



Organisation intergouvernementale pour les transports internationaux ferroviaires

Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr

Intergovernmental Organisation for International Carriage by Rail

WG TECH

36th Session

Provisional Minutes

Received comments from: EC, ERA

Brussels, 27-28.11.2018

WG TECH 36 SUMMARY

1. Approval of the agenda

WG TECH 36 adopted the agenda submitted in document TECH-18029 dated 27.9.2018.

2. Information from the OTIF Secretariat

a. General information

The meeting was informed about the decisions of the 13th General Assembly.

b. Status of the vote by written procedure concerning the amendments to UTP GEN-B and UTP TAF

The EC confirmed that Council had voted and would meet the deadline of 30.11.2018 for the vote by written procedure.

3. Election of chair

WG TECH 36 elected Switzerland, in the shape of Mr Christophe Le Borgne, to chair this session.

4. Approval of the minutes of the 35th session of WG TECH

The minutes of the 35th session of WG TECH, as amended according to comments received before the meeting, were approved.

5. Preparation of documents for the Committee of Technical Experts:

a. Draft UTP covering infrastructure

– WG TECH discussed the modified draft UTP covering infrastructure set out in document TECH-18025 v2 dated 24.10.2018 and the way forward. The newly presented legal form of the UTP was tacitly agreed. WG TECH was of the view that:

- The CS should be recommended to apply the UTP to new lines open to international traffic and to existing lines used mainly for international traffic.
- CS should publish the lines on which UTP INF applies.
- Stations should be included, but limited to what is defined under COTIF.
- Editorial recommendations to be considered in Chapter 5 related to the definition of interoperability constituents and in Chapter 6 on the technical scope, related to the nominal track gauge.

Further consideration is requested for the following:

- Procedure for assessment of compatibility between infrastructure and vehicle should be aligned with UTPs, as far as they exist.
- In the absence of UTP requirements, CS should develop and publish their own rules, including procedures to be applied for checking route compatibility.
- CS to ensure that the assessment is carried out by competent authority and offer some guidelines.
- In terms of planning two options are to be discussed and agreed at the next WG TECH meeting:
 - Propose the UTP INF for adoption at CTE 12 in 2019. As a consequence, it will be aligned with the current version of the TSI.
 - Postpone the UTP INF for adoption until CTE 13 in 2020. As a consequence, it will be aligned with the latest TSI, which will become available in the course of 2019 as

part of “The Package” (Loc&Pas, WAG, CCS, INF, ENE, RST, NOI, RINF, ERATV (register of vehicle types) and OPE).

6. Developments in EU regulations that are of relevance to COTIF (presented by ERA and DG MOVE):

- a. Noise TSI – Status of revision process and ensuring continued compatibility with COTIF after adoption
 - WG TECH noted the development with regard to freight noise abatement as presented by the European Commission (DG MOVE).
 - ERA’s recommendation for a revision of the NOI TSI was published in June 2018. It was discussed at the EC expert group (consisting of representatives of MS and the sector) at the end of September 2018 and at RISC 83 in November 2018. The NOI TSI expected to be put to a vote at RISC 84 in January 2019. Expected entry into force in June 2019 as part of “The Package”.
 - The Secretariat reminded the meeting of its view that “quieter routes” were compatible with COTIF. However, criteria to define “quieter routes” would not be suitable for scope of COTIF, meaning that non-EU CS would be free to define their own criteria.
- b. 4th Railway Package TSI package – Status of revision process and ensuring continued compatibility with COTIF after adoption
 - WG TECH noted the development on the revision process of the “TSI Package: Expected adoption at EU level in January 2019, entry into force at EU level by June 2019.
 - The Secretariat reminded the meeting that the earliest proposal to CTE for alignment of UTP would be June 2020, with entry into force by December 2020. WG TECH will present a work programme for the next CTE 12.
- c. European Vehicle Register and its connection to the National Vehicle Registers
 - DG MOVE presented to WG TECH developments within the EU with regard to the newly adopted Decision on Registers.
 - WG TECH noted that from June 2021 NVRs will be discontinued in EU and replaced by central EVR, which will be developed by ERA. ECVVR will be also disconnected and will no longer be updated and maintained.
 - With regard to maintaining the connectivity between the EVR and the NVRs of non-EU states, the European Commission offered the following:
 - non-EU states would be offered use of the EVR instead of own NVR
 - The register would become an EU/OTIF register
 - Although data would be stored centrally by ERA, the ownership of data would remain with CSs
 - CSs would be able to extract data on their vehicles registered in EVR for their own purposes
 - Connection between EVR and NVRs of non-EU States will not be developed due to cost concerns.
 - WG TECH noted the proposal by the European Commission and made comments with regard to the use of a centralised register hosting data outside of their countries and the potential lack of alternative connections.
 - WG TECH concluded as follows:
 - A paper should be prepared [by OTIF Secretariat](#) for the next WG TECH in which DG MOVE and ERA [will](#) describe [the](#) developments within the EU, in particular the way EVR

would change compared to the current situation. The paper should describe different scenarios, bearing in mind the potential membership enlargement of OTIF, i.e.:

- All states using a centralised vehicle register
- EU states using EVR and all non-EU states using their own NVR, ensuring connectivity between them
- Some states using the centralised register and some their own NVR, ensuring connectivity between them.

The Secretariat presented document TECH-18032 v1 – draft modification to the OTIF NVR specification, for discussion

- WG TECH concluded as follows:
 - o Editorial modifications were proposed for sections 2 and 3 and Appendices 1 and 2
 - o The draft document, which focuses only on NVR specifications, would be submitted to WG TECH 37 with a proposal for decision for CTE in June 2019.

d. Presentation on developments regarding National Technical Rules at EU level

- ERA presented to WG TECH developments regarding National Technical Rules at EU level.
- WG TECH noted the state of play and remarked that new rules may be established due to the new procedures related to route compatibility.

7. For discussion:

a. COTIF National Technical Requirements – analysis of the need for further action

- WG TECH discussed document TECH-18023 v2 dated 24.10.2018
- Editorial recommendations to be considered in Chapters 2 and 4
- Proposal to come back to CTE 12 and explain the conclusions, and for CTE to remind the CS of their obligation to notify.

8. Cross reference table of EU and OTIF terminology

The Secretariat presented the updated version of the cross reference terminology table. WG TECH took note of the table as presented. WG TECH members were invited to give the OTIF Secretariat feedback, if necessary, before the next WG TECH meeting.

9. EU-OTIF equivalence table

The Secretariat presented the updated version of the equivalence table and asked WG TECH members to give the OTIF Secretariat feedback, if necessary, before the next WG TECH meeting.

10. Next sessions

WG TECH agreed that the next WG TECH (WG TECH 37) would be held in Bern on 5 and 6 February 2018.

11. Any other business

None.

DISCUSSION

Welcome by the OTIF Secretariat

Mr Bas Leermakers (head of OTIF's technical interoperability department) welcomed the participants ([List of participants Annex I](#)) and opened the 36th session of WG TECH in Brussels. He thanked DGMOVE for hosting the meeting. The Secretariat received apologies from DE, UK, OSJD and Ms Alice Polo, all of whom had to cancel their attendance at the last minute.

Welcome by the host (European Commission)

Mr. Bertrand Collignon, the representative of the EC, warmly welcomed the delegates and wished all the participants success with the meeting. He sent apologies for Ms Alice Polo, who had organised the room and catering, but was unable to attend. It was also for this reason that he and Jonathan Colé had kindly agreed to take part in the meeting on behalf of DG MOVE.

1. APPROVAL OF THE AGENDA

The **Secretariat** explained that the provisional agenda had been sent with the invitation to participants on 27 September 2018 ([circular TECH-18029](#)). Since there were no objections, the agenda was adopted accordingly.

Conclusion: WG TECH approved the agenda for the 36th session ([Annex II](#)).

2. INFORMATION FROM THE OTIF SECRETARIAT

a. General information

The Secretariat informed the meeting of the outcome of the 13th General Assembly, which had adopted the following decisions:

- Partial revision of the base Convention: amendment of the procedure for revising COTIF (Article 34)
- Partial revision of the appendices (Uniform Rules) to the Convention:
- CUI UR (to define its application to international railway traffic only)
- ATMF UR (to ensure continued harmonisation with EU law)
- The General Assembly also noted the report on the partial revision of the CIM UR. An updated version that deals with moves towards digitalisation in rail transport would be submitted to the 14th GA and, if necessary, followed by proposals to amend the CIM UR.
- New Appendix H to the Convention (EST UR, the safe operation of trains in international traffic), and subsequent modification of the base Convention relating to the adoption of the new Appendix H:
 - o Addition of necessary references to a new appendix
 - o Establishment of new competencies of the CTE
 - o Adaptation of the procedure for the revision of appendices in order to include provisions relevant to a new appendix.
 - o The 13th GA recommended that CTE prepare proposals for annexes to the EST UR before the EST UR enter into force.

- Establishment of an ad-hoc Committee on Cooperation with other international organisations and associations
- Establishment of the working group of legal experts
- The GA elected the Administrative Committee for the period 2018-2021.

The 13th GA decided to convene an extraordinary session on 27 February 2019 to elect the Secretary General.

The Secretariat reminded the meeting that on 22 December 2017, the United Kingdom had deposited its instrument of reservation against the application of the Uniform Rules concerning the Contract of Use of Infrastructure in International Traffic (CUI UR – Appendix E to COTIF). In accordance with Article 42 of COTIF, the reservation will take effect on 31 December 2018.

The Secretariat also reminded the meeting that from 1 March 2019, modifications to Appendices F (APTU) and G (ATMF) to the Convention adopted by the 26th Revision Committee will enter into force for all Member States that have not made a declaration not to apply APTU and ATMF in accordance with Article 42 § 1 of COTIF.

With regard to the current geographical scope of COTIF and its appendices, the meeting was informed that there had been no changes since the previous (35th) WG TECH meeting. However, the Islamic Republic of Afghanistan had applied for membership to COTIF on 7 November 2018 and the Republic of Moldova had announced its plans to accede to COTIF.

b. Status of the vote by written procedure concerning the amendments to UTP GEN-B and UTP TAF

With regard to the status of the vote by written procedure, the Secretariat reminded the meeting that 30 November was the deadline for those Member States that are entitled to vote to submit their vote to the Secretary General and that by the end of 2018 the members of the CTE should be notified of the voting results. The proposals and information about the process are also available on OTIF's website: *Activities => Technical Interoperability => Voting Using the Written Procedure*.

The representative of the EC (Mr. Bertrand Collignon) informed the meeting that the European Council had voted and confirmed that the EU would meet the deadline of 30.11.2018 for the vote by written procedure.

3. ELECTION OF CHAIR

According to the procedure, the **Secretariat** asked delegates for nominations for the chair. The Secretariat proposed Mr Christophe Le Borgne (Switzerland) to chair the session. There were no other nominations. Mr Le Borgne accepted the nomination and WG TECH unanimously elected Switzerland, in the shape of Mr Christophe Le Borgne, to chair this session.

The Chair thanked WG TECH for the trust it had placed in him.

4. APPROVAL OF THE MINUTES OF THE 35TH SESSION OF WG TECH

Document: [WG TECH 35 PVM](#) Provisional Minutes of the 35th session

Mr Dragan Nešić informed the meeting that on 22 October 2018, the **OTIF Secretariat** had sent the provisional minutes to delegates who had attended the 35th session of WG TECH (11-12 September 2018, Bern-Ittigen). For the attention of WG TECH 36, the Secretariat had uploaded a version of the provisional minutes with the comments received before 29 October 2018. Comments were received from FR.

Conclusion: The minutes of the 35th session of WG TECH, as amended according to comments received before the meeting, were approved.

5. PREPARATION OF DOCUMENTS FOR THE CTE:

a. Draft UTP covering infrastructure

Document: [TECH-18025 v2](#) Draft UTP subsystem infrastructure version 2

The **Secretariat** had modified draft working document TECH-18025 version 1 at the request of WG TECH 35 as follows:

- Legal form modified from non-binding to binding on the lines decided by states
- Specification at two levels: mandatory and recommended
- Added guiding principles to assist states in deciding which lines to be subject to the UTP
- A recommended procedure for dealing with deviations from the prescriptions
- Operating rules and maintenance rules were removed as they are outside the scope
- Separation between assessment procedures (included) and assessment responsibilities (excluded)

The Secretariat uploaded the amended document (version 2) for the attention of WG TECH 36. It also explained that all the modifications were in track changes compared to version 1.

CER (Christian Chavanel) welcomed the amended document. He proposed wording in Chapter 0, fourth paragraph, to add an obligation for states to publish a list of lines on which the UTP would be applicable¹.

UNIFE (Christian Zumpe) noted that at stations, lines which are within the scope of the UTP could intersect with lines which are not in the scope and suggested that this be clarified in the UTP.

The **Secretariat** explained that the infrastructure in the context of this UTP covers parameters that are relevant in terms of technical compatibility with vehicles only. Furthermore, CSs could be recommended to apply the UTP to new lines open to international traffic and to existing lines substantially used by international traffic. Lastly, CSs could be required to publish a list of lines on which the UTP is applicable and to specify whether or not the line (already) complies with the UTP. In this context, and in accordance with the comment by UNIFE, specific attention should be given to stations, as lines both within and outside the scope could connect at stations.

With regard to the nominal track gauges, following the proposal from CER, the information on these should be maintained and indicated in the technical scope covered by this UTP (in point 1.1). At the same time, the inclusion of possible obligations for the CS within the technical scope of this UTP should be avoided.

CER (Christian Chavanel) wondered how to ascertain whether there was compatibility between vehicles and the infrastructure if the last two paragraphs in point 1.1 remain deleted. In his view, it could be ascertained through a conformity assessment process, in accordance with Chapter 6 of this UTP, where the following should be added: “*CS shall publish the procedures for assessing compatibility between the vehicles and infrastructure.*”

The **Secretariat** reminded the meeting that particular technical assessment procedures for ICs (6.1.5) and Subsystems (6.2.4) were included, but not the responsibilities of various actors. With regard to maintaining the explanation of ICs (Chapter 5), it explained that the definition of IC had already been included in ATMF, so repetition should be avoided. Nevertheless, the Secretariat suggested adding a footnote which should explain the meaning of ICs in the context of COTIF and how they are dealt with.

CER (Christian Chavanel) noted the importance of obtaining information about the assessment procedures, as RUs need to know in advance whether their vehicles comply with the relevant infrastructure. In his view, if not mentioned in Chapter 6, such information should be provided elsewhere.

¹ Post-meeting note: this requirement has been moved to the newly added paragraph in Chapter 7, Implementation of the UTP Infrastructure, page 56

The **Secretariat** was of the opinion that the process of ensuring compatibility with the line should not be part of modules for conformity assessments. However, it agreed that the UTP could, at an appropriate point, require that CSs should establish procedures to be applied for checking route compatibility. These procedures should be aligned with UTPs as far as they exist, meaning that in the absence of UTP requirements, CSs should develop their own rules and where UTP rules exist they must be followed.

CER suggested under point 6.1.3 that assessment refers to the innovative solution, and not to the assessment method. The Secretariat noted that this point should be reviewed in order to avoid its misinterpretation with the actual assessment methods for compliance. Furthermore, *a particular assessment* mentioned in point 6.1.5 should point out *the procedure*, rather than *the method* acceptable to other CS that falls within the scope of this UTP.

NB-Rail (Francis Parmentier) wondered whether the particular assessment procedures, as prescribed in 6.1.5 and 6.2.4, would ensure that the assessments are made correctly by the different assessment bodies. He suggested making it clearer by adding the following wording: “... *shall be done by the assessing entity, appointed by the CS.*”.

The **Secretariat** agreed that even though the responsibilities concerning conformity assessment are not within the scope of this UTP, CSs must ensure that people in charge of conformity assessment possess the relevant skills for doing so. In this regard, it suggested adding a new paragraph in Chapter 6, as it concerns assessments of both ICs and subsystems. It also suggested that the term: “*harmonised manner*” in points 6.1.5 and 6.2.4 should read “*harmonised manner as described below*” (or words to that effect). The Secretariat was of the view that the UTP GEN-E requirements could be used *mutatis mutandis*, except the independence criteria. Lastly, it wondered whether the assessment modules were under review in the EU and if this were the case, then the assessment modules in OTIF would have to be modified as well.

NB-Rail (Francis Parmentier) informed the meeting that a review of the assessment modules in the EU was expected in the next two years.

Lastly, with regard to the references to the “old” Interoperability Directive (2008/57/EC), the **Secretariat** informed the meeting that there were two options for how to proceed: either to align this UTP with the current version of the INF TSI (in which case it could be adopted at CTE 12), or to align this UTP with the future INF TSI (expected in 2019) in which case its adoption would be postponed until CTE 13. WG TECH agreed tacitly to discuss these two options at the next WG TECH meeting.

The **Chair** summarised the discussion and concluded as follows:

1. WG TECH discussed the modified draft UTP covering infrastructure set out in document TECH-18025 version 2 dated 24.10.2018 and the way forward. The newly presented legal form of the UTP was tacitly agreed.
2. WG TECH was of the following view:
 - The CS should be recommended to apply the UTP to new lines open to international traffic and to existing lines used mainly for international traffic.
 - CS should publish the lines on which UTP INF applies.
 - Stations should be included, but limited to what is defined under COTIF.
 - Editorial recommendations to be considered in Chapter 5 related to the definition of interoperability constituents and in Chapter 6 on the technical scope, related to the nominal track gauge.

Further consideration is requested for the following:

- Procedure for assessment of compatibility between infrastructure and vehicle should be aligned with UTPs, as far as they exist.
- In the absence of UTP requirements, CS should develop and publish their own rules, including procedures to be applied for checking route compatibility.
- CS to ensure that the assessment is carried out by competent authority and offer some guidelines.

- In terms of planning two options are to be discussed and agreed at the next WG TECH meeting:
 - Propose the UTP INF for adoption at CTE 12 in 2019. As a consequence, it will be aligned with the current version of the TSI.
 - Postpone the UTP INF for adoption until CTE 13 in 2020. As a consequence, it will be aligned with the latest TSI, which will become available in the course of 2019 as part of “The Package” [Loc&Pas, WAG, CCS, INF, ENE, RST, NOI, RINF, ERATV (register of vehicle types) and OPE].

6. DEVELOPMENTS IN EU REGULATIONS THAT ARE OF RELEVANCE TO COTIF (PRESENTED BY ERA AND DG MOVE)

a) Noise TSI – Status of revision process and ensuring continued compatibility with COTIF after adoption

Mr Nino **Zambara** (EC) informed the meeting about the latest developments on the EU Noise TSI revision, which was expected to be put to a vote at the RISC meeting in January 2019. According to the proposed draft Noise TSI, from 8 December 2024, in principle, only new or retrofitted wagons can be operated on “quieter routes”. There was still discussion among EU Member States on winter conditions and on the threshold of the number of night trains which defines a ‘quieter route’. He also said that by 31 December 2028, the EC would evaluate the implementation of the quieter routes, in particular progress on the retrofitting of wagons and the impact of the introduction of quieter routes on the overall competitiveness of the rail freight sector. Finally, there would be a new “*Connecting Europe Facility (CEF) Call*” that would fund projects for retrofitting freight wagons. Joint non-EU and EU projects could also be funded.

The **Chair** thanked Mr Zambara for the presentation and opened the discussion.

The **Secretariat** reminded the meeting that some of the non-EU CS were also affected by noise pollution. In its view, the “quieter routes” were compatible with COTIF. However, with regard to the harmonised criteria for defining “quieter routes” proposed at EU level, this would not be suitable for the scope of COTIF as a binding rule. This would mean that the non-EU CS would be free to define their own criteria. Consequently, some states might not have any quieter routes and others may have all international lines as quieter routes.

The **EC** (Nino Zambara) informed the meeting that during 2019 the EC planned to carry out a study to evaluate the EU’s financial incentives for noise abatement, such as Noise Differentiated Track Access Charges (NDTAC, which are currently applied by NL, DE, IT and CH, and have recently been introduced in AT).

In response to the Secretariat’s question as to how winter conditions in Nordic countries (Sweden, for example) affect retrofitting, the **EC** (Nino Zambara) explained that the EU would first investigate the extent of the problem (how often and under which conditions do decreased braking performances occur, as well as possible number of freight wagons affected), followed by an analysis of arctic transport conditions and would then propose a available -technical or operational solutions.

CH (Christophe Le Borgne) highlighted that the proposed deadline of 8 December 2024 would not be acceptable to Switzerland. He reminded the meeting that CH’s national law prescribed that noisy wagons must be banned from Switzerland from 2020, with the possibility of extending this deadline until 2022.

The **Chair** summarised the discussion under point a) and concluded as follows:

1. WG TECH noted the development with regard to freight noise abatement as presented by the European Commission (DG MOVE).
2. ERA’s recommendation for a revision of the NOI TSI was published in June 2018. It was discussed at the EC expert group (consisting of representatives of MS and the sector) at the end of September 2018 and at RISC 83 in November 2018. The NOI TSI expected to be put to a vote at RISC 84 in January 2019. Expected entry into force in June 2019 as part of “The Package”.

3. The Secretariat reminded the meeting of its view that “quieter routes” were compatible with COTIF. However, criteria to define “quieter routes” would not be suitable for scope of COTIF, meaning that non-EU CS would be free to define their own criteria.

b) 4th Railway Package TSI package – Status of revision process and ensuring continued compatibility with COTIF after adoption

Mr Bertrand **Collignon** (EC) informed the meeting about the latest developments in the EU on the 4th railway package:

- European Vehicle Register (EVR) had been adopted at RISC 82 (June 2018),
- EC Declaration of Verification (DoV) had been adopted at RISC 83 (November 2018)
- PRM TSI (inventory of assets); the written procedure was still ongoing (deadline end of 2018)
- The so-called *TSI package* to be discussed at RISC 84 (January 2019): LOC&PAS TSI, WAG TSI, CCS TSI, INF TSI, ENE TSI, SRT TSI, NOI TSI, ERATV, RINF and OPE TSI. Besides allowing the new vehicle authorisation regime to start in the EU, *the TSI package* should foster harmonisation of the operational rules, close open points, update references to standards and improve the clarity of the text.

In addition, Mr Collignon reminded the meeting that from *16 June 2019* a new regime for Vehicle Authorisation and the Single Safety Certificate would be started.

The **Chair** thanked Mr Collignon for the presentation and opened the discussion.

The **Secretariat** informed the meeting that in order to maintain equivalence between UTPs and TSIs, the changes to UTP could be drafted after the RISC vote on the TSI Package in 2019, followed by a proposal for decision to the CTE in June 2020 and entry into force by December 2020 at the earliest.

The **Chair** summarised the discussion under point b) and concluded as follows:

1. WG TECH noted the development on the revision process of the “TSI Package”: Expected adoption at EU level in January 2019, entry into force at EU level by June 2019.
2. The Secretariat reminded the meeting that the earliest proposal to CTE for alignment of UTP would be June 2020, with entry into force by December 2020. WG TECH will present a work programme for the next CTE 12.

c) European Vehicle Register and its connection to the National Vehicle Registers

Mr Jonathan **Colé** (EC) informed the meeting about the latest developments in the EU on European registers. In accordance with the fourth railway package, i.e. Article 47 of Directive (EU) 2016/797, on 25 October 2018 the EU had adopted the decision to amend the common specifications for the NVR and the technical and functional specifications of the EVR². He then explained that the modifications to the NVR specification were only of a procedural nature and would not change the NVR software. The aim of the modifications was to allow transfer of registration and avoid redundant data entry of one vehicle in several existing vehicle registers. The EC was in the view that the future EVR is cost-effective and that it would simplify the processes (harmonised electronic form, harmonised creation of user accounts managed centrally, use of common reference data etc.). Furthermore, the EVR would also provide all users with a single query format for the consultation and registration of vehicles and data management.

Mr Colé pointed out that from 16 June 2021, NVRs would be discontinued in the EU and replaced by the central EVR developed by ERA. The ECVVR³, which is currently updated and maintained by ERA, would also be discontinued and would not be adapted to the EVR. In practical terms, from 16 June 2021, the

² Commission Implementing Decision (EU) 2018/1614 of 25 October 2018 laying down specifications for the vehicle registers referred to in Article 47 of Directive (EU) 2016/797 of the European Parliament and of the Council and amending and repealing Commission Decision 2007/756/EC

³ European Centralised Virtual Vehicle Register – composed of two parts: Virtual Vehicle Register (VVR), which is the central search engine in ERA, and NVRs, which are local national vehicle registers

standard NVR software (sNVR), NVR translation engine (NVR-TE) and Virtual Vehicle Register (VVR) would be discontinued.

- With regard to maintaining the connectivity between the EVR and the NVRs of non-EU states, the European Commission offered the following:
 - o non-EU states would be offered use of the EVR instead of own NVR
 - o The register would become an EU/OTIF register
 - o Although data would be stored centrally by ERA, the ownership of data would remain with CSs
 - o CSs would be able to extract data on their vehicles registered in EVR for their own purposes
 - o Connection between EVR and NVRs of non-EU States will not be developed due to cost concerns.

The **Chair** thanked Mr Colé for his presentation and noted the latest developments in the EU and the EC's proposal on maintaining connectivity between the EVR and NVRs of the non-EU CS and then opened the discussion.

The **EC** (Jonathan Colé) agreed with CER that the OTIF Secretariat and ERA dealt with a different range of tasks and suggested that the EVR might become a joint EU/OTIF Register under COTIF and EU law, and its management could be subject to decisions at COTIF level. He mentioned that there had been good experience with existing ERA/OTIF registers, e.g. for ECM, VKM and CSM.

ERA (Javier Vicente Fajardo) noted that the EVR should be understood as a web-based search engine through which a central register can be accessed. The data on vehicles would be stored at a central server managed by ERA but the data would remain the property of the registration entities of each CS.

CER (Christian Chavanel) expressed concern regarding the migration of data to a centralised register such as the EVR, which is a register for the EU. He explained that this may be a sensitive matter and that some member states may have security concerns. He wondered whether the EU CSs would accept non-EU CS' having access to data on vehicles through the EVR and vice versa.

FR (Cécilia Le Gal) agreed with CER and asked whether other non-EU CS could be given access rights to EVR. She also noticed a possible asymmetry with regard to the visibility of vehicles, i.e. for some CS, data on vehicles used for international and national traffic would be visible, while for others only data on vehicles used for international traffic would be visible.

The **EC** (Jonathan Colé) explained that the current level of access is to remain unchanged. The ECVVR allows all NVRs registration entities which are connected to access to data on vehicles in accordance with their access rights, including those NVRs of the non-EU CS. No additional information would be provided through the A joint OTIF/EU register would not provide greater or narrower access to data than ECVVR EVR, other than that which had already been provided by states themselves. With regard to access rights, the EVR Decision allowed other non-EU CS to be given access rights (second paragraph of point 3.3.2.)⁴.

ERA (Javier Vicente Fajardo) explained that the data on vehicles available in the NVRs were for administrative purposes only and that access to some of the data could be limited or protected if need be. In his view, this could be solved through the process of obtaining access rights to the EVR.

ERA (Christoph Kaupat) confirmed that the participation of the non-EU CS was already anticipated in EVR. Within the EUMedRail Project, Israel had expressed interest in the EVR, but the advice from the legal service of the European Commission Agency was that it was not possible to apply the existing NVR framework.

The **Secretariat** thanked the EC for the proposal on how to maintain connectivity between the EVR and the NVRs of non EU CS. It reminded the meeting that it had been following the subject closely over recent

⁴ "The access rights to data of EVR may be extended to relevant third country entities or intergovernmental organisation when an international agreement to which the European Union is party provides for that."

years and had consistently expressed the view that connection between the future EVR and the NVRs of non-EU CS should be safeguarded. The Secretariat also reminded the meeting that bearing in mind its objectives of enlargement and the MoUs which had been concluded with GCC states and with China, it should assume that some states might not be willing to store their data in the EU and might prefer to store data on their own territory.

CH (Christophe Le Borgne) agreed with FR and noted that, based on COTIF, CS are obliged to register data on vehicles intended only for international traffic. He also agreed with CER with regard to the problem of sovereignty and that this issue must be further elaborated. He indicated that CH was not willing to store data centrally outside its territory and that the principle did not comply with data protection laws in CH. Finally, he reminded the meeting that the current connected NVR solution was working satisfactorily. CH was in favour of a solution where the EVR would be connected to NVRs of states which do not participate in EVR. In its point of view, it might be useful to consider developing a VVR under the OTIF framework. CH was currently examining different possibilities on the way forward with regard to the EVR.

The **EC** (Jonathan Colé) ~~said-informed~~ that ~~if it were necessary to~~ ERA will not maintain the sNVR and NVR-TE after 16 June 2021 and costs for connecting with a NVR and, this would not be done by ERA and the relevant maintenance costs ~~should be shared among other~~ may will not be borne ~~CS and not~~ only among EU CS, as was-it is the case at present.

The **Secretariat** suggested considering possible alternatives/scenarios to ensure that the relevant vehicle data can also continue to be exchanged between CS in the future.

The **Chair** summarised the discussion under point c) so far and concluded as follows:

1. WG TECH noted the proposal by the European Commission and made comments with regard to the use of a centralised register hosting data outside of their countries and the potential lack of alternative connections.
2. WG TECH concluded as follows:
 - A paper should be prepared by OTIF Secretariat for the next WG TECH in which DG MOVE and ERA will describe the -developments within the EU, in particular the way EVR would change compared to the current situation. The paper should describe different scenarios, bearing in mind the potential membership enlargement of OTIF, i.e.:
 - All states using a centralised vehicle register
 - EU states using EVR and all non-EU states using their own NVR, ensuring connectivity between them
 - Some states using the centralised register and some their own NVR, ensuring connectivity between them.

Draft modifications to the OTIF NVR specifications

Document: [TECH-18032 v1](#) Draft modifications to the OTIF NVR specifications

The **Secretariat** presented document TECH-18032 v1, which aimed to align the OTIF NVR specification with the EU's modified NVR Decision. It informed the meeting that the modifications were in track changes compared to the OTIF's NVR Specification in force (NVR 2015) and only reflected the NVR specifications (not the EVR).

The Secretariat also informed the meeting that after publishing the document (TECH-18032 v1), it had been contacted by ERA requesting the contact details of the registration entities (RE) of the non-EU CS. Bearing in mind that the NVR 2015 did not require CSs to notify the Secretary General of their RE, the Secretariat proposed a new point 2.3 as follows:

"2.3 Registration Entity

- (a) Each Competent Authority shall designate a Registration Entity [independent of any railway undertaking] which shall be responsible for processing applications and updating the data on vehicles registered in the state concerned.
- (b) Registration Entities shall cooperate and share information in order to coordinate changes in their vehicle registers.
- (c) Contracting States which do not apply EU law shall inform the Secretary General without delay of their Registration Entity's contact details, or any changes thereto.
- (d) The Secretary General of OTIF shall publish a list of Registration Entities and the e-mail addresses at which they can be contacted."

Lastly, the Secretariat suggested that modifications to the OTIF NVR specifications could be submitted to CTE in June 2019 for adoption.

FR (Cécilia Le Gal) proposed an editorial amendment to the reading rights for ECM in the table in point 3.3 (on page 12). With regard to the restriction coding (Appendix 1 on page 16), she asked whether it was necessary to list all the tables and codes in OTIF's NVR, as all of these could instead be replaced by a reference to ERA's relevant technical document, which had already been published (*i.e. Restrictions coding*⁵). The same would apply to Appendix 2 on page 21 (*i.e. Structure and Content of the EIN*⁶). She also wondered how often ERA's technical documents would be updated.

ERA (Javier Vicente Fajardo) agreed with FR. The content of ERA's technical documents was taken from other EU (legal) documents to allow it to be updated more easily. With regard to the frequency of updates, this would depend on requests from the EU MS. ERA did not expect this to happen too often.

The **Secretariat** agreed that NVR could make a direct reference to ERA's technical documents published on ERA's website. These documents were clearly identified by the relevant number and the date of adoption. However, ERA's documents might be updated more than once a year, while OTIF's documents were usually updated only once per year. Therefore, to avoid any possible ambiguities, the draft NVR specification would continue to list all the relevant content of ERA's technical documents. If ERA's technical documents were changed, then ERA would have to inform the OTIF Secretariat in accordance with the agreed process to ensure continued equivalence between COTIF and EU rules [WG TECH 35, Bern (Ittigen), 11-12.9.2018].

ERA (Javier Vicente Fajardo) agreed with the Secretariat.

In reply to CER's request to clarify why it was pointed out that RE should be *independent of any railway undertaking*, the **Secretariat** explained that in some non-EU CS the RU might also be the RE, whereas in the EU CS the RE is an independent legal entity which validates the registration of vehicles. Therefore, to avoid any possible ambiguity, the requirement for independence was included.

CER (Christian Chavanel) proposed editorial amendments to the following points:

- 2.2, in the first paragraph, delete the word "three", so the text would read as follows: "...*due to other international agreements will have the choice among ~~three~~ two solutions.*"
- 3.2.5, point 3, second paragraph:
 - In the first indent, delete the words: "of the Annex", so the text would read as follows: "...*as provided for in section 4-~~of the Annex.~~*"
 - In the second indent, delete "in the Annex", so the text would read as follows: "...*instead of the numbering system specified-~~in the Annex.~~*"
 - In the third indent, add a footnote to describe which information must be retrievable from the Information Database of the CIS Council of Railway Transport.

⁵ ERA's technical document: *List of harmonised and national restriction codes, ERA/TD/2011-09/INT, V 1.03, dated 8 February 2017*

⁶ ERA's technical document: *Structure and content of the European Identification Number, Technical Document 013SST1139, V 1.1, dated 25 September 2018*

(Post meeting note: the OTIF Secretariat proposes to delete the words “~~listed in Article 14(5) (e), (d) and (e)~~” as this was ambiguous and could create a confusion.)

- In Appendix 2, chapter 3, point 1, second paragraph, delete “NVR”, i.e. “... ~~and publish in this NVR~~ the list of harmonised ...”.

The **Chair** summarised the discussion with regard to the draft modification to the OTIF NVR specifications and concluded as follows:

1. WG TECH discussed document TECH-18032 v1 – draft modification to the OTIF NVR specification
2. WG TECH asked OTIF Secretariat to do the following:
 - Update document TECH-18032 and submit it to WG TECH 37, with the proposal for decision for CTE in June 2019. It should make clear that ERA’s support for sNVR would be discontinued in 2021.
 - To insert a new point 2.3, as proposed at the meeting, taking into account the provisions in [...] related to independence
 - Editorial modifications as follows:
 - 2.2: only two solutions are listed (not three)
 - 3.2.5 point 3:
 - First indent: delete “ ... of the Annex”
 - Second indent, end of sentence: delete reference to Annex
 - Third indent: add a footnote to describe which information must be retrievable from the CIS information database
 - 3.3 table: in the row “ECMs”, add “except owner’s reference”
 - Appendices 1 and 2: add exact reference to and date of the ERA documents with which/to which the Appendices are harmonised/equivalent.
 - In the text in track changes there are a few places where the text is crossed out. This crossed out text should be removed (e.g. Appendix 1, chapter 3, point 2; Appendix 2, text below the first table).

d) Presentation on developments regarding National Technical Rules at EU level

Mr Christoph **Kaupat** (ERA) informed the meeting of progress on abolishing national (binding) rules, other than EU or international rules which concern National Technical Rules (NTR) and National Safety Rules (NSR) that had been notified to the EC, as well as other rules imposed by the EU MS that constitutes a potential technical, administrative or regulatory barrier to the Single European Railway Area (SERA). Once all the rules had been abolished, and in accordance with the 4th Railway Package, ERA would proceed with the development of the Single Rules Database (SRD) and a migration of data from the Reference Rule Database (RDD) and database for the Notifications using Information Technology (NOTIF-IT).

The **EC** (Jonathan Colé) informed the meeting that in the next two years (by 2020) the migration of data from RDD and NOTIF-IT to the SRD would be completed.

The **Chair** thanked Mr Kaupat for the presentation and opened the discussion.

NB-Rail (Francis Parmentier) raised a concern that new rules would be established due to the new requirements and procedures related to route compatibility.

ERA (Christoph Kaupat) explained that the IM managers would bear full responsibility for the safety of the infrastructure. Therefore, some of the NTRs related to the infrastructure which has been abolished might be published as IMs’ infrastructure rules.

The **EC** (Jonathan Colé) also explained that a revision of the OPE TSI should deal with these new rules.

CER (Christian Chavanel) pointed out the importance of revising the OPE TSI and its Appendix D, which would list the harmonised requirements/elements for train compatibility over the route between IMs and RUs. He expressed his concern that some of the internal/national rules might not be included in Appendix D of OPE TSI.

UNIFE (Christian Zumpe) wondered how these NTRs are handled within COTIF, i.e. whether the structure of the NTR is harmonised at OTIF level. He was particularly concerned with regard to rules related to staff. He also wondered whether there was a limitation to OTIF CS' introducing their national rules or should all the rules be visible?

The **Secretariat** explained that labour rules are not in the OTIF's remit and that these were therefore a national matter. In accordance with Article 12 of APTU, notification of NTRs is limited to the requirements which apply to the admission of railway vehicles. Some of the requirements might not be related to international traffic and as such, would be outside the scope of COTIF. It should not be assumed that all rules applicable at EU level are also applicable at non-EU level to be more precise.

The **Chair** summarised the discussion and concluded this item as follows:

1. WG TECH took note of the ERA presentation on developments regarding National Technical Rules at EU level
2. WG TECH remarked that new rules may be established due to the new procedures related to route compatibility.

7. FOR DISCUSSION:

COTIF National Technical Requirements – analysis of the need for further action

Document: [TECH-18023 v2](#) Analysis of the need for further action version 2

The **Secretariat** presented a modified draft working document TECH-18023 at the request of WG TECH 35, which including an additional analysis concerning the notification of NTRs. It also explained that all the modifications are in track changes compared to version 1. It uploaded the amended document (version 2) for the attention of WG TECH 36. The conclusion was that unlike RUs, the CS see no benefit in notifying the rules. The Secretariat proposed to submit the document to CTE12 and explain the conclusions, and to remind the CS of their obligation to notify and to urge them to notify.

CER (Christian Chavanel) made some editorial comments as follows:

- Page 6, second paragraph: it could be taken as understood that it is acceptable for states not to notify their NTRs to the Secretary General of OTIF. The text should be modified to clarify that the obligation continues to exist
- Page 6, fifth paragraph: modify the text so as to remind the EU also to re-notify its NTRs, bearing in mind that the last notification by the EU was in 2013
- Chapter 5, in the proposed way forward: remind CS that all NTRs must be notified in accordance with Article 12 APTU and remind the EU that it should also notify the EU NTR in accordance with Article 12 APTU.

NB-Rail (Francis Parmentier) suggested that the last paragraph in point 2.2 on page 4 concerning the exceptional checks carried out by the assessing entities should be reflected more clearly and should take into account the UTP GEN-E.

The **Secretariat** agreed with CER and NB-Rail and suggested that the paragraphs concerned be redrafted.

The **Chair** summarised the discussion and concluded this item as follows:

1. WG TECH discussed document TECH-18023 v2 dated 24.10.2018
2. Editorial recommendations to be considered in Chapters 2 and 4
3. Proposal to submit the document to CTE 12 and explain its conclusions, and for CTE to remind the CS of their obligation to notify.

8. CROSS REFERENCE TABLE OF EU AND OTIF TERMINOLOGY

Document: [TECH-17049](#) Table of correspondence between COTIF and EU terminology

The **Secretariat** had prepared draft working document TECH-17049–WGT36, dated 27 November 2018. It informed the meeting that there were no changes to the cross reference table compared to the version issued for WG TECH 35.

WG TECH took note of the table as presented. WG TECH members were invited to give the OTIF Secretariat feedback, if necessary, before the next WG TECH meeting.

9. EU-OTIF EQUIVALENCE TABLE

Document [TECH-18024](#) Equivalence table EU/OTIF regulations

The **Secretariat** had prepared draft working document TECH-18024–WGT36, dated 26 October 2018. Following the publication of the NVR Decision in the EU Official Journal, the Secretariat informed the meeting that the Equivalence Table would be updated accordingly and the new version would be submitted to WG TECH 37. The following changes were presented *at the meeting*:

- NVR, page 21, last sentence in the second paragraph to be reworded as follows:
“Adopted at RISC 82 (28-29 June 2018), pending OJ publication for final reference OJ L 268, dated 26.10.2018, p.53-91. (This change will be shown in the next version of the table)
- NVR, page 21, a new paragraph was added:
“EU and OTIF are working on finding a solution to ensure the interchange between EVR and the NVRs of non-EU States”
- ECM, page 22, first bullet point was reworded to reflect more clearly the ongoing development:
“ERA ~~draft proposal~~ draft Recommendation for Commission Implementing Act on revision of ECM Regulation and extension to other vehicles has been submitted in 2018.”

The Secretariat asked WG TECH members to give the OTIF Secretariat feedback, if necessary, before the next WG TECH meeting.

10. NEXT SESSIONS

The 37th session of WG TECH will be held on 5 and 6 February 2019 in Bern.

The 12th session of the Committee of Technical Experts will be held on 12 and 13 June in Bern.

It was proposed to hold the 38th session of WG TECH on 11 and 12 September and the 39th session of WG TECH on 19 and 20 November (to be decided later).

11. ANY OTHER BUSINESS

None.

CLOSING REMARKS

The **Chair** thanked all the participants for the productive discussion, the European Commission for hosting the meeting and the OTIF Secretariat for preparing all the documents on time and closed the 36th WG TECH meeting.

List of participants**Annex I****I. Gouvernements / Regierungen / Governments****Allemagne/Deutschland/Germany**

S'est excusé.
 Hat sich entschuldigt.
 Sent apologies.

France/Frankreich/France

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 EPSF – Établissement public de sécurité ferroviaire
 Division Système, interopérabilité et interfaces

Italie/Italien/Italy

M./Hr./Mr. **Rocco Cammarata**

Head of Technical Standards of Vehicles Office
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**Royaume-Uni/Vereinigtes Königreich/
United Kingdom**

S'est excusé.
 Hat sich entschuldigt.
 Sent apologies.

Serbie/Serbien/Serbia

Mme/Fr./Ms **Dragana Stošić**

Head of Department
 Directorate for Railways

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M./Hr./Mr. **Christophe Le Borgne**

Chef de projet Interopérabilité
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**II. Organisation régionale d'intégration économique
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Regional economic integration organisation****Union européenne/Europäische Union/ European Union****Commission européenne/
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European Commission**

M./Hr./Mr **Bertrand Collignon**
 (1st day only)

Policy Officer - Single European Area
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M./Hr./Mr. Jonathan **Colé**
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Policy Officer - Single European Area
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M./Hr./Mr. Christoph **Kaupat**

Project Officer
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M./Hr./Mr. Javier Vicente **Fajardo**

Project Officer

**III. Organisations et associations internationales non-gouvernementales
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M./Hr./Mr. Christian **Chavanel**

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M./Hr./Mr. Francis **Parmentier**

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M./Hr./Mr. Josef **Fazik**

Chargé de mission, Echange des véhicules ferroviaires

UNIFE

M./Hr./Mr. Christian **Zumpe**

Homologation Manager
Siemens

OSJD/OSShD

S'est excusé.
Hat sich entschuldigt.
Sent apologies.

**IV. Secrétariat
Sekretariat
Secretariat**

M./Hr./Mr. Bas **Leermakers**

Head of Department

Mme/Fr/Ms. Maria **Price**

First Officer

M./Hr./Mr. Dragan **Nešić**

First Officer

Approved Agenda**Annex II**

1. Approval of the agenda
2. Information from the OTIF Secretariat
 - General information
 - Status of the vote by written procedure concerning the amendments to UTP GEN-B and UTP TAF
3. Election of chair
4. Approval of the minutes of the 35th session of WG TECH
5. Preparation of documents for the Committee of Technical Experts:
 - Draft UTP covering infrastructure
6. Developments in EU regulations that are of relevance to COTIF (presented by ERA and DG MOVE):
 - Noise TSI – Status of revision process and ensuring continued compatibility with COTIF after adoption
 - 4th Railway Package TSI package – Status of revision process and ensuring continued compatibility with COTIF after adoption
 - European Vehicle Register and its connection to the National Vehicle Registers
 - Presentation on developments regarding National Technical Rules at EU level
7. For discussion:
 - COTIF National Technical Requirements – analysis of the need for further action
8. Cross reference table of EU and OTIF terminology
9. EU-OTIF equivalence table
10. Next sessions
11. Any other business