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Promoting the domestic application of OTIF technical rules

I. INTRODUCTION

1. This paper describes a possible legal and technical concept to facilitate the voluntary domestic application of OTIF's Uniform Technical Prescriptions (UTPs) by interested non-EU Contracting States (CSs). This paper is a follow-up to working document [TECH-26015-CTE18-7.5](#), entitled "Promoting the domestic application of OTIF technical rules" that was published for the 18th session of the Committee of Technical Experts (CTE).
2. The purpose of the concept described in this paper is to enable CSs to use the UTPs as a common technical reference framework for vehicle approval for two legally distinct purposes: firstly, the admission of vehicles to international traffic and secondly, the approval of vehicles for use in domestic traffic only, without creating supranational control over domestic approvals.
3. The aim is to support discussion at working group WG Tech and at a future session of the CTE, and to gauge the CSs' level of interest in participating.
4. At its 58th session (Berne, 10-11 June 2026), WG Tech reviewed the initial version of this document, which had reference TECH-26028. WG Tech invited the Secretariat to:
 - analyse practices (including the experiences of Türkiye and the UK) in connection with incorporating UTPs and TSIs into domestic legislation;
 - explore, in coordination with other OTIF organs, the development of non-binding guidance, model structures or recommendations on the voluntary domestic application of UTPs to vehicle design, emphasising transparency and the potential to facilitate later admission to international traffic;
 - continue to encourage CSs to notify their national technical requirements relevant to the APTU and ATMF UR.
5. Substantive changes between this document and its previous version are indicated as "tracked changes".

II. UNDERPINNING PRINCIPLES

- ~~3.6.~~ Under COTIF, the APTU and ATMF Uniform Rules govern international traffic and do not formally extend to vehicles used in domestic traffic only. The concept proposed in this paper would keep the domestic approval process legally separate from admission to international traffic under COTIF. However, the requirements would be aligned as much as possible.
- ~~4.7.~~ The concept is intended for CSs that voluntarily decide, under their national law, to use the UTPs as a reference framework for domestic purposes. It is particularly relevant where CSs wish to obtain the benefits of common technical rules, while maintaining flexibility to accommodate network-specific technical constraints, such as track gauge, electrification systems, or signalling interfaces, as well as other national requirements.
- ~~5.8.~~ Each participating CS would retain control over their own domestic-only requirements, including the non-application of certain UTP provisions and the application of alternative rules. Domestic-only provisions should not be included directly in the UTPs.
- ~~6.9.~~ The concept proposed in this paper would primarily increase transparency and promote the alignment of rules. This approach would make domestic rules easier to identify and allow CSs to consolidate their rules, including derogations from and additions to UTP requirements, within a single reference framework. This would benefit manufacturers, keepers, railway undertakings and authorities by reducing the burden of identifying and applying fragmented national rules.

III. SCOPE

- ~~7.~~10. The concept set out in this paper proposes using UTPs for domestic vehicle approval for use within the territory of the state concerned. It does not propose automatic recognition by one CS of a domestic approval granted by another CS.
11. States that wish to use UTPs for domestic-only vehicle approvals should be aware that, under COTIF, UTPs formally apply only to vehicles intended for international traffic. This means that any national legal provision requiring domestic-only vehicles to comply with UTPs must be carefully formulated to ensure that the legislator's intention (to extend UTP-based requirements to domestic traffic) takes account of the formal scope of UTPs and the national legal framework used to give them effect. It is therefore advisable to define explicitly the scope and purposes for which the UTPs apply beyond their original scope. It is also possible to mandate only chapters 4-6 of the UTPs, which define the technical requirements and their assessment methods.
- ~~8.~~12. UTPs are based on the European Union's (EU) technical specifications for interoperability (TSIs). The EU's Interoperability Directive defines the following general scope exclusions for TSIs "*metros; trams and light rail vehicles, and infrastructure used exclusively by those vehicles; networks that are functionally separate from the rest of the Union rail system and intended only for the operation of local, urban or suburban passenger services, as well as undertakings operating solely on those networks.*" Consequently, UTPs are not intended to cover these networks, vehicles and infrastructure either. Therefore, a similar general scope exclusion should be defined if UTPs were to be used for domestic-only purposes. This may be complemented by specific exclusions from the scope for each participating CS.
- ~~9.~~13. Participation in the concept set out in this paper would be voluntary for CSs. However, if a CS decided to use UTPs as a basis for the approval of domestic-only vehicles, the rules defined in the UTPs would need to be implemented in accordance with national law. Consequently, the applicable requirements would either derive from corresponding national provisions, which may be based on or transpose the UTPs, or, where provided for under national law, the UTPs could be directly applicable.

IV. LEGAL CONTEXT

- ~~10.~~14. The use of UTPs for vehicles operated in domestic traffic only would not be based on any obligation under COTIF, but on a unilateral national decision of the CS concerned, i.e. national law. Consequently, the CTE could not formally adopt such provisions.
- ~~11.~~15. In principle, a CS may choose either to apply the UTPs directly, where permitted under its legal system, or to adopt separate national legislation incorporating the UTP provisions, with or without modifications. Consequently, for the purpose of extending the application of UTPs to domestic-only vehicles, it would be appropriate for the CTE to develop guidelines, recommendations or model rules. Such an instrument could promote harmonisation in terms of how CSs extend the application of UTPs to their domestic legal frameworks and how provisions that deviate from the UTPs are structured.
- ~~12.~~16. If a vehicle has been approved domestically on the basis of UTPs, the extent to which that approval may be taken into account in a subsequent COTIF admission to international traffic is governed by the applicable provisions of the ATMF UR. Automatic recognition of the UTP conformity assessment result should be possible if the procedures and the entities involved in conformity assessment (for domestic approval) have fully complied with the APTU and ATMF UR and their UTPs and Annexes.

V. PROPOSED CONCEPT

~~13.~~17. Guidelines, recommendations or model rules defined by the CTE could set out how CSs should structure their domestic-only provisions and identify the categories of network or vehicles that are included in or excluded from the CSs' domestic application schemes. Requirements should be categorised in a clear and standardised format, using the following categories:

- Specific provisions of the UTP that do not apply for domestic purposes in that CS;
- Alternative domestic provisions that apply instead of specific UTP provisions;
- Additional domestic provisions that apply in addition to the UTP;
- Conformity assessment procedures to be used to demonstrate compliance with any alternative or additional provisions, including the bodies competent to perform such assessments.

~~14.~~18. Where feasible, the domestic rules that apply instead of, or in addition to UTP requirements, should be made publicly available online, preferably free of charge. This would enhance transparency, facilitate the exchange of best practices and increase the overall benefits of harmonisation, including for manufacturers, railway undertakings and keepers, both in terms of cost reduction and improved access to rolling stock.

~~15.~~19. A pilot arrangement could be considered as a first step. It could be limited to one category of vehicle, or to one UTP. The pilot could involve one or two volunteer CSs.

VI. CURRENT SITUATION IN NON-EU CONTRACTING STATES

A. Vehicle approval in Türkiye

20. The Turkish type approval rules for railway vehicles use UTPs and TSIs as the primary requirements for design and safety. Additional national rules cover network-specific and administrative aspects. Conformity assessment, declarations of verification and maintaining the technical file are performed and issued in accordance with the relevant UTP/TSI and national rules apply.

- The type approval rules are published here: <https://uhdgm.uab.gov.tr/uploads/pages/yonetmelikler/demiryolu-araclari-tip-onay-yonetmeligi-62691d0f023b9.pdf> (TR only).
- An informal English translation of the national rules is published here: uhdgm.uab.gov.tr.

21. Purposes for which UTPs are used:

- Manufacturers must demonstrate that the vehicle's design, components and tests comply with the applicable UTPs (e.g. UTP WAG, UTP LOC&PAS), or equivalent TSIs, as the basis for type approval.
- Conformity assessment bodies evaluate vehicles against UTP/TSI requirements and national rules. As UTPs and TSIs refer to assessment procedures (modules), it is implicit that these should be applied as well.
- If UTPs or TSIs are updated, type approvals already issued remain valid as long as a safety report confirms that the UTP/TSI changes do not affect safety. This principle seems to deviate from the UTP/TSI approach, in which type approval certificates remain valid, with the exception of UTP/TSI changes that are specifically identified as triggering the need for recertification.

22. Foreign freight wagons and passenger coaches may be used in Türkiye without registration if they are marked “RIV”, “RIC” or “TEN” and are used on the Turkish network for not more than three months per year. Other vehicles may also be used for a similar period without registration, provided they comply with TSIs/UTPs and national rules.

B. Vehicle approval in the United Kingdom

23. The UK takes over major parts of the TSIs and UTPs in the form of National Technical Specification Notices (NTSN), which are publicly accessible here: <https://www.gov.uk/government/collections/rail-interoperability-national-technical-specification-notices-ntsns>.
24. The core structure and format of the NTSN reflect that of the TSI/UTP, although any deviations are not explicitly indicated, i.e. there is no 2-column layout as in the UTPs. The NTSN indicate that they “substantially reproduce TSIs”, although alignment with the TSIs is not absolute and differences may occur when “the British rail sector or Government [has] identified a need for change and agreed solutions”. The NTSN state that in the case of international rail services, the UTPs apply. The Secretariat was not able to assess whether there actually are substantive differences between the NTSN and the UTPs.
25. The NTSN Rolling Stock -Locomotive & Passenger lists UK-specific cases in point 7.3, split between requirements for Great Britain, and the Channel Tunnel. A similar approach is used in NTSN Rolling Stock – Freight Wagons (WAG). This appears to mirror the specific cases in the corresponding UTPs.

C. Vehicle approval in Serbia

26. Serbia is party to the Treaty establishing the Transport Community, which requires step-by-step alignment of its railway legislation with the relevant EU acquis in the field of interoperability and safety. Consequently, Serbia’s Law on the Interoperability of the Railway System directly references TSIs.
27. TSIs constitute the primary technical requirements for newly built, upgraded or renewed vehicles intended for operation on public railway infrastructure and in international transport. Where TSIs have open points or where needed for compatibility between the vehicle and the network, additional requirements set out in national rules apply, which may include references to SRPS¹ EN standards and UIC leaflets.
28. UTPs are not directly referenced in Serbian law for the purpose of authorising vehicles for domestic traffic. Nevertheless, if a vehicle is UTP certified, but not TSI certified, the certificates may be accepted as part of documentation submitted for authorisation.

D. Vehicle approval in [to be completed]

29. [to be completed]

¹ Institute for Standardization of Serbia

VII. MODEL STRUCTURES OR RECOMMENDATIONS

30. The cases described in this paper illustrate that UTP/TSI requirements are already broadly used by non-EU Contracting States, making them a *de facto* reference. The approaches of the states described are very different, ranging from direct references to reproduction of the rules.
31. Both approaches (direct references and reproduction of the rules) have their advantages and drawbacks.
- Direct references have the advantage of ensuring full alignment, particularly if no specific version is referred to, so that the latest version always applies. The drawback of referring to TSIs is that TSIs are embedded in a broader EU legal framework that includes references to other EU legislation that may not be relevant for non-EU domestic purposes, thus causing ambiguity. The scope of the UTPs only includes international traffic, so in the case of direct references, it should be made explicit that this scope has been extended to domestic purposes.
 - Reproducing rules has the advantage of maintaining full control over the rules and the possibility of precisely defining their scope of application. A drawback is that full legal equivalence with UTPs will be difficult to assert. Formal international recognition of equivalence cannot be established unilaterally by the issuing state. There is therefore a risk (or assumption even) that evidence and test results are not recognised internationally.

VI.VIII. QUESTIONS FOR CONTRACTING STATES

- ~~16.~~32. Non-EU CSs could be invited to answer the following questions. EU Member States and non-EU CSs that apply EU law based on an agreement with the EU should not be invited to answer, as they are already subject to a comparable framework under EU law.
- Do CSs consider that the proposed concept is sufficiently clear?
 - Do CSs consider that the proposed concept sufficiently maintains control over domestic-only rules?
 - Would CSs consider entering into additional bilateral or multilateral arrangements to facilitate mutual recognition of domestic approvals granted on the basis of UTPs, and would a common UTP-based domestic approval framework provide a suitable technical basis for such arrangements?
 - Does this paper correctly summarise the legal situation in the states concerned? Texts from these states to clarify their situation would be welcome.
 - Non-EU CSs that are not yet covered in this paper are invited to provide the Secretariat with a description of their rules, with links to the applicable rules.