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Discussion paper concerning the possible development of two-tier interoperability

I. INTRODUCTION

1. This paper is a follow-up to document [TECH-26026](#), which was reviewed at the 58th session of WG Tech (Berne, 10-11 June 2026). TECH-26026 proposed a two-tier approach to technical interoperability, potentially creating simplified rules for the acceptance of freight wagons in addition to the existing rules. Although WG Tech agreed with the principle that all OTIF members should be able to use COTIF for international traffic, irrespective of how they organise their railways, WG Tech was sceptical about adapting rules, or creating separate, simplified rules, just for this purpose. Instead, WG Tech suggested analysing the actual need for simpler rules and how the current rules could be applied with a minimum of institutional alignment.
2. WG Tech invited the Secretariat to prepare a new paper for a future session:
 - explaining, on the basis of the existing legal framework, how Contracting States (CSs) can already use OTIF rules in a modular way to support freight wagon interoperability with varying levels of ambition;
 - identifying clearly the incentives and benefits for states of applying UTP WAG Appendix C and other existing tools, i.e. the Handbook, as a “first step”;
 - illustrating, where possible, the potential opportunities for new and emerging corridors (e.g. the “Middle Corridor” and connections between the GCC area and Europe), including efforts to quantify traffic potential where data are available.
3. This document is based on TECH-26026. It retains text that continues to be useful, eliminates text that did not correspond to the views of WG Tech and adds new text to address the points raised by WG Tech. The changes compared to TECH-26026 are substantial, so they are not shown as ‘tracked changes’ in order to avoid the document becoming incomprehensible.
4. OTIF’s technical interoperability (TI) is an important part of OTIF law, providing the legal framework for the approval and use of rail vehicles in international rail traffic. Without internationally accepted vehicles, there can be no international rail traffic. OTIF’s TI rules are based on the European Union’s (EU) railway law, which applies to both international and domestic traffic within its Member States. By contrast, the scope of OTIF law is limited to international traffic.
5. The EU’s Single European Rail Area (SERA) is a comprehensive policy framework to connect the EU Member States’ rail networks and operate them under one set of rules and procedures. The aim of this is to ensure sufficient safety levels in each EU Member State, which includes both domestic and intra-European cross-border traffic. In addition to that, EU railway law is aimed at opening the market for products and services to competition. EU railway law is applied to manage a multi-network shared system, which requires full alignment, both institutional and in terms of responsibilities. In order to achieve its objectives, EU railway law requires a high degree of independence of actors in terms of organisation and responsibilities, including the independence of vehicle keepers, conformity assessment bodies and authorities that authorise vehicles.
6. The main aim of the APTU and ATMF UR is to ensure that vehicles that originate from one CS can be used safely in any other CS. OTIF rules do not regulate overall safety in each state, which is influenced mostly by domestic traffic. Thus, the APTU and ATMF UR ensure that vehicles can be used internationally, without prescribing exactly how they must be used on each network.
7. Due to the diversity of its membership, COTIF must remain flexible. It must serve its EU members by ensuring full and continued compatibility with EU law, but it must also serve its non-EU members, some of which:

- may be interested in applying OTIF law only to international origin-to-destination freight services, where wagons are handed over at border crossing stations. This type of operation is referred to in this paper as **exchange of wagons**;
 - may also be interested in pursuing closer and more comprehensive rail policy alignment with their neighbours through COTIF, allowing complete trains to cross borders without interruption. This type of operation is referred to in this paper as **interoperability**.
8. Document TECH-26026 proposed a two-tier approach to rules for this purpose. However, instead of developing simplified rules, WG Tech suggested examining how the current rules could be applied with a minimum of institutional alignment, instead of pursuing a two-tier concept. The concept of two tiers, implying two sets of rules, is therefore no longer proposed in this paper.

II. PROGRESSING OTIF'S TECHNICAL INTEROPERABILITY

9. The APTU and ATMF UR and their subsidiary UTPs and Annexes require vehicle conformity assessments to be carried out by an assessing entity that is independent, in terms of its organisation, legal structure and decision-making, from any railway undertaking, infrastructure manager, applicant and procurement entity. Subsequently, vehicles should be formally admitted to operation by a competent authority acting on behalf of the state in accordance with Article 5 of the ATMF UR. These requirements for independence may not be easily met by every CS, particularly if there is a fully integrated state railway organisation.
10. There is no reason to assume that fully integrated state railway organisations are unable to construct and maintain wagons to common standards.
11. It is becoming increasingly problematic for OTIF to make progress on TI, as for some of the Contracting States, the provisions are already too complex and sophisticated to implement and apply, while for others, the provisions should be developed even further so as to align fully and comprehensively with those of the EU. These different requirements are difficult to reconcile in one set of identical rules for all. If one set of rules no longer fits all, a more modular approach may be the key to a solution.
12. While monitoring and assessing implementation and application of the ATMF UR, it has emerged that, of the forty-three OTIF Member States that gave their consent to be bound by the ATMF UR, thirteen do not implement, or only partly implement or apply them in practice. Furthermore, five OTIF Member States have issued reservations to the effect that they do not apply the ATMF UR at all. Although the reasons for non-application vary, it is a clear signal that the current rules do not serve all. At the same time, one of OTIF's strategic long-term objectives is to expand the application of OTIF law over the widest possible geographical area.
13. This paper therefore considers how different forms of international traffic and different legal and institutional practice in Member States can be reconciled. It looks in particular at how rules can support both:
- a basic freight wagon acceptance framework focussing on simplicity and on meeting the needs of the international exchange of wagons. The core objective would be the acceptance of freight wagons in the widest possible geographical area, whilst limiting procedural and institutional requirements as much as possible;
 - the comprehensive connection and, where desired, integration of railway systems, allowing full interoperability where trains can cross borders seamlessly, based on the EU model. This requires procedural and institutional alignment and compatibility.

Rules that permit modular application would help OTIF achieve its aim of promoting and facilitating international rail traffic, providing tailored solutions for diverse levels of ambition among its Member States.

III. FACILITATING THE EXCHANGE OF WAGONS

14. States that do not currently, or do not fully implement and apply the ATMF UR may want to develop international freight traffic by rail. The primary focus of these states would be the mutual acceptance of freight wagons. These states would typically be interested in avoiding the necessity of significant institutional alignment or of splitting responsibilities between railway companies and government authorities.
15. The focus for assisting these states is on maximising freight wagon standardisation and minimising procedural complexity for their approval. It should allow for freight wagons to be designed and certified for use in one or more regions or gauge systems (areas of use), thus connecting geographical areas by rail.
16. Current rules already support the broad acceptance of 1435 mm gauge freight wagons technically comparable to and compatible with wagons built according to the former RIV agreement. Such wagons are built to prescriptive rules, and use practice-proven components and pre-approved standardised subassemblies (e.g. bogies) or technical solutions (e.g. type of brake system). The specifications for this purpose are those of Appendix C to the UTP WAG for 1435 mm gauge “GE” or “CW” wagons. The concept of Appendix C to the UTP WAG could in the future be extended to wagons with different areas of use, which could include:
 - the GCC network on the one hand and the 1435 mm European and North African networks on the other, offering hybrid solutions that bridge the two different systems;
 - different 1520 mm gauge networks.
17. A highly interoperable freight wagon may be used in international traffic if it:
 - complies with UTP WAG point 7.1.2 and optionally Appendix C;
 - complies with UTP Noise for pass-by noise;
 - is assessed for compliance with these UTPs by an assessing entity;
 - has the appropriate markings, including a unique 12-digit number and a vehicle keeper marking;
 - has a certified and registered entity in charge of maintenance (ECM) assigned to it;
 - is admitted to international traffic by a competent authority (or authorised according to EU law);
 - is registered in a vehicle register according to the applicable rules.
18. The [Guide for the application of the UTP WAG of 1 January 2025](#) provides a table in section 3.2 (pages 41-44) that lists all requirements to be met by wagons suitable for free circulation in international traffic on the 1435 mm network.
19. Any reputable 1435 mm gauge wagon manufacturer that has European customers will be able to supply wagons that comply with the requirements and come with the necessary certificates to prove the required UTP compliance (or equivalent TSI compliance).
20. The first admission of the described wagons by the competent authority of any Contracting State would be valid in all other ATMF CSs as well, on the basis of Article 6 § 3 of the ATMF UR.

Such admission should mainly be an administrative procedure, as technical compliance is already confirmed by the UTP certificates.

IV. MINIMUM INSTITUTIONAL ARRANGEMENTS

21. OTIF's TI rules are based on EU railway law. There is a clear distribution of responsibilities between several entities and a strong procedural approach to ensuring compliance with the rules. Certain tasks may only be performed by entities that are legally and functionally independent from one another.
22. The ATMF UR require third-party conformity assessment of new wagons before their admission to traffic. In this context, "third-party" means a party that is independent of the manufacturer and the end user. For this purpose, ATMF Article 5 requires that assessing entities are independent from a railway company, infrastructure manager, vehicle keeper, entity in charge of maintenance or designer or manufacturer. Assessing entities meeting these requirements are EU Notified Bodies (listed [here](#)) and non-EU assessing entities (listed [here](#), select Competent Authorities and Assessing entities of the Member States). CSs are not required to have an assessing entity on their territory. Instead, they may rely on the services of foreign assessing entities.
23. Vehicle admission to international traffic is in the remit of competent authorities, which must be independent from railway undertakings, infrastructure managers, applicants and procurement entities. CSs which have not notified their competent authority, or whose competent authority does not satisfy this requirement for independence could not themselves admit vehicles in international traffic.
24. A competent authority is generally the national authority of the state in which it is located. However, a CS lacking a qualifying competent authority may rely on the competent authority of another CS to admit vehicles on its behalf, or it may assign this competence to an international entity. In such a case, it must be ensured that the competent authority can discharge all responsibilities defined in the ATMF UR, including those related to supervision of the railway users and handling disputes and complaints. In practice, ERA has been designated as the competent authority for all ATMF CSs that are also EU Member States. No CS has notified OTIF that another state's competent authority is also competent for it, but such an arrangement is possible. In that case, the authority in question takes on the character of an international authority.
25. Relying on the competent authority of another CS can be a practical first step for states that do not have the institutional independence required by the ATMF UR. It would allow them to admit vehicles to international traffic without delay while they build up the necessary independence and capacity domestically. Such an arrangement would not need to be permanent: a CS remains free, at a later stage, to establish and notify its own national competent authority once it meets the independence requirements set out in the ATMF UR.
26. ECM services can either be hired or the operating keeper and/or railway undertaking that will be responsible for maintenance can obtain ECM certification from an ECM certification body from any CS.
27. Vehicles should be registered in a register meeting the [Specifications for vehicle registers](#). Depending on the situation in the state concerned, compliance with these specifications may require adaptations. Registration in another CS's vehicle register could be a temporary solution. Another solution could be to join an existing register already established by one or more other CSs.

V. MODULAR APPLICATION STEPS

28. This overview assumes that a state has acceded to COTIF, becomes an ATMF CS and wishes to use freight wagons to move goods internationally from its territory.
29. Competent authority
 - The state should notify OTIF's Secretary General of its competent authority. This could be a national authority meeting the independence requirements, for example an executive organ under the ministry of transport. It should not be linked directly to the national railway company. It is also permitted to share the competent authority with one or more other states.
30. Wagons
 - New wagons must comply with the UTPs and compliance must be assessed and certified by an assessing entity. Such wagons, together with the relevant certificates, can be ordered from any reputable supplier.
 - Older wagons may be used if they comply with the RIV agreement and were in circulation prior to 1 January 2011. Wagons built after this date and not complying with the UTPs cannot be used on the basis of the ATMF UR. For such wagons, a bilateral agreement with neighbouring states could be concluded.
31. Maintenance
 - Each wagon, old or new, must have a certified entity in charge of maintenance (ECM) assigned to it before it may be used internationally.
 - The role of ECM can be assumed by any entity that meets the requirements and is certified accordingly by an ECM certification body. For example, it is possible for a national railway company to be ECM certified.
 - ECM certification bodies can work internationally, so there is no requirement that each state must have one or more ECM certification bodies.
32. Registration
 - Each vehicle used internationally must be registered in a vehicle register, indicating its keeper, its ECM and its area of use (the networks on which it may be used) and other information required by the rules.
 - The registered information must be accessible internationally to authorised users, such as railway undertakings, infrastructure managers and authorities.
 - A state may set up its own vehicle register or conclude an agreement to use an existing register, such as, for example, the European Vehicle Register (EVR).
33. Wagon use
 - International traffic generally means that wagons leave their state of origin to be used abroad and that foreign wagons enter the network of that state. Although the APTU and ATMF UR do not regulate in detail how railway undertakings and infrastructure managers should operate such vehicles, the ATMF UR set out several key responsibilities.