

# WORK PROGRAMME

2020/2021



**OTIF**

Intergovernmental Organisation for International Carriage by Rail



**OTIF**

Organisation intergouvernementale pour les transports internationaux ferroviaires  
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr  
Intergovernmental Organisation for International Carriage by Rail

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A FORUM FOR UNIFORM  
RAILWAY LAW MANAGING AND  
STRENGTHENING OTIF'S LEGAL  
SYSTEM ENSURE THAT RID  
REFLECTS CURRENT SAFETY  
AND TECHNICAL CRITERIA  
PROMOTE SAFE TECHNICAL  
INTEROPERABILITY ENSURE THAT  
THE SECRETARIAT FUNCTIONS  
PROPERLY AND THAT THE  
MEMBER STATES  
ARE PROVIDED WITH AN  
EFFICIENT SERVICE  
THE PROVISION OF HIGH-  
QUALITY LANGUAGE SERVICES  
CONSOLIDATE AND INCREASE  
AWARENESS OF OTIF

# INTRODUCTION

**Wolfgang Küpper**  
*Secretary General*

**R**ail transport is at the centre of the political discussion on achieving global climate targets. The advantages of environmentally friendly rail transport, particularly over long distances, are and will continue to be undisputed.

OTIF makes a significant contribution to this process of strengthening rail transport. Ensuring the legal and technical interoperability of international rail transport is the order of the day.

The 2020/2021 work programme takes explicit account of this development. In recent years, OTIF has become considerably more significant, as demonstrated by the new Member States that have joined. Now is the time to consolidate these processes and, at the same time, to use the impetus to refine OTIF's instruments.

In the coming period it will be important to ensure that the different areas of law remain compatible, aligned and useful. This is the case for provisions within COTIF, e.g. between RID and ATMF for vehicles.

In addition, compatibility between COTIF and other legal systems and provisions must also be ensured. Examples are the EU provisions establishing the Single European Railway Area, the future e-FTI rules, OSJD provisions and postal regulations.

Some of the objectives were already described in the 2018/2019 work programme, but there are some important new aspects:

- In terms of legislation, it is important that uniform application of the existing rules is ensured. The new work programme takes this into account with some specific measures, such as monitoring and assessment.
- Dangerous goods law continues to be a key point of the work. Continuously adapting the legal framework to increasingly rapid, ever-changing technical developments is a demanding, ongoing task. Important new aspects in terms of digitalisation also have to be considered.
- The same applies to the field of technical interoperability. The progress already achieved in this area needs to be developed further so that, for example, complete trains can be used in cross-border traffic as well as individual wagons.
- To achieve these aims, working procedures in the Secretariat will have to be improved and OTIF's work will have to be made clear externally. The work programme also contains some important proposals to this end.

Lastly, it is worth noting that the two-year work programme will be supplemented by a new, long-term international OTIF strategy, which will also be presented in the near future.

# A FORUM FOR UNIFORM RAILWAY LAW



**Aleksandr Kuzmenko**  
*Head of Legal Department*

## OTIF's guiding principles

**O**TIF was created by international law and is bound by the general rules of international law. The activities of the Organisation and its organs must be guided by the rule of law, particularly the following principles : legality, legal certainty, equality, transparency, proportionality.

In addition to general principles of law, OTIF's law-making activities should be governed by the principles of efficiency and effectiveness. Last but not least, it has to be ensured that OTIF's legal system is neutral in terms of its appropriateness and suitability for states with different political, legal and economic systems.

## Promoting and assisting accession to COTIF

Uniform international railway law ensures legal certainty and reduces costs, thus facilitating international trade and movement of passengers. OTIF's aim is to promote, improve and facilitate, in all respects, international traffic by rail among states, irrespective of their political, legal or economic system.

Enlarging OTIF's membership will benefit existing members and acceding states. The promotion of accession to COTIF and the provision of assistance to interested states and regions is therefore an ongoing priority for OTIF.

## Enhancing cooperation with international organisations and associations

The achievement of OTIF's aim depends, among other things, on effective and efficient cooperation with relevant international organisations and associations. In practical terms, the need for an extensive cooperation network is explained by the following factors:

- the existence of two international legal systems for rail transport, namely those of OTIF and OSJD;
- international organisations that have a general mandate for the economic development of trade and/or transport are active in the area of railway transport;
- private actors and their associations are allowed a wide degree of freedom and responsibility to implement COTIF;
- international railway law does not exist in a regulatory vacuum and it interacts with other areas of law, so functional interfaces and consistency have to be ensured.

At its 13<sup>th</sup> session the General Assembly (25 and 26 September 2018)

established the ad hoc Committee on Cooperation and mandated it to take decisions on cooperation with other international organisations and associations, including establishing and dissolving consultative contact groups with other international organisations and associations and monitoring the functioning of contact groups. The ad hoc Committee on Cooperation will coordinate its activities with the organs defined in COTIF Article 13 § 1 and will function without prejudice to the decision-making powers of other organs in accordance with COTIF.

Taking into account the existence of two legal systems for rail transport and the increase in intercontinental railway traffic, cooperation with OSJD should be enhanced in order to achieve more harmonised regulations and thus improve the competitiveness of railway transport.

The distinctive feature of OTIF's legal system is that private entities involved in international railway transport in particular are allowed broad commercial freedom and broad responsibility for defining the necessary implementing measures. Such an approach provides the necessary flexibility and enables rail transport to compete with other transport modes and to meet the needs of globalised transport markets. As a result, the roles of the relevant international associations with regard to the application and implementation of OTIF's legal system have to be clarified and cooperation with them has to be strengthened.

## Digitalisation

Digitalisation is rapidly developing and presents new opportunities and challenges for the railway sector. For the competitiveness of railway transport, it is vital that both national, regional and international regulations, as well as the railway sector itself, are adapted to meet new challenges and reap the full benefits.

Digitalisation has an impact on all areas of railway transport and other transport modes as well as on related areas, such as customs. One consequence of this is that all areas of the law developed by OTIF, particularly all the appendices to the Convention, have to be assessed in order to ascertain whether they are “ready” for digitalisation and, if necessary, any relevant adaptations have to be made. Moreover, a coordinated and harmonised approach should be ensured, as far as possible, throughout OTIF’s legal system and with other related areas, for instance OSJD’s legal system, other transport modes and customs.

## PROVISIONAL PLANNING

3<sup>rd</sup> session of the ad hoc Committee  
on Cooperation  
**2020: 1<sup>st</sup> half**

4<sup>th</sup> session of the ad hoc Committee  
on Cooperation  
**2020: 2<sup>nd</sup> half**

5<sup>th</sup> session of the ad hoc Committee  
on Cooperation  
**2021: 1<sup>st</sup> half**

6<sup>th</sup> session of the ad hoc Committee  
on Cooperation  
**2021: 2<sup>nd</sup> half**

# MANAGING AND STRENGTHENING OTIF'S LEGAL SYSTEM



**Aleksandr Kuzmenko**  
*Head of Legal Department*

## Execution of depositary functions

The Secretary General is the Depositary of the Convention concerning International Carriage by Rail (COTIF). The depositary functions are administrative and non-political. Among other things, the Secretary General's depositary functions include receiving and keeping custody of any instruments and notifications relating to COTIF, such as

- ratifications;
- declarations/reservations;
- withdrawals of declarations/reservations;
- approvals of modifications to the Convention adopted by the General Assembly;
- applications for accession to COTIF;
- notifications of railway lines, maritime and inland waterway services to be subject to the CIV/CIM legal regime etc.

To a certain extent, the execution of these functions includes the impartial exercise of control and supervision. In so doing, the Secretary General has followed the practice of the Secretary-General of the United Nations as the Depositary of multilateral treaties. His own practice as Depositary started to develop from the entry into force of COTIF as amended by the 1999 Vilnius Protocol (1.7.2006) and was summarised and published in the "Guidelines on treaty acts under COTIF. The Secretary General of OTIF as the depositary of COTIF" on 20 November 2017.

At its 13<sup>th</sup> session the General Assembly instructed the Secretary General to assist the Member States, upon request and whenever possible, in the accomplishment of national procedures that are necessary with regard to modifications adopted by the General Assembly.

Major tasks in 2020-2021 will be to achieve the approval of modifications to COTIF adopted by the General Assembly at its 12<sup>th</sup> and 13<sup>th</sup> sessions and to keep the lists of railway lines and maritime and waterway services up to date.

## Ensuring legal support for OTIF's organs

Recognising the need to ensure a consistent and coherent approach to the development and application of OTIF's legal framework, the Secretary General set up an advisory working group of legal experts. The task of the working group is to assist and facilitate the functioning of the existing organs defined in COTIF Article 13 § 1 in the legal field and to ensure the effective management of the Convention. The working group's functions are of a preparatory and advisory nature in the legal field, specifically:

- preparation of draft amendments or supplements to COTIF;
- provision of legal advice and assistance;
- promotion and facilitation of the functioning and implementation of COTIF;
- monitoring and assessing the application and implementation of COTIF;
- acting as a forum and think-tank for OTIF's members to raise and discuss relevant legal questions.

At its first session (Berne, 26 March 2019) the working group of legal experts established its 2019-2021 work programme. This work programme is flexible and may be updated by the working group, if necessary. In addition, OTIF's organs may ask the working group of legal experts to examine a particular topic. Priority issues to be examined by the working group are as follows:

- Monitoring and assessment of the implementation and application of OTIF's legal system;
- UNECE initiative on Unified Railway Law;
- Interfaces between customs and transport regulations;
- The digitalisation of international transport, particularly freight transport documents;
- Railway network access conditions and cross-border cooperation for the purpose of organising international rail transport;
- Uniform contract for international train paths;
- Liability for loss or damage caused by a vehicle (Article 7 of the CUV UR);
- Movement of empty wagons;
- Participation and representation of Member State.

## Monitoring and assessment of legal instruments

The importance of systematic monitoring and assessment (evaluation) of policy and legislation at national and international levels is increasingly being recognised. In order to achieve effective implementation of the aims, legal instruments have to be relevant and must remain relevant over time, as well as being applied uniformly throughout the Member States and regional organisations.

The aim of OTIF is to promote, improve and facilitate, in all respects, international traffic by rail (COTIF Article 2 § 1). OTIF pursues this aim mainly through different legal instruments, 'hard law' and 'soft law'. COTIF explicitly provides a legal basis for establishing a monitoring and assessment policy. One of the actions set out by COTIF to achieve its aim is to keep a watch on the application of all the rules and recommendations established within the Organisation (COTIF Article 2 § 1, letter e)), so an appropriate policy and institutional arrangements have to be developed and adopted to execute this action in a systematic, consistent and coherent way.

OTIF's monitoring and assessment mechanism will be developed by the working group of legal experts and submitted to the next ordinary session of the General Assembly in 2021 for approval.

## PROVISIONAL PLANNING

3<sup>rd</sup> session of the working group of legal experts  
**2020: 1<sup>st</sup> half**

4<sup>th</sup> session of the working group of legal experts  
**2020: 2<sup>nd</sup> half**

5<sup>th</sup> session of the working group of legal experts  
**2021: 1<sup>st</sup> half**

6<sup>th</sup> session of the working group of legal experts  
**2021: 2<sup>nd</sup> half**

# ENSURE THAT RID REFLECTS CURRENT SAFETY AND TECHNICAL CRITERIA



**Jochen Conrad**  
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Like the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN), the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) are revised every two years.

The ongoing development of RID takes place in several stages. First of all, every two years RID is harmonised with the UN Recommendations on the Transport of Dangerous Goods, which are developed by the UN Sub-Committee of Experts. In parallel, the work of the RID/ADR/ADN Joint Meeting takes place, whose task is to develop harmonised dangerous goods provisions for all the land transport modes (rail, road and inland waterways). The rail-specific requirements are defined by the RID Committee of Experts and its standing working group.

## UN Recommendations on the Transport of Dangerous Goods

The United Nations Sub-Committee of Experts on the Transport of Dangerous Goods develops global recommendations on the transport of dangerous goods, which are then carried over by the competent international organisations into the dangerous goods regulations for the various transport modes (sea, air, rail, road, inland waterway). In 2020, this Committee will

conclude work on the 22<sup>nd</sup> revision of the UN Recommendations on the Transport of Dangerous Goods. The OTIF Secretariat takes part in the work of this Committee in an advisory capacity. In 2021, this Committee will start work on the 23<sup>rd</sup> revision of the UN Recommendations, which will then come to fruition for rail transport in the 2025 edition of RID.

In order to carry over the amendments from the 22<sup>nd</sup> revised edition of the UN Recommendations, the Joint Meeting set up a working group whose task is to draft proposals on how the amendments adopted for the UN Recommendations can be integrated into RID/ADR/ADN 2023. At a three day meeting in May 2021, this working group will draft a proposal on the basis of a draft to be prepared by the UNECE and OTIF Secretariats to carry over the amendments adopted by the UN Committee of Experts in December 2020 into RID/ADR/ADN. This means that detailed discussions at the Joint Meeting can be avoided.

## Common dangerous goods provisions for land transport

The RID/ADR/ADN Joint Meeting develops the dangerous goods provisions that apply jointly to all the land transport modes (rail, road and inland waterways). The RID department of the OTIF Secretariat provides the Secretariat for the Joint Meeting, together with the Secretariat of the UNECE Transport Division.

A total of five weeks of meetings have been planned for the 2020-2021 biennium of the RID/ADR/ADN Joint Meeting, starting with the spring session in 2020. Decisions the Joint Meeting takes in this biennium will be reflected in the 2023 editions of RID, ADR and ADN. Each year, more than 50 official documents published in OTIF's three working languages and in Russian, and around 100 informal documents, which are usually made available in English only, must be dealt with.

## Rail-specific dangerous goods provisions

The rail-specific dangerous goods provisions are defined by the RID Committee of Experts and its standing working group.

The provisions for the international carriage of dangerous goods by rail are continuously amended, and must also be applied in domestic transport in the EU Member States in the context of EU Directive 2008/68/EC on the inland transport of dangerous goods. Provisions adopted by the RID Committee of Experts therefore have direct legal force, take effect well beyond OTIF and therefore ensure the significance of the Organisation for the whole sector. The RID Committee of Experts only meets once every two years in order to approve the decisions of its standing working group. The next session is planned for May 2020, where all the texts for the 2021 edition of RID will receive final approval.

The standing working group, which prepares the RID Committee of Experts' decisions, will hold one two-day and two one-week meetings in the 2020-2021 biennium. The two-day meeting in May 2020 will conclude the work for the 2021 edition of RID and the one-week meetings in November 2020 and November 2021 will discuss provisions that are specific to the railways and which will enter into force in 2023. After the meeting in November 2021, where the focus will be on examining the amendments adopted by the RID/ADR/ADN Joint Meeting for the 2023 edition, there will be coordination between the Member States of the European Union and the results of this will be taken into account in the concluding meeting of the RID Committee of Experts in 2022.

In order to further the work on harmonising RID and SMGS Annex 2, the Member States of OSJD will be invited to the meetings of the RID Committee of Experts and its standing working group and Russian interpretation will be provided.

## 2021 Edition of RID

### Extra-large tank-containers

It is expected that the 2021 edition of RID will contain the first provisions for extra-large tank-containers. Such tank-containers, which were developed by a German chemical company in conjunction with a Belgian tank-container manufacturer, have a capacity and payload equivalent to two conventional tank-containers or one bogie tank-wagon.

### Guidelines on digitalisation

It is also expected that the 2021 edition of RID will refer to guidelines on using electronic data exchange to comply with the documentation requirements for the carriage of dangerous goods. This should ensure the availability, security and evidential value of data when using an electronic transport document for the carriage of dangerous goods.

### Other new features

Some of the other new features include new packing provisions for infectious wastes which, in the event of an epidemic, should ensure that it is as easy as possible to get hold of large quantities of packagings to collect waste from hospitals.

## 2023 Edition of RID

For the 2023 edition of RID, the following topics are already being discussed, in addition to the inclusion of new dangerous products:

- Include provisions for the carriage of sodium batteries;
- Establish the state of charge of lithium batteries in order to reduce the hazards of lithium batteries during transport;
- Use recycled plastics to manufacture intermediate bulk containers (IBCs) and large packagings;
- Revise the construction and testing requirements for fibre-reinforced plastic tanks;
- Different danger label design for flammable substances and flammable gases and for toxic substances and toxic gases;
- Improve the report for occurrences in the transport of dangerous goods;
- Consider the inclusion of construction and testing requirements for 1520 mm gauge tank-wagons.

## Joint Coordinating Group of Experts (JCGE)

In 2016 and 2017, a working group met four times, together with the European Commission. The aim of the meetings was to investigate how consistency between the dangerous goods regulations and the safety and interoperability provisions can be improved. This working group recommended setting up a Joint Coordinating Group of Experts (JCGE), in which experts in the transport of dangerous goods, experts in railway technology and also representatives of the relevant branches should be represented.

The JCGE meetings are jointly organised by the European Commission and OTIF. In OTIF, recommendations prepared by the JCGE will be submitted to the RID Committee of Experts and the Committee of Technical Experts and in the European Commission, they will be submitted to the Railway Interoperability and Safety Committee (RISC) and the Committee on the transport of dangerous goods, which will decide what to do with the recommendations. For example, the RID Committee of Experts may decide to include protective aims in RID. The RISC Committee may for example adopt a delegated act mandating ERA to develop a TSI in conformity with the technical specifications/provisions described by the JCGE.

Following its first two meetings in 2019, at which the Rules of Procedure and a prioritised list of subjects were produced, this group will continue its work in the years to come.

## Cooperation with the Organisation for the Cooperation of Railways (OSJD)

Since 2012, there has been close cooperation between the RID Department and the OSJD Committee, with the aim of ensuring harmonisation between RID and SMGS Annex 2, the dangerous goods law applied by the OSJD Member States. This cooperation leads to considerable simplification of dangerous goods transport between these two legal regimes.

In order to further this harmonisation, the OSJD Member States are also invited to the meetings of the RID Committee of Experts' standing working group. In return, the RID Department can take part in an advisory capacity in all meetings of the OSJD Commission on the development of SMGS Annex 2 and its working groups. As the working languages of the OSJD Committee (Chinese and Russian) and the OTIF Secretariat (German, English and French) are not the same, since 2015 RID has been translated into Russian and made available on OTIF's website.

Almost all the amendments adopted for RID are also integrated into SMGS Annex 2, and enter into force six months later.

## **Working together with the Cooperation Council for the Arab States of the Gulf (GCC)**

In 2014, a Memorandum of Understanding was concluded between OTIF and the General Secretariat of the Cooperation Council for the Arab States of the Gulf (GS-GCC) in order to prepare the accession of the GS-GCC and the GCC Member States to the Convention concerning International Carriage by Rail (COTIF).

The OTIF Secretariat has been informed that various GCC Member States have already concluded contracts for the delivery of American tank-wagons. These are built in accordance with North American standards. As RID refers to mandatory EN standards for the construction and testing of tanks, it will have to be checked whether the North American standards are equivalent. This will be examined in an external study so that it can be decided how this should be taken into account in RID, if necessary.

## Cooperation with the United Nations Economic Commission for Europe

WP.15 is the body of the United Nations Economic Commission for Europe (UNECE) responsible for the ongoing development of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR). Its decisions must also be applied in domestic transport in the EU Member States in the context of EU Directive 2008/68/EC on the inland transport of dangerous goods. The OTIF Secretariat's RID Department will take part in WP.15 meetings in an advisory capacity in order to work towards harmonised provisions for European land transport.

## Cooperation with the International Union of Railways (UIC)

The UIC's Group of Experts on the Transport of Dangerous Goods prepares the railways' positions on proposals submitted to the RID/ADR/ADN Joint Meeting and RID Committee of Experts, and prepares proposals of its own. The OTIF Secretariat's RID Department will take part in an advisory capacity in the two-day meetings held twice a year.

## PROVISIONAL PLANNING

RID/ADR/ADN Joint Meeting  
**Berne, 16 to 20 March 2020**

12<sup>th</sup> session of the RID Committee of Experts' standing working group  
**Berne, 25 and 26 May 2020**

56<sup>th</sup> session of the RID Committee of Experts  
**Berne, 27 May 2020**

3<sup>rd</sup> session of the Joint Coordinating Group of Experts (JCGE) (jointly organised with the TECH Department)  
**Berne, 8 to 9 September 2020**

RID/ADR/ADN Joint Meeting  
**Geneva, 14 to 18 September 2020**

13<sup>th</sup> session of the RID Committee of Experts' standing working group  
**23 to 27 November 2020**

RID/ADR/ADN Joint Meeting  
**Berne, one week in March 2021**

4<sup>th</sup> session of the Joint Coordinating Group of Experts (JCGE) (jointly organised with the TECH Department)  
**to be decided**

RID/ADR/ADN Joint Meeting  
**Geneva, two weeks in September 2021**

14<sup>th</sup> session of the RID Committee of Experts' standing working group  
**one week in November 2021**

# PROMOTE SAFE TECHNICAL INTEROPERABILITY

## From reciprocal use of vehicles to the truly international operation of trains



**Bas Leermakers**  
*Head of Technical Interoperability Department*

### Principles underpinning the development of technical provisions

In accordance with the decision taken by the Committee of Technical Experts at its 11<sup>th</sup> session (12-13 June 2018) the following principles underpin further development of the technical provisions of COTIF:

1. Harmonisation of technical and operational rules is most useful if it is implemented over the widest possible geographical scale. Attracting new Contracting States is therefore relevant. COTIF provisions should make sense and be of use in different geographical areas and between states which may have different legal systems. The structure of railways can differ as well, ranging from competitive open-access to fully integrated state monopolies. COTIF should build a bridge between these differences.
2. Compatibility between the technical provisions of COTIF and provisions of European Union (EU) law is an important aim, as is the continued mutual acceptance of vehicles authorised or admitted in accordance with equivalent provisions.

Reliable and fast transport is of increasing importance to the business of companies and national economies. Rail competes in international traffic with other modes of transport, i.e. road, inland waterways and air which, due to their system architecture, are less bound by interfaces between both technical systems and operational aspects. In order for rail transport to remain competitive, it is inevitable that national rail systems must become more aligned and interconnected so that complete trains can cross borders and operate truly internationally. This type of operation has the potential to improve the efficiency of rail transport hugely by reducing transit times and costs as a result of limiting the number of border crossing stops and organisational interfaces. The Technical Interoperability Department of OTIF works on the legal provisions to help achieve these aims.

3. States may choose the level of interoperability suitable for them, i.e. border crossing of vehicles only or of complete trains. The technical provisions should cater to requirements at all levels and should therefore be appropriately flexible. However, this also justifies the development of far reaching interoperability provisions to be used only between states which want to facilitate the cross-border operation of complete trains.
4. Compatibility with EU legislation must be maintained. This does not mean that all aspects can be taken over, as the general scope of COTIF must be complied with. For example, elements from EU legislation linked only to market opening, either for services or for products, should not be taken over, as there is no basis for them in COTIF.
5. There may be potential to simplify some existing COTIF provisions which have already been taken over from EU law, for example those linked to vehicle admission/authorisation (consisting of verifications, declarations, certifications etc.). It could e.g. be analysed, in coordination with sector organisations, whether the number of different levels related to vehicle admission (i.e. 'interoperability constituents' (IC) level, subsystem-level and vehicle-level) are actually useful or could be reduced.

6. The technical provisions of COTIF should be attuned to the possible accession of additional regional economic integration organisations which meet the conditions of Article 38 of COTIF. Provided the relevant conditions are met, these organisations should be able to enjoy similar legal relations with COTIF as the EU currently enjoys<sup>1</sup>. In this context the feasibility of the following should be analysed:

- The current symmetry between EU law and ATMF as set out in Article 3a of ATMF.
- The requirement for a 2-column layout in UTPs as set out in Article 8 § 9 of APTU.

Any feasibility analysis or proposal for modification of these provisions should be accompanied by specific alternative proposals which ensure that no functionality will be lost, and by an analysis of the advantages and disadvantages of the proposed modifications.

7. The technical provisions should consist of:

- Prescriptive rules to ensure interoperability, but limited in scope to what is essential in terms of the aims of the Convention and the scope of its Appendices. This is a well-established principle of the existing UTPs.
- Where relevant, recommended practices for efficient and harmonised solutions whose application is voluntary. Examples are Appendix C to the UTP/TSI for freight wagons and the draft provisions for interchangeable passenger coaches.

**1** The preconditions for such similar legal relations should be met, such as, for example, similar and compatible requirements concerning: approval of railway material, procedures and responsibilities concerning railway operations and maintenance; verification procedures and independence; qualification requirements related to the entities/ authorities which perform the tests/checks.

## Development of the UTPs

On 1 March 2019, the modifications to the APTU and ATMF adopted by the Revision Committee at its 26<sup>th</sup> session entered into force. The modifications ensure continued compatibility with the provisions of the railway Directives applicable in the EU in the context of the “technical pillar” of the fourth railway package.

Following the compatibility that has been established between the EU railway Directives and APTU and ATMF, the next step to be addressed is the more detailed subsidiary provisions. This includes, for example, ensuring continued equivalence between OTIF’s UTPs and the EU’s TSIs, provisions related to vehicle registers and rules for the certification of entities in charge of maintenance (ECMs). In addition to facilitating interoperability, harmonising technical rules has a positive side effect of providing economies of scale for railway products, as they can be built and ordered to common standards. As a result of complying with common standards, these railway products will also better retain their value over time.

Priority will be given to rules relevant to freight wagons, as most freight wagons are used internationally. This means that in 2020 proposals will be made to modify:

- the UTP concerning freight wagons;
- the UTP concerning rolling stock noise;
- the UTP concerning vehicle marking;
- Annex A to ATMF, laying down the rules for the certification of entities in charge of maintenance.

As a next step, in 2021, the UTPs which are relevant to vehicles other than wagons will be addressed, such as the UTPs concerning locomotives and passenger rolling stock.

In addition to updating the existing UTPs, in 2018 the Committee of Technical Experts mandated its working group to develop proposals for new suitable and feasible provisions concerning infrastructure.

There is a difference in principle between the application of COTIF to vehicles and the application of COTIF to infrastructure. As vehicles cross borders, it is very important that they are accepted for use in international traffic on the networks of all Contracting States. In contrast, fixed installations remain stationary in one state and are not therefore subject to acceptance by other states.

The purpose of infrastructure requirements should be to promote compatibility between neighbouring lines and networks, without compromising coherence between international lines and the domestic network. In addition, most lines are not used exclusively for international traffic and therefore, are not used only in the scope of COTIF, which concerns international traffic only. At the same time, harmonised provisions at international level could lead to the convergence of networks, which would be in the interest of international railway traffic and would therefore match the aims of OTIF. All these elements need be taken into account in the proposals brought forward to the Committee of Technical Experts for adoption.

## Developments related to the EST UR (Appendix H)

In September 2018, at the 13<sup>th</sup> session of the General Assembly, a new Appendix H to COTIF, further referred to by its acronym, EST<sup>2</sup>, was adopted.

The purpose of the EST is to provide general safety principles and responsibilities for the interoperability of trains between states that already fully apply APTU and ATMF. The provisions are based on and intended to be compatible with the provisions applicable to the rail system of the EU. In order to effectively realise interoperability, it seems inevitable that states, in addition to applying the EST, will have to conclude access agreements for trains coming from one state to run on the infrastructure in another state, including e.g. licensing, charges and capacity allocation.

<sup>2</sup> According to established practice the Appendices to COTIF are referred to in all language versions by an acronym derived from the French name of the Appendix, in this case "Règles uniformes concernant l'exploitation en sécurité des trains en trafic international" (EST).

## COMPATIBILITY WITH EU LAW

**T**he technical interoperability provisions of COTIF (APTU, ATMF and the future EST) are based on EU law and are compatible with it. This compatibility is essential for both non-EU vehicles used in the EU as well as EU vehicles used outside the EU. There is clear consensus that continued compatibility needs to be ensured.

In 2011, the EU acceded to COTIF and bound itself in accordance with the accession agreement. In their mutual relations EU Member States apply EU law and it is therefore indispensable that COTIF and EU law remain compatible. At the time of writing, 26 of the 43 states that apply APTU and ATMF are also members of the EU. At the same time COTIF should continue to offer neutral international law.

Today the EU is establishing common rules for a ‘Single European Railway Area’ (SERA), with the aim effectively to do away with all obstacles to the crossing of borders between the EU Member States. The transposition of these EU rules within EU Member States is overseen and enforced by the European Commission. The European Union Agency for Railways (ERA) has been assigned the role of a central authority, with the competence to issue vehicle authorisations and safety certificates to railway undertakings.

By contrast, COTIF is a treaty between sovereign state parties and is in principle implemented and enforced at national level. COTIF applies to international traffic only and COTIF does not provide for a central authority, like ERA is for the EU. Functions and responsibilities defined in the scope of COTIF which, at EU level, are centrally assigned to ERA are, generally speaking, assigned to a national authority in non-EU States.

The differences in concept between the EU rules establishing the SERA and COTIF make it difficult for some EU provisions to be carried over into COTIF, in particular where reference is made to a central authority or central database. The OTIF Secretariat will continue its intensive coordination with Member States, the EU institutions, and sector organisations in order to ensure that the interests of both EU and non-EU OTIF Member States are taken into account. It should therefore remain equally possible and effective to apply COTIF’s technical provisions between EU Member States and their neighbours as between states which have no borders with the EU.

Entry into force of the EST is pending approval by two-thirds of the OTIF Member States which, according to previous experience, may take several years. After this required approval is obtained it will take approximately one year for the provisions to enter into force. The General Assembly recommended in 2018 that the Committee of Technical Experts prepare proposals for annexes to the EST before it enters into force. The proposals could then be adopted by the Committee of Technical Experts without delay after the EST enter into force.

More particularly, in order to implement the requirements of the EST in a harmonised way, the annexes to be developed will include:

- A Common Safety Method for safety management system requirements to be applied by Safety Certification Authorities when issuing Safety Certificates and by railway undertakings and infrastructure managers when developing, implementing, maintaining and improving their safety management systems;
- A Common Safety Method on monitoring to be applied by railway undertakings and infrastructure managers and entities in charge of maintenance;
- The necessary links to the Common Safety Method on risk evaluation and assessment to be applied by the railway undertakings, infrastructure managers and entities in charge of maintenance when making any technical, operational or organisational change to the railway system;
- A Common Safety Method on supervision to be applied by Supervision Authorities.

Furthermore, the Committee of Technical Experts will consider the inclusion of harmonised procedures for the issuing of Safety Certificates.

Considering the relatively long time it might take for the EST to enter into force, it is proposed not to give the development of these annexes priority, but to start developing them once the UTPs have been updated in accordance with this work programme.

## PROVISIONAL PLANNING

13<sup>th</sup> session of the Committee of  
Technical Experts  
**16 to 17 June 2020**

40<sup>th</sup> session of the working group  
technology  
**17 to 18 June 2020**

3<sup>rd</sup> meeting of the Joint Coordinating  
Group of Experts (jointly organised  
with the RID Department)  
**8 to 9 September 2020**

41<sup>st</sup> session of the working group  
technology  
**9 to 10 September 2020**

42<sup>nd</sup> session of the working group  
technology  
**November 2020**

14<sup>th</sup> session of the Committee of  
Technical Experts  
**June 2021**

43<sup>rd</sup> session of the working group  
technology  
**June 2021**

4<sup>th</sup> meeting of the Joint Coordinating  
Group of Experts (jointly organised  
with the RID Department)  
**2021 to be decided**

44<sup>th</sup> session of the working group  
technology  
**September 2021**

45<sup>th</sup> session of the working group  
technology  
**November 2021**

# ENSURE THAT THE SECRETARIAT FUNCTIONS PROPERLY AND THAT THE MEMBER STATES ARE PROVIDED WITH AN EFFICIENT SERVICE



**Lunesterline Andriamahatahitry**  
*Head of Administration and Finance Department*

The task of the Administration and Finance Department is to assist the Secretary General and the Organisation's other departments in carrying out their activities by providing administrative and IT support. It is also in charge of organising meetings of the General Assembly and Administrative Committee.

The work programme for the Administration and Finance Department for the next two years will centre around one theme: the improvement of support services by modernising the IT infrastructure, the human resources policy and the critical examination of internal work processes with a view to improving efficiency.

It is also worth noting the project to renovate the headquarters building, which will occupy the Department throughout the biennium.

## Maintain regular dialogue with the Member States

In addition to the three meetings of the Administrative Committee over the two year period, the Department of Administration and Finance will organise the 15<sup>th</sup> session of the General Assembly, which will be held in September 2021.

The Department will continue to ensure that the Member States receive the documents and decisions of the two organs and will make sure that regular dialogue is maintained with all the Member States by means of informal meetings.

It will pay particular attention to producing and sending out the documents to support the discussions within the deadlines specified in COTIF or the two organs' Rules of Procedure and will take the action necessary for the sessions to take place, particularly by ensuring that there is a quorum.

## **Put in place the tools necessary to ensure the continuity of services within the Secretariat**

### **Modernisation of the IT infrastructure:**

Information and communication technologies play a key role in the provision of services to the Member States, as well as contributing to the OTIF Secretariat's performance. They are an essential tool that enable the Secretariat to carry out its tasks effectively.

An effective and reliable IT infrastructure that fully meets the Organisation's current and future requirements is therefore essential.

The current IT infrastructure is based on IT equipment that has reached the end of its useful life. In addition, the increasing digitalisation of working methods makes it necessary to rethink the IT strategy by including a plan for the continuation of IT activity that guarantees that work can continue in the event of a major malfunction involving the IT system.

It is planned to call upon consultants to define a strategy for the information and communication technologies that will enable the Organisation to plan the necessary investments and eliminate any risk of vulnerability in its IT system.

The call for tenders will be issued in the first half of 2020.

## Planning and predictive management of human resources:

Bearing in mind the prospect of some staff leaving over the next two years, either because they have reached the total renewal duration of their contracts (12 years in total, Art. 30 § 1 of the Staff Regulations) or because they are taking early retirement (Art. 47 of the Staff Regulations), the Organisation has to anticipate future recruitment.

One of the conditions for making the Organisation attractive is to make the social benefits and other advantages the Organisation offers clear and transparent.

The results of the study on social benefits and the career development of OTIF staff will be available in the course of the second quarter of 2020. The study should lead to recommendations that will be submitted to the Administrative Committee in the last quarter of 2020 and might be followed by a revision of the Staff Regulations.

## Address conditions of employment so as to optimise staff efficiency

The constant increase in the workload with the same number of staff constrains the Organisation to be efficient without losing sight of the staff's requirements and motivation.

Training, for example, is one of the motivating factors that help staff remain loyal to the Organisation, and which benefits both the staff member and the Organisation, thus contributing to the aim of efficiency.

### Training programme 2020 – 2021

A training programme for the period 2020 – 2021 consistent with the Organisation's strategy will be drawn up in the first four months of 2020. Particular attention will be paid to cross-cutting training, starting with the skills base common to all the departments, so as to enable a large number of staff to benefit.

The aim is for all members of staff to take part in at least one training course in the two year period so that they can gain or improve a skill that they will use at work, which will ultimately help improve the collective performance, to the Organisation's advantage.

## Introduction of teleworking

The pilot project on teleworking for the translators implemented on 1<sup>st</sup> January 2020 will be assessed in the last quarter of 2020. The result of the assessment will be used to finalise guidelines on teleworking applicable to all OTIF's staff.

Extending the possibility of distance working within a structure the size of OTIF requires common rules to maintain the link between the teleworker and the rest of the staff, the link between the Secretariat of OTIF and the Member States.

The Staff Association will be involved in drafting the guidelines on the staff's work, the aim being to issue definitive guidelines in the last quarter of 2020.

## Renovation of the building – feasibility study

OTIF's current building was inaugurated in 1966. At the time, the Central Office for international carriage by rail, the forerunner of OTIF, had 28 Member States and only two working languages, French and German. The Organisation is now made up of 50 Member States and one Associated State and it now has three working languages with the addition of English in 2002.

Since the Vilnius Protocol, the Organisation's tasks have been expanded, not to mention the role of secretariat of the Supervisory Authority resulting from the Luxembourg Protocol.

The existing building has not undergone any major renovation work since it was built more than 50 years ago. Up to now, the only solution that has been considered was to relocate the headquarters, either by renting offices or by moving the headquarters within Switzerland or to another city in Europe.

Ultimately, it was not possible to deliver the solution to relocate the Organisation's headquarters to the UPU building in a construction to be financed by OTIF. It is now time to consider another option which has so far been ignored: renovation of the existing building to modernise it and make it functional.

Under the direction of the head of the Administration and Finance Department, a project team made up of staff from the various departments, chosen irrespective of their grade, but who have had experience in construction or building renovation, will have the task of defining the outline design brief.

We will then call on a specialist to study the brief, analyse the feasibility of the work and estimate the associated costs.

The results of the feasibility study, the estimated cost of the work and the funding options can be presented to the Administrative Committee in the last quarter of 2020, which will take a decision in light of the various options.

# THE LUXEMBOURG PROTOCOL

## Preparation for the entry into force of the Luxembourg Protocol

The Luxembourg Protocol was adopted at the diplomatic conference held in Luxembourg in February 2007. It sets up a new legal regime for the recognition and enforcement of securities, particularly those of creditors and lessors when these securities are in railway rolling stock. A registry will be set up for this as well as a Supervisory Authority for the registry.

In line with the decision of the 10<sup>th</sup> General Assembly, OTIF will act as the secretariat of the Supervisory Authority once the Protocol enters into force.

In 2019, the Secretariat of OTIF continued discussions with the stakeholders in the Luxembourg Protocol, particularly the Preparatory Commission, so as to consolidate the draft texts relating to the Supervisory Authority's rules of procedure and its statutes. The two documents were submitted to the Administrative Committee, which approved them.

In 2020, the Secretariat of OTIF will continue to promote the Protocol by taking part in information meetings on the Protocol organised in partnership with UNIDROIT. It will also aim to establish the substance of OTIF's tasks as the secretariat of the Supervisory Authority and designate the three Member States that will represent the Organisation in the Supervisory Authority.

In terms of the latest information on the countries that are signatory to the Protocol, it is likely that the conditions necessary for the Protocol to enter into force will be met in 2020. The Secretariat will then be responsible for preparing the first meeting of the Supervisory Authority in the course of 2021.

## PROVISIONAL PLANNING

Study on social benefits,  
IT system audit,  
Training programme 2020 - 2021,  
Brief for the renovation of OTIF's  
headquarters,  
Preparation of the draft agreement  
between OTIF and the Supervisory  
Authority in the framework of the  
Luxembourg Protocol  
**Q1 - Q2 2020**

133<sup>rd</sup> session of the Administrative  
Committee  
**Q2 2020**

Analysis of the feasibility study and  
funding options for renovating OTIF's  
headquarters,  
Guidelines on teleworking,  
Call for applications for the post of  
Secretary General  
**Q3 - Q4 2020**

134<sup>th</sup> session of the Administrative  
Committee  
**Q4 2020**

Revision of the Staff Regulations,  
Discussion with the Member States  
on setting up the next Administrative  
Committee,  
Preparation of the 15<sup>th</sup> General  
Assembly  
**Q1 - Q2 2021**

135<sup>th</sup> session of the Administrative  
Committee  
**Q2 2021**

15<sup>th</sup> General Assembly  
**Q3 2021**

# THE PROVISION OF HIGH-QUALITY LANGUAGE SERVICES



**Joana Meenken**  
*Head of Translation Department*

## Deliver good quality translations on time

The particularity of OTIF as an intergovernmental organisation with three working languages and areas of work with very different linguistic and terminological features places high demands on the Translation Department. As a cross-cutting department that provides services for all the other departments within OTIF and all the organs of COTIF, the translators have to satisfy a diverse range of requirements: firstly, all the deadlines set down in COTIF, the Rules of Procedure and the internal planning have to be met, and secondly, translations and interpretation at the meetings of OTIF's organs have to satisfy the linguistic demands of diplomatic, legal, technical and financial usage. Achieving this core task of the Translation Department will also be the main priority over the next two years, and all other tasks will be subordinate to this. However, this also explains why the two projects described below will need to be carried out in the 2020/2021 biennium.

## Set up a common terminology database for the OTIF Secretariat

Terminology work is part of the translation process. It enables standardised terms to be used in the texts and language of an organisation or undertaking. For an organisation such as OTIF, which works with different areas of terminology, consistent terminology work is particularly important. OTIF has its own general organisational terminology from COTIF and the sometimes differing and very specific terminology used in the various departments (international railway contract law, dangerous goods, railway technology, budget and finances) as well as the terminology of its partner organisations, such as the EU, UNECE, OSJD, etc.

Since 2012, OTIF's translation team has worked with the SDL Trados translation software. In addition to the translation program itself, Trados Studio, other team-based components have also been installed. The most important terminology program is the MultiTerm terminology database. With the "team version" currently used exclusively within OTIF's Translation Department, all members of the team can access the database simultaneously, add terms, classify them, or amend or delete them.

As a result of various enquiries from the other departments as to whether it would be possible to broaden access to the terminology database to the entire Secretariat, this question was examined in detail. The most obvious option, at first glance, of opening the MultiTerm server version to all members of staff in the Secretariat was rejected. This solution is neither affordable nor desirable. Too many active users with write permission would be inimical to achieving standardised terminology. What is needed instead is a solution in which the operational departments have read access only and can submit terminology suggestions to the translation department.

SDL does offer this option: MultiTerm Workflow. Over the next few months, the Translation Department will be in touch with SDL and will familiarise itself with the program. It will look into all the advantages and disadvantages, as well as the cost factor and technical feasibility in the context of the OTIF Secretariat's IT environment. If this option appears to be feasible and can be funded, the work necessary to set up the program will be started and work will also start on the common, internal terminology database for the Secretariat. As this work will be ongoing and will be carried out in addition to or during the translation process, there will not be a specific completion date, insofar as such a project can ever really be considered as "complete".

## Develop internal OTIF editorial rules

This aim of this project is also to achieve standardisation in OTIF texts. It is a fundamental problem of international organisations with several working languages that, because of the multilingual nature in relation to the individual languages to be used for the rules and regulations, some slight confusion may arise. There are good reasons why the European Union (Institutional Style Guide) and the United Nations (United Nations Editorial Manual), to mention just two examples, have published rules in all their working languages on how to draft texts.

OTIF would also benefit from having its own internal, language-specific editorial rules, as it produces a wide variety of different text types. The Translation Department has already been considering this idea for some time. The new 2020-2021 work programme should now provide the impetus to start work on this project. As the translation work itself must always take priority, this task has a somewhat lower priority, although it is anticipated that a preliminary draft could be available by the end of 2020.

## Introduce teleworking for the translators

In the context of the project on teleworking for OTIF's translators, which has been comprehensively discussed and approved in the Administrative Committee, the last documents required for the project are currently (September 2019) being completed (teleworking guidelines and teleworking agreements with the individual translators). Starting in January 2020, there will be a twelve month pilot phase and, provided this is successful, the opportunity to telework will be introduced for OTIF's translators on a permanent basis.

## PROVISIONAL PLANNING

Pilot phase for teleworking begins  
**Q1 2020**

Analyse the options for a common terminology database  
**Q1 to Q2 2020**

Start work on the internal editorial rules  
**Q1 to Q2 2020**

Start work on the terminology database  
**Q3 to Q4 2020**

First draft of the internal editorial rules  
**Q4 2020**

Definitive teleworking begins  
**Q1 2021**

# CONSOLIDATE AND INCREASE AWARENESS OF OTIF



**Sarah Pujol**  
Communication Officer

**F**or the Communication Department, the 2020-2021 work programme will be pursued in the context of renewal, while maintaining continuity.

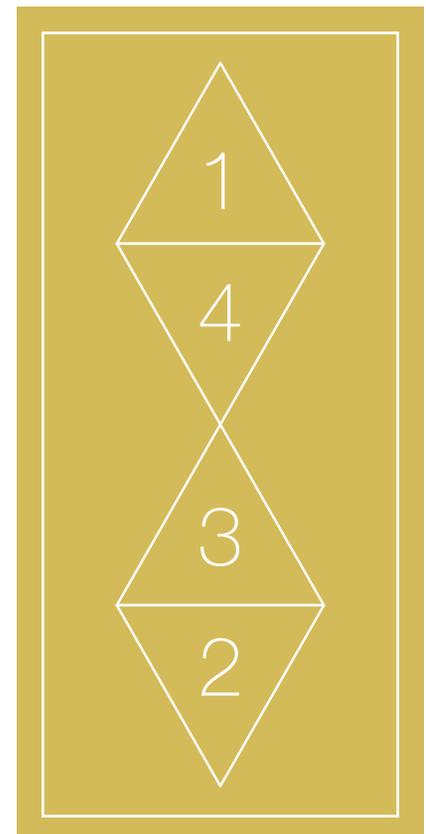
The four inalienable principles that have guided the Department's and the Secretariat's actions will continue to provide the framework for developing OTIF's communications:

- Ensure that messages and publications are consistent
- Develop an increasingly modern and innovative image
- Ensure the frequency of messages
- Measure, evaluate and improve the communication tools

## ACTIONS FOR COMMUNICATION DEPARTMENT

- △ **1. ATTRACTIVENESS**  
modern image: website, video, revamping of publications
- ▽ **4. MONITORING**  
Measure, evaluate and improve, monitoring tools, surveys, website
- △ **3. CONSISTENCY**  
Consistency of image, messages and publications, new wording
- ▽ **2. FREQUENCY**  
of messages to maintain the rhythm of publications

## FOUR PRINCIPLES OF COMMUNICATION



## Redesigned publications

The design and content of OTIF's publications, such as the Bulletin, the Annual Report, the work programme, the brochure and PowerPoint presentations were modified in 2015. The aim was to modernise the Organisation's image radically.

Without breaking with the partly traditional and partly fresh work carried out over the last five years, the Communication Department will update the design and layout of all OTIF's publications, beginning with this work programme. Readers and users have not been won and it is vital that an organisation's communications are regularly given a boost. OTIF's visual identity is designed to be mobile and adaptable to modern visual codes and flexible over time.

For this upgrading work, the graphic and editorial styles will be refined to achieve a more striking result. Further simplifying the layout and how information is organised will make dense and complex content easier to read.

## Digital presence

Having a presence on social networks and a continually evolving website and developing communication media such as videos are all ways of ensuring the Organisation's digital presence.

In 2020 and 2021, the Communication Department will produce and disseminate videos on the Internet. These videos will take different forms. The choice will depend on the message to be communicated. For example, some will be informative and explanatory animations, while others will be mini reports that will bring OTIF's events to the attention of a broader public.

In particular, the Organisation will release its publications and videos on the social networks. OTIF will be present on these networks, while remaining neutral. It will share "posts" and "tweets" from other sources, in line with its status as an intergovernmental organisation.

Lastly, the cornerstone of the digital strategy is the Organisation's website, which will be improved in line with changes and developments in the other departments.

## PROVISIONAL CALENDAR

Modification of the design and layout  
of OTIF's publications

**Q3 of 2020**

Dissemination of video

**From the 2<sup>nd</sup> quarter of 2020 and in  
2021**

Improving the website  
**2021**

# LIST OF ABBREVIATIONS

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## **ADN**

European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways

## **ADR**

European Agreement concerning the International Carriage of Dangerous Goods by Road

## **APTU**

Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic

## **ATMF**

Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic

## **CIM**

Uniform Rules concerning the Contract of International Carriage of Goods by Rail

## **CIV**

Uniform Rules concerning the Contract of International Carriage of Passengers by Rail

## **COTIF**

Convention concerning International Carriage by Rail

## **CUV**

Uniform Rules concerning Contract of Use of Vehicles in International Rail Traffic

## **ECM**

Entity in Charge of Maintenance

## **e-FIT**

electronic freight transport information

## **ERA**

European Union Agency for Railways

## **EST**

Uniform Rules concerning the safe operation of trains in international traffic

## **EU**

European Union

## **GCC**

## **IC**

Interoperability constituents

## **IT**

Information Technologies

## **JCGE**

Joint Coordinating Group of Experts

## **OSJD**

Organisation for Cooperation between Railways

## **OTIF**

Intergovernmental Organisation for International Carriage by Rail

## **RID**

Regulation concerning the International Carriage of Dangerous Goods by Rail

## **RISC**

Railway Interoperability and Safety Committee

## **SERA**

Single European Railway Area

## **SMGS**

Agreement concerning International Freight Traffic by Rail (OSJD)

## **TSI**

Technical Specification for Interoperability

## **UIC**

International Union of Railways

## **UN**

United Nations

## **UNECE**

United Nations Economic Commission for Europe

## **UNIDROIT**

International Institute for the Unification of Private Law

## **UR**

Uniform Rules

## **UTP**

Uniform Technical Prescriptions

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