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Amending the version as adopted by the 12th General Assembly, but pending approval by MSs in accordance with Article 34 § 3 COTIF.

[Text in track changes: proposed for equivalence with the EU fourth railway package](#)

Text appearing in rectangles is for explanatory purposes only. The rectangles will be deleted from the Uniform Rules. Where relevant the text may be kept as explanatory notes.

EU IOD refers to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union

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

**Article 1
Scope**

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

**Article 2
Definitions**

The changes in the definitions in this article aim at aligning them with the terminology used in the EU. The changes are not considered substantial.

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 ~~involving~~~~caused by~~ rolling stock in motion, fires and others;
- ab) “accreditation” means an attestation by a national accreditation body that a conformity assessment body meets the requirements set by European harmonised standards or applicable international standards and, where applicable, any additional requirements, including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity.
- ac) “accreditation body” means the sole body in a Contracting State that performs accreditation with authority derived from the State.
- b) “admission of a type of construction” means the right granted according to 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, as evidenced by a Design Type Certificate;
- c) “admission to operation” means the right granted according to which the competent authority authorises a railway vehicle to operate in international traffic, as evidenced by a Certificate of Operation;
- ca) “Certificate of Operation” means the attestation issued by the competent authority of an admission to operation, including the conditions of the admission;
- cb) “Certificate of Verification” means the attestation issued by an assessing entity that verification has been carried out with a positive result;

- 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) “Design Type Certificate” means the attestation issued by the competent authority of the admission of a type of construction, including the conditions of the admission;
- g) “element of construction”, also called “interoperability constituent”, means an elementary component, group of components, complete assembly or sub-assembly of equipment incorporated or intended to be incorporated into a subsystem, upon which the interoperability of rail systems depends directly or indirectly railway vehicle, or infrastructure; the concept of an “element of construction” covers, including both tangible objects and intangible objects such as software;
- h) [reserved]
- i) “essential requirements” means all the conditions set out in the relevant UTP, 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 vehicle, which is set up according to

the rules and provisions in the UTP including specific cases and notified national technical requirements in force, if any, according to Article 12 of the APTU Uniform Rules. The Maintenance File includes the Maintenance Record File as defined in p);

- p) “Maintenance Record File” means the documentation relating to an admitted vehicle, 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 been covered in a UTP and are explicitly indicated as such in that UTP;
- s) [reserved]
- t) “rail transport undertaking”, or “railway undertaking”, means a private or public undertaking which is authorised or licensed by applicable law to provide services for the transport of goods and/or passengers by rail with a requirement that the undertaking must ensure traction; this includes undertakings which provide traction only;
- 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 admitted according to these Uniform Rules;
- v) “railway material” means railway vehicles, and railway infrastructures;
- w) “railway vehicle” means a vehicle suitable ~~to~~for circulation ~~one~~ on ~~its own~~ wheels on railway lines with or without traction; a vehicle is composed of one or more structural and functional subsystems;
- wa) “recognition” means:
 1. the acknowledgment by a competent national body other than the accreditation body that an entity meets the applicable requirements, or
 2. the acceptance by a competent authority of certificates, procedural documentation or test results which are issued by an entity from another Contracting State;
- 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;

- 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 is indicated as a special provision in the UTP, either temporarily or definitively, 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 strictly intended for local, regional or historical use, and vehicles 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 to operate in international traffic or to authorise a type of construction;
- dd) [reserved]
- ee) “Technical File” means the documentation relating to the vehicle containing all its technical characteristics, including a user manual and the characteristics necessary to identify the object(s) concerned, as described in the relevant UTP;
- ee1) “Train” is a formation provided with traction, consisting of one or more railway vehicles and prepared for operation;
- eea) “TSI” means Technical Specification for Interoperability adopted in accordance with Directives 96/48/EC, 2001/16/EC or 2008/57/EC, according to 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 as covered by a type examination certificate or design examination certificate described respectively in assessment modules SB and SH1 of the UTP GEN-D;
- gg) “upgrading” means any major modification work on a subsystem or part of it which results in a change into the technical file relating to the subsystem, if that technical file exists, subsystem and which improves the overall performance of the subsystem;:-
- gg)hh) ‘area of use of a vehicle’ means the networks located within two or more Contracting States in which a vehicle is intended to be used.

Article 3

Admission to international traffic

Remark (no change proposed):

In terms of consistency it may be useful to replace § 2 letters a) to c) with a reference to Article 7. However, as Articles 1, 3, 9 and 11 are in the competence of the General Assembly, changing these articles is time-consuming. Not only is a decision of the General Assembly required, but this decision must also be approved (in writing) by half of the Member States in accordance with Article 34 COTIF, leading in practice to a considerable delay.

- § 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 elements of construction.

Article 3a

Interaction with other international agreements

The new EU concept of 'authorisation for placing on the market' should be referred to in ATMF.

- § 1 Railway vehicles which have been placed in service or on the market according to applicable European Union (EU) 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 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 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.

If the conditions of a) to e) are not fulfilled, the vehicle shall be subject to Article 6 § 4.

§ 2 For the exclusive purpose of providing railway services, ~~R~~railway vehicles which have been admitted to operation according to these Uniform Rules shall be deemed as authorised for placing ~~in service 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 railway 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.

Railways 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.

§ 3 The authorisation for placing ~~in service on the market~~, the operation and the maintenance of railway vehicles intended to be used only in Member States of the European Union are regulated by the applicable European Union and national legislation. This provision is also applicable to Contracting States which apply relevant European Union legislation as a result of international agreements with the European Union.

For Railway Undertakings and Infrastructure Managers, when operating within the EU, EU legislation takes precedence over the provisions in these Uniform Rules.

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

§ 5 An entity in charge of maintenance¹ (ECM) for a freight wagon, certified according to Article 15 § 2, shall be deemed as certified according to applicable European Union and corresponding national legislation and vice versa in the case of full equivalence between the certification system adopted under Article 14a (5) of the EU Railway Safety Directive 2004/49/EC and rules adopted by the Committee of Technical

¹ The requirements relating to the entity in charge of maintenance are set out in Article 15.

Experts according to Article 15 § 2. These adopted rules are set out in Annex A to these Uniform Rules.

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 procedure verifying that they are of this type.

If the vehicle is admitted in a single stage, the type of construction of the vehicle is admitted at the same time.

- § 2 A vehicle or an element of construction shall be assessed for compliance with the provisions of the UTP and applicable national technical requirements. The assessment procedures and content of UTP certificates are set out in the relevant UTP.

The Committee of Technical Experts shall be competent to amend or revoke the assessment procedures and the content of UTP certificates.

The assessments of the conformity of a vehicle with the provisions of the UTP on which the admission is based may be divided into certain parts or checked at certain stages by the assessing entity each evidenced by an intermediate statement of verification.

- § 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, hereinafter the competent authority.

Remark (no change proposed):

For States applying EU law, the competent authority is defined by EU law, i.e. it is either the national safety authority or the European Union Agency for Railways. The OTIF Secretary General should be informed of this.

In § 5, reference to EU law has been replaced by a more generic wording that would not exclude other Regional Organisations that might accede to COTIF.

§ 2 The competent authorities may or, according to the provisions in force in their State, shall transfer to assessing entities the competence to carry out assessments as a whole or partly, including the issuing of the corresponding certificates of verification.

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) in accordance with Article 15,
- 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 or accredited as an assessing entity mentioned in § 2 the following conditions must be fulfilled:

- a) The assessing entity must be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity;
- b) In particular, the assessing entity and the staff responsible for the assessments shall be functionally independent of the bodies in charge of investigations in the event of accidents;
- c) The assessing entity shall meet the requirements as set out in the relevant UTP.

§ 4 The requirements of § 3 shall apply mutatis mutandis to the competent authority regarding the tasks mentioned in § 2 which have not been transferred to an assessing entity.

§ 5 A Contracting State shall ensure, by notification, ~~or where appropriate by the means provided for in the law of the European Union or in the law of the States which apply European Union legislation as a result of international agreements with the European Union,~~ that the Secretary General is informed of the competent authority, the assessing entities and, if applicable the accreditation body, or the competent national body referred to in Article 2 wa (1), indicating each body's area of responsibility. The Secretary General shall publish a list of competent authorities, assessing entities and accreditation bodies or competent national bodies, their identification numbers, if applicable, and areas of responsibility, and shall keep the list updated.

Notifications may be made by Regional Organisations which have acceded to COTIF on behalf of Contracting States which are members of the Regional Organisation concerned.

- § 6 A Contracting State shall ensure the consistent supervision of the assessing entities indicated in § 2 and shall withdraw the competence from an assessing entity 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 entity or competent authority of another Contracting State, 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 assessing entity or authority 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 technical certificates made on the basis of work done by the assessing entity or by the authority in question.

Article 6 **Validity of technical certificates**

- § 1 Technical certificates, as specified in Article 11, 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 of the vehicles covered by these certificates 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 within its area of use, meaning 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.

Introducing the concept of “area of use” as an indication of where the vehicle can be used.
‘Area of use of a vehicle’ means the networks within two or more States in which a vehicle is intended to be used.

- § 3 Without prejudice to Article 3a an admission to operation issued for a vehicle which is in conformity with all applicable UTP shall be valid 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 which affects the technical compatibility with the network of the Contracting State concerned, or
 - open points in the UTP 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 which affects the technical compatibility with the network of the Contracting State concerned, an open point which is related to the technical compatibility with the infrastructure or a derogation, or
 - not in conformity with all the UTPs ~~on~~ concerning rolling stock the vehicle and all other relevant provisions, or
- b) where not all essential requirements are covered in the UTPs,

The area of use concerning the initial admission shall be limited to the issuing State(s). The competent authority or 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 and extending the vehicle's area of use.

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 or assessing entities 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

- identical provisions and provisions declared equivalent,
- provisions not related to a specific case which affects the technical compatibility with the network of the Contracting State concerned and
- 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

The concept of 'area of use' of a vehicle should be harmonised between EU law and ATMF in order to avoid ambiguities. However, the process linked to assigning an 'area of use' to a vehicle may be different, because the processes for EU authorisation for placing on the market and the AMTF admission to operation are different.

In the context of ATMF, a vehicle will either be admitted in accordance with Article 6 § 3 and have an area of use that includes all Contracting States, or be admitted on the basis of Article 6 § 4 on a State-by-State basis. In the latter case, the area of use is gradually extended with each admission.

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 UTPs concerning the provisions for and the mutual recognition of technical inspections, maintenance 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 to circulation in international traffic, a railway vehicle must comply with
- a) the applicable UTPs and
 - b) where applicable, the provisions contained in RID and
 - c) all other specifications in order to fulfil the applicable essential requirements.
- § 1a Vehicles shall comply with the UTPs applicable at the time of the request for admission, upgrading or renewal, in accordance with these Uniform Rules; this compliance shall be permanently maintained while each vehicle is in use.

EU IOD Article 4(2) refers to the time of the request for authorisation instead of the time of authorisation itself.

The “time of the request for admission” is the moment the applicant’s application for admission is received by Competent Authority.

- § 2 In the absence of UTPs 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 not all vehicle related UTPs are in force, or in the case of specific cases or open points, the technical admission shall be based on
- a) the provisions contained in the UTPs,

- 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 is competent to adopt guidelines or mandatory provisions for derogations from structural and functional UTPs.

The guidelines and provisions are set out in Annex B to these Uniform Rules.

Article 8 Prescriptions applicable to railway infrastructure

- § 1 Railway infrastructure must comply with
- a) the provisions contained in the UTP and
 - b) where applicable, the provisions contained in RID
 - c) all other specifications in order to fulfil the applicable essential requirements.
- § 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 [reserved]
- § 3 The application for a technical certificate may be made to the competent authority -of any Contracting State.

- § 3a The application for an assessment and for the issuing of corresponding UTP certificates and declarations may be made to any assessing entity to which a competent authority has wholly or partly transferred competence to carry out assessments in accordance with Article 5 § 2.
- § 4 If Article 6 § 4 applies to the vehicle, the applicant shall indicate the area of use,; defining 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 entities involved should cooperate in order to make the process easier for the applicant.

If Article 6 § 3 applies to the vehicle, the area of use shall cover all Contracting States.

Where the applicant wishes to change the area of use of a vehicle which has already been admitted to operation, it shall update the vehicle's documentation concerning this additional area of use and apply for the process defined in Article 6 § 4.

EU IOD Article 21(2) requires the applicant to include evidence that the technical compatibility between the vehicle and the network of the area of use has been checked.

It is not obvious that this principle can be carried over into ATMF, as the applicant may not be able to provide this information and, depending on the provisions applicable in the States concerned, this information may only become available during the checks performed by the competent authority.

EU IOD Article 21(13)

"Where the applicant wishes to extend the area of use of a vehicle which has already been authorised, it shall supplement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. The applicant shall submit the file to the Agency, which shall, after following the procedures laid down in paragraphs 4 to 7, issue an updated authorisation covering the extended area of use."

- § 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 admission to operation is granted. Granting admissions to operation by the competent authority 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 containing the information required in the relevant UTPs. The assessing entity shall compile the technical file.
- § 7 Every assessment carried out shall be documented by the assessing entity 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 The applicant for a Certificate of Operation by the procedure of technical admission as set out in Article 4 § 1, b), shall attach to his application the Design Type Certifi-

cate, 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.

For new vehicles, an appropriate manner of demonstration consists of a UTP certificate of verification issued by an assessing entity in accordance with the relevant UTP.

- § 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 are defined in the UTP or National Technical Requirements valid in accordance with Article 12 APTU ~~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 for the admission of new vehicles according to that type. 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 to vehicles on the basis of previously admitted types.
- § 11 In the event of renewal or upgrading of existing vehicles, a new admission to operation shall be required if:
- a) the changes result in exceeding or falling below the limit values of the parameters; set out in the UTPs -and, where applicable, National Technical Requirements valid in accordance with Article 12 APTU, for checking the technical compatibility between the vehicle and the area of use, or
 - b) the changes result in a decrease of the overall safety level of the subsystem concerned, or
 - c) it is required by the relevant UTP.

~~In case the need for~~If a new admission is required, the applicant 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.

To reflect the new procedure in EU IOD Article 21(12)

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 vehicle shall be subject to a new admission to which the conditions of Article 6 §4 apply and the Contracting States shall notify to the Secretary General

- a) the reason why a UTP is not fully applied,
- a) the technical characteristics applicable in place of the UTP and
- b) the bodies responsible for the assessment of the technical characteristics referred to under 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 condi-

tions 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);

- b) if in case of severe damage to a railway vehicle, the order of the competent authority to present the vehicle is not complied with;
- c) in case of non-compliance with these Uniform Rules and prescriptions contained in the UTP;
- d) 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 in accordance with Article 13 § 4.

§ 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 mandatory provisions for the assessments and procedural rules for technical admission. Provisions for the assessments are set out in the relevant UTP.

~~§ 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.~~

The technical requirements and the methods for assessing compliance with them are a cornerstone for the functioning of ATMF. There is a risk that the mutual acceptance of assessment results might be jeopardised if national or regional mandatory requirements are in force. This could lead to vehicles that were already admitted having to be re-assessed. This would contradict Article 6 and in this respect, the consistency of Article 6 and Article 10b § 2 should be examined.

Where it refers to EU provisions, the accession agreement and Article 3a ensure that EU rules can be applied between EU States and actors. It may not be desirable for these to apply to relations between EU and non-EU OTIF MSs, because one of the aims of COTIF is to harmonise these provisions.

Where it refers to individual States, it may be undesirable that provisions concerning assessments and declarations are developed or are in use as far as vehicles used in international traffic under COTIF are concerned.

Where it refers to possible future regional organisations acceding to COTIF, an accession agreement could include provisions similar to the EU accession agreement, allowing the States that are members of the regional organisation to apply differing rules to their mutual relations (only).

Article 11 Technical Certificates

- § 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 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;
 - h) have attached for vehicles subject to Article 6 § 4, copies of the additional national admissions, if any.
- § 3 The Certificate of Operation shall include
- a) all the information indicated in § 2, and
 - b) the area of use of the vehicle;
 - c) the values of the parameters set out in the UTPs and, where applicable, in the national requirements in accordance with Article 12 APTU, for checking the technical compatibility between the vehicle and the area of use;
 - d) the vehicle's compliance with the relevant UTPs and sets of national requirements in accordance with Article 12 APTU, relating to the parameters referred to in letter c);
 - e) the conditions for use of the vehicle and other restrictions;
 - f) the identification code(s) of the vehicle(s) covered by the certificate;
 - g) information on the keeper of the railway vehicle(s) covered by the certificate on the day of its issue;

h) if appropriate, its period of validity.

§ 3 is amended in accordance with EU IOD Article 21 (10).

- § 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 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 referred to in §§ 2 and 3 shall be issued to the applicant by the Competent Authority.
- § 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), if not the current keeper, shall without delay hand it over to the current keeper together with the Maintenance File and make available all 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 and Maintenance 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 and of the Assessment Report according to Article 10 § 7.
- § 2 The formats shall be prepared and adopted by the Committee of Technical Experts and shall be published on the Organisation's website.
- § 3 The Committee of Technical Experts may decide to allow certificates 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 national v~~Vehicle registers ~~(NVR)~~ shall be set up ~~according to the specifications adopted by CTE~~ in the form of one or more an electronic national or regional data banks containing information concerning the railway vehicles in respect of which a

Certificate of Operation has been issued. The register shall also include railway vehicles admitted according to Article 19; it may contain railway vehicles admitted for national traffic only. The register or registers shall:

- a) comply with the specifications adopted by CTE;
- b) be kept updated;
- c) be accessible by the competent authorities of all Contracting States, by railway undertakings and infrastructure managers, as well as those persons or organisations registering vehicles or identified in the register.

To enable joint vehicle registers to be set up by a group of States, i.e. the EVR in the EU, provided that the information contained in it will be accessible to other CSs.

- § 1a The Organisation shall establish and keep up-to-date, or make accessible a register with certificates of entities in charge of maintenance (ECM) and ECM Certification bodies.
- § 1b The Organisation shall establish and keep up-to-date, or make accessible a register with Vehicle Keeper Marking codes.
- § 2 [reserved]
- § 3 The Committee of Technical Experts may decide to include other data to be used in railway operations in a data bank, such as design types, information concerning declarations, inspections and maintenance of the admitted vehicles (including next inspection due), information needed to establish if there is technical compatibility between vehicle and network, information on accidents and incidents and registers concerning coding of vehicles, locations, rail transport undertakings, keepers, infrastructure managers, workshops, manufacturers, etc.
- § 4 The Committee of Technical Experts is competent to decide on modifications to or the merging or withdrawal of the registers and databases referred to in this Article. The Committee of Technical Experts shall establish the functional and technical architecture of the registers specified in this Article and may also specify the data to be contained, 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 by the registration holder to the entity keeping the register 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 co-

ordinate 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 according to § 1 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.

Article 14 **Inscriptions and signs**

§ 1 Railway vehicles admitted to operation must bear inscriptions and signs prescribed in the UTP, including a unique vehicle number.

The competent authority which grants the (first) 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 NVR of that State.

§ 2 The Committee of Technical Experts may lay down a sign which establishes that the vehicle bearing it has been admitted to operation in international traffic according to these Uniform Rules.

§ 3 The Committee of Technical Experts may set out 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 and 2.

Article 15 **Maintenance of vehicles**

§ 1 Railway vehicles must be in a good state of maintenance in such a way that they comply with the provisions as defined in Article 7. The condition of vehicles must not in any way compromise operational safety and must not harm the infrastructure, environment and public health by their circulation or their use in international traffic. To that end, railway vehicles shall be made available for and undergo the service, inspections and maintenance as prescribed in the Maintenance File. It shall be the responsibility of the keeper to designate an ECM for this purpose.

§ 2 Each railway vehicle, before it is admitted to operation or used on the network, shall have an ECM assigned to it and this entity shall be registered in the data bank referred to in Article 13. 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 may make use of contractors including maintenance workshops.

The Committee of Technical Experts shall be competent to adopt and amend rules for certification and auditing of ECM and maintenance workshops. The rules are set out in Annex A to these Uniform Rules.

The ECM for a freight wagon shall be certified by an ECM Certification Body accredited or recognised in one of the Contracting States in accordance with Annex A to these Uniform Rules.

- § 3 The keeper shall make available to the ECM, as far as necessary for maintenance, the elements relating to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.

The ECM must ensure, either directly or via the keeper, that reliable information about maintenance and restrictions affecting operations, necessary and sufficient to support safe operations are available for the operating railway undertaking.

The operating railway undertaking must in due time, either directly or via the keeper, provide the ECM with information on operation of the vehicles (including mileage, type and extent of activities, incidents/accidents) for which the ECM is in charge.

- § 4 The ECM of an admitted vehicle shall keep and update the Maintenance File and Maintenance Record File for that vehicle. The ECM shall inform the keeper of updates to the Maintenance Record File. The files shall be available for inspection by the competent national authority.

Article 15a **Train composition and operation**

- § 1 The rail transport undertaking shall control the risks associated with its activities and especially those related to the operation of trains. To that end it shall ensure that these trains comply with the essential requirements and shall in particular:

- a) ensure correct and safe train composition and preparation, including pre-departure checks,
- b) take into account information necessary for the safe operation of each vehicle, including possible operating restrictions,
- c) only use vehicles within their limit and conditions of use,
- d) be required to comply with the prescriptions relating to operation in international traffic, such as those specified in the relevant UTPs,
- e) ensure that each vehicle carried has an ECM assigned to it and when required that the ECM has a valid certificate.

- § 2 The rules as set out in § 1 shall apply mutatis mutandis to entities other than a rail transport undertaking that operate trains under their own responsibility.

- § 3 The keeper shall make available, as far as necessary for operation, to any rail transport undertaking operating the vehicle, the elements relating to the conditions and limits of use and concerning servicing and constant or routine monitoring.

- § 4 The infrastructure manager shall make available, as far as necessary for operation, to any rail transport undertaking operating on its network, the elements relating to the infrastructure characteristics.

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 authorities concerned 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 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, a rail transport undertaking or an infrastructure manager shall not prevent railway vehicles 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.

This Article shall not prejudice the responsibility of the rail transport undertaking as defined in Article 15a.

§ 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 § 4 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 prescriptions 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 [reserved]

§ 2 These Uniform Rules do not affect admissions to operation issued before 1.1.2011 for vehicles which exist as at 1.1.2011 and which are 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 and for existing vehicles not marked RIV or RIC but admitted and marked according to bilateral or multilateral agreements between Contracting States notified to the Organisation.

§ 3 Without prejudice to § 5, the original admission according to § 2 is valid until the vehicle requires a new admission according to Article 10 § 11.

§ 4 The inscriptions and signs referred to in Article 14, together with the data stored in the database indicated in Article 13 § 1, shall be considered as sufficient proof of the admission. 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 prescriptions in force of the UTP concerning marking and maintenance; compliance with the prescriptions of RID in force shall also be ensured, where applicable. The Committee of Technical Experts may also decide that, for duly justified safety or interoperability reasons, prescriptions introduced in the UTP shall be complied with within a certain deadline.
- § 6 Existing vehicles which are not covered by the scope of § 2 may 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 additional transitional provisions.

Article 20

Disputes

Disputes relating to the technical admission of railway vehicles 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.
