



Interoperability legal framework and UTP/TSI drafting

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Content of this presentation

- Principles of interoperability
- COTIF legal framework
- EU legal framework
- Differences/similarities between COTIF and EU regulations
- Revised Appendices APTU and ATMF
- UTP Introduction
- UTPs in force & in drafting



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Principles of Interoperability

- The common EU transport policy was provided in the Treaty of Rome, 50 years ago
- In 1992, the European Commission published the White Paper calling for the opening of transports throughout Europe, to revitalize the railway sector
- In 1999, the revised COTIF Convention, expanding the Convention to include technical regulations for railway vehicles in international operation, was adopted; it entered into force 1 July 2006
- In 2004 the OTIF Member States decided to adapt COTIF technical rules to the EU regulations

The **aim** of the EU and COTIF regulations in the technical field is in reality **the same**:

→ **Develop legislations for facilitations, improvements and better competitiveness of railway traffic and, consequently, to shift the balance between transport modes, with the ultimate objective of reducing congestion on the roads**



Principles of Interoperability

Today facing a technical patchwork:

- 5 types of electrification
- 21 signalling systems
- 5 track gauges
- 5 classes of axle load
- 6 loading gauges

National technical requirements and operational rules

Aim:

1. Facilitate, improve and develop international rail services
2. Achieve interoperability = the ability of a rail system to allow the safe and uninterrupted movement of trains/vehicles which accomplish the required level of performance
3. For **EU only**: Create “Common market for railway supplies” = Contribute to the progressive creation of the internal market in equipment and services for the construction, renewal, upgrading and operation of the rail system in the EU



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COTIF legal framework

- The **Convention**, version 1999, and
- Its appendices with provisions for vehicles (as of 1 December 2010)
 - **ATMF** (procedure provisions)
 - Applications, assessments and technical admissions
 - Certificate models
 - Registers, such as vehicle registers (NVR)
 - Transitional provision - automatic admission of existing RIV, RIC, “grid”-marked vehicles
 - **APTU** (technical specifications)
 - Uniform Technical Prescriptions (**UTP**)
 - Validated Standards
 - **RID** (dangerous goods)



COTIF legal framework

What is an OTIF validated standard ?

- a standard, or **part of it**, which has been validated by the Committee of Technical Experts and published as such on the OTIF website, cf. APTU Art. 5.
- **voluntary**, but can be explicitly referenced in a UTP (or RID) and thereby become mandatory
- The use of a validated standard gives **presumption** of compliance with the UTP requirements (but the assessing entity may still check that the use of it is relevant and that it has been correctly applied)
- An OTIF validated standard ~ EU harmonised standard



COTIF legal framework

Are COTIF regulations mandatory ?

- **YES**, for the Contracting States, according to international law
- A Contracting State (CS) is a Member State which has made no reservations according to Art. 42 not to use APTU and ATMF
- At present, all* EU Member States are NOT Contracting States and therefore not members of the Committee of Technical Experts when UTPs are discussed and voted upon (*Poland's reservation is valid from 1 January 2011)
- A reservation can at any time be revoked, with immediate effect
- A Contracting State **shall** make COTIF regulations mandatory to its citizens – either through individual implementation or by a general national law which automatically makes COTIF directly applicable



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EU legal framework

- Directive
- Regulation
- Decision

They can be adopted by:

- the Council of the European Union,
- the European Parliament and the Council of the EU jointly,
- the European Commission



EU legal framework

– Directive

is a legal act binding on the Member States as regards the objectives to be achieved but leaves it to the national authorities to decide on how the agreed objective is to be incorporated into the national legal systems

The Member States are under an obligation to adapt their national law in line with Community rules as described in the directives



EU legal framework

— **Regulation** is a legal act with

- a) **general character**, which means that it lays down the same law throughout the Community and applies in full in all member states

- b) **direct applicability**, which means that it does not have to be transposed into national law

Regulations confer rights or impose duties on the EU citizens in the same way as national law



EU legal framework

– **Decision** is a legal act

- a) of individual application: **the persons** (legal or natural) **must be named in it** and **are the only ones bound by it**
- b) is binding in its entirety
- c) is directly applicable to those to whom it is addressed



EU legal framework

The most important EU Directives in force:

- Directive 2008/57/EC on **Interoperability**, replacing the previous HS and CR Interoperability directives (96/48 and 2001/16, both amended by 2004/50)
- Directive 2008/110/EC amending the **Safety** directive (2004/49)
- Directive 2008/68/EC on **Dangerous goods** (~RID)



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Differences between

COTIF



EU

Scope: COTIF only international (border crossing) vehicles

Infrastructure and operation rules are national responsibility – only compatibility with vehicles ensured

Protection of minorities (“declarations Art.42”)

No restrictions for marketing of components (No market opening)

UTPs are decided by the CTE, i.e. Committee of Technical Experts (WG TECH shall prepare drafts)

Terminology

- Design Type Certificate, Certificate of Operation
- Uniform Technical Prescriptions (UTP)

↔ Scope: EU all vehicles (also those only used in national traffic)

↔ Obligatory infrastructure and operation rules are decided by EU – tunnels, platforms, fencing, signalling, etc.

↔ Majority in EU decide – very few derogations possible

↔ Restrictions on marketing of IC components (Market opening)

↔ TSIs are decided by the European Commission (RISC may reject TSI drafts)

↔ Terminology

- Authorisation for types of vehicles, Authorisation for placing in service
- Technical Specifications for Interoperability (TSI)



Similar/equivalent regulations in COTIF and EU

- The technical requirements are identical/equivalent
- The Certificates/Authorisations/Declarations are mutually recognised, i.e.:
- Cross acceptance between OTIF Contracting States (including EU, cf. ATMF Art. 3a)
 - Contracting States are those without reservations according to COTIF Article 42
 - After making APTU/ATMF compatible with EU regulations, the formal obstacles for revoking the EU Member States reservations are gone
- National technical requirements to be notified and published (OTIF website) (APTU Art.12)
- Equivalence table with the national rules categorised and declared equivalent by Committee of Technical Experts – only one rule to be checked fulfilled (APTU Art. 13)
- Assessing entity can be a “Suitable Body”/EU Notified Body (ATMF Art. 5)



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APTU & ATMF revision

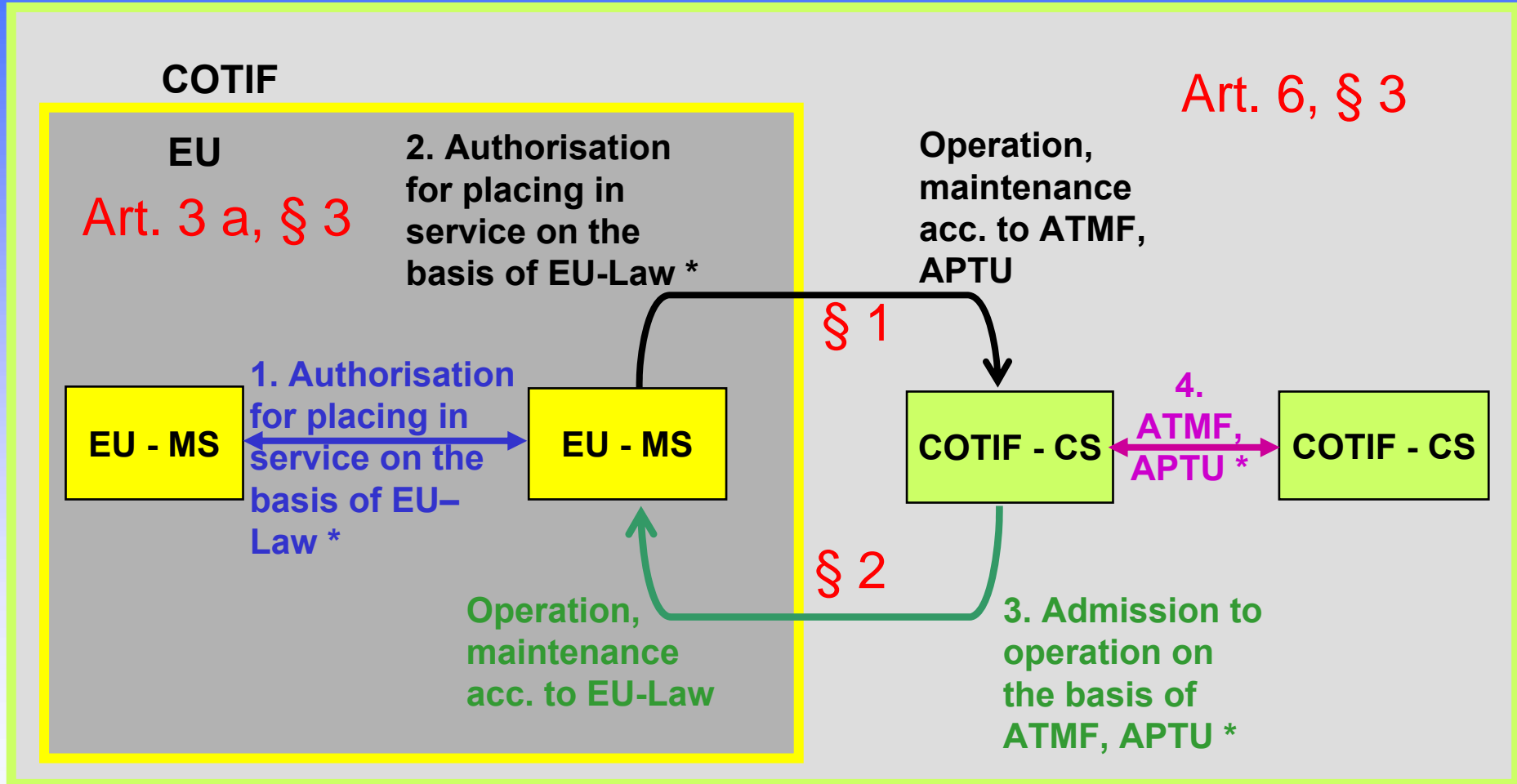
After **6 years** of work in the ad-hoc “Schweinsberg”-group, the Revision Committee in 2009 adopted the **revised APTU and ATMF**, made compatible with EU regulations in force (Interoperability Directive 2008/57/EC)

They enter **into force on 1 December 2010**

Cross acceptance of vehicles is ensured independently of which regulations the admission has been made (EU or COTIF), but only **if** the technical specifications in **TSIs and UTPs are equivalent**; although the admission procedures may differ



ATMF, Article 3a - new



* = + assessment of national requirements for the applicable networks (compatibility)



National technical requirements, APTU Art. 12 - new:

1. APTU enters into force on 1 December 2010



Contracting States shall within 3 months inform the Secretary General of all their national technical requirements applicable to international rail traffic, i.e. on **1 March 2011** at the latest.

2. When a Uniform Technical Prescription
 - enters into force,
 - an update enters into force



Contracting States shall **within 6 months** with justification inform the Secretary General about which national technical requirements they still require applied – **if not, these requirements are cancelled !**



Classification of national technical requirements - APTU Art. 13 - new:

- a) **Structure of the notified national requirements according to the Annex of the APTU**
 - ➡ assigned to the different characteristics of the vehicle
(*Vehicle dynamics, draw and buffer gears...*)

- b) **Classification of the national technical requirements**
 - ➡ **A:** international standards,
 - ➡ **B:** rules, that do not fall within the scope of A and C or that has not yet been possible to classify in one of these groups,
 - ➡ **C:** rules which are strictly necessary + associated with technical infrastructure characteristics (e.g. pantograph)

- c) **Add the Uniform Technical Prescriptions and the EU – TSI to complete the document**



Equivalence table

APTU Art. 13 - new:

d) CTE may decide to declare equivalence between:

- ➔ national technical requirements of different Contracting States
 - ➔ uniform technical prescriptions according to APTU Article 8 and/or regulations of the EU (i.e. TSI),
 - ➔ between national technical requirements and uniform technical prescriptions
- **Equivalence to be indicated in an equivalence table, published on the OTIF website**



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Maintenance of vehicles

ATMF Art. 15 - extended:

Maintenance of Rolling Stock

- ➔ responsibility of an “Entity in charge of maintenance” (ECM):
- ➔ Each vehicle shall have its ECM registered in the NVR
 - a) **Keeper, Railway Undertaking or IM may be an ECM**
 - b) **Certification regime for ECM for freight wagons**
(certification by the competent authority, by accredited certification body or by a certification body which has been recognized by the competent authority),
 - ➔ Certification bodies need to fulfil the requirements in Art. 5 §§ 3, 5 – 7 of the ATMF + criteria set up and decided by the CTE



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Subsystems

Due to its extent and complexity, for practical reasons, the rail system is broken down into the following subsystems (UTP GEN-B and EU Directive 2008/57/EC, Annex II):

- **structural areas:**
 - infrastructure,
 - energy,
 - control-command and signalling,
 - rolling stock,
- **functional areas:**
 - traffic operation and management,
 - maintenance (supply service)
 - telematic applications for passenger and freight services.



Essential requirements

(UTP GEN-A and EU Directive 2008/57/EC, Annex III)

- **General** essential requirements related to:
 - safety,
 - reliability and availability,
 - health
 - environmental protection
 - technical compatibility
- **Specific** essential requirements to each subsystem, related, when appropriate, to one or more of the above areas

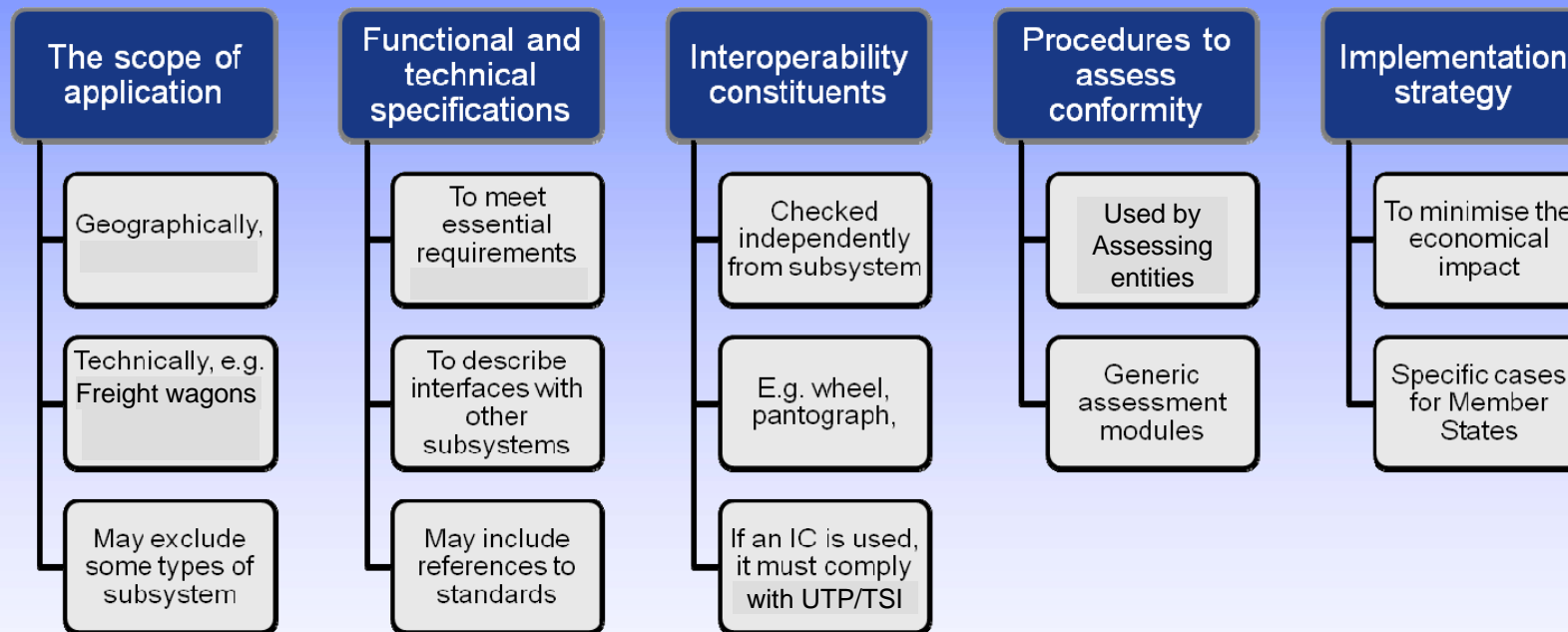


Open point in a UTP/TSI

- If an essential requirement has not (yet) been (fully) covered by detailed functional and technical specifications (in chapter 4), it is indicated as an “open point”
- Open points are listed in the UTP/TSI and split into 2 categories:
 - not relating
 - relating to the vehicles compatibility with infrastructures
- Notified national technical requirements apply to open points,
- Open points will be “closed” in future revisions of the UTP/TSI



Contents of a UTP/TSI for a subsystem



Model structure of a UTP/TSI for a Subsystem

Chapter 1: Technical and geographical scope

Chapter 2: Definition of sub-system

Chapter 3: Essential requirements that apply to the subsystem – and where in chapter 4 to find the related specific requirements

Chapter 4: Characterisation of sub-system (basic parameters) – detailed functional and technical requirements

Chapter 5: Interoperability Constituents

Chapter 6: Assessment of conformity

Chapter 7: Implementation and

Chapter 8: Specific cases (UTP in 8, TSI in 7)



If the mandatory TSI/UTP does not meet your requirements ?

Your influence is **NOW !** – through the national delegates in CTE

Later after the entry into force of the TSI/UTP, you have only 3 options for that case:

- Specific case (for your country) – if CTE agrees
- Derogation (**very** limited)
- Declaration of no/reduced APTU/ATMF use

➡ But they all reduce/ruin the cross acceptance and free circulation of the vehicle in other OTIF/EU Member States !

-

An option *might be* to have your requirement included in the UTP as an “alternative target system”



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COTIF regulations in force - since 1 August 2009

General provisions – applicable to all subsystems

- UTP-GEN-A (ex.1-A) Essential requirements
 - UTP-GEN-B (ex.1-B) Subsystems
 - UTP-GEN-C (ex.1-C) Technical File (incl. Maintenance File)
 - UTP-GEN-E (ex.1-E) Assessing Entity -
Qualifications and independence
-
- National Vehicle Registers (NVR)
 - Vehicle Keeper Marking Code (VKM)



COTIF regulations planned

To be adopted by Committee of Technical Experts
September 2010 → in force 1 March 2011:

General provisions – applicable to all subsystems

- UTP-GEN-D Assessment procedures (Modules)
- UTP-GEN-F Definition of the OTIF rail-system
- UTP-WAG Freight wagons (incl. wagon related part of TSI CCS + OPE)
- UTP-NOI Noise (all types of vehicles)

Next

- UTP-LOC&PAS Locomotives and passenger carriages
- UTP-INF Infrastructure
- UTP-ENE Energy



Thank you
for your attention
- and patience

