

## Modification of Appendix G (ATMF)

## “Article 2

**Definitions**

For the purposes of these Uniform Rules and their Annex(es), the APTU Uniform Rules and their Annex(es) and the APTU Uniform Technical Prescriptions (UTP) the following definitions shall apply:

- a) “accident” means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons involving rolling stock in motion, fires and others;

*[ab), ac) not modified]*

- b) “admission of a type of construction” means the right granted according to which the competent authority authorises a type of construction of a vehicle, as a basis for the admission to operation for vehicles which correspond to that type of construction, as evidenced by a Design Type Certificate;

- c) “admission to operation” means the right granted according to which the competent authority authorises a vehicle to operate in international traffic, as evidenced by a Certificate of Operation;

*[ca), cb), d) not modified]*

- da) *[Modification concerns the German version only]*

*[e), f) not modified]*

- g) “element of construction”, also called “interoperability constituent”, means an elementary component, group of components, complete assembly or subassembly of equipment incorporated or intended to be incorporated into a subsystem, upon which the interoperability of rail systems depends directly or indirectly, including both tangible objects and intangible objects;

*[h), i), j), k) not modified]*

- l) “international traffic” means the circulation of vehicles on railway lines over the territory of at least two Contracting States;

*[m), n) not modified]*

- o) *[Modifications concern the French and German versions only]*

- p) *[Modification concerns the German version only]*

*[q), r), s), t) not modified]*

- u) “railway infrastructure” (or just “infrastructure”) means all the railway lines and fixed installations so far as these are necessary for the compatibility with and safe circulation of vehicles admitted according to these Uniform Rules;

- v) “railway material” means vehicles, and railway infrastructures;

- w) “vehicle” means a railway vehicle suitable to circulate on its own wheels on railway lines with or without traction; a vehicle is composed of one or more structural and functional subsystems

*[wa), x), y),z), aa),bb) not modified]*

- cc) “technical admission” means the procedure carried out by the competent authority to authorise a vehicle to operate in international traffic or to authorise a type of construction;

*[dd), ee) not modified]*

- ee1) “Train” is a formation provided with traction, consisting of one or more vehicles and prepared for operation;

*[ee1) not modified]*

- ff) “type of construction” means the basic design characteristics of the vehicle as covered by a type examination certificate or design examination certificate described respectively in assessment modules SB and SH1 of the UTP GEN-D;

- gg) “upgrading” means any major modification work on a subsystem or part of it which results in a change to the technical file relating to the subsystem, if that technical file exists, and which improves the overall performance of the subsystem;

- hh) “area of use of a vehicle” means the networks located within two or more Contracting States in which a vehicle is intended to be used.

### **Article 3a**

#### **Interaction with other international agreements**

§ 1 Vehicles which have been placed in service or on the market according to applicable European Union (EU) and corresponding national legislation shall be deemed as admitted to operation by all Contracting States according to these Uniform Rules

- a) in the case of full equivalence between the provisions in the applicable TSIs and the corresponding UTP and
- b) provided the set of applicable TSIs, against which the vehicle was authorised, cover all aspects of the relevant subsystems that are part of the vehicle and
- c) provided these TSIs do not contain open points related to the technical compatibility with infrastructure and
- d) provided the vehicle is not subject to a derogation and
- e) provided the vehicle is not subject to specific cases which limit the conditions of admission or authorisation for placing in service or on the market.

If the conditions of a) to e) are not fulfilled, the vehicle shall be subject to Article 6 § 4.

§ 2 For the exclusive purpose of providing railway services, vehicles which have been admitted to operation according to these Uniform Rules shall be deemed as authorised for placing on the market in the Member States of the European Union and in the States which apply European Union legislation as a result of international agreements with the European Union in the case of

- a) full equivalence between the provisions in the applicable UTP and the corresponding TSIs and

- b) provided the set of applicable UTP against which the vehicle was authorised covers all aspects of the relevant subsystems that are part of the vehicle and
- c) provided these UTP do not contain open points related to the technical compatibility with infrastructure and
- d) provided the vehicle is not subject to a derogation and
- e) provided the vehicle is not subject to specific cases which limit the conditions of admission or authorisation for placing in service or on the market.

Vehicles which have been admitted to operation according to this paragraph are subject to Article 23 of Directive (EU) 2016/797 before being used in Member States of the European Union.

If the conditions of a) to e) are not fulfilled, the vehicle shall be subject to authorisation according to the law applicable in the Member States of the European Union and in the States which apply European Union legislation as a result of international agreements with the European Union.

- § 3 The authorisation for placing on the market, the operation and the maintenance of vehicles intended to be used only in Member States of the European Union are regulated by the applicable European Union and national legislation. This provision is also applicable to Contracting States which apply relevant European Union legislation as a result of international agreements with the European Union.

For Railway Undertakings and Infrastructure Managers, when operating within the EU, EU legislation takes precedence over the provisions in these Uniform Rules.

#### **Article 4**

##### **Procedure**

- § 1 *[Modification concerns the French version only]*

#### **Article 5**

##### **Competent authority**

- § 5 Each Contracting State shall ensure, by notification, that the Secretary General is informed of the competent authority, the assessing entities and, if applicable the accreditation body, or the competent national body referred to in Article 2 wa (1), indicating each body's area of responsibility. The Secretary General shall publish a list of competent authorities, assessing entities and accreditation bodies or competent national bodies, their identification numbers, if applicable, and areas of responsibility, and shall keep the list updated.

Notifications may be made by regional organisations which have acceded to COTIF on behalf of Contracting States which are members of the regional organisation concerned.

#### **Article 6**

##### **Validity of technical certificates**

- § 2 An admission to operation allows the rail transport undertakings to operate a vehicle within its area of use, meaning only on infrastructures compatible with the vehicle according to its specifications and other conditions of the admission; it is the responsibility of the rail transport undertaking to ensure this.

§ 3 Without prejudice to Article 3a an admission to operation issued for a vehicle which is in conformity with all applicable UTP shall be valid on the territories of other Contracting States provided that

- a) all essential requirements are covered in these UTP and
- b) the vehicle is not subject to
  - a specific case which affects the technical compatibility with the network of the Contracting State concerned, or
  - open points in the UTP that are related to technical compatibility with the infrastructure, or
  - a derogation.

The conditions for the free circulation may also be specified in the relevant UTP.

§ 4 a) Where in a Contracting State an admission to operation has been issued for a vehicle which is

- subject to a specific case which affects the technical compatibility with the network of the Contracting State concerned, an open point which is related to the technical compatibility with the infrastructure or a derogation, or
- not in conformity with all the UTPs concerning the vehicle and all other relevant provisions, or

b) where not all essential requirements are covered in the UTPs,

the area of use concerning the initial admission shall be limited to the issuing State(s). The competent authority or authorities of the other States may ask the applicant for additional technical information such as risk analysis and/or vehicle tests before granting a complementary admission to operation and extending the vehicle's area of use.

For the part of the vehicle which is compliant with a UTP or part of it, the competent authorities have to accept verifications that have been made by other competent authorities or assessing entities according to the UTP. For the other part of the vehicle the competent authorities shall take full account of the equivalence table referred to in Article 13 of the APTU Uniform Rules.

The fulfilment of

- identical provisions and provisions declared equivalent,
- provisions not related to a specific case which affects the technical compatibility with the network of the Contracting State concerned and
- provisions not related to the technical compatibility with infrastructure,

shall not be assessed again.

### **Article 6b**

#### **Recognition of procedural documentation**

*[Modification concerns the French version only]*

## Article 7

### Prescriptions applicable to vehicles

§ 1 In order to be admitted to circulation in international traffic, a vehicle must comply with

- a) the applicable UTPs and
- b) where applicable, the provisions contained in RID and
- c) all other specifications in order to fulfil the applicable essential requirements.

§ 1a Vehicles shall comply with the UTPs applicable at the time of the request for admission, upgrading or renewal, in accordance with these Uniform Rules and taking into account the migration strategy for application of the UTPs as set out in Article 8 §§ 2a and 4 f) of the APTU Uniform Rules, and the possibilities for derogations set out in Article 7a; this compliance shall be permanently maintained while each vehicle is in use.

The Committee of Technical Experts shall consider whether it is necessary to develop an Annex to these Uniform Rules including provisions allowing applicants to obtain increased legal certainty on the prescriptions to be applied before they submit their request for admission, upgrading or renewal of vehicles.

§ 3 *[Modification concerns the French version only]*

## Article 10

### Application and granting of technical certificates and declarations and related conditions

§1 The grant of a technical certificate shall be related to the type of construction of a vehicle or to the vehicle itself.

§ 4 If Article 6 § 4 applies to the vehicle, the applicant shall indicate the area of use, defining the Contracting States (if applicable the lines) for which the technical certificates are required to permit free circulation; in this case the competent authorities and assessing entities involved should cooperate in order to make the process easier for the applicant.

If Article 6 § 3 applies to the vehicle, the area of use shall cover all Contracting States.

Where the applicant wishes to extend the area of use of a vehicle which has already been admitted to operation, it shall update the vehicle's documentation concerning this additional area of use and apply for the process defined in Article 6 § 4.

§ 10 If relevant provisions in the prescriptions according to Article 7 on the basis of which a type of construction has been admitted have been changed, and if no relevant transitional provisions are defined in the UTP or National Technical Requirements valid in accordance with Article 12 APTU, the Contracting State in which the corresponding Design Type Certificate has been issued, and after consultation of the other States where the Certificate is valid according to Article 6, shall decide whether the Certificate may remain valid or need to be renewed for the admission of new vehicles according to that type. The criteria which shall be checked in the case of a renewed type admission may only concern the changed provisions. The renewal of the type admission does not affect admissions to operation already granted to vehicles on the basis of previously admitted types.

§ 11 In the event of renewal or upgrading of existing vehicles, a new admission to operation shall be required if:

- a) the changes result in exceeding or falling below the limit values of the parameters set out in the UTPs and, where applicable, National Technical Requirements valid in accordance with Article 12 APTU, for checking the technical compatibility between the vehicle and the area of use, or
- b) the changes result in a decrease of the overall safety level of the subsystem concerned, or
- c) it is required by the relevant UTP.

If a new admission is required, the applicant shall send the Contracting State concerned a file describing the project. The Contracting State shall decide to what extent the provisions in the related UTP need to be applied to the project.

The Contracting State shall take its decision not later than four months after submission of the complete file by the applicant.

When a new admission is required and if the UTP are not fully applied the vehicle shall be subject to a new admission to which the conditions of Article 6 §4 apply and the Contracting States shall notify to the Secretary General

- a) the reason why a UTP is not fully applied,
- b) the technical characteristics applicable in place of the UTP and
- c) the bodies responsible for the assessment of the technical characteristics referred to under b).

The Secretary General shall publish the notified information on the website of the Organisation

## **Article 10a**

### **Rules for withdrawals or suspensions of technical certificates**

§ 1 *[Modification concerns the French version only]*

§ 2 A Certificate of Operation may be withdrawn

- a) when the vehicle no longer satisfies
  - the prescriptions contained in the UTP and in applicable national provisions in force according to Article 12 of the APTU Uniform Rules, or
  - the special conditions of its admission under Article 7a or
  - the construction and equipment prescriptions contained in RID or
- b) if the keeper does not comply with the requirement of the competent authority to remedy the defects within the prescribed time or
- c) when stipulations and conditions resulting from a limited admission under Article 10 § 10 are not fulfilled or complied with.

§ 4 The Certificate of Operation shall be suspended

- a) when technical checks, inspections, maintenance and servicing of the vehicle prescribed in its Maintenance File, in the UTP, in the special conditions of an admission pursuant to Article 7a or in the construction and equipment prescriptions contained in RID are not carried out (or if deadlines are not observed);

- b) if in case of severe damage to a 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 UTP;
- d) if applicable national provisions in force according to Article 12 of the APTU Uniform Rules or their declared equivalent provisions according to Article 13 of the APTU Uniform Rules are not complied with. The validity of the Certificate shall be suspended for the Contracting State(s) concerned.

§ 5 The Certificate of Operation shall become void when the vehicle is withdrawn from service. This withdrawal from service shall be notified in accordance with Article 13 § 4.

### **Article 10b**

#### **Rules for assessments and procedures**

The Committee of Technical Experts is competent to adopt mandatory provisions for the assessments and procedural rules for technical admission. Provisions for the assessments are set out in the relevant UTP.

### **Article 11**

#### **Technical Certificates**

§ 2 The Design Type Certificate shall:

- a) specify the designer and intended manufacturer of the type of construction of the vehicle;
- b) have the Technical File attached;
- c) if appropriate, specify the special operating limitations and conditions for the type of construction of a vehicle and for vehicles which correspond to this type of construction;
- d) have the Assessment Report(s) attached;
- e) if appropriate, specify all related declarations (of conformity and verification) issued;
- f) specify the issuing competent authority, date of issue and contain the signature of the authority;
- g) if appropriate, specify its period of validity;
- h) have attached for vehicles subject to Article 6 § 4, copies of the additional national admissions, if any.

§ 3 The Certificate of Operation shall include

- a) all the information indicated in § 2, and
- b) the area of use of the vehicle;
- c) the values of the parameters set out in the UTPs and, where applicable, in the national requirements in accordance with Article 12 APTU, for checking the technical compatibility between the vehicle and the area of use;
- d) the vehicle's compliance with the relevant UTPs and sets of national requirements in accordance with Article 12 APTU, relating to the parameters referred to in letter c);

- e) the conditions for use of the vehicle and other restrictions;
- f) the identification code(s) of the vehicle(s) covered by the certificate;
- g) information on the keeper of the vehicle(s) covered by the certificate on the day of its issue;
- h) if appropriate, its period of validity.

### **Article 13**

#### **Registers**

- § 1 Vehicle registers shall be set up in the form of one or more electronic national or regional data banks containing information concerning the vehicles in respect of which a Certificate of Operation has been issued. The register shall also include vehicles admitted according to Article 19; it may contain vehicles admitted for national traffic only. The register or registers shall:
- a) comply with the specifications adopted by the Committee of Technical Experts;
  - b) be kept updated;
  - c) be accessible by the competent authorities of all Contracting States, by railway undertakings and infrastructure managers, as well as those persons or organisations registering vehicles or identified in the register.

§ 1b *[Modification concerns the French version only]*

- § 6 The data registered in the data bank according to § 1 shall be considered as prima facie evidence of the technical admission of a vehicle.

### **Article 14**

#### **Inscriptions and signs**

- § 1 Vehicles admitted to operation must bear inscriptions and signs prescribed in the UTP, including a unique vehicle number.
- The competent authority which grants the (first) admission to operation is responsible for ensuring that the alphanumeric identification code is assigned to each vehicle. This code, which shall include the country code of the (first) admitting State, must be marked on each vehicle and be entered in the NVR of that State.
- § 3 The Committee of Technical Experts may set out the transitional periods during which the vehicles admitted to circulation in international traffic may bear inscriptions and signs derogating from those prescribed in §§ 1 and 2.

### **Article 15**

#### **Maintenance of vehicles**

- § 1 Vehicles must be in a good state of maintenance in such a way that they comply with the provisions as defined in Article 7. The condition of vehicles must not in any way compromise operational safety and must not harm the infrastructure, environment and public health by their circulation or their use in international traffic. To that end, vehicles shall be made available for and undergo the service, inspections and maintenance as prescribed in the Maintenance File. It shall be the responsibility of the keeper to designate an ECM for this purpose.



§ 2 Each vehicle, before it is admitted to operation or used on the network, shall have an ECM assigned to it and this entity shall be registered in the data bank referred to in Article 13. The ECM shall ensure that the vehicles for which it is in charge of maintenance are in a safe state of running by means of a system of maintenance. The ECM may make use of contractors including maintenance workshops.

The Committee of Technical Experts shall be competent to adopt and amend rules for certification and auditing of ECM and maintenance workshops. The rules are set out in Annex A to these Uniform Rules.

The ECM for a freight wagon shall be certified by an ECM Certification Body accredited or recognised in one of the Contracting States in accordance with Annex A to these Uniform Rules.

## **Article 16**

### **Accidents, incidents and severe damage**

§ 1 In case of accident, incident or severe damage to vehicles, all parties involved (the infrastructure managers, the keepers, the ECM, the railway undertakings concerned and possible others), 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, the incident or the severe damage.

§ 4 The Contracting States shall keep records, publish investigation reports including their findings and recommendations, inform the authorities concerned and the Organisation of the causes of accidents, incidents and severe damage in international traffic that occurred on their territory. The Committee of Technical Experts may examine the causes of serious accidents and incidents or severe damage in international traffic with a view possibly to developing the construction and operation prescriptions for vehicles contained in the UTP and may, if appropriate, decide to instruct the Contracting States within a short time limit to suspend relevant Certificates to Operation, Design Type Certificates or declarations issued.

§ 5 *[Modification concerns the French version only]*

## **Article 17**

### **Immobilisation and rejection of vehicles**

§ 1 A competent authority, a rail transport undertaking or an infrastructure manager shall not prevent vehicles from running on compatible railway infrastructures if these Uniform Rules, the prescriptions contained in the UTP, the special conditions, if any, for the admission set out by the admitting authority as well as the construction and operation prescriptions contained in RID, are complied with.

This Article shall not prejudice the responsibility of the rail transport undertaking as defined in Article 15a.

§3 *[Modification concerns the French version only]*

## **Article 20**

### **Disputes**

Disputes relating to the technical admission of vehicles intended to be used in international traffic, may be dealt with by the Committee of Technical Experts if there is no resolution by direct negotiation

between the parties involved. Such disputes may also be submitted, in accordance with the procedure specified in Title V of the Convention, to the Arbitration Tribunal.

## **Article 21**

### **Annexes and recommendations**

- § 1 The Committee of Technical Experts shall decide whether to adopt an Annex or a provision amending it in accordance with the procedure laid down in Articles 16, 20 and 33 § 6 of the Convention. The decisions shall enter into force in accordance with Article 35 §§ 3 and 4 of the Convention.
- § 2 An application for adoption of an Annex or a provision amending it may be made by:
- a) any Contracting State;
  - b) any regional organisation as defined in Article 2 x) of ATMF;
  - c) any representative international association for whose members the existence of the Annex is indispensable for reasons of safety and economy in the exercise of their activity.
- § 3 The preparation of Annexes shall be the responsibility of the Committee of Technical Experts assisted by appropriate working groups and the Secretary General on the basis of applications made in accordance with § 2.
- § 4 The Committee of Technical Experts may recommend methods and practices relating to the technical admission of railway material used in international traffic.”