

Coordination between the EC and COTIF regulations, **Consequences for the railway sector**

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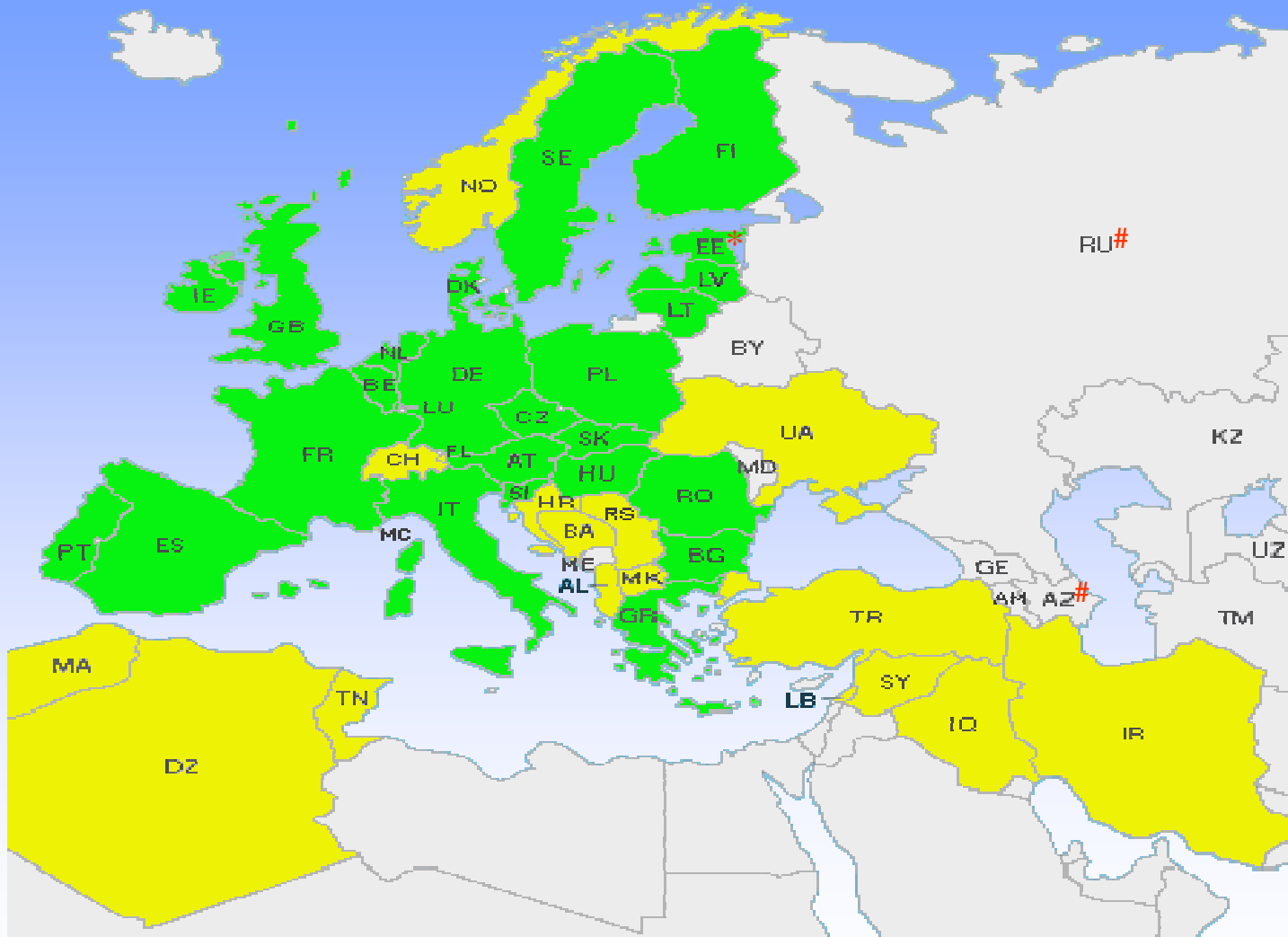


What is the difference between COTIF and OTIF?

- OTIF is the intergovernmental organisation that administers the COTIF Convention
- Predecessor founded in 1893 (OCTI)
- International law (Völkerrecht)
- COTIF 1980 -> COTIF1999 (Vilnius)
- **COTIF1999** entered into force **1 July 2006**
- 43 Member States, including all 25 EU Member States with railways



Member States OTIF - 2008



OTIF	43, inclusive
EC	25 EC

* Estonia becomes OTIF Member State from 1 January 2009.

Russia and Azerbaidjan have started accession discussions with OTIF



Purpose of OTIF

- OTIF makes available Uniform Rules concerning international carriage by rail (on the territory of the Member States)
- It offers a platform at intergovernmental level for harmonised regulations covering international rail transport
- COTIF has no enforcing means, it is based on the value of international cooperation based on rights and obligations governed by international law



COTIF 1999

7 Appendices

- **CIV** – International Carriage of Passengers
- **CIM** – International Carriage of Goods
- **RID** – International Carriage of Dangerous goods
- **CUV** – Contracts of Use of Vehicles (replaces RIP)
- **CUI** – Contract of Use of Infrastructure
- **APTU** – Technical Standards and Prescriptions
- **ATMF** – Admission of Railway Material



Main challenge:

Harmonization of CIM/SMGS consignment notes + Cross-acceptance of rail vehicles

- More non-harmonized systems of transport law coexist in Eurasia, an important area for the future of the railways
- OTIF strategy:
 - Cooperation with OSJD
 - Form the link between OSJD and ECby
 - Step by step harmonization of the CIM/SMGS consignment notes
 - Agreement between OTIF and OSJD concerning the technical approval system



COTIF1999 Technical Approval System

Scope of COTIF1999

§ 1 to promote, improve and facilitate, in all respects, international traffic by rail, in particular by

- establishing systems of uniform law
- removing - in the shortest time possible - obstacles to the crossing of frontiers

- **establishing interoperability and technical harmonisation in the railway field**
- **establishing a uniform procedure for the technical admission of railway material in international traffic (cross-acceptance)**



COTIF1999 Technical Approval System

is composed of 2 Appendices to COTIF1999

- **Specifications** = Appendix F (APTU)
 - Rules for adopting specifications
 - The specifications included in Annexes
- **Procedures** = Appendix G (ATMF)
 - Rules for the approval, and the mutual recognition
 - Models of certificates and other documentation

and a **Committee of Technical Experts**

- to discuss proposals and decide the legal regulations by simple majority – to enter into force 6 month later



COTIF1999 Technical Approval System

Committee of Technical Experts - Remit:

- To “validate” technical standards and provisions (for inclusion in the APTU Annexes)
- To decide uniform models for the approval certificates
- To decide what information is needed for the register (data bank)
- To check applications and further development
- To expound, interpret and mediate



COTIF1999 Technical Approval System

Technical specifications (the APTU Annexes)

- General
 - subsystems, essential requirements, technical file, assessment modules, etc.
- Traction
- Wagons (freight)
- Coaches (passenger)
- Infrastructure (limited to the interface with vehicles !)
- Operation
- Control-Command
- Information technology (TAF, TAP)
- Cross-cutting specifications
 - Noise, Tunnel safety, Pass with reduced mobility, etc.

Equal to the EC TSIs, but only for international use

The APTU Annexes will abrogate the Technical Unit (1938)



COTIF1999 Technical Approval System

Technical specifications (the APTU Annexes)

Main idea is to

- base the regulations on standards
 - ATMF Article 7 § 2: A technical standard, shall constitute the proof that the know-how contained in that standard represents a generally recognised technical rule
- harmonisation of specifications
 - Full harmonisation is already the case in RID for dangerous goods
 - Create binding international rules, or
 - Cross accept national rules, as used in RIV and RIC for decades
- full cross acceptance of approvals



Existing different (national) requirements to

- Profiles (clearance)
- power supply, design of catenary
- ATP-Systems (!) (Automatic train protection systems)
- train-radio
- pantograph (and its supervision)
- limits of disturbing currents, EMC, etc.
- head and rear signals, horns
- operational requirements (e.g. side-mirrors)
- working safety
- fire safety
- environmental protection, noise-limits (inside and outside)
- design of locomotive-control functions
- ?



Cross acceptance by “add on”



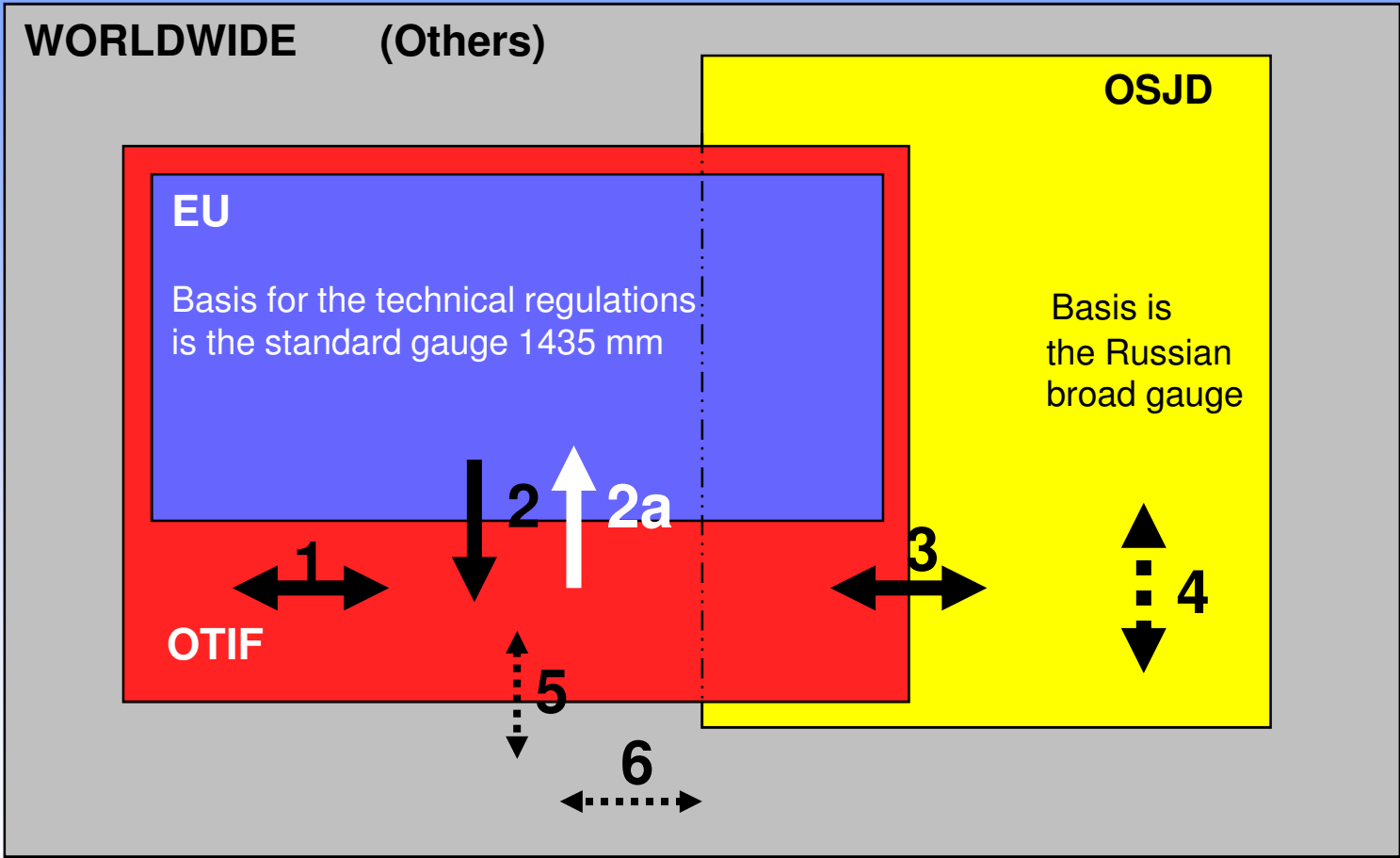
COTIF1999 ↔ European Community

The present situation

- The EC regulations (Interoperability and Safety Directives) are in force – compulsory for the EC Member States
- The COTIF1999 Technical Approval System (Annex F &G) has not been developed and implemented yet, due to the constraints caused by EC process and “7 years” of ratification process
- Not compatible in all aspects →
EC States also Members of OTIF could face a problem
- All EC States have declared (Article 42) **not** to use APTU, ATMF and CUI (Contract of Use of Infrastructure)



Revised concept (of the COTIF Approval System)



Revised concept (of the COTIF Approval System)

Process

- A revised concept has been unanimously accepted in principle in October 2004 – EC to be considered as a federal State with own rules for “domestic” traffic
- A subgroup had in 2006 finished the legal proposals to make COTIF 1999, technical Appendices (F & G) **compatible** with the EU regulations at that time
- Legal adoption through the simplified procedure by the OTIF Revision Committee – no additional ratification necessary – was due, but
- EC **blocked** the adoption until the new Interoperability and Safety Directives would be in place in the EC and a general disconnection clause agreed with OTIF
- Now, the new IO Directive is in force and the subgroup has revised the 1st proposal accordingly – last meeting 19 November 2008



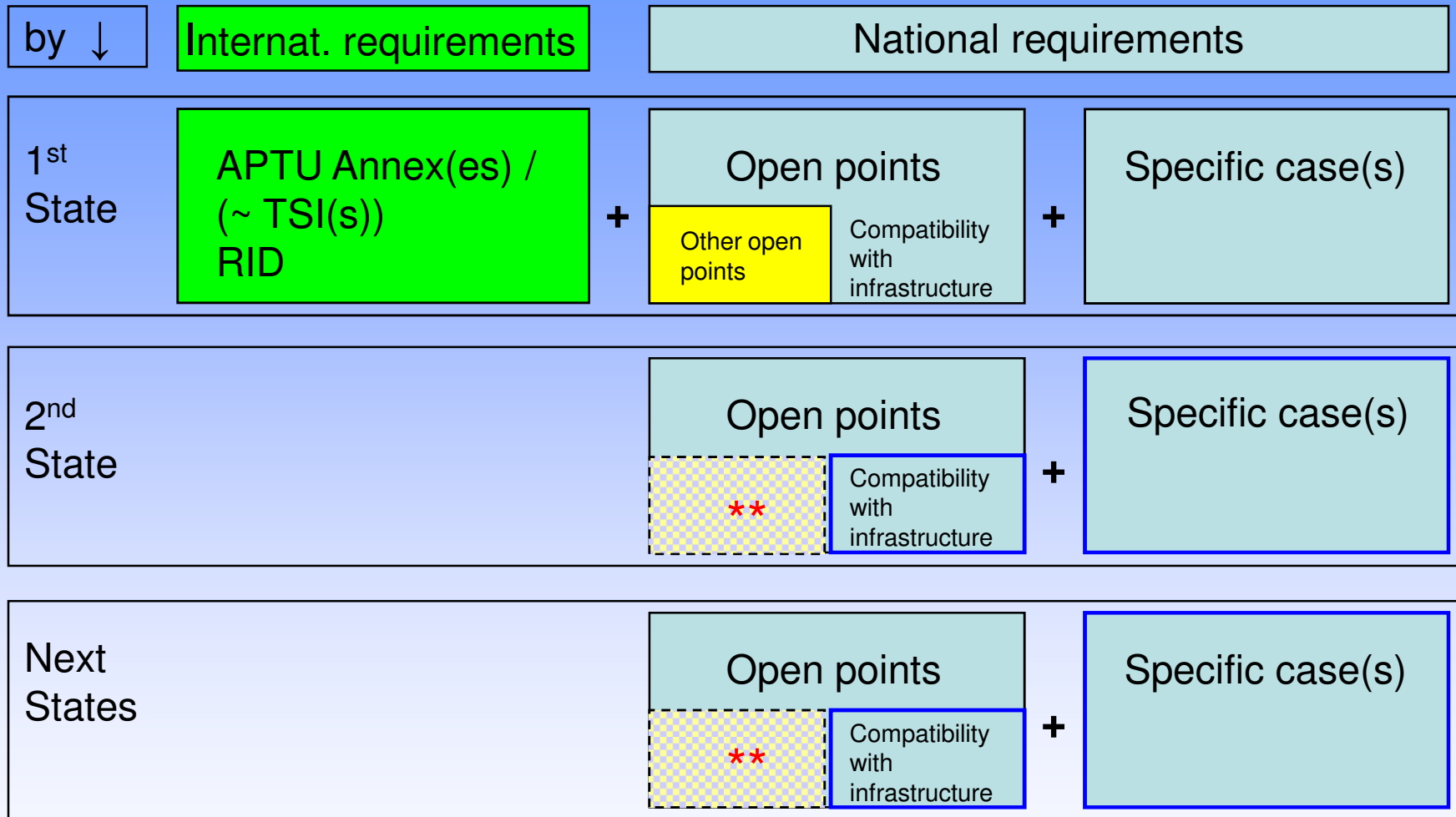
Revised concept (of the COTIF Approval System)

Harmonisations (EC → COTIF)

- Vehicles limited for operation only inside the EC may respect EC law instead of COTIF rules
- Based on equivalent essential and detailed requirements in TSIs and APTU, the authorisations are **mutually valid**
- Specific cases and alternative target systems are introduced
- Notified national provisions are introduced, and shall be categorised
- Equivalence table (Cross acceptance table) for national provisions, TSI and APTU Annex provisions, to be decided by the CTE
- Validated standards shall constitute proof of conformity – checks may still be carried out, but not repeated!
- Mutual recognition of authorisations, certificates, declarations, verifications, documentation and tests
- Only specific cases and “open points” relating to the vehicles compatibility with the infrastructures) has to be assessed in other States that the first one



COTIF technical admission - Requirements to be assessed:



** = Requirements of 1st State for open points not relating to compatibility with infrastructure are cross accepted by all other Contracting States (OTIF/EC)

 Equivalence table to be applied, equivalent requirements shall only be assessed once !



Revised concept (of the COTIF Approval System)

Harmonisations (EC → COTIF) continued

- NoBos will be possible (called “suitable bodies”), but not mandatory, qualification provisions to be included in ATMF
- The EC assessment modules will be copied into an APTU Annex
- OTIF is copying the system with entities in charge of maintenance (ECM) but we do not see the need, the keeper should be responsible!
- The Committee of Technical Experts will get competence to adopt rules concerning certification of keepers, ECMs and workshops
- The division into subsystems will follow the EC system, and be flexible for further development
- The specifications of essential requirements will be equivalent
- APTU Annexes will show the corresponding EC regulation (2 column)
- The registers of rolling stock will be harmonised and cooperating
- The Vehicle Keeper Marking (VKM) has been introduced in cooperation with the European Railway Agency (ERA)
- The OTIF Secretariat and ERA to form a central body for vehicle coding



Revised concept (of the COTIF Approval System)

- Standards and CWAs are extremely useful as they have been composed and agreed between the experts and users and form the "best practise" and often also the "state of the art"

How are (excerpts of) standards used in the revised concept?

- Mandatory when indicated in a provision of a TSI/APTU Annex
- Voluntary when included in the list of validated international standards (examined and decided by the Committee of Technical Experts)
- If the applicant in his application for an authorisation indicates that a validated standard from the list has been complied with in order to fulfil specific (functional) requirements, the assessor shall presume the requirement fulfilled, but he might still check that the compliance is really achieved
- References to other standards may shorten the description in the application



Revised concept (of the COTIF Approval System)

Harmonisation done through revised IO Directive

- Type authorisations have been included, as in COTIF
- Cross acceptance has been introduced
- Transitional provisions for RIV/RIC
- Correctional procedure has been introduced
- All rules concerning authorisations of vehicles are now included in the IO Directive, (not some in the Safety Directive as before)



Revised concept (of the COTIF Approval System)

Remaining differences – but no problems

- COTIF is only for vehicles in international traffic – EC is also for domestic traffic
- The scope of COTIF is all vehicles, not only new, renewed or upgraded
- The COTIF authorisations are at vehicle (subsystem) level, not at component level - but CTE will get competence to decide voluntary rules for verifications/declarations for Interoperability Constituents
- COTIF's aim is not to “open market” like EC – however, COTIF does not prevent it
- NoBos will be possible (in COTIF called “suitable bodies”), but not mandatory
- Simplified administration – “one stop shop” to obtain an authorisation for a selection of States, and the applicant may freely choose where to apply – the authorities and assessing bodies shall cooperate



Revised concept (of the COTIF Approval System)

Problems remaining

- A synchronised joint procedure for adopting TSI and APTU Annexes and their entering into force has not been agreed,
 - EC wants first to draft and adopt TSIs, then inform OTIF
 - OTIF has presented a proposal for cooperation through the whole process, including participation in all the ERA WPs
- The OTIF Secretariat has been excluded from the ERA WPs drafting TSIs and other regulations (as of June 2007)
- The EC tries to conclude individual agreements with non-EU OTIF Member States to apply Community law instead of COTIF

And hope

- The representative from the EC Commission has indicated that when the harmonisation is carried through, the Commission will ask the EC Member States to cancel their reservations against APTU and ATMF



Revised concept (of the COTIF Approval System)

Both specifications and procedures to be harmonised

**The ambition is that for the user
it should work as one system !**

The revised concept could be adopted before mid 2009
and in force mid 2010.



Thank you very much
for your interest / patience!

www.otif.org

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