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Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr

Intergovernmental Organisation for International Carriage by Rail

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Modification of the Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (ATMF – Appendix G to the Convention)

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**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

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(Text as modified and Explanatory Report)

Text modifications

Article 1

Scope

These Uniform Rules lay down, for railway vehicles and other railway material, the procedure for the admission to circulation or use in international traffic.

Article 2

Definitions

For the purposes of these Uniform Rules and their (future) Annex(es), the APTU Uniform Rules and their Annex(es) and the APTU Uniform Technical Prescriptions (UTP) the following definitions shall apply:

- a) "accident" means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion, fires and others;
- b) "admission of a type of construction" means the right granted by which the competent authority authorises a type of construction of a railway vehicle, as a basis for the admission to operation for vehicles which correspond to that type of construction;
- c) "admission to operation" means the right granted by which the competent authority authorises each railway vehicle or other railway material to operate in international traffic;
- d) "Committee of Technical Experts" means the Committee provided for in Article 13 § 1, f) of the Convention;
- da) "contracting entity" means any entity, whether public or private, which orders the design and/or construction or the renewal or upgrading of a subsystem. This entity may be a railway undertaking, an infrastructure manager or a keeper, or the concession holder responsible for carrying out a project;
- e) "Contracting State" means a Member State of the Organisation which has not made a declaration in respect of these Uniform Rules in accordance with Article 42 § 1, first sentence of the Convention;
- f) "declaration" means the evidence of an assessment or an element of assessments carried out to confirm that a vehicle, a type of construction or an element of construction complies with the provisions of the APTU Uniform Rules and its UTP (including applicable specific cases and national requirements in force according to Article 12 of the APTU Uniform Rules);
- g) "element of construction" or "constituent" means any elementary component, group of components, complete or subassembly of equipment incorporated or intended to be incorporated into a railway vehicle, other railway material or

infrastructure; the concept of an "element of construction" covers both tangible objects and intangible objects such as software;

- h) "entity in charge of maintenance" (ECM) means the entity that is in charge of the maintenance of a vehicle, and is registered as such in the vehicle register according to Article 13; this definition also applies to other railway material;
- i) "essential requirements" means all the conditions set out in the APTU Uniform Rules which must be met by the rail system, the subsystems and the interoperability constituents, including interfaces;
- j) "incident" means any occurrence, other than accident or serious accident, associated with the operation of trains and affecting the safety of operation;
- k) "infrastructure manager" means an undertaking or an authority which manages railway infrastructure;
- l) "international traffic" means the circulation of railway vehicles on railway lines over the territory of at least two Contracting States;
- m) "investigation" means a process conducted for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes (actions, omissions, events or conditions, or a combination thereof, which led to the accident or incident) and, when appropriate, the making of safety recommendations;
- n) "keeper" means the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the vehicle register referred to in Article 13;
- o) "Maintenance File" means the document(s) that specify the inspections and maintenance tasks to be carried out on a (type of) vehicle or other railway material, which is set up according to the rules and specifications in the UTP including specific cases and notified national technical requirements in force, if any, according to Article 12 of the APTU Uniform Rules;
- p) "Maintenance Record File" means the documentation relating to an admitted vehicle or other railway material, which contains the record of its operating history and the inspections and maintenance operations that have been carried out on it;
- q) "network" means the lines, stations, terminals, and all kinds of fixed equipment needed to ensure safe and continuous operation of the rail system;
- r) "open points" means technical aspects relating to essential requirements which have not explicitly been covered in a UTP;
- s) "other railway material" means any movable railway material intended to be used in international traffic that is not a railway vehicle;

- t) "rail transport undertaking" means a private or public undertaking
 - which is authorised to carry persons or goods by rail and which ensures traction or
 - which only ensures traction;
- u) "railway infrastructure" (or just "infrastructure") means all the railway lines and fixed installations so far as these are necessary for the compatibility with and safe circulation of railway vehicles and other railway material admitted according to these Uniform Rules;
- v) "railway material" means railway vehicles, other railway material and railway infrastructures;
- w) "railway vehicle" means a vehicle suitable to circulate on its own wheels on railway lines with or without traction;
- x) "regional organisation" means an organisation as defined in Article 38 of the Convention within the exclusive competence that Contracting States have ceded to it;
- y) "renewal" means any major substitution work on a subsystem or part subsystem which does not change the overall performance of the subsystem;
- ya) "RID" means Appendix C to the Convention;
- z) "serious accident" means any train collision or derailment of trains, resulting in the death of at least one person or serious injuries to five or more persons or extensive damage to rolling stock, the railway infrastructure or the environment, and any other similar accident with an obvious impact on railway safety regulation or the management of safety; "extensive damage" means damage that can immediately be assessed by the investigating body to cost at least 1.8 million SDR in total;
- aa) "specific case" means any part of the rail system of the Contracting States which needs special provisions in the UTP, either temporary or definitive, because of geographical, topographical or urban environment constraints or those affecting compatibility with the existing system. This may include in particular railway lines and networks isolated from the rest of the network, the loading gauge, the track gauge or space between the tracks as well as vehicles and other railway material strictly intended for local, regional or historical use, and vehicles and other railway material originating from or destined for third countries;
- bb) "subsystems" means the result of the division of the rail system, as shown in the UTP; these subsystems, for which essential requirements must be laid down, may be structural or functional;
- cc) "technical admission" means the procedure carried out by the competent authority to authorise a railway vehicle or other railway material to operate in international traffic or to authorise the type of construction;

- dd) "technical certificate" means the official evidence of a successful technical admission in the form of a valid Design Type Certificate or a valid Certificate to Operation;
- ee) "Technical File" means the documentation relating to the vehicle or other railway material containing all its (the type's) technical characteristics, including a user manual and the characteristics necessary to identify the object(s) concerned;
- eea) "TSI" means Technical Specification for Interoperability adopted in accordance with Directives 96/48/EC, 2001/16/EC and 2008/57/EC by which each subsystem or part of a subsystem is covered in order to meet the essential requirements and ensure the interoperability of the rail system;
- ff) "type of construction" means the basic design characteristics of the railway vehicle or other railway material as covered by a single type examination certificate described in assessment module SB of the UTP;
- gg) "upgrading" means any major modification work on a subsystem or part subsystem which improves the overall performance of the subsystem.

Article 3

Admission to international traffic

- § 1 Each railway vehicle must, for circulation in international traffic, be admitted in accordance with these Uniform Rules.
- § 2 The technical admission shall have the aim of ascertaining whether the railway vehicles satisfy
 - a) the construction prescriptions contained in the UTP,
 - b) the construction and equipment prescriptions contained in RID,
 - c) the special conditions of an admission under Article 7a.
- § 3 §§ 1 and 2 as well as the following articles shall apply mutatis mutandis to the technical admission of other railway material and of elements of construction either of vehicles or of other railway material.

Article 3a

Interaction with other international agreements

- § 1 Railway vehicles and other railway material which have been placed in service according to applicable European Community (EC) and corresponding national legislation shall be deemed as admitted to operation by all Contracting States according to these Uniform Rules
 - a) in the case of full equivalence between the provisions in the applicable TSIs and the corresponding UTP and

- b) provided the set of applicable TSIs, against which the railway vehicle or other railway material was authorised, cover all aspects of the relevant subsystems that are part of the vehicle and
- c) provided these TSIs do not contain open points related to the technical compatibility with infrastructure and
- d) provided the vehicle or other railway material is not subject to a derogation.

If these conditions are not fulfilled, the vehicle or other railway material shall be subject to Article 6 § 4.

§ 2 Railway vehicles and other railway material which have been admitted to operation according to these Uniform Rules shall be deemed as placed in service in the Member States of the European Community and in the States which apply Community legislation as a result of international agreements with the European Community in the case of

- a) full equivalence between the provisions in the applicable UTP and the corresponding TSIs and
- b) provided the set of applicable UTP against which the railway vehicle or other railway material was authorised covers all aspects of the relevant subsystems that are part of the vehicle and
- c) provided these UTP do not contain open points related to the technical compatibility with infrastructure and
- d) provided the vehicle or other railway material is not subject to a derogation.

If these conditions are not fulfilled, the vehicle or other railway material shall be subject to authorisation according to the law applicable in the Member States of the European Community and in the States which apply Community legislation as a result of international agreements with the European Community.

§ 3 The admission to operation, the operation and the maintenance of railway vehicles and other railway material being used only in Member States of the European Community are regulated by the applicable Community and national legislation. This provision is also applicable to Contracting States which apply relevant European Community legislation as a result of international agreements with the European Community.

§ 4 §§ 1 to 2 apply mutatis mutandis to admissions / authorisations of vehicle types

§ 5 An entity in charge of maintenance (ECM) for a freight wagon, certified according to Article 15 § 2, shall be deemed as certified according to applicable European Community and corresponding national legislation and vice versa in the case of full equivalence between the certification system adopted under Article 14a (5) of the EC Railway Safety Directive 2004/49/EC and rules adopted by the Committee of Technical Experts according to Article 15 § 2.

Article 4 Procedure

- § 1 Technical admission of a vehicle shall be carried out
- a) either in a single stage by the granting of admission to operation to a given individual vehicle,
 - b) or in two successive stages, by the granting
 - of admission of a type of construction to a given type of construction,
 - subsequently an admission to operation to individual vehicles corresponding to this type of construction by a simplified procedure verifying that they are of this type.
- § 2 The assessments of the conformity of a vehicle or an element of construction with the provisions of the UTP on which the admission is based may be divided into assessment elements each evidenced by a declaration. The assessment elements and the format of the declaration shall be defined by the Committee of Technical Experts.
- § 3 The procedures for the technical admission of railway infrastructure are subject to the provisions in force in the Contracting State in question.

Article 5 Competent authority

- § 1 The technical admission shall be the task of the national or international authority competent in the matter in accordance with the laws and prescriptions in force in each Contracting State.
- § 2 The authorities referred to in § 1 may or, according to the provisions in force in their State, shall transfer to bodies with residence in their State recognised as suitable, competence to carry out assessments as a whole or partly, including the issuing of the corresponding declarations.
- The transfer of competence to
- a) a rail transport undertaking,
 - b) an infrastructure manager,
 - c) a keeper,
 - d) an entity in charge of maintenance (ECM),
 - e) a designer or manufacturer of railway material participating directly or indirectly in the manufacture of railway material,
- including subsidiaries of the foregoing entities shall be prohibited.

§ 3 In order to be recognised as suitable the bodies mentioned in § 2 must fulfil the following conditions:

- a) The body must be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity; its Director and the staff responsible for carrying out the assessments or issuing certificates and declarations may not become involved, either directly or as authorised representatives, in the design, manufacture, construction or maintenance of the constituents, vehicles or railway material or in the use thereof. This does not exclude the possibility of an exchange of technical information between the manufacturer or constructor and that body.
- b) The body and the staff responsible for the assessments shall carry out the assessments with the greatest possible professional integrity and the greatest possible technical competence and shall be free of any pressure and incentive, in particular of a financial nature, which could affect their judgement or the results of their inspection, in particular from persons or groups of persons affected by the results of the assessments.
- c) In particular, the body and the staff responsible for the assessments shall be functionally independent of the bodies in charge of investigations in the event of accidents.
- d) The body shall employ staff and possess the means required to perform adequately the technical and administrative tasks linked to the assessments; it shall also have access to the equipment needed for exceptional assessments.
- e) The staff responsible for the assessments shall possess
 - proper technical and vocational training,
 - satisfactory knowledge of the requirements relating to the assessments that they carry out and sufficient practice in those assessments and
 - the ability to draw up the certificates, records and reports which constitute the formal record of the assessments conducted.
- f) The independence of the staff responsible for the assessments shall be guaranteed. No official must be remunerated on the basis of the number of assessments performed or of the results of those assessments.
- g) The body shall procure civil liability insurance unless that liability is covered by the State under national law or unless the assessments are carried out directly by that Contracting State.
- h) The staff of the body shall be bound by professional secrecy with regard to everything they learn in the performance of their duties (with the exception of the competent administrative authorities in the State where they perform those activities) in pursuance of these Uniform Rules or any legal requirement and/or regulations of the Contracting State, including, where appropriate, the law of the European Community.

- § 4 The requirements of § 3 shall apply mutatis mutandis to the authorities carrying out technical admission.
- § 5 A Contracting State shall ensure, by notification or where appropriate by the means provided for in the law of the European Community or in the law of the States which apply Community legislation as a result of international agreements with the European Community, that the Secretary General is informed of the bodies responsible for carrying out the assessments, verifications and approvals, indicating each body's area of responsibility. The Secretary General shall publish a list of bodies, their identification numbers and areas of responsibility, and shall keep the list updated.
- § 6 A Contracting State shall ensure the consistent supervision of the bodies indicated in § 2 and shall withdraw the competence from a body which no longer meets the criteria referred to in § 3, in which case it shall immediately inform the Secretary General thereof.
- § 7 Should a Contracting State consider that an assessing or approving authority of another Contracting State, or a body having competence transferred from it, does not meet the criteria of § 3, the matter shall be transferred to the Committee of Technical Experts which, within four months, shall inform the Contracting State in question of any changes that are necessary for the body to retain the status conferred upon it. In relation to this, the Committee of Technical Experts may decide to instruct the Contracting State to suspend or withdraw approvals made on the basis of work done by the body or by the authority in question.

Article 6 **Validity of technical certificates**

- § 1 Technical certificates issued by the competent authority of a Contracting State in accordance with these Uniform Rules, shall be valid in all the other Contracting States. However the circulation and use on the territories of those other States shall be subject to the conditions specified in this Article.
- § 2 An admission to operation allows the rail transport undertakings to operate a vehicle only on infrastructures compatible with the vehicle according to its specifications and other conditions of the admission; it is the responsibility of the rail transport undertaking to ensure this.
- § 3 Without prejudice to Article 3a an admission to operation issued for a vehicle which is in conformity with all applicable UTP shall permit the vehicle free circulation on the territories of other Contracting States provided that
- a) all essential requirements are covered in these UTP and
 - b) the vehicle is not subject to
 - a specific case or
 - open points that are related to technical compatibility with the infrastructure or

- a derogation.

The conditions for the free circulation may also be specified in the relevant UTP.

- § 4 a) Where in a Contracting State an admission to operation has been issued for a vehicle which is
- subject to a specific case, an open point which is related to the technical compatibility with the infrastructure or a derogation, or
 - not in conformity with the UTP on rolling stock and all other relevant provisions, or
- b) where not all essential requirements are covered in the UTP,

the competent authorities of the other States may ask the applicant for additional technical information such as risk analysis and/or vehicle tests before granting a complementary admission to operation.

For the part of the vehicle which is compliant with a UTP or part of it, the competent authorities have to accept verifications that have been made by other competent authorities according to the UTP. For the other part of the vehicle the competent authorities shall take full account of the equivalence table referred to in Article 13 of the APTU Uniform Rules.

The fulfilment of

- a) identical provisions and provisions declared equivalent,
 - b) provisions not related to a specific case and
 - c) provisions not related to the technical compatibility with infrastructure,
- shall not be assessed again.

- § 5 §§ 2 to 4 shall apply mutatis mutandis to an admission of a type of construction.

Article 6a **Recognition of procedural documentation**

- § 1 Assessments, declarations and other documentation made according to these Uniform Rules shall be recognised at face value by the authorities and competent bodies, the rail transport undertakings, the keepers and the infrastructure managers in all the Contracting States.
- § 2 If a requirement or a provision has been declared as equivalent in accordance with Article 13 of the APTU Uniform Rules related assessments and tests which have already been carried out and documented shall not be repeated.

Article 6b
Recognition of technical and operational tests

The Committee of Technical Experts may adopt rules for inclusion in an Annex to these Uniform Rules and requirements for inclusion in one or more UTP concerning the provisions for and the mutual recognition of technical inspections, maintenance record files for the admitted vehicles and operational tests such as train braking tests.

Article 7
Prescriptions applicable to vehicles

- § 1 In order to be admitted and remain admitted to circulation in international traffic, a railway vehicle must satisfy
- a) the UTP and
 - b) where applicable, the provisions contained in RID.
- § 2 In the absence of UTP applicable to the subsystem, the technical admission shall be based on the applicable national technical requirements in force according to Article 12 of the APTU Uniform Rules in the Contracting State in which an application for technical admission is made.
- § 3 If the UTP do not cover all essential requirements or in the case of specific cases or open points, the technical admission shall be based on
- a) the provisions contained in the UTP ,
 - b) where applicable, the provisions contained in RID and
 - c) applicable national technical requirements in force according to Article 12 of the APTU Uniform Rules.

Article 7a
Derogations

The Committee of Technical Experts shall adopt guidelines or mandatory provisions for derogations from the provisions of Article 7 and for the assessment methods that may or shall be used.

Article 8
Prescriptions applicable to railway infrastructure

- § 1 To ensure that a railway vehicle admitted to international traffic in accordance with these Uniform Rules will run safely on and be compatible with the railway infrastructure to be used this railway infrastructure must satisfy
- a) the provisions contained in the UTP and
 - b) where applicable, the provisions contained in RID.

- § 2 Admission of infrastructure and supervision of its maintenance remain subject to the provisions in force in the Contracting State in which the infrastructure is located.
- § 3 Article 7 and 7a shall apply mutatis mutandis to infrastructure.

Article 9 **Operation prescriptions**

- § 1 The rail transport undertakings which operate railway vehicles admitted to circulation in international traffic shall be required to comply with the prescriptions relating to the operation of a vehicle in international traffic, specified in the UTP.
- § 2 The undertakings and administrations which manage infrastructure in the Contracting States, including operational safety and control systems, intended and suitable for operation in international traffic, shall be required to comply with the technical prescriptions specified in the UTP and satisfy them permanently in respect of the construction and the management of that infrastructure.

Article 10 **Application and granting of technical certificates and declarations and related conditions**

- § 1 The grant of a technical certificate shall be related to the type of construction of a railway vehicle or to the railway vehicle itself.
- § 2 An application for a technical certificate may be made by:
- a) the manufacturer,
 - b) a rail transport undertaking,
 - c) the keeper of the vehicle,
 - d) the owner of the vehicle,
 - e) the infrastructure manager.
- § 3 The application for a technical certificate, including appropriate declarations, may be made to any competent authority or body within its competence referred to in Article 5, of one of the Contracting States.
- § 4 If Article 6 § 4 applies to the vehicle, the applicant shall indicate the Contracting States (if applicable the lines) for which the technical certificates are required to permit free circulation; in this case the competent authorities and assessing bodies involved should cooperate in order to make the process easier for the applicant.
- § 5 All costs arising from the admission process shall be covered by the applicant, unless provided otherwise according to the laws and prescriptions in force in the State where the approval is granted. Carrying out technical admissions for profit shall not be permitted.
- § 5a All decisions, assessments, tests etc. shall be carried out in a non-discriminatory way.

- § 6 The applicant shall elaborate and attach to his application a Technical File and a Maintenance File containing the information required in the UTP. The assessing body shall check, correct and add appropriate information to these files in order that the files reflect the properties of the vehicle.
- § 7 Every assessment carried out shall be documented by the assessor in an Assessment Report which shall substantiate the assessments carried out hereby, stating which provisions the object has been assessed against and whether the object passed or failed this assessment.
- § 8 A person who applies for a Certificate of Operation by the simplified procedure of technical admission (Article 4 § 1, b)), shall attach to his application the Design Type Certificate, established in accordance with Article 11 § 2, and demonstrate in an appropriate manner that the vehicles for which he is applying for a Certificate of Operation correspond to that type of construction.
- § 9 A technical certificate shall be granted in principle for an unlimited period; it can be general or limited in scope.
- § 10 If relevant provisions in the prescriptions according to Article 7 on the basis of which a type of construction has been admitted have been changed, and if no relevant transitional provisions can be applied, the Contracting State in which the corresponding Design Type Certificate has been issued, and after consultation of the other States where the Certificate is valid according to Article 6, shall decide whether the Certificate may remain valid or need to be renewed. The criteria which shall be checked in the case of a renewed type admission may only concern the changed provisions. The renewal of the type admission does not affect admissions to operation already granted on the basis of previously admitted types.
- § 11 In the event of renewal or upgrading, the contracting entity or the manufacturer shall send the Contracting State concerned a file describing the project. The Contracting State shall examine this file and, taking account of the implementation strategy indicated in the applicable UTP, shall decide whether the extent of the work means that a new admission to operation within the meaning of these Uniform Rules is needed.

Such a new admission to operation shall be required whenever the overall safety level of the subsystem concerned may be adversely affected by the work envisaged. If a new admission is needed, the Contracting State shall decide to what extent the provisions in the related UTP need to be applied to the project.

The Contracting State shall take its decision not later than four months after submission of the complete file by the applicant.

When a new admission is required and if the UTP are not fully applied, the Contracting States shall notify to the Secretary General

- a) the reason why a UTP is not fully applied,
- b) the technical characteristics applicable in place of the UTP and
- c) the bodies responsible for providing the information required under a) and b).

The Secretary General shall publish the notified information on the website of the Organisation.

- § 12 § 11 applies mutatis mutandis to a Design Type Certificate and to any declaration concerning the construction or the elements of construction in question.

Article 10a

Rules for withdrawals or suspensions of technical certificates

- § 1 If a competent authority of a Contracting State other than the one which has granted the (first) admission to operation discovers non-compliance it shall, with all details, inform the (first) admitting authority; if the non-compliance relates to a Design Type Certificate, the authority which issued it shall also be informed.

- § 2 A Certificate of Operation may be withdrawn

- a) when the railway vehicle no longer satisfies
 - the prescriptions contained in the UTP and in applicable national provisions in force according to Article 12 of the APTU Uniform Rules, or
 - the special conditions of its admission under Article 7a or
 - the construction and equipment prescriptions contained in RID or
- b) if the keeper does not comply with the requirement of the competent authority to remedy the defects within the prescribed time or
- c) when stipulations and conditions resulting from a limited admission under Article 10 § 10 are not fulfilled or complied with.

- § 3 Only the authority which has granted the Design Type Certificate or the Certificate of Operation may withdraw it.

- § 4 The Certificate of Operation shall be suspended

- a) when technical checks, inspections, maintenance and servicing of the railway vehicle prescribed in its Maintenance File, in the UTP, in the special conditions of an admission pursuant to Article 7a or in the construction and equipment prescriptions contained in RID are not carried out (or if deadlines are not observed);
- a) if in case of severe damage to a railway vehicle, the order of the competent authority to present the vehicle is not complied with;
- b) in case of non-compliance with these Uniform Rules and prescriptions contained in the UTP;
- c) if applicable national provisions in force according to Article 12 of the APTU Uniform Rules or their declared equivalent provisions according to Article 13 of

the APTU Uniform Rules are not complied with. The validity of the Certificate shall be suspended for the Contracting State(s) concerned.

§ 5 The Certificate of Operation shall become void when the railway vehicle is withdrawn from service. This withdrawal from service shall be notified to the competent authority which has granted the admission to operation.

§ 6 §§ 1 to 4 shall apply mutatis mutandis to a Design Type Certificate.

Article 10b **Rules for assessments and procedures**

§ 1 The Committee of Technical Experts is competent to adopt further mandatory provisions for the assessments and procedural rules for technical admission.

§ 2 In addition to, but not in contradiction with the provisions set by the Committee of Technical Experts according to § 1, Contracting States or regional organisations may adopt (or maintain) provisions for non-discriminatory detailed mandatory procedures for the assessments and requirements concerning declarations. These provisions shall be notified to the Secretary General, who shall inform the Committee of Technical Experts, and they shall be published by the Organisation.

Article 11 **Technical Certificates and Declarations**

§ 1 The admission of a type of construction and the admission to operation shall be evidenced by separate documents called: "Design Type Certificate" and "Certificate of Operation".

§ 2 The Design Type Certificate shall:

- a) specify the designer and intended manufacturer of the type of construction of the railway vehicle;
- b) have the Technical File and the Maintenance File attached;
- c) if appropriate, specify the special operating limitations and conditions for the type of construction of a railway vehicle and for railway vehicles which correspond to this type of construction;
- d) have the Assessment Report(s) attached;
- e) if appropriate, specify all related declarations (of conformity and verification) issued;
- f) specify the issuing competent authority, date of issue and contain the signature of the authority;
- g) if appropriate, specify its period of validity.

- § 3 The Certificate of Operation shall include
- a) all the information indicated in § 2, and
 - b) the identification code(s) of the vehicle(s) covered by the certificate;
 - c) information on the keeper of the railway vehicle(s) covered by the certificate on the day of its issue;
 - d) if appropriate, its period of validity.
- § 4 The Certificate of Operation may cover a group of individual vehicles of the same type, in which case the information required according to § 3 shall be specified identifiably for each of the vehicles of the group and the Technical File shall contain a list with identifiable documentation concerning the tests made on each vehicle.
- § 5 The Technical File and the Maintenance File shall contain the information according to the provisions in the UTP.
- § 6 The certificates shall be printed in one of the working languages according to Article 1 § 6 of the Convention.
- § 7 The certificates and declarations shall be issued to the applicant.
- § 8 The Certificate of Operation is related to the object. Once the vehicle is in operation the holder of the Certificate of Operation (including the Technical File and the Maintenance File), if not the current keeper, shall without delay hand it over to the current keeper together with the Maintenance Record File and make available all (additional) detailed instructions for maintenance and operations that are still in his possession.
- § 9 § 8 applies mutatis mutandis to vehicles and railway material admitted according to Article 19, whereby the documentation in question is the approval documentation and any other documentation containing any information similar to what is included in the requirements for the Technical File, Maintenance File and Maintenance Record File, whether in full or in part.

Article 12

Uniform formats

- § 1 The Organisation shall prescribe uniform formats of the certificates indicated in Article 11, of the declarations decided according to Article 4 § 2 and of the Assessment Report according to Article 10 § 7.
- § 2 The formats shall be prepared and adopted by the Committee of Technical Experts.
- § 3 The Committee of Technical Experts may decide to allow certificates and declarations made according to another specified format than that prescribed in these Uniform Rules, but containing the information required according to Article 11, to be recognised as equivalent substitutes.

Article 13

Registers

- § 1 A register in the form of an electronic data bank containing information concerning the railway vehicles in respect of which a Certificate of Operation has been issued and the types of constructions in respect of which a Design Type Certificate has been issued shall be established and kept up to date under the responsibility of the Organisation. The register shall include railway vehicles admitted according to Article 19; it may contain railway vehicles admitted for national traffic only.
- § 2 The data bank shall also contain a register with information concerning the competent authorities and bodies to whom competence is transferred according to Article 5 and the accredited/recognised auditors according to Article 15 § 2.
- § 3 The Committee of Technical Experts may decide to include other data to be used in railway operations in the data bank, such as information concerning declarations, inspections and maintenance of the admitted vehicles (including next inspection due), information on accidents and incidents and registers concerning coding of vehicles, locations, rail transport undertakings, keepers, infrastructure managers, workshops, manufacturers, entities in charge of maintenance (ECM) etc.
- § 4 The Committee of Technical Experts shall establish the functional and technical architecture of the data bank, as well as the necessary data, when and how the data shall be provided, what the access rights will be and other administrative and organisational provisions, including which database structure should be applied. In all cases, change of keeper, change of ECM, withdrawals from service, official immobilisations, suspensions and withdrawals of certificates, declarations or other evidence and modifications to a vehicle which derogate from the admitted type of construction shall be notified to the Secretary General without delay.
- § 5 When applying this Article, the Committee of Technical Experts shall consider registers set up by Contracting States and regional organisations in such a way so as to reduce undue burden on the involved parties such as regional organisations, Contracting States, competent authorities and industry. In order also to minimise the cost for the Organisation and obtain coherent register systems, all parties involved shall coordinate with the Organisation their plans and the development of registers which are within the scope of these Uniform Rules.
- § 6 The data registered in the data bank shall be considered as *prima facie* evidence of the technical admission of a railway vehicle.
- § 7 The Committee of Technical Experts may decide that the costs of setting up and running the data bank shall be covered, in whole or in part, by the users; supplying and amending data shall be free of charge, whereas consulting data may be subject to a fee.

Article 14 **Inscriptions and signs**

- § 1 Railway vehicles admitted to operation must bear
- a) a sign, which establishes clearly that they have been admitted to operation in international traffic according to these Uniform Rules, and
 - b) the other inscriptions and signs prescribed in the UTP, including a unique identification code (the vehicle number).

The competent authority which grants the admission to operation is responsible for ensuring that the alphanumeric identification code is assigned to each vehicle. This code, which shall include the country code of the (first) admitting State, must be marked on each vehicle and be entered in the National Vehicle Register (NVR) of that State as required according to Article 13.

- § 2 The Committee of Technical Experts shall lay down the sign provided for in § 1 a) and the transitional periods during which the railway vehicles admitted to circulation in international traffic may bear inscriptions and signs derogating from those prescribed in § 1.

Article 15 **Maintenance**

- § 1 Railway vehicles and other railway material must be in a good state of maintenance in such a way that they comply with the provisions specified in the UTP and satisfy them permanently and that their condition would not in any way compromise operational safety and would not harm the infrastructure, environment and public health by their circulation or their use in international traffic. To that end, railway vehicles and other railway material must be made available for and undergo the service, inspections and maintenance as prescribed in the Maintenance File attached to the Certificate of Operation, the UTP, the special conditions of an admission pursuant to Article 7a and in the provisions contained in RID.

- § 2 Each railway vehicle, before it is admitted to operation or used on the network, shall have an entity in charge of maintenance (ECM) assigned to it and this entity shall be registered in the data bank referred to in Article 13. A railway undertaking, an infrastructure manager or a keeper may be an ECM. The ECM shall ensure that the vehicles for which it is in charge of maintenance are in a safe state of running by means of a system of maintenance. The ECM shall carry out the maintenance itself or make use of contracted maintenance workshops.

The ECM for a freight wagon must hold a valid certificate issued by an external auditor accredited/recognised in one of the Contracting States.

The Committee of Technical Experts shall adopt further detailed rules for certification and auditing of ECM, for accredited/recognised auditors, their accreditation/recognition, the audits and audit certificates. The rules shall indicate whether they are equivalent to the criteria related to the ECM certification system adopted in the

European Community or in the States which apply Community legislation as a result of international agreements with the European Community.

These rules, which shall also include rules for the withdrawal and suspension of certificates and accreditations, shall be defined in an Annex to these Uniform Rules and shall form an integral part thereof.

- § 3 An operating railway undertaking is responsible for the safe operation of its trains and shall ensure that vehicles carried are properly maintained. Therefore, the ECM must ensure that reliable information about maintenance processes and data are available for the operating railway undertaking, and the operating railway undertaking must in due time provide the ECM with information and data concerning its operation of the vehicles and other railway material for which the ECM is in charge. In both cases the information and data in question shall be specified in the Annex indicated in § 2.
- § 4 The ECM of an admitted vehicle shall keep and update a Maintenance Record File for that vehicle. The file shall be available for inspection by the competent national authority.
- § 5 The Committee of Technical Experts may adopt guidelines or regulations on the certification and auditing of maintenance workshops and the mutual recognition of the certificates and audits. Regulations according to this paragraph shall be defined in an Annex to these Uniform Rules and shall form an integral part thereof and be published on the website of the Organisation.

Article 16 **Accidents, incidents and severe damage**

- § 1 In case of accident, incident or severe damage to railway vehicles, all parties involved (the infrastructure managers, the keepers, the ECM, the railway undertakings concerned and possible others), shall be required
- a) to take, without delay, all necessary measures to ensure the safety of railway traffic, respect for the environment and public health and
 - b) to establish the causes of the accident, the incident or the severe damage.
- § 1a The measures according to § 1 must be coordinated. Such coordination is the obligation of the infrastructure manager unless otherwise prescribed by provisions in force in the State in question. In addition to the duty of investigation placed upon the parties involved, the Contracting State may require an independent investigation to be carried out.
- § 2 A vehicle shall be considered severely damaged when it cannot be repaired by a simple operation which would allow it to be joined in a train and to circulate on its own wheels without danger for operations. If the repair can be carried out in less than 72 hours or the cost is less than 0.18 million SDR in total, the damage shall not be considered as severe.
- § 3 The accidents, incidents and severe damage shall be notified, without delay, to the authority or body which admitted the vehicle to circulation. That authority or body

may require the damaged vehicle to be presented, possibly already repaired, for examination of the validity of the admission to operation which has been granted. If appropriate, the procedure concerning the grant of admission to operation must be repeated.

- § 4 The Contracting States shall keep records, publish investigation reports including their findings and recommendations, inform the approval certificate issuing authority and the Organisation of the causes of accidents, incidents and severe damage in international traffic that occurred on their territory. The Committee of Technical Experts may examine the causes of serious accidents and incidents or severe damage in international traffic with a view possibly to developing the construction and operation prescriptions for railway vehicles and other railway material contained in the UTP and may if appropriate decide to instruct the Contracting States within a short time limit to suspend relevant Certificates to Operation, Design Type Certificates or declarations issued.
- § 5 The Committee of Technical Experts may prepare and adopt further mandatory rules concerning the investigation of serious accidents, incidents and severe damage, requirements concerning independent State investigation bodies and the form and content of reports. It may also change the values/numbers in § 2 and in Article 2 ff).

Article 17

Immobilisation and rejection of vehicles

- § 1 A competent authority, another rail transport undertaking or an infrastructure manager may not reject or immobilise railway vehicles to prevent them from running on compatible railway infrastructures if these Uniform Rules, the prescriptions contained in the UTP, the special conditions, if any, for the admission set out by the admitting authority as well as the construction and operation prescriptions contained in RID, are complied with.
- § 2 The right of a competent authority to inspect and immobilise a vehicle is not affected if non-compliance with § 1 is suspected, but the examination to establish certainty should be carried out as quickly as possible and in any case within 24 hours.
- § 3 However, if a Contracting State does not suspend or withdraw a certificate within the limit indicated according to Article 5 § 7 or Article 16 § 4, other Contracting States are entitled to reject or immobilise the vehicle(s) in question.

Article 18

Non-compliance with the prescriptions

- § 1 Subject to § 2 and Article 10 a § 3 c), the legal consequences resulting from failure to comply with these Uniform Rules and the UTP, shall be regulated by the provisions in force in the Contracting State of which the competent authority has granted the first admission to operation, including the rules relating to conflict of laws.
- § 2 The consequences in civil and penal law resulting from failure to comply with these Uniform Rules and the UTP shall be regulated, so far as concerns the infrastructure, by the provisions in force in the Contracting State in which the infrastructure manager has his place of business, including the rules relating to conflict of laws.

Article 19
Transitional provisions

- § 1 Article 3 § 1 applies to upgraded, renewed and existing vehicles. For vehicles which have been approved for international traffic under RIV, RIC or other pertinent international agreements and which are marked accordingly, transitional provisions are prescribed in this Article.
- § 2 At the time of entry into force of these Uniform Rules, existing vehicles marked with RIV or RIC as proof of current compliance with the technical provisions of the RIV 2000 agreement (revised edition of 1 January 2004) or the RIC agreement respectively, shall be deemed to be admitted to operation on the networks of the Contracting States in accordance with their compatibility with the railway infrastructures (in respect of the markings on the wagon) for which it is admitted by one of the Contracting States.
- § 2a Existing vehicles not marked RIV or RIC but admitted and marked according to bilateral or multilateral agreements between Contracting States notified to the Organisation shall also be deemed to be admitted to operation on the networks covered by the agreement.
- § 3 The transitional admission according to §§ 2 and 2a is valid until the vehicle requires a new admission according to Article 10 § 11.
- § 4 The inscription RIV, RIC, or another marking on the vehicle accepted by the Committee of Technical Experts, together with the data stored in the database indicated in Article 13, shall be considered as sufficient proof of the approval. Unauthorised changing of this marking shall be considered as fraud and prosecuted according to national law.
- § 5 Regardless of this transitional provision, the vehicle and its documentation shall comply with the provisions in force of the UTP concerning marking and maintenance; compliance with the provisions of RID in force shall also be ensured, where applicable. The Committee of Technical Experts may also decide that safety-based provisions introduced in the UTP shall be complied with within a certain deadline regardless of any transitional provisions.
- § 6 Existing vehicles which are not covered by the scope of §§ 2 and 2a can be admitted to operation upon the request of an applicant to a competent authority. The latter may request additional technical information from the applicant, risk analysis and/or vehicle tests before granting a complementary admission to operation. However the competent authorities shall take full account of the equivalence table referred to in Article 13 of the APTU Uniform Rules.
- § 7 The Committee of Technical Experts may adopt other transitional provisions.

Article 20
Disputes

Disputes relating to the technical admission of railway vehicles and other railway material intended to be used in international traffic, may be dealt with by the Committee of Technical Experts if there is no resolution by direct negotiation between the parties involved. Such disputes may also be submitted, in accordance with the procedure specified in Title V of the Convention, to the Arbitration Tribunal.

Explanatory Report

NOTE: The general remarks and the remarks on individual provisions in this Explanatory Report contain a summary of the information in relation to the following points:

- a) Background to and justification for the amendments that were submitted to the Revision Committee and adopted by it, and
- b) Discussion on the provisions for which the General Assembly is responsible in accordance with Article 33 §§ 2 and 4 (g) of the Convention, including editorial amendments.

The information referred to in

- a) has been examined and approved by the Revision Committee, together with the approved amendments and the General Assembly has noted them;
- b) has been examined and approved by the General Assembly following the Revision Committee's considerations and recommendations in this respect.

General Remarks

1. The General Remarks concerning the text amendments to APTU also apply to the ATMF Appendix.
2. When the Explanatory Report refers to EC Member States, it also applies *mutatis mutandis* to States where Community legislation applies as a result of international agreements with the European Community.
3. The Revision Committee followed to a large extent the suggestions made by the Schweinsberg Group as endorsed by the Committee of Technical Experts. Clarifications in the texts and the Explanatory Report were added in particular with regard to the "Entity in charge of maintenance" mentioned in Article 3a and 15, and to the limits of the admission to operation and to the obligations of the competent authority in Article 6.
4. The 9th General Assembly (Berne, 9/10.9.2009) noted the results of the 24th session of the Revision Committee concerning the amendments to Appendix G (ATMF) of the Convention and the Explanatory Report and approved the editorial amendments and the Explanatory Report on Articles 1, 3 and 9 of ATMF. It noted that these amendments are not decisions to which Article 34 of the Convention applies and instructed the Secretary General with regard to bringing these amendments into force to proceed in accordance with Article 35 of COTIF. It also authorised the Secretary General to summarise its decisions on the results of the Revision Committee in the general part of the Explanatory Report.

In detail

Articles marked with * may not be changed by the Revision Committee, only by the General Assembly.

Article 1 *
Scope

1. According to Article 33 §§ 2 and 4 (g) of the Convention, only the General Assembly could decide on an amendment to this Article, not the Revision Committee.
2. The Article lays down the general scope. The specific rules on the cases in which provisions adopted according to the procedures under APTU for the use of railway material in international transport are applicable, particularly when this concerns States in which EC law applies, are dealt with in this Appendix. Traffic between the following groups of States is dealt with:
 - a) only between Member States of OTIF that are not members of the EC or the European Economic Area Agreement (EEA), Article 6 § 3,
 - b) only between Member States of OTIF that are also members of the EC or EEA, Article 3a § 3,
 - c) from one OTIF Member State that is also a member of the EC or EEA to an OTIF Member State that is not a member of the EC or EEA, Article 3a § 1 and
 - d) from one OTIF Member State that is not a member of the EC or EEA to an OTIF Member State that is also a member of the EC or EEA, Article 3a § 2.
3. With regard to matters that are not covered or that are only partly covered by UTPs, see the remarks on Article 7.
4. Where particular matters are not covered by APTU and ATMF or by the provisions that are based on them, it is generally the national technical provisions that apply in the Contracting State in which the application for technical approval is made (see Article 7). In the case of States in which EC law applies, this particularly concerns aspects covered by the EC directives on interoperability (placing interoperability constituents on the market, conformity assessment and verification by notified bodies, etc.), safety (safety certification, safety authorisation, compliance with Common Safety Methods and Common Safety Targets, obligation to report on Common Safety Indicators, accident investigation procedures, etc.) and market access (Directive 95/18/EC on licensing of railway undertakings, Directive 2001/12/EC on the development of the Community's railways, Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, etc.).

Article 2 Definitions

1. In order to avoid expanding the texts unnecessarily, it was decided only to include in Article 2 of ATMF terms that are used in both Appendices. This Article therefore contains definitions of terms used in APTU and ATMF as well as definitions of those terms that are only used in ATMF. In the English version, the terms are arranged alphabetically. The other language versions follow the sequence of the English version.
2. Regarding the “Committee of Technical Experts” in letter d) it should be noted that for border crossing infrastructure objects such as tunnels, bridges, etc. two Contracting States may agree to set up a specific joint authority like the "Intergovernmental Safety Commission" for the Eurotunnel between France and United Kingdom. Such authorities are allowed to be separately represented in the Committee of Technical Experts according to Article 16 § 5 c) of the Convention, i.e. without the right to vote.
3. Under the definition “other railway material” in letter s) fall movable equipment not being a railway vehicle for which equipment common specifications to achieve interoperability would be important.
4. For the definition of “serious accident” in letter z) an amount in SDR is mentioned. SDR means the currency of the International Monetary Fund (IMF) which according to Article 9 of the Convention is the unit of account referred to in its Appendices. 1 SDR is equal to approximately 1.10 € (July 2009).

Article 3 * Admission to international traffic

According to Article 33 §§ 2 and 4 (g) of the Convention, only the General Assembly could decide on an amendment to this Article, not the Revision Committee. With regard to the editorial amendments to the references in § 2 b) and c), see paragraph b) of the NOTE under the heading “Explanatory Report”.

Article 3a Interaction with other international agreements

1. This article is new.
2. § 1 deals with the operating approval according to ATMF of a railway vehicle and other railway material which has been approved in accordance with the applicable EC law by a Contracting State. Such item is deemed admitted to operation according to ATMF if
 - a) there is full equivalence between the applicable TSIs, which must cover all the vehicle’s subsystems, and the applicable UTP in accordance with APTU, and
 - b) the applicable TSIs do not contain any open points in relation to technical compatibility with the infrastructure, and
 - c) no derogation applies to the item in question.

3. § 2 deals with the authorisation of placing into service in EC Member States and in Contracting States which apply EC law as a result of international agreements with the European Community of a railway vehicle and other railway material approved in accordance with ATMF. Such item is deemed authorised to be placed into service in accordance with the EC law if
 - a) there is full equivalence between the applicable UTPs, which must cover all the vehicle's subsystems, and the corresponding TSIs, and
 - b) the applicable UTPs do not contain any open points in relation to technical compatibility with the infrastructure, and
 - c) no derogation applies to the item in question.
4. § 3 deals with railway vehicles and other railway material that is only used in Contracting States that apply EC law as EC Member States or on the basis of international agreements. For such items, the applicable EC law applies.
5. The cross-acceptance dealt with in §§ 1 and 2 concerns not only individual approvals, but also admissions of vehicle types in accordance with § 4.
6. The full title of the EC Directive mentioned in § 5 is "Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)". The Directive was published in the EC Official Journal (OJ) L 164, 30.4.2004, p. 44 –113 and amended by Directive 2008/110/EC, published in OJ L 345, 23.12.2008 p. 62 – 67.

Article 4 Procedure

1. This Article only deals with the approval procedure for vehicles, while with regard to the approval of infrastructure, § 3 refers generally to the provisions that apply in the State concerned (clarified further in Article 8 § 2). For EC Member States, these provisions include the relevant EC law.
2. According to § 1, the procedure is single stage (admission of a vehicle) or two stage (admission of a type of construction with subsequent admission of individual vehicles corresponding to this type of construction).
3. The conformity assessment to be carried out in the approval procedure in accordance with § 2 may cover the entire vehicle or, on the basis of corresponding guidelines from the CTE, it may be split into assessment elements, whose conformity must be evidenced by a declaration in accordance with a model that also has to be decided by the CTE.
4. According to Article 3 § 3, the provisions of this Article also apply to other railway material.

Article 5

Competent authority

1. With regard to official responsibility, § 1 refers in principle to the law that applies in the respective Contracting State, which, in the case of EC Member States, includes the relevant EC law. However, according to § 4, certain requirements apply to these competent authorities and “suitable recognised bodies” appointed by these authorities. Only the competent authority may issue Certificates of Operation and Design Type Certificates.

2. § 2 does not exclude the competent authority in accordance with § 1 from transferring its competence in respect of conformity assessments wholly or partly to suitable recognised bodies in accordance with § 3, although these bodies may not be
 - rail transport undertakings (RU),
 - infrastructure managers (IM),
 - keepers,
 - entities in charge of maintenance (ECM),
 - design undertakings participating directly or indirectly in the manufacture or maintenance of railway material, or
 - subsidiaries of any of the above indicated.

The bodies listed are mainly the same as those that are entitled in accordance with Article 10 § 2 to submit applications for a technical certificate to be issued.

The word “partly” indicates that a “suitable body” may be appointed only for a specific technical competence, e.g. a specific UTP/TSI.

3. § 2 will allow a Contracting State to appoint “suitable bodies” residing in the State. They may carry out tasks equivalent to the EC Notified Bodies. Article 6 § 1 will ensure that the approving authority of all Contracting States and other “suitable bodies” shall accept assessments of compliance with the UTPs that have been carried out by a “suitable body”. § 3 contains detailed conditions for bodies recognised as suitable taken from provisions that apply in the EC, particularly as regards their organisation, workforce, working methods, abilities, independence and discretion.

4. § 5 requires that the Secretary General be notified of the bodies responsible for assessments, certifications and approvals and that he must publish this information in a list which must be kept up to date.

5. § 6 requires that the Contracting States “consistently supervise” (monitor continually) the bodies referred to in § 2. If it is ascertained that they are not meeting the requirements in accordance with § 3, their competence must be withdrawn and the Secretary General must be informed accordingly.

6. § 7 deals with the course of action in cases where a Contracting State has come to the view that an authority or body for which another Contracting State is responsible is not meeting the requirements in accordance with § 3. Such cases must be submitted to the CTE, which has to take certain measures.

Article 6 **Validity of technical certificates**

1. § 1 prescribes as a general rule that technical certificates issued by a competent authority (Article 5) in a Contracting State are valid in all other Contracting States. However, use of them for certain vehicles or types of construction (§ 5) is subject to the following conditions.
2. According to § 2, the Railway Undertaking (RU) operating a vehicle must ensure that the vehicle is compatible with the infrastructure to be used.
3. The admission to operation for a vehicle which is in conformity with all the applicable UTPs is valid in all other Contracting States if these UTPs cover all the essential requirements and do not contain any open points in respect of compatibility with the infrastructure and provided that the vehicle is not subject to any specific cases or derogations.
4. For vehicles that do not meet the conditions of § 3, the applicant must meet the conditions according to § 4 for a complementary admission to operation. These conditions are set by the respective competent authorities of the Contracting States in which the admission is to apply, in accordance with the notified national technical provisions that apply there. Such conditions may involve risk analysis and/or additional tests, although duplication and repetition must be excluded and the equivalence table shall be taken account of; furthermore, national technical provisions concerning open points that are not related to compatibility with the infrastructure are not to be checked before the admission to operation is complemented as the necessary checks of such open points have been made when the vehicle is admitted by the first Contracting State according to the national requirement of that state and those requirements shall be cross-accepted. This constitutes the same principles as in the Interoperability Directive.
5. The Certificate of Operation for a vehicle does not grant its holder rights to operate trains or other rights. When operating the vehicle in a train, the law on the use of infrastructure has to be observed, including where applicable the Appendix E (CUI) concerning liability and insurance and including the law of the State where the carrier undertakes the activity of carrier. If that law is that of the EC or corresponding domestic law, the relevant conditions, in particular the requirement for licensing, safety certification etc., have to be met and a liability insurance for the vehicle might have to be taken out.

Article 6a
Recognition of procedural documentation

Article 6b
Recognition of technical and operational tests

The aim of these provisions is to exclude administrative duplication and repetition, particularly as regards technical assessments and tests.

Article 7
Prescriptions applicable to vehicles

1. According to § 1, the prerequisite for vehicles to be allowed to circulate in international traffic is that the UTPs be observed, and if they (are to) carry dangerous goods, RID.
2. Where there are no applicable UTP for a subsystem, i.e. the essential requirements have not (yet) been implemented in an UTP, according to § 2 the technical provisions that apply are those national requirements in force according to Article 12 of APTU of the State in which the vehicle is to be approved.
3. If the UTPs do not cover all the essential requirements or if there is a specific case or an open point in relation to the compatibility of the vehicle with the infrastructure, the national technical provisions applicable to these issues also have to be met. In this case, it must be kept in mind that the equivalence table shall be applied and national technical provisions concerning open points that do not deal with compatibility with the infrastructure may only be checked by the Contracting State that first carries out the approval.

Article 7a
Derogations

This Article instructs the CTE to decide necessary rules for derogations and the related assessment methods.

Article 8
Prescriptions applicable to railway infrastructure

1. § 1 makes clear that the provisions in the UTPs and RID that apply to infrastructure must be observed.
2. § 2 gives further effect to what is laid down in Article 4 § 3.
3. § 3 provides that the rules for cases not covered or not sufficiently covered by UTPs and for derogations also apply by analogy to the area of railway infrastructure.
4. The application of the UTP infrastructure to existing infrastructure is dealt with in APTU Article 8.

Article 9 *
Operation prescriptions

According to Article 33 §§ 2 and 4 (g) of the Convention, only the General Assembly could decide on an amendment to this Article, not the Revision Committee.

Article 10
**Application and granting of Technical Certificates
and declarations and related conditions**

1. According to § 1, technical certificates may be issued for types of construction or for individual vehicles.
2. § 2 contains an exhaustive list of those entitled to make an application. These correspond largely with those that are excluded from transferring decision-making competence in accordance with Article 5 § 2.
3. § 3 makes clear that the application may be made to the competent authority (Article 5) in any Contracting State, i.e. with no geographical link.
4. § 4 concerns technical certificates for vehicles which, because of their limited degree of conformity, require complementary admissions in accordance with Article 6 § 4. The scope applied for must be described precisely. If this results in the need for admissions/assessments by several competent authorities, these must coordinate in order to speed up the approval process and minimise the cost for the applicant.
5. § 5 provides that admissions may not be carried out for profit and all costs associated with the admission procedure must be borne by the applicant. However, the latter only applies subsidiarily to the national law of the State in which the approval is issued.
6. § 5 a) makes clear that all procedures concerning technical admissions/assessments must be non-discriminatory.
7. § 6 lays down requirements concerning the application documents. These must in all cases contain technical documentation and documentation on servicing and must set out the vehicle characteristics in a way that is sufficient to provide all the information required by the assessing body.
8. According to § 7, assessors must document the content and results of assessments in an Assessment Report.
9. In the (simplified) admission of vehicles for which an admission of the type of construction is already available, § 8 requires that the applicant must attach the certificate of type of construction to the application and must demonstrate in an appropriate manner that the vehicles to be admitted correspond to the type of construction.
10. The first sentence of § 9 makes clear that in principle, technical certificates are to be granted for an unlimited period. However, this does not mean that it may also be used for an unlimited period. The second sentence reminds users that the scope of the

certificate may be limited, although this is not at the discretion of the issuing body, but depends on the particular conditions.

11. § 10 concerns the continued use of technical admissions of the type of construction if the issuing provisions are amended (Article 7). The Contracting State in which the admission of type of construction was issued and the States in which the admission may be used must have consultations on this or, if necessary, on the re-issuing. Even if it is decided that the admission must be re-issued, the type of construction may only be checked that it fulfils the amended provisions, and admissions to operate remain valid.
12. § 11 concerns the continued use of the admission to operate – and, according to § 12, of other certificates also – when vehicles are renovated or upgraded. Appropriately documented projects must be submitted to the Contracting State. This State must involve the CTE if, upon issuing the new approval, there is not full conformity with the applicable UTPs.

Article 10a

Rules for withdrawals or suspensions of technical certificates

1. § 1 deals with the procedure that applies to the withdrawal or suspension of technical certificates in the international arena.
2. Provisions on the withdrawal of the admission to operation, which, according to § 6, also apply by analogy to the admission of type of construction, are given in §§ 2, 3 and 5, and those concerning suspension (of the validity/use) of these certificates are given in § 4.
3. Reasons for a mandatory suspension are
 - insufficient technical maintenance of the vehicle (inspections, servicing, etc.),
 - failure to observe the order to present a vehicle with severe damage, and
 - non-compliance with the provisions of ATMF, the UTPs or the national provisions on which the approval is based.
4. Reasons for a possible withdrawal are
 - non-compliance with the applicable technical requirements in accordance with the UTPs etc.
 - in some cases failure to correct any deficiencies causing non-compliance, and
 - non-compliance with the conditions imposed for a limited approval.
5. According to § 3, only the body that has granted the design type certificate or the certificate of operation may withdraw it (as opposed to suspension).

Article 10b
Rules for assessments and procedures

1. § 1 authorises the CTE to adopt mandatory rules for the assessments and procedural rules for technical admission.
2. If there are supplementary rules within the Contracting States or at EC level, § 2 requires that these be notified to the Secretary General so that the CTE can examine them and they can be published.

Article 11
Technical Certificates and Declarations

1. According to § 1, separate certificates must always be issued for the Design Type Certificate and the Certificate of Operation, but according to § 4, one certificate of operation may be issued for several vehicles of the same design type.
2. The details of what both certificates must contain are laid down in §§ 2 and 3.
3. What is contained in the technical documentation and the documentation on servicing must correspond to the UTPs.
4. A certificate must be prepared in one of the working languages of OTIF (currently German, French and English) and be available in printed form.
5. §§ 7 – 9 prescribe that when the right of disposal over the vehicle changes, the certificates originally issued to the applicant must be handed over.

Article 12
Uniform formats

Mandatory uniform formats of the certificates, declarations and assessment reports specified in ATMF shall be prepared and adopted by the CTE. The CTE may also recognise other existing formats as equivalent, provided they contain at least the same information.

Article 13
Registers

1. This Article serves as a legal basis for an international data bank containing registers of approved railway vehicles (individual vehicles or design types) (§ 1) and of competent authorities who deal with approvals (§ 2). The CTE may include other information in the data bank (§ 3).
2. The CTE has to decide on the following details (§ 4), although consideration must be given to structures that already exist in the Contracting States (national vehicle registers NVRs) or in the EC (ERA) (§ 5):
 - a) functional and technical architecture of the data bank,
 - b) when and how the required data must be provided,
 - c) access rights,

- d) data bank structure and
 - e) other administrative and organisational provisions.
3. The data bank may be based on decentralized electronic registers in the Contracting States, including National Vehicle Registers (NVR), but the information shall be retrievable via a central search engine; the data bank and its operating rules need to be coordinated with the National Vehicle Registers set up by EU Member States under Commission Decision 2007/756/EC.
 4. In addition, § 7 gives the CTE the right to charge users of the data bank. However, supplying and amending data shall be free of charge.
 5. Certain important pieces of information, e.g. a change of keeper, withdrawals from service or immobilisations must be notified to the Secretary General immediately.
 6. The registration of data in the data bank has consequences with regard to the provision of evidence (§ 6).

Article 14 **Inscriptions and signs**

1. The admission of railway vehicles to operation must be demonstrated by affixing a sign to the vehicles (§ 1 a). This sign will be decided by the CTE.
2. Vehicles must also bear the following: an alphanumeric code (“vehicle number”) used to identify the vehicle clearly, which has to be assigned by the competent authority granting the admission to operation, and which must contain the country code of the first admitting State, and other inscriptions and signs prescribed in the UTPs (§ 1 b)).
3. The authority granting the admission to operation must ensure that the signs and inscriptions are marked on the vehicle and that the vehicle number is registered in the NVR (Article 13).
4. According to § 2, the CTE must adopt transitional rules for vehicles that are already in use.

Article 15 **Maintenance**

1. § 1 sets out the objectives and elements of maintenance.
2. According to § 2, it is up to an accordingly instructed body (Entity in Charge of Maintenance – ECM), which must be registered in the data bank, to organise the maintenance of each vehicle. Such a body is also required according to the law of the EC (see Article 14a of the Railway Safety Directive 2004/49/EC).
3. §§ 3 to 5 contain provisions regarding the interaction between the ECM and the operating railway undertakings, the Maintenance Record File and the possibility to specify further details in Annexes to the ATMF.

4. According to § 4, the ECM shall, for each vehicle for which it is registered as the ECM, keep and update a Maintenance Record File to contain the information required in accordance with § 3 for that vehicle. This includes the vehicle itself and any tank and equipment for which inspections and tests are required. This Maintenance Record File shall be available to the competent authorities for their ordinary inspections and investigations in the case of the vehicle being involved in incidents or accidents.
5. According to § 5, the CTE may adopt guidelines or regulations concerning maintenance workshops and include them in an Annex to ATMF.

Article 16

Accidents, incidents and severe damage

1. According to § 1, in case of accident, incident or severe damage, all parties involved, specifically the IMs, keepers, ECMs and RUs, are required
 - to take measures to ensure the safety of railway traffic, respect for the environment and public health and
 - to establish the causes.
2. § 1 a) supplements § 1 to the effect that the measures referred to must be coordinated, primarily by the IM, and the investigations referred to and any investigations commissioned by the State must be considered as independent from each other.
3. § 2 says that damage is considered to be “severe” if its repair takes at least 72 hours or costs at least 0.18 million SDR. SDR means the currency of the International Monetary Fund (IMF) which according to Article 9 of the Convention is the unit of account referred to in its Appendices. 1 SDR is equal to approximately 1.10 € (July 2009). According to § 5, the CTE may change the minimum amount referred to in § 2.
4. § 3 contains the obligation – which, within the meaning of § 1 a), mainly concerns the IM – to notify the authority or body (Article 5) which admitted the vehicle to circulation of any accidents, incidents or severe damage. That authority or body may require the damaged vehicle to be presented, possibly already repaired, for examination of the validity of the admission to operation and to decide whether the procedure concerning the granting of admission to operation must be repeated.
5. § 4 deals with accident assessment and resulting questions with a view to amending the construction and operating provisions of the UTPs and measures concerning technical certificates affected by this. The CTE has a key role in this respect.

Article 17

Immobilisation and rejection of vehicles

1. Subject to the exceptions in §§ 2 and 3, § 1 lays down as a general rule that railway vehicles that meet all the requirements that apply to them may not be immobilised or rejected.
2. § 2 makes clear that authorities (and their organs) entitled to inspect vehicles may immobilise a vehicle if non-compliance with requirements is suspected, although the

examination to establish certainty should be carried out as quickly as possible and in any case within 24 hours.

3. § 3 deals with ordering immobilisations and rejections, which is in any case permissible, as a result of unresolved questions between Contracting States concerning the qualification of a competent authority (Article 5 § 7) and consequences arising from the results of an accident assessment (Article 16 § 4).

Article 18

Non-compliance with the prescriptions

Apart from the consequences in accordance with Article 10 a) with regard to technical certificates, for the legal consequences of failure to comply with the prescriptions, reference is made to national law (including the rules relating to conflict of laws), i.e.

- to the law of the Contracting State in which the IM has his place of business, for the civil and penal consequences concerning infrastructure, and
- in all other cases to the law of the Contracting State whose competent authority (Article 5) issued the first admission to operation.

Article 19

Transitional provisions

1. This is a new Article.
2. The following vehicles that do not meet the requirements of Article 3 § 1 may continue to be used, provided they already exist at the time this Article enters into force, and until they are renovated/upgraded (§ 3):
 - vehicles marked with “RIC” or “RIV” under the conditions set out in §§ 2, 4 and 5,
 - vehicles without such a marking, but which have an approval and marking in accordance with the agreements notified to OTIF between two or more Contracting States, under the conditions set out in §§ 2 a), 4 and 5, and
 - other vehicles on the basis of a complementary admission to operation to be requested from a competent authority, under the conditions set out in § 6.
3. Section 21.1 of RIV 2004 restricts the RIV marking to the case that the wagon is approved by the competent authority in accordance with the rules in force (at the time and place of approval) and that it complies with the “Technical Unity” (TU) and UIC standards. Section 31 contains provisions concerning maintenance (overhaul). Similar provisions are included in RIC.
4. Approval by a railway undertaking which is a contracting party to RIV or RIC is considered as an approval by the State in the case where there was no other authority with the responsibility for approving railway vehicles at the time of this approval by the railway undertaking.

5. If future decisions taken by the CTE create the need for further transitional provisions, the CTE may adopt them itself in accordance with § 7, i.e. without the Revision Committee having to make an addition to Article 19.

Article 20 **Disputes**

There are several phases for resolving disputes between Contracting Parties concerning questions on the enforcement of ATMF:

- direct negotiation,
- submission to the CTE and
- arbitration in accordance with COTIF under the conditions of Title V thereof.

Arbitration is an option, not an obligation.