### ***Provisional calendar***

*OTIF Meetings* – In 2014 three sessions of WG TECH are planned, the first taking place in Bonn on 5 and 6 February. On 4 and/or 5 June the CTE will meet in Bern, with a view to adopting several UTPs.

*Staff* – In 2013 a new staff member was recruited for the technology section. In 2014 one staff member will retire. The post will be filled through a new recruitment.

In 2013 the ‘young experts programme’ was launched. Within this programme, young university graduates joined the OTIF Secretariat for a 9 month period to work on a specific topic. In 2013/2014 the young expert in the technology section will prepare an overview of all the technical and safety-related information that is exchanged for international rail freight traffic in relation to legal obligations and responsibilities. He will then analyse where OTIF could have added value by adapting its regulations, and/or promoting their use, in close coordination with EU/ERA and the rail (freight) sector.





## 7. REGULATION OF THE TRANSPORT OF DANGEROUS GOODS

Like the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) is revised every two years.



Jochen Conrad  
Head of the RID service

### *Joint Meeting and Committee of Experts*

The RID/ADR/ADN Joint Meeting develops harmonised regulations relating to dangerous goods for all modes of European land transport (rail, road, inland waterways). The RID service of the OTIF Secretariat provides the Secretariat for the Joint Meeting, together with the Secretariat of the UNECE Transport Division.

Each year therefore, more than 50 official documents published in all the working languages must be anticipated, as well as about a hundred informal documents, which are usually available in English only.

A total of five weeks of meetings of the RID/ADR/ADN Joint Meeting are planned for the 2014-2015 biennium, which will begin with the spring session of 2014. The decisions the Joint Meeting takes during this period will be included in the 2017 editions of RID, ADR and ADN.

The RID Committee of Experts is one of the most important organs of OTIF because the legal provisions relating to the international carriage of dangerous goods by rail are constantly being amended and must also be applied to domestic transport in the EU Member States as a result of EU Directive No. 2008/68 on the inland transport of dangerous goods. The provisions adopted by the RID Committee of Experts thus acquire force of law immediately, far beyond the framework of OTIF, thus affirming the importance of the Organisation for the whole sector.

During the 2012-2013 biennium, which is coming to an end, the way the RID Committee of Experts works has been significantly transformed in order to streamline and simplify the coordination procedure within the European Union. This session of the RID Committee of Experts in May 2014 begins the 2014-2015 biennium, for which two weeks of meetings of the above-mentioned standing working group are planned. During its sessions, this standing working group will develop the provisions specific to the transport of dangerous goods by rail and submit them for adoption to the RID Committee of Experts in May 2016. The main purpose of the meeting in November 2015 will be to review the changes agreed upon by the RID/ADR/ADN Joint Meeting for the 2017 edition. The decisions the RID Committee of Experts takes during this period will be included in the 2017 edition of RID.





This session of the RID Committee of Experts in May 2014 begins the 2014-2015 biennium, for which two weeks of meetings of the above-mentioned standing working group are planned. During its sessions, this standing working group will develop the provisions specific to the transport of dangerous goods by rail and submit them for adoption to the RID Committee of Experts in May 2016. The main purpose of the meeting in November 2015 will be to review the changes agreed upon by the RID/ADR/ADN Joint Meeting for the 2017 edition. The decisions the RID Committee of Experts takes during this period will be included in the 2017 edition of RID.

A major focus of the work in this biennium will be the continued harmonisation of RID and Annex 2 to SMGS, to which experts from OSJD are also invited to contribute.

### ***Cooperation with other international forums***

The United Nations Recommendations on the Transport of Dangerous goods developed by the United Nations Committee of Experts on the Transport of Dangerous Goods on a global scale are revised every two years. The Joint Meeting's ad hoc working group on the harmonisation of RID/ADR/ADN and the United Nations Recommendations develops proposals on how to incorporate into the RID/ADR/ADN the changes contained in the United Nations Recommendations.

At a three-day meeting in May 2015, based on a draft prepared by the secretariats of the UNECE and OTIF, the ad hoc working group will draft a proposal to incorporate into RID/ADR/ADN the changes which will be adopted by the United Nations Committee of Experts in December 2014. As a result, it will not be necessary to enter into details at the Joint Meeting.

**The United Nations Sub-Committee of Experts** develops Recommendations on the Transport of Dangerous Goods applicable on a global scale, which must then be carried over by the international organisations responsible for the enactment of legal provisions relating to dangerous goods for the various modes of transport (sea, air, rail, road and inland waterways).

In 2014, the Sub-Committee will meet for three weeks in total and will conclude the work on the 19th revision of the United Nations Recommendations on the Transport of Dangerous Goods. In 2015, it will begin work on the 20th revision of the United Nations Recommendations, which will be followed, for rail transport, in the 2019 edition of RID.

The RID service will participate in these sessions and will have a consultative role.



**The United Nations Committee of Experts on the Transport of Dangerous Goods**, which will meet for one day in 2014, will formally approve the 19th revision of the United Nations Recommendations developed by the United Nations Sub-Committee of Experts, so that the amendments can be taken over, during the process of harmonisation, into the 2017 editions of the various provisions relating to dangerous goods specific to each mode of transport.

**The UNECE Working Party on the Transport of Dangerous Goods (WP.15/ADR)** is the competent organ of the UNECE for the development of provisions for the transport of dangerous goods by road (ADR) and its decisions must also be applied to domestic transport in the EU Member States as a result of EU Directive No. 2008/68 on the inland transport of dangerous goods.

The final corrections made by the RID/ADR/ADN Joint Meeting for the 2015 editions of RID, ADR and ADN will be adopted at the May 2014 session of WP.15.

The May 2014 session of WP.15 also marks the beginning of the 2014-2015 biennium, for which two weeks of meetings per year are planned. The aim of the last meeting of this period in November 2015 will be to adopt the amendments agreed by the RID/ADR/ADN Joint Meeting for the 2017 edition of ADR.

The RID service will participate in the sessions of WP.15 in an advisory capacity in order to obtain harmonised provisions for European land transport.

### ***Joint Meeting's informal working group on telematics***

The objective of the informal working group on telematics set up by the RID/ADR/ADN Joint Meeting is to check what information can be made available via telematics applications in order to improve security and safety in the transport of dangerous goods and to facilitate such transport.

In 2014 and 2015, the working group will meet for four three-day sessions. Because of the great importance of its work for the future of the transport of dangerous goods, the secretariat tasks of this working group will be carried out by the RID section.

After agreement on the system architecture was reached in 2013, which uses existing computer hardware and software systems and therefore requires relatively little investment, projects are being carried out in various States, in the framework of which tests in real conditions are also being carried out.



Because of the complexity of the task and the standardisation work necessary, specific requirements relating to telematics applications will probably only be included in the 2017 editions of ADR, RID and ADN. Emphasis should first be placed on the need, in the case of incidents, to inform the emergency services by electronic means of all the data contained in the transport document, in order that their intervention can be organised in a much more efficient manner. The working group is formulating requirements specific to the carriage of goods for telematics applications (such as eCall) or standards (Technical Specifications for Interoperability - Telematic Applications for Freight; draft ISO standard for intelligent transport systems) which exist or are under preparation.

### ***Accident database pilot project***

RID/ADR/ADN 1.8.5.2 stipulates that States parties must transmit to the Secretariat of OTIF reports on accidents or incidents during the transport of dangerous goods in order that the other States parties can be informed accordingly.

During discussions on improving safety, the Member States have expressed the desire to establish a database that would allow a more systematic analysis of accidents and incidents. A pilot project based on a database set up in France must enable the registration of data on accidents in other States to be checked and the future management of the database by the secretariats of the UNECE and OTIF.

### ***Provisional calendar***

Temporary working group of OSJD experts on SMGS Annex 2 “Provisions on the Transport of Dangerous Goods” (Warsaw, 17-21 February 2014).

RID/ADR/ADN Joint Meeting (Berne, 17-21 March 2014).

53<sup>rd</sup> Session of the RID Committee of Experts (Berne, 21/22 May 2014).

Temporary working group of OSJD experts on SMGS Annex 2 “Provisions on the Transport of Dangerous Goods” (Budapest, 26-30 May 2014).

Temporary working group of OSJD experts on SMGS Annex 2 “Provisions on the Transport of Dangerous Goods” (Warsaw, 25-29 August 2014).

RID/ADR/ADN Joint Meeting (Geneva, 15-19 September 2014).

OSJD Commission on transport law in the field of provisions for the transport of dangerous goods (Warsaw, 27-31 October 2014).



3<sup>rd</sup> Session of the RID Committee of Experts' standing working group (one week in November 2014).

RID/ADR/ADN Joint Meeting (Berne, one week in March 2015).

OSJD meeting of experts on SMGS Annex 2 "Provisions on the Transport of Dangerous Goods" (Warsaw, one week in August 2015).

RID/ADR/ADN Joint Meeting (Geneva, two weeks in September 2015).

OSJD Commission on transport law in the field of provisions for the transport of dangerous goods (Warsaw, one week in October 2015).

4<sup>th</sup> Session of the RID Committee of Experts' standing working group (one week in November 2015).





## 8. OTIF'S PREFERRED PARTNERS

### *A new framework for working with the Commission and ERA*

As the OTIF technical regulations depend largely on the EU technical regulations, it is important to remain aware of the latest EU developments. The aim is to convey to and discuss with ERA and the EC at the earliest possible opportunity the position of non-EU Contracting States. For this reason, close cooperation with ERA and access to the ERA working parties, also for national experts from non-EU OTIF Contracting States, is indispensable. To formalise the cooperation, ERA, the European Commission and OTIF have signed “Administrative Arrangements”.

Within these arrangements ERA will invite designated OTIF representatives (an OTIF speaker) to working parties in order to represent the interests of non-EU Contracting States during the drafting of EU railway regulations such as TSIs. The OTIF Secretariat aims to involve national experts from non-EU Contracting States in representing OTIF in ERA working parties. To do so, a working method has to be developed to ensure that the OTIF speaker will convey a harmonised position. A form of coordination between the non-EU Contracting states must be set up for this purpose. OTIF speakers will enable the voice of non-EU Contracting States to be heard at the earliest possible moment, which is strategically important with a view to the transposition of TSIs into UTPs. The success of this approach depends heavily on the resources that can be allocated by both the Contracting States and the Secretariat.

**This will also change the approach with regard to the OTIF registers** – two technical registers are maintained by OTIF today; the ECM register comprising a list of ECM certification bodies and ECM certificates and the register of Vehicle Keeper Markings (VKM), which is synchronised between ERA and OTIF. The VKM register is issued once a month. At present a link to the OTIF VKM register is available on the OSJD website. Therefore the description of the OTIF VKM register is in four languages (English, French, German and Russian). In accordance with the Administrative Arrangements, ERA and OTIF will try to establish joint registers.

### *OSJD: revival of the common position of 2003*

The management of OTIF and OSJD met in Warsaw on 18 September 2013 and agreed that they would now base their cooperation more on the “Common Position” signed by the two organisations in 2003. This entails in particular the renewal and updating of their institutional links.



The two organisations believe that the creation of unified railway law is a desirable objective. They therefore agreed to participate in the work undertaken by the UNECE on the draft «Unified Euro-Asian Railway Law» (see under «Rail Facilitation»). OTIF acts with full transparency and provides OSJD with its contributions to the UNECE project.

Cooperation with OSJD should be reinforced, in particular with a view to analysing whether the scope of UTPs (which are now limited to 1435mm networks) could also cover 1520mm gauge networks in a way that brings added value to our Contracting States. In this sense OTIF should closely follow EU/ERA activities on including the 1520mm system in the TSIs, particularly those concerning freight wagons.

The process of harmonising RID and SMGS Annex 2 is continuing with success. In the past, the amendments adopted for RID were already integrated into SMGS Annex 2. While this transposition work was generally spread over four years before the restructuring of RID, it was possible to reduce this period significantly by revamping SMGS Annex 2 along the lines of the restructured RID. As a result, a revised version of SMGS Annex 2 is ready six months after the entry into force of each new version of RID.

In 2014 and 2015, the RID Committee of Experts' standing working group will continue its work of thorough harmonisation of the regulations, which was started in 2012 and is aimed at facilitating transport under these two legal regimes. The OTIF Secretariat will transmit the results, as well as any proposals for amendments to SMGS Annex 2, to the OSJD Committee and will participate in the discussions of this Committee.

### ***The CIT, representative of the interests of railway undertakings***

The International Rail Transport Committee is one of the main representatives of railway undertakings. It exercises its competence in certain areas of rail transport, such as ticketing and consignment notes, among others. OTIF has long been involved with the work of the many working groups of this association by providing information on the Organisation and providing legal advice to the association with proposals for amendments, updating, etc. of our transport law. As the spokesman of the railway undertakings, CIT also provides help to OTIF: it enables it to be aware of what its associates do in practice and shares its operational know-how. For its part, OTIF will continue to offer its expertise in the various working groups and committees, as well as in the events which might concern OTIF directly.



### ***Renewal of the dialogue with CER***

A new stage in our relations with the Community of European Railways (CER) should begin following our discussions in 2013. CER, in its capacity as the representative not only of railway undertakings, but also of infrastructure managers, must find together with OTIF new areas of understanding between our two organisations in the field of passenger and freight law and the improvement of traffic between its member countries.

OTIF will get involved in customs matters raised in connection with the revision of Article 6 of CIM, so that the electronic consignment note, as a customs document, can also be accompanied electronically by the other types of documents required by the administrative authorities.

### ***The UN Economic and Social Commission for Asia and the Pacific***

This Organisation, which has its headquarters in Bangkok, approached OTIF with the aim of gathering information for the preparation of an extensive study of railways within the UNESCAP region, which would identify barriers to border crossing and to rail transport operations in international traffic between Asia and Europe. After a regional conference on rail facilitation, the study will seek a common strategy and uniform regulation for rail transport from the Pacific to the Atlantic.

Given that UNESCAP counts among its members many Asian States with a huge rail potential and that these States could one day become parties to COTIF, OTIF plans to work more closely with this Organisation in the years to come.



### ***Provisional calendar***

Two management meetings per year are planned with ERA and the European commission in 2014 and 2015. The work programme and methods of consultation of the States Parties that are not members of the EU can be decided at an initial meeting at the end of 2013.

The CIV/SMPS working group will meet in Berne on 30 January 2014 and on 22 May 2014 in Paris or Berlin.

The group of experts on “Multimodality” will meet on 27 March 2014 in Berne.

The CIV Committee will meet on 27 June 2014 in Berne.

The CIM/SMGS legal group (and group of experts) will meet in Berne on 2 and 3 July 2014 while the CIM/SMGS steering group (and coordinators’ group) will meet in Warsaw on 26 and 27 November 2014.

The CIM working group and Committee will meet on 25 March 2014 in Berne.

A General Assembly could be held at the end of 2014.







## **9. LUXEMBOURG PROTOCOL: AN INTERNATIONAL REGISTRY OF SECURITIES**

The Luxembourg Protocol on Matters specific to Railway Rolling Stock to the Convention on International Interests in Mobile Equipment signed in Luxembourg on 23 February 2007 establishes the setting up of an international registry and a Supervisory Authority for the registry. In addition, the 7th session of OTIF's General Assembly authorised OTIF to assume the role of Secretariat of the Supervisory Authority of the International Registry.

Briefly, in view of the need to make it easier to purchase railway rolling stock, which is very expensive, the Luxembourg Protocol sets out legal standards relating to securities and other rights that railway rolling stock have and which guarantee lenders greater security in terms of their right to be reimbursed the money they have lent for the purpose of purchasing rolling stock.

The head of OTIF's legal service, the representative of the International Institute for the Unification of Private Law (UNIDROIT) and the representative of the Rail Working Group (RWG) are members of the group responsible for negotiations on setting up the International Registry with the leaders of the PrepCom (Preparatory Commission). The Registrar, SITA NV, was already appointed in 2011 and the contract between the PrepCom and this company should have been concluded and signed in 2012. At the date on which this work programme was drafted, and following much negotiation between the parties, the contract is almost ready to be signed.

The date of commencement of operation of the Registry, initially scheduled for 2013, will therefore have to be postponed.

OTIF is working with the PrepCom to establish the privileges and immunities necessary for the activities of the Supervisory Authority, as well as to prepare the Agreement between the Host State and the Supervisory Authority.

With the establishment of the Registry and the entry into force of the Protocol, the PrepCom will be replaced by the Supervisory Authority provided for in the Cape Town Convention and the Luxembourg Protocol, for which OTIF will act as secretariat. Before that, a working group of the PrepCom will be convened and will address all issues in relation to the constitution of the Supervisory Authority.



In order to promote ratification of the Protocol by the largest number of States, the parties to the contract, supported by OTIF, UNIDROIT and the RWG, are planning a programme which will include the following measures:

- creation of documents dealing with the instruments of ratification, model declarations, guidelines for implementation at national level and the economic benefits;
- establishment of contacts with manufacturers, providers of financial services and export credit agencies with a view to granting a discount in the event of registration in the Registry;
- ongoing collaboration with the Government of Luxembourg;
- setting up an informal working group composed of representatives of the PrepCom or of the Supervisory Authority and the Registrar to check and improve the programme;
- identification of opportunities for promoting ratification, through forums and conferences for example.

Even though the work on setting up the Rail Registry is moving very slowly, OTIF will continue to provide expertise and work for the entry into force of the Luxembourg Protocol.





## 10. NEW IMPETUS FOR THE MANAGEMENT OF OTIF

### *An innovative organisation: knowledge management*

The OTIF Secretariat is a small organisation with the main activities evolving around three operational sections: RID, Legal and Technology. The work of these sections is naturally segmented, as it relates to different Appendices to the Convention. Contributing further to this segmentation is the difference in maturity of the regulations. On the one hand, the private law elements of COTIF, such as CIM, CIV, CUV and CUI are established, while on the other, the public law developments under APTU and ATMF are very much work in progress.

Furthermore, regulations are becoming more interconnected, as can be seen in the following examples:

- interfaces between the Entity in Charge of Maintenance (ECM) regulations and CUV<sup>2</sup>;
- the interfaces between the deterministic approach of RID<sup>3</sup> - and the risk based approach of many new developments under APTU and ATMF, such as the Common Safety Method on Risk Evaluation and Assessment (UTP GEN-G);
- both legal and technical implications of registers; in particular liability aspects in respect to the accuracy of information contained in databases.

All these elements make it desirable to have proper knowledge management in the organisations in order to stimulate the sharing of knowledge, improve quality and efficiency of the work and to facilitate the integration of new staff members.

Implementation is scheduled for the 2014-2015 period with three major areas of development:

- the establishment of management tools to enable interdisciplinary working between the three operational departments;
- a revamped information system enabling access to and shared understanding of the documents produced by the Organisation;
- the recasting of IT tools with the establishment of collaborative modern tools.

The head of the technical service will lead this project.

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2. Appendix D to the Convention - CUV (Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic)

3. Appendix C to the Convention -RID (Regulation concerning the International Carriage of Dangerous Goods by Rail)



### ***Create a communication policy***

At present, OTIF is characterised by an absence of communication policy: erratic recruitment has led to the tools becoming old, without a policy actually having been put in place. It is therefore necessary to consider communication in the broad sense as a priority for the Organisation.

The first step will be to create in the budget a line dedicated to communication, which will consolidate the following actions:

- modernisation of the website to make it a communication and work sharing tool (creation of an Intranet available to stakeholders);
- establish professional tools of communication: activity reports, leaflets, etc ...;
- revitalisation of the Bulletin to make it more professional, as it will have to contain in-depth articles to reflect the diversity of the Organisation's tasks;
- organisation of seminars to provide information and promote the Organisation.

These priorities will have to be achieved by recruiting a person to be responsible for communication, who will be responsible for implementing these actions by carrying out a rigorous policy of sub-contracting. The benchmarking exercise conducted within CIT (International Rail Transport Committee) and the CCNR (Central Commission for Navigation on the Rhine) will guide recruitment in the future.

#### **Communication function at CIT and CCNR**

**At CIT**, the communication service comprises 2 persons. The estimated amount of time spent working on communication is 1/3 of the full-time equivalent. Updating the content of publications is carried out internally. However, the website was created by external service providers and everything that affects the corporate design, logo and the various models of working papers, as well as the models for CIT-Info, are also created externally.

**At CCNR**, one person is responsible for communication on a full-time basis. An IT specialist contributes 20% of his time to updating the website. Estimated total devoted to communication: 120% Specific activities, such as the development of specific websites/search engines, developing logos and videos are outsourced and are coordinated by the person responsible for communication.



### ***Provisional calendar***

The move towards our Member States will mean holding one Administrative Committee per year away from OTIF, so as to share better mutual understanding. The next spring session could therefore be held in Belgrade in May 2014. At its sessions in 2014, the Administrative Committee will also have before it the necessary measures for the restructuring of the Organisation depending on the scenario and the action plan of the audit requested by the 11th General Assembly in 2012, so that OTIF will be able to cope with new challenges and develop effective actions to assist the Member States.









ORGANISATION INTERGOUVERNEMENTALE POUR LES TRANSPORTS INTERNATIONAUX FERROVIAIRES  
ZWISCHENSTAATLICHE ORGANISATION FÜR DEN INTERNATIONALEN EISENBahnVERKEHR  
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