

ATMF

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

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Article 1

Scope

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

Article 2

Definitions

For the purposes of these Uniform Rules and its Annex, the term

- a) “Contracting State” means a Member State of the Organisation which has not made a declaration in respect of these Uniform Rules in accordance with Article 42 § 1, first sentence of the Convention;
- b) “international traffic” means the circulation of railway vehicles on railway lines over the territory of at least two Contracting States;
- c) “rail transport undertaking” means a private or public undertaking which is authorised to carry persons or goods and which ensures traction;
- d) “infrastructure manager” means an undertaking or an authority which manages railway infrastructure;
- e) “keeper” means the person who, being the owner or having the right to dispose of it, exploits a railway vehicle economically in a permanent manner as a means of transport;
- f) “technical admission” means the procedure carried out by the competent authority to admit a railway vehicle to circulation or other railway material to use in international traffic;
- g) “admission of a type of construction” means the procedure, relating to a type of construction of a railway vehicle, carried out by the competent authority, by which the right is granted to deliver, by a simplified procedure, an admission to operation for vehicles which correspond to that type of construction;
- h) “admission to operation” means the right granted by the competent authority for each railway vehicle to circulate in international traffic;
- i) “railway vehicle” means a vehicle suitable for circulation on its own wheels on railway lines with or without traction;
- j) “other railway material” means any railway material intended to be used in international traffic not being a railway vehicle;
- k) “Committee of Technical Experts” means the Committee provided for in Article 13 § 1, letter f) of the Convention.

Article 3
Admission to international traffic

- § 1 Each railway vehicle must, for circulation in international traffic, be admitted in accordance with these Uniform Rules.
- § 2 Technical admission shall have the aim of ascertaining whether the railway vehicles satisfy
- a) the construction prescriptions contained in the Annexes to the APTU Uniform Rules,
 - b) the construction and equipment prescriptions contained in the Annex to RID,
 - c) the special conditions of an admission under Article 7 § 2 or § 3.
- § 3 §§ 1 and 2 as well as the following articles shall apply mutatis mutandis to the technical admission of other railway material and of elements of construction either of vehicles or of other railway material.

Article 4
Procedure

- § 1 Technical admission shall be carried out
- a) either, in a single stage, by the grant of admission to operation to a given individual railway vehicle,
 - b) or, in two successive stages, by the grant
 1. of admission of a type of construction to a given type of railway vehicle,
 2. then admission to operation of individual vehicles corresponding to this type of construction by a simplified procedure confirming that they are of this type.
- § 2 This provision shall not affect the application of Article 10.

Article 5
Competent authority

- § 1 Technical admission of railway vehicles to circulation and of other railway material to use in international traffic shall be the task of the national or international authority competent in the matter in accordance with the laws and prescriptions in force in each Contracting State.
- § 2 The authorities referred to in § 1 may transfer to bodies recognised as suitable, competence to grant technical admission on condition that the authorities shall ensure their supervision. The transfer of competence to grant technical admission to a rail

transport undertaking while others are excluded from that competence, shall not be allowed. Furthermore, the transfer of competence to an infrastructure manager participating directly or indirectly in the manufacture of railway material shall be prohibited.

Article 6

Recognition of technical admission

Admission of a type of construction and admission to operation by the competent authority of a Contracting State in accordance with these Uniform Rules, as well as the corresponding certificates issued shall be recognised by the authorities, the rail transport undertakings and the infrastructure managers in the other Contracting States, without the need for another examination and another technical admission with a view to circulation and use on the territories of those other States.

Article 7

Construction prescriptions applicable to vehicles

- § 1 In order to be admitted to circulation in international traffic, railway vehicles must satisfy
- a) the construction prescriptions contained in the Annexes to the APTU Uniform Rules,
 - b) the construction and equipment prescriptions contained in the Annex to RID.
- § 2 In the absence of provisions in the Annexes to the APTU Uniform Rules, technical admission shall be based on the generally recognised technical rules. A technical standard, even if it has not been validated in accordance with the procedure laid down in the APTU Uniform Rules, shall constitute the proof that the know-how contained in that standard represents a generally recognised technical rule.
- § 3 In order to permit technical developments, derogations from the generally recognised technical rules and from the construction prescriptions of the Annexes to the APTU Uniform Rules shall be allowed on condition that proof exists
- a) that at least the same level of safety as when those rules and those prescriptions are observed,
 - b) and also that interoperability
- remain assured.
- § 4 When a Contracting State intends to admit, in accordance with § 2 or § 3, a railway vehicle it shall inform the Secretary General of the Organisation without delay. He shall notify the other Contracting States of this. Within one month after the reception of the notification by the Secretary General, a Contracting State may ask for the convocation of the Committee of Technical Experts in order that it ascertains whether the conditions for the application of § 2 or § 3 are fulfilled. The Committee shall reach its decision on this

within three months after the receipt, by the Secretary General, of the request for convocation.

Article 8 **Construction prescriptions applicable to other material**

- § 1 In order to be admitted to use in international traffic other railway material must satisfy the construction prescriptions contained in the Annexes to the APTU Uniform Rules.
- § 2 Article 7 §§ 2 to 4 shall apply mutatis mutandis.
- § 3 The obligations of the Contracting States, arising from them from the European Agreement on the Great International Railway Lines (AGC) of 31 May 1985 and from the European Agreement on the Great International Combined Transport Routes and Connected Installations (AGTC) of 1 February 1991, to which they also are Contracting Parties, shall remain unaffected.

Article 9 **Operation prescriptions**

- § 1 The rail transport undertakings which operate railway vehicles admitted to circulation in international traffic shall be required to comply with the prescriptions relating to the operation of a vehicle in international traffic, specified in the Annexes to the APTU Uniform Rules.
- § 2 The undertakings and administrations which manage infrastructure in the Contracting States, including operational safety and control systems, intended and suitable for operation in international traffic, shall be required to comply with the technical prescriptions specified in the Annexes to the APTU Uniform Rules and satisfy them permanently in respect of the construction and the management of that infrastructure.

Article 10 **Technical admission**

- § 1 The grant of technical admission (admission of a type of construction, admission to operation) shall be attached to the type of construction of a railway vehicle or to the railway vehicle.
- § 2 An application for technical admission may be made by :
- a) the manufacturer,
 - b) a rail transport undertaking,
 - c) the keeper of the vehicle,
 - d) the owner of the vehicle.
- The application may be made to any competent authority, referred to in Article 5, of one

of the Contracting States.

- § 3 A person who applies for an admission to operation for railway vehicles by the simplified procedure of technical admission (Article 4 § 1, letter b)), must attach to his application the certificate of admission of a type of construction, established in accordance with Article 11 § 2, and demonstrate in an appropriate manner that the vehicles for which he is applying for admission to operation correspond to that type of construction.
- § 4 Technical admission must be granted irrespective of the quality of the applicant.
- § 5 Technical admission shall be granted in principle for an unlimited period; it can be general or limited in scope.
- § 6 An admission of a type of construction may be withdrawn when safety, public health or respect for the environment are no longer assured with the circulation of railway vehicles which have been or are to be built in conformity with that type of construction.
- § 7 Admission to operation may be withdrawn
- a) when the railway vehicle no longer satisfies the construction prescriptions contained in the Annexes to the APTU Uniform Rules, the special conditions of its admission under Article 7 § 2 or § 3 or the construction and equipment prescriptions contained in the Annex to RID and if the keeper does not comply with the requirement of the competent authority to remedy the defects within the prescribed time;
 - b) when stipulations and conditions, resulting from a limited admission under § 5, are not fulfilled or complied with.
- § 8 Only the authority which has granted the admission of a type of construction or the admission to operation may withdraw it.
- § 9 The admission to operation shall be suspended
- a) when technical checks, inspections, maintenance and servicing of the railway vehicle prescribed in the Annexes to the APTU Uniform Rules, in the special conditions of admission pursuant to Article 7 § 2 or § 3 or in the construction and equipment prescriptions contained in the Annex to RID are not carried out;
 - b) if in case of severe damage to a railway vehicle the order of the competent authority to present the vehicle is not complied with;
 - c) in case of non-compliance with these Uniform Rules and prescriptions contained in the Annexes to the APTU Uniform Rules;
 - d) when the competent authority so decides.
- § 10 The admission to operation shall become void when the railway vehicle is withdrawn from

service. This withdrawal from service must be notified to the competent authority which has granted the admission to operation.

- § 11 In the absence of provisions in these Uniform Rules the procedure of technical admission shall be governed by the national law of the Contracting State in which an application for technical admission is made.

Article 11 Certificates

- § 1 The admission of a type of construction and the admission to operation shall be evidenced by separate documents called : “Certificate of admission of a type of construction” and “Certificate of admission to operation”.

- § 2 The certificate of admission of a type of construction must specify :

- a) the manufacturer of the type of construction of a railway vehicle;
- b) all the technical characteristics necessary to identify the type of construction of a railway vehicle;
- c) if appropriate, the special conditions of circulation for the type of construction of a railway vehicle and for railway vehicles which correspond to this type of construction.

- § 3 The certificate of admission to operation must specify :

- a) the keeper of the railway vehicle;
- b) all the technical characteristics necessary to identify the railway vehicle; this may also be done by reference to the certificate of admission of a type of construction;
- c) if appropriate, the special conditions of circulation for the railway vehicle;
- d) if appropriate, the period of its validity;
- e) the servicing of a railway vehicle prescribed in the Annexes to the APTU Uniform Rules, in the special conditions of an admission under Article 7 § 2 or § 3 or in the construction and equipment prescriptions contained in the Annex to RID as well as the other technical examinations relating to elements of construction and to specified equipment of the vehicle.

- § 4 The certificates must be printed in at least two languages of which one at least must be chosen from among the working languages of the Organisation.

Article 12
Uniform models

- § 1 The Organisation shall prescribe uniform models of “Certificate of admission of a type of construction” and of “Certificate of admission to operation”. They shall be prepared and adopted by the Committee of Technical Experts.
- § 2 Article 35 §§ 1 and 3 to 5 of the Convention shall apply *mutatis mutandis*.

Article 13
Data bank

- § 1 A data bank concerning railway vehicles admitted to circulation in international traffic shall be established and updated under the responsibility of the Organisation.
- § 2 The competent authorities, or if appropriate the bodies authorised by them to admit a railway vehicle to operation, shall transmit to the Organisation, without delay, the data necessary for the purposes of these Uniform Rules relating to vehicles admitted to circulation in international traffic. The Committee of Technical Experts shall establish which are the necessary data. Only those data shall be registered in the data bank. In all cases, withdrawals from service, official immobilisations, withdrawals of admission to operation and modifications to a vehicle which derogate from the admitted type of construction shall be notified to the Organisation.
- § 3 The data registered in the data bank shall only be considered as *prima facie* evidence of the technical admission of a railway vehicle.
- § 4 The registered data may be consulted by :
- a) the Contracting States,
 - b) the rail transport undertakings engaged in international traffic having their place of business in a Contracting State,
 - c) the infrastructure managers having their place of business in a Contracting State on whose infrastructure international traffic is carried out,
 - d) the manufacturers of railway vehicles, so far as concerns their vehicles,
 - e) the keepers of railway vehicles, so far as concerns their vehicles.
- § 5 The data to which the persons entitled referred to in § 4 have access as well as the conditions of that access shall be defined in an Annex to these Uniform Rules. This Annex shall be an integral part of these Uniform Rules. The text of this Annex shall be that decided by the Revision Committee according to the procedure referred to in Articles 16, 17 and 33 § 4 of the Convention.

Article 14

Inscriptions and signs

- § 1 Railway vehicles admitted to operation must bear
- a) a sign, which establishes clearly that they have been admitted to operation in international traffic according to these Uniform Rules, and
 - b) the other inscriptions and signs prescribed in the Annexes to the APTU Uniform Rules.
- § 2 The Committee of Technical Experts shall lay down the sign provided for in § 1, letter a) and the transitional periods during which the railway vehicles admitted to circulation in international traffic may bear inscriptions and signs derogating from those prescribed according to § 1.
- § 3 Article 35 §§ 1 and 3 to 5 of the Convention shall apply mutatis mutandis.

Article 15

Maintenance

The railway vehicles and the other railway material must be in a good state of maintenance in such a way that their condition would not compromise in any way operational safety and would not harm the environment and public health by their circulation or their use in international traffic. To that end, the railway vehicles must be submitted for the servicing and the maintenance operations prescribed in the Annexes to the APTU Uniform Rules, in the special conditions of an admission under Article 7 § 2 or § 3 or in the construction and equipment prescriptions contained in the Annex to RID.

Article 16

Accidents and severe damage

- § 1 In case of accident or severe damage to railway vehicles, the infrastructure managers, if appropriate in common with the keepers and the transport undertakings concerned, shall be required
- a) to take, without delay, all necessary measures to ensure the safety of railway traffic, respect for the environment and public health and
 - b) to establish the causes of the accident or the severe damage.
- § 2 A vehicle shall be considered severely damaged when it cannot be repaired by a simple operation which would allow it to be joined in a train and to circulate on its own wheels without danger for the operations.
- § 3 The accidents and severe damage shall be notified, without delay, to the authority which admitted the vehicle to circulation. That authority may require the damaged vehicle to be

presented, possibly already repaired, for examination of the validity of the admission to operation which has been granted. If appropriate, the procedure concerning the grant of admission to operation must be repeated.

- § 4 The competent authorities of the Contracting States shall inform the Organisation of the causes of accidents and severe damage in international traffic. The Committee of Technical Experts may, at the request of a Contracting State, examine the causes of serious accidents in international traffic with a view possibly to developing the construction and operation prescriptions for railway vehicles and other railway material contained in the Annexes to the APTU Uniform Rules.

Article 17

Immobilisation and rejection of vehicles

The competent authority referred to in Article 5, another rail transport undertaking or an infrastructure manager may not reject or immobilise railway vehicles if these Uniform Rules, the prescriptions contained in the Annexes to the APTU Uniform Rules, the special conditions of admission under Article 7 § 2 or § 3 as well as the construction and operation prescriptions contained in the Annex to RID, have been complied with.

Article 18

Non-compliance with the prescriptions

- § 1 Subject to § 2 and Article 10 § 9, letter c), the juridical consequences resulting from failure to comply with these Uniform Rules and the prescriptions of the Annexes to the APTU Uniform Rules, shall be regulated by the national law of the Contracting State of which the competent authority has granted the admission to operation, including the rules relating to conflict of laws.
- § 2 The consequences in civil and penal law, resulting from failure to comply with these Uniform Rules and the prescriptions of the Annexes to the APTU Uniform Rules, shall be regulated, so far as concerns the infrastructure, by the national law of the Contracting State in which the infrastructure manager has his place of business, including the rules relating to conflict of laws.

Article 19

Disputes

Two or more Contracting States, which have a dispute relating to the technical admission of railway vehicles and other railway material intended to be used in international traffic, may refer it to the Committee of Technical Experts if they have not succeeded in resolving it by direct negotiation. Such disputes may also be submitted, in accordance with the procedure specified in Title V of the Convention, to the Arbitration Tribunal.