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Progress report on phase two of monitoring and assessing implementation of the APTU
UR and ATMF UR

1. INTRODUCTION

This progress report has been prepared within the framework of monitoring and assessing implementation of the APTU UR and ATMF UR. The objective is to provide an overview of experience in the application of these rules and to identify the benefits and deficiencies of the provisions or problems with their interpretation.

The report includes background information and an explanation of the reasons for this initiative, a summary of the work that has been carried out, and a presentation of the findings as a result of the responses given to four questionnaires addressed to rail sector representative bodies, assessing entities and competent authorities.

2. BACKGROUND TO AND REASONS FOR THE INITIATIVE

At its 15th session in 2021, OTIF's General Assembly adopted the 'Decision on the monitoring and assessment of legal instruments' (see pages 25-47 of the [final document¹](#)).

In general, the aim of monitoring and assessment is to understand how the rules of COTIF are applied in practice and to gather feedback on experience gained during the process, obtain a view of the usefulness of these provisions in practice and identify possible shortcomings in the provisions of COTIF.

The Committee of Technical Experts (CTE) initiated the first step in monitoring and assessing implementation of the APTU UR and ATMF UR.

The progress report on this first step, published in 2022, is available on OTIF's website as document [TECH-22010](#).

At its 15th session (13-14 June 2023), the CTE initiated a further step with regard to monitoring and assessing implementation of the APTU and ATMF UR. It approved four questionnaires addressed to the rail sector, assessing entities and competent authorities. Detailed information on this further step is available in document [TECH-23013](#).

The CTE took the following decisions. It:

- Took note of document TECH-23013 concerning the next step in monitoring and assessing implementation of the APTU and ATMF UR.
- Requested the Secretariat to send the four questionnaires in the Annex to document TECH-23013 to the respective entities specified therein. In addition, and where relevant, it invited the OTIF Secretariat to contact these entities to discuss the topics bilaterally, if this would help improve its understanding of the situation.
- Requested the addressees of the questionnaires to lend their support by responding to the questionnaires within three months of receiving them and by providing additional information about the subject at the request of the OTIF Secretariat.
- Requested the OTIF Secretariat to summarise the information it gathers in the form of a progress report and, where relevant, to add its own impressions concerning the subjects of the questionnaires.

¹ The Final Document of the 15th session of the General Assembly can be found on OTIF's website: [Activities > General Assembly > Final Document](#)

3. SCOPE AND PROGRESS OF WORK

The four questionnaires approved by the CTE address all relevant stakeholders who are involved in the technical admission of railway material used in international traffic. The first questionnaire concerned the use of vehicles in international traffic and cross-border services between EU and non-EU Contracting States. It addressed the wagon keepers represented by UIP, railway undertakings represented by CER, UIC and ERFA, and RailNetEurope, as a central body involved in path allocation, including the relevant rail freight corridor administrations. The questions focused on the number of vehicles used in international traffic, the frequency of rail services that cross the EU's external borders, and experiences when requesting admission in accordance with the ATMF UR.

The second questionnaire concerned the work of assessing entities, who are responsible for checking whether vehicles are in conformity with the applicable UTPs, national rules and specific case. The stakeholders addressed were NB-Rail (international non-profit organisation of the Third-Party Conformity Assessment Body (Notified Bodies (NoBo)), Designated Bodies (DeBo), Assessment Bodies (AsBo), Entities in Charge of Maintenance – Certification Bodies (ECM-CB)) in the European railway sector) and 17 entities listed on OTIF's website http://otif.org/en/?page_id=200. The questions focused on the role of the assessing entity, its accreditation, relations with other entities, assessment activities and experience applying the provisions of COTIF, and awareness of the equivalence table.

The national rules and specific cases may also be checked by the competent authorities as part of their procedure for vehicle admission. Although the ATMF UR do not require this, in practice, in most contracting states, the competent authority is separate from any assessing entity. This is the case in all EU Member States (where the competent authority is ERA and the assessing entities are referred to as Notified Bodies). Some contracting states (Bosnia and Herzegovina and Türkiye) have notified that their competent authority is also an assessing entity. With this in mind, the aim of the third questionnaire was to examine this work of the competent authorities.

The fourth questionnaire looked at the admission of vehicles to international traffic and whether there are differences in practices and procedures for the admission of vehicles to domestic traffic.

The third and fourth questionnaires were addressed to nine notified competent authorities of non-EU Contracting States listed on OTIF's website http://otif.org/en/?page_id=200. The European Union Agency for Railways (ERA) is the competent authority for the contracting states that are members of the European Union. ERA was also received the questionnaires for information. The questions concerned the structure of the competent authority, the legal basis for its activities concerning vehicle admission, relations and cooperation with other entities, experience with assessment reports from assessing entities of other contracting states, or experience with vehicles admitted for international use by another contracting state.

All stakeholders were asked for their views on what could be done to encourage international rail traffic, bearing in mind the correlations between EU law, COTIF and national rules. They were also asked about the need for training and support.

The four questionnaires, as agreed by the CTE, were sent out on 8 August 2023, with a deadline for responses of 8 November 2023. A reminder was sent on 26 September 2023. Another email was sent on 30 November to the contracting states that are also part of the EUMedRail project. By the end of January 2024, the OTIF Secretariat had received 11 responses, of which seven were from assessing entities in Bulgaria, Hungary, Germany, Luxembourg, Türkiye and the UK, and four were from competent authorities in Norway, Serbia, Switzerland and Türkiye.

After receiving the responses, the OTIF Secretariat held bilateral meetings with each respondent via MS Teams or in person, as listed in the table below.

Assessing Entity	Date of bilateral meeting
BG – TINSA EOOD	17.10.2023
DE – Eisenbahn-Cert, Federal Railway Administration	05.12.2023
HU – KTI Hungarian Institute for Transport Sciences and Logistics Non Profit Limited Liability Company	6.11.2023
LU – TÜV NORD Systems GmbH & Co. KG	20.11.2023
TR – Certifer Türkiye	11.12.2023
TR – DeTIM	09.02.2024
GB – Railway Approvals	08.02.2024

Competent Authority	Date of bilateral meeting
CH – Federal Office of Transport	30.01.2.24
NO – Norwegian Railway Authority	24.11.2023
RS – Directorate for Railways	13.11.2023
TR – Directorate General for Regulation of Transport Services (UHDGM)	20.12.2023

In the course of these meetings the following information concerning cross-border activities was provided:

- There are four cross-border links between Norway and Sweden for both passenger and freight rail services.
- In Türkiye, 15 type certificates have been issued to date: seven for freight wagons, two for locomotives, two for passenger coaches, three for maintenance vehicles, one trainset. The vehicles will be used for both domestic and international traffic.
- In Türkiye, five projects for the assessment of infrastructure are planned, which include BG-TR high-speed line, a 300 km national line and a section that is part of the TEN-T Orient/East-Med corridor.

4. FINDINGS

4.1. First questionnaire on the use of vehicles

The objective of the first questionnaire on the use of vehicles was to learn about the sector's experience of the use of vehicles in international traffic and on traffic volumes. The questionnaire also asked about its experience with vehicle admission in accordance with the ATMF UR. Due to the lack of responses by the sector, it was not possible to draw any conclusions on the use of vehicles in international traffic on the basis of the provisions of COTIF.

4.2. Second questionnaire on the work of the assessing entities

The second questionnaire focused on the practice and experience of assessing entities with regard to rules and procedures for checking whether vehicles are in conformity with the applicable UTPs, national rules and specific cases. According to Article 5 § 2 of the ATMF UR, assessing entities must be independent from any rail transport undertaking, infrastructure manager, keeper, entity in charge of

maintenance and designer or manufacturer of railway material. The qualifications and independence of the assessing entity as required by COTIF are defined in UTP GEN-E.

Assessing entities of Member States of the European Union are referred to in EU law as Notified Bodies (NoBos). In accordance with UTP GEN-D, NoBos are also considered as meeting the requirements of assessing entities in the meaning of the ATMF UR. Non-EU assessing entities are invited to cooperate with NoBos at EU level in the context of NB-Rail meetings. The OTIF Secretariat forwards the invitations from NB-Rail to the non-EU assessing entities.

All of the seven responding assessing entities indicated that they are accredited and audited by a competent authority and an accreditation body. The assessing entities in the Contracting States that are also Member States of the EU (NoBos) are also audited by ERA. Three of the respondents are assessing entities accredited in a non-EU contracting state. One of them is also a member of a group company of a certification body in the European Union. Two assessing entities work on joint projects with NoBos under a so-called “Supporting Office Agreement”. One assessing entity was also an ECM Certification Body.

The scope of the subsystems assessed covers rolling stock, energy and control command and signalling. Two assessing entities also assess infrastructure. The assessments are carried out by in-house experts, or by subcontracted experts of other assessing entities, as well as by external accredited testing centres.

In answer to the question of whether the organisation was also a NoBo in accordance with EU law, the four assessing entities that were accredited in the EU confirmed that they were NoBos. The assessing entities accredited in the non-EU contracting states responded that they would like to have the same status as NoBos, as they carry out the same task and require the same competences. For example, in the case of the Turkish assessing entities that responded, their experts carry out assessments not only in Türkiye, but also in the European Union (i.e. BE, DE and FR).

When asked about their experience when applying the provisions of COTIF and checking whether vehicles comply with the UTPs, all respondents noted that the applicant usually requests that the vehicles are checked against the TSIs, and not the UTPs. The justification for this was that UTP assessment reports would not be valid for vehicle authorisation according to EU law. The applicant would therefore choose a TSI compliance assessment, as this would be valid both in and outside the EU.² Three cases were identified from the point of view of the EU NoBo and the non-EU assessing entity:

Case 1: the EU NoBo has been given a project to assess vehicles that would be used in cross-border services and in countries such as Greece, Hungary, Romania and Serbia. The NoBo launches an assessment of locomotives in Hungary. However, there has been little coordination with other contracting states and it has not been clear what other rules in those states would need to be checked. Within the same project, the NoBo has been asked to assess vehicles in Serbia that would also circulate in the other contracting states. In this case the NoBo has indicated that its accreditation was limited to the TSI and it was not possible to assess compliance with the UTPs. Furthermore, the applicant in Serbia asked for an assessment of compliance with the TSI. The NoBo was not certain whether an assessment of compliance with the TSI in a non-EU contracting state was permitted.

Case 2: a non-EU assessing entity has been subcontracted by an EU NoBo to carry out the tests and checks of vehicles in an EU contracting state. The report is finalised by the EU NoBo.

Case 3: the applicant has asked a non-EU assessing entity to carry out the tests and checks of vehicles in a non-EU contracting state. The report was finalised by the EU NoBo. In this case the assessing entity performed its tasks on the basis of the “Supporting Office Agreement” with the NoBo.

² After completing each assessment, the assessing entity must document its findings in an Assessment Report (Article 10 § 7 of the ATMF UR), which is then attached to the Technical Certificate (Article 11 § 2 d of the ATMF UR). Assessments and tests already carried out shall not be repeated (Article 6a § 2 of the ATMF UR).

In response to the question regarding the knowledge and competences of staff in respect of COTIF, all but one EU NoBo and one non-EU assessing entity indicated that they were familiar with the provisions and the existence of the UTPs. Some noted that their staff's competences and knowledge in respect of UTPs were not necessary, as the legal basis for their work as an assessing entity was EU law. However, NoBos that had projects outside the EU considered it necessary to train their staff on the TSI and UTP provisions and their equivalence.

Four of the assessing entities were not aware of the equivalence table³, while three assessing entities considered it an important and useful document in terms of identifying the different legal texts. Moreover, it was suggested that the equivalence table can help to justify the scope of accreditation of the assessing entities. Accreditation currently includes strict rules on what assessing entities can check. The competent authority can check the documentation submitted by assessing entities, but might not be able to check the accreditation of the assessing entity of a non-EU contracting state.

In response to the question on what more could be done to encourage international railway traffic, the responses pointed out that the critical areas are the infrastructure and energy subsystems, which can be country specific. Furthermore, it would be helpful to understand or to be aware of the national requirements of non-EU states, if such are introduced. The general view was that there should be as few national rules as possible.

4.3. Third questionnaire on the work of competent authorities

With regard to the work of the competent authorities, responses were received from Norway, Switzerland, Serbia, and Türkiye.

The legal basis for accepting foreign vehicles in international traffic on the territory of a contracting state depends on the national legislation of that contracting state. In the case of Switzerland, for example, there are several legal texts and legal arrangements that define the legal basis for vehicle admission: the Railway Ordinance (*Ordonnance sur la construction et exploitation des chemins des fer (Ordonnance sur les Chemins de fer, OCF)*), the FOT Directive Approval of Rolling Stock (which serves the purpose of guidelines), and Decision No 2/2019 of the Community/Switzerland Inland Transport Committee of 13 December 2019. The Decision also concerns transitory measures between the Swiss Competent Authority (FOT) and the EU Competent Authority (ERA) for the use of the One Stop Shop (OSS), as well as common EU-CH procedures for issuing a “vehicle authorisation” and a “single safety certificate”. Switzerland is currently implementing the EU's 4th Railway Package Technical Pillar. Although it is a non-EU contracting state, it is treated as an EU Member State for the purpose of approval processes and use of the required databases, systems and tools, including the one-stop shop (OSS) web-based tool used for vehicle authorisation in the EU.

In the case of Norway, the Norwegian legislation has implemented the EU's 4th Railway Package through the European Economic Area (EEA), meaning that they apply the EU legislation and follow the Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797.

In the case of Serbia, a newly adopted Interoperability Act of 4 August 2023 stipulates that vehicles can be admitted according to either EU law or COTIF, meaning that assessment reports based on either the TSIs or UTPs would be accepted.

In the case of Türkiye, the legal basis for vehicle admission is COTIF and national law entitled “Railway Vehicle Authorisation and Registration Regulation”. The latter provides that any existing vehicle with a TEN, RIV, RIC or RID marking entering Türkiye for less than three months can operate on the rail network without the need to be authorised and registered. Similar permission is given for vehicles that

³ The equivalence table is a working document of the standing working group Technology (WG Tech), which keeps information up to date on the EU Regulations related to interoperability and the equivalent COTIF provisions in the scope of the ATMF and APTU UR. The document is published on OTIF's website as a recurring agenda item for the WG Tech meetings. (See also [Activities > Technical Interoperability > Working Group Tech > Working Documents](#))

are entering Türkiye for less than three months on a CIM or CIV contract and that have a certificate of conformity according to national rules and a certificate of conformity according to TSI or UTP. It is planned to introduce a “Railway Infrastructure Authorisation Regulation”, which will provide the legal basis for assessing infrastructure according to UTP/TSI and for maintenance inspections.

When asked whether the competent authority carried out the functions of the assessing entity, all respondents indicated that the assessing entity was an independent body, either in the same or in another contracting state. The competent authorities of Serbia and Türkiye have an additional but limited role, which is to check compliance against the national rules. In Türkiye, the competent authority is also an assessing entity, although it is limited to performing the ECM certification function.

All responding competent authorities confirmed that they have had experience with receiving test results and assessment reports issued by an assessing entity of another contracting state. Two non-EU contracting states use ERA’s OSS tool for vehicle admission, which has been seen as a very useful tool to access the test and assessment results submitted by another contracting state. However, limitation of the tool is that only EU assessing entities are able to upload their results. Consequently, a non-EU assessing entity would have to rely on an EU NoBo to validate the results and subsequently submit them to the OSS tool.

None of the respondents have had the experience where a vehicle admitted in accordance with the ATMF UR in one contracting state has been stopped in another. The reason for this is that applicants choose for their vehicles to be assessed for compliance with the TSIs, rather than the UTPs. While the UTP certificate is valid for COTIF purposes in all ATMF Contracting States, the TSI certificates are valid both for COTIF purposes and within the EU⁴.

In response to the question of whether additional information was requested before accepting a vehicle already admitted in another state, Serbia indicated that it applies Article 6 § 3 of the ATMF UR. This means that if the vehicle meets specific conditions, the vehicle is accepted without further checks. It also explained that 99% of the rail infrastructure was not in conformity with UTP INF or INF TSI. Therefore, additional admission is required for use of vehicles on the existing infrastructure, which has to include a report from the Infrastructure Manager (IM) that the vehicle is technically compatible with the infrastructure. However, this procedure will change for new or upgraded lines.

In response to the question regarding the language used for documentation, all respondents replied that they accept documents in the official language or languages of the contracting state and in English. In addition to all Scandinavian languages, Norway would in some circumstances also accept documentation in German. Furthermore, due to the diverse nationalities of staff experts, the English version of the legal texts and documentation would be the preferred choice.

With regard to contact with other competent authorities, all respondents confirmed that such contacts are maintained bilaterally or through the EU’s National Safety Authority (NSA) Network, which has a cooperation relationship with ERA. Other competent authorities are also participating in working groups, such as the “taskforce interoperability” at corridor level.

⁴ Article 3a § 2: Interaction with other international agreements:

“For the exclusive purpose of providing railway services, vehicles which have been admitted to operation according to these Uniform Rules shall be deemed as authorised for placing on the market in the Member States of the European Union and in the States which apply European Union legislation as a result of international agreements with the European Union 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 vehicle 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 is not subject to a derogation and e) provided the vehicle is not subject to specific cases which limit the conditions of admission or authorisation for placing in service or on the market.

Vehicles which have been admitted to operation according to this paragraph are subject to Article 23 of Directive (EU) 2016/797 before being used in Member States of the European Union.

If the conditions of a) to e) are not fulfilled, the vehicle shall be subject to authorisation according to the law applicable in the Member States of the European Union and in the States which apply European Union legislation as a result of international agreements with the European Union.”

When asked what could be done to encourage international railway traffic, respondents suggested simplifying and unifying the technical rules (including reducing the number of national rules, or improving the understanding of national rules), and providing a legal basis for the mutual acceptance of vehicles.

4.4. Fourth questionnaire on the admission of vehicles

All respondents indicated that there is no distinction between the requirements applicable to vehicles used in domestic traffic and those applicable to vehicles used in international traffic. Exceptions may be made for narrow gauge vehicles, specific domestic lines and for vehicles that may have limited compatibility with the network.

When foreign vehicles are used on the territory of a contracting state, all respondents said that there were no systematic checks. The responsibility lies with the railway undertaking (RU). It is sufficient to check the validity of the RU's safety certificate and licence, the route compatibility (including the train protection system) and the ECM. Apart from national rules, there are no formal rules that would limit the use of foreign vehicles. There may be conditions concerning the use of a foreign vehicle in a particular Contracting State. These conditions may be defined through international agreements. For example, at the border crossing sections between Switzerland and Germany, there are German routes managed by the German infrastructure manager on the territory of Switzerland. Vehicles that have been admitted by the German Competent Authority or ERA would not require an additional admission by the Swiss Competent Authority on these sections. However, a Swiss authorisation would be required if these vehicles were to be used on the Swiss network beyond the border crossing section. The same principle is applied at two cross-border sections between Switzerland and Austria, one of which crosses the border with Liechtenstein. Any limits to operation on the network are assessed in advance, including as part of the vehicle admission process.

In response to the question on the rules and procedures for admission of a new vehicle to domestic traffic when this vehicle is built according to a type that is already admitted to international traffic on the territory of another contracting state, all respondents replied that the existing conformity to type is sufficient, including evidence (technical file) and certificates related to the vehicle.

In view of the fact that the provisions of COTIF concern vehicles used in international traffic only, all respondents expressed their view that it would be beneficial for the contracting states to align their rules for the admission of vehicles to domestic traffic with the rules of COTIF, as this would facilitate the admission procedure and OTIF-wide interoperability and would enable fluid traffic between non-EU and EU COTIF contracting states. Suburban mass passenger transport should be exempt from the rules.

When asked about the conditions that need to be met to register (for domestic traffic) an existing foreign vehicle that is already admitted to international traffic by another contracting state, the responses were slightly varied. Three competent authorities indicated that it is sufficient for the vehicle to be registered in the National Vehicle Register (NVR) of the original contracting state, or in the European Vehicle Register (EVR). One contracting state indicated that the Keeper would have to register the vehicle and provide evidence of withdrawal of the registration in the former contracting state. This response was given on the assumption that the vehicle would only be used for domestic traffic within that contracting state.

With regard to the final question concerning the need for training and further support, the responses can be summarised as follows:

- Clarification is required with regard to the mutual acceptance of documentation and certificates.
- An exchange of experience is required with regard to the interpretation and understanding of the provisions related to ECM certification.
- An exchange of experience is required to understand how to treat and manage national rules.

- An exchange of experience is required on implementation of the CSM for risk evaluation and assessment, particularly in connection with the definition of “significant change”.
- Training is required with respect to the CSM for supervision in order to help staff achieve a harmonised approach and common understanding of the implementation of the Safety Management System (SMS) for RUs and IMs, and safety inspections.

Conclusion

The responses to the questionnaires and the bilateral discussions show that both assessing entities and competent authorities consider that vehicles can be used in both domestic and international traffic, so they do not make a distinction during the assessment and admission process, apart from the need to consider the national rules in the area of use. Their activities reflect the need for harmonisation and a common understanding of the rules and procedures and of the mutual acceptance of accreditation and assessment reports. The correlation between EU law and COTIF is not clear to everyone. In particular, the scope of COTIF in relation to the mutual acceptance (or not) of the results of TSI assessments and UTP assessments seems to raise questions. This could perhaps be resolved by developing guidance that clarifies the situation.

Provisions for energy and control command and signalling subsystems are essential to cross-border rail operations, so the CTE may wish to consider the feasibility of covering these subsystems in UTPs.

A closer dialogue between manufacturers and assessing entities, and competent authorities and assessing entities should be encouraged through the exchange of practices to foster a better and common understanding of the rights and obligations resulting from COTIF’s technical interoperability requirements.

Staff must be trained, particularly in newly established entities, so that they can learn about best practices and harmonise their understanding of the implementation of legal provisions for assessment, admission, monitoring and supervision. Training could be provided in the form of on-line or on-site seminars, combined with technical visits in the contracting state. This work could be supported by disseminating the newly drafted handbook on application and implementation of the APTU and ATMF UR, as well as by issuing other guidance.

PROPOSALS FOR DECISION

- The Committee of Technical Experts takes note of the progress report on the second step of monitoring and assessing implementation of the APTU UR and ATMF UR, as described in working document TECH-24011-CTE16-6.3 of 15 April 2024.
- In view of the progress reports on the first and second steps of monitoring and assessing implementation of the APTU UR and ATMF UR, the Committee of Technical Experts does not currently think it necessary to initiate a third step.
- The Committee of Technical Experts considers that the handbook on the APTU UR and ATMF UR discussed under agenda item 6.5 of the 16th session of the CTE could be a useful tool to support assessing entities, the competent authorities and the railway sector in general in the implementation of the APTU UR and ATMF UR. In addition, it considers that specific workshops or training on the correlation between EU law and COTIF would be useful, particularly if coordinated with ERA and NB-Rail.