



Administrative Arrangements between

**THE INTERGOVERNMENTAL ORGANISATION FOR
INTERNATIONAL CARRIAGE BY RAIL (OTIF),**

**THE DIRECTORATE GENERAL FOR MOBILITY AND
TRANSPORT OF THE EUROPEAN COMMISSION (DG MOVE),**

and

THE EUROPEAN RAILWAY AGENCY (ERA)

Administrative Arrangements between OTIF, DG MOVE and ERA

THE SIDES

- THE INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL CARRIAGE BY RAIL, represented by its Secretary General and hereinafter referred to as "OTIF";
- THE DIRECTORATE GENERAL FOR MOBILITY AND TRANSPORT OF THE EUROPEAN COMMISSION, represented by its Director General and hereinafter referred to as "DG MOVE";
- THE EUROPEAN RAILWAY AGENCY, represented by its Executive Director, hereinafter referred to as "the Agency".

HAVING REGARD TO:

- The Convention Concerning International Carriage By Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999;
- The agreement between the Intergovernmental Organisation for International Carriage by Rail and the European Union on the accession of the European Union to the Convention Concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 ("the Accession Agreement");
- Council Decision 2013/103/EU of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999, and in particular the declarations made by the Union at the signature of the Accession Agreement, in particular concerning the exercise of its competence and the internal arrangements for the preparation for OTIF meetings and for the representation and voting at such meetings (the "Declarations");
- Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency (the "Agency Regulation").

WHEREAS:

- The European Union and OTIF share the objective of promoting, improving and facilitating international rail transport in both technical and legal respects;
- The European Union on the one hand, and OTIF on the other, have an interest in establishing and maintaining the equivalence of the legislation concerning railway interoperability and safety to the extent necessary for international rail traffic;
- The objective of the Agency is to contribute, on technical matters, to the implementation of the European Union legislation aimed at improving the competitive position of the railway sector by enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system. By doing so, the Agency will contribute to creating a European railway area without frontiers and guaranteeing a high level of safety. In pursuing these objectives, the Agency needs to take full account of the constraints relating to rail links with countries that are not EU member states;
- The experience of drafting Uniform Technical Prescriptions has shown that a further step in existing working relations between OTIF on one hand and DG MOVE and the Agency on the other is necessary. Closer cooperation between the three sides will help streamline the process of drafting legal provisions for rail transport of common interest, such as TSIs and UTPs, and will minimise the time required for the associated consultations between the sides.

HAVE AGREED THESE ADMINISTRATIVE ARRANGEMENTS (hereinafter referred to as "AdAr"):

1. PURPOSE

- 1.1 The sides recognise that there is mutual benefit in the efficient use of resources and agree to establish more effective collaboration and coordination in drafting legal provisions in the field of railway interoperability and safety, and in particular Technical Specifications for Interoperability (TSIs) and Uniform Technical Prescriptions (UTPs), as well as other activities, such as setting up and maintaining different railway registers. In this respect the sides should endeavour to eliminate the duplication of working activities and efforts in the Agency and OTIF respectively.

1.2 The sides share the view that in order:

- a) to avoid duplication of effort, they should continue their technical cooperation to ensure complementarity and synergy of effort within the framework provided by their respective areas of competence and mandates;
- b) to facilitate the drafting of legal provisions for rail transport of common interest, such as UTPs, and to ensure equivalence with corresponding TSIs, they should exchange relevant information sufficiently and correctly and in good time.

2. SCOPE:

The SCOPE of these AdAr is to specify a framework of cooperation between OTIF, DG MOVE and the Agency in the field of international railway transport. The scope of these AdAr will be limited to the common framework covered by the areas of competence of DG MOVE and the Agency on one hand and the areas of competence of OTIF on the other.

The AdAr will cover the following areas:

2.1 For OTIF :

- a) Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM - Appendix B to COTIF) to the extent that the electronic consignment note is concerned;
- b) Regulation concerning the International Carriage of Dangerous Goods by Rail (RID - Appendix C to COTIF) to the extent that EU railway legislation is concerned;
- c) 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 (APTU - Appendix F to COTIF) and UTPs concerned;
- d) Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (ATMF - Appendix G to COTIF).

2.2 For DG MOVE and the Agency:

- a) Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast);
- b) Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways to the extent the OTIF regulations are concerned.
- c) Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods;
- d) Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community;
- e) Secondary legislation and technical documents having the Directives listed above as their legal basis, such as TSIs, specifications for the registers, technical opinions, regulations on CSM, etc.

3. EXCHANGE OF INFORMATION

Without prejudice to COTIF, the Accession Agreement, the Declarations and other applicable regulations, the three sides should endeavour to cooperate with the aim of establishing and maintaining equivalence between relevant EU legal provisions and OTIF regulations. To this end:

- a) ERA should inform OTIF when the Agency Working Parties start work, with a view to new or revised EU legal provisions of mutual interest.
- b) ERA should inform OTIF of the Agency's consultation on draft Agency recommendations on EU legal provisions of mutual interest.
- c) DG MOVE should inform OTIF of relevant draft EU legal provisions of mutual interest as soon as they are submitted to the Rail Interoperability and Safety Committee (RISC) or to the EC Transport of dangerous goods (TDG) Committee.
- d) A process agreed jointly for the consultation of non-EU OTIF Contracting States on draft (revised) EU legal provisions and due communication of the results of such consultation to DG MOVE and the Agency should be established within OTIF.
- e) DG MOVE should inform OTIF of the amendments to the final draft EU legal provisions made by RISC or the EC TDG Committee.

- f) The draft EU legal provisions should be put at the disposal of OTIF in English only. Where translations are available in French and German, these translations should also be made available to OTIF.

4. MEETINGS

- 4.1 Regular joint meetings at working level will be organised between OTIF and the Agency. DG MOVE will attend when this is deemed necessary by DG MOVE.
- 4.2 At the invitation or the request of either side, joint meetings should be held to discuss subjects of mutual interest covered by the present AdAr and in particular any developments in the Agency's working parties dealing with subjects of relevance to OTIF.
- 4.3 The joint meetings should enable an updated list of OTIF and EU legal provisions of mutual interest to be kept, with an indicative planning of the adoption and entry into force for both organisations.
- 4.4 OTIF should include in the scope of the joint meetings any developments within COTIF¹ that could be of mutual interest or that may have an impact on future legal provisions for rail transport.
- 4.5 The frequency of the joint meetings should be provisionally two or three times per year in Valenciennes or Lille, unless decided otherwise, to allow broad participation by experts from the Agency.
- 4.6 For topics of specific interest, OTIF may be accompanied by experts from non-EU OTIF Contracting States.

5. OTIF PARTICIPATION IN AGENCY WORKING PARTIES AND ACCESS TO AGENCY DOCUMENTS

- 5.1 Experts designated by OTIF to represent the interests of non-EU OTIF Member States should be allowed to participate as observers in the Agency Working Parties concerning the preparatory work on future EU legal provisions of common interest. OTIF observers in the Agency Working Parties will not be entitled to any reimbursement of travel and subsistence expenses or compensation from the Agency or from DG MOVE.

¹ COTIF including all its Appendices and annexes, i.e. not limited to ATMF and APTU.

5.2 OTIF experts participating in the Agency Working Parties should be granted guest access to the Agency Extranet documents of the Working Party(ies) in which they participate. Access to the Agency extranet and the documents published on it is subject to a confidentiality agreement.

6. CROSS-REFERENCE LIST OF EQUIVALENT EU-OTIF REGULATIONS

OTIF should establish and keep up to date a document identifying the links between EU legal provisions and corresponding OTIF regulations in force.

7. DRAFTING OF TECHNICAL REGULATIONS

The OTIF Secretariat and the Agency should cooperate on drafting OTIF regulations that have corresponding EU legal provisions, where such provisions have been based on a recommendation issued by the Agency. The OTIF Secretariat and the Agency should exchange information during the preparatory work on future EU legal provisions and OTIF regulations .

8. RAILWAY REGISTERS AND LISTS OF APPROVED COMPONENTS

Cooperation on registers and lists of approved components which are equivalent in OTIF and EU legal provisions should be established to minimise the resources and effort each side devotes to this area of work. Where feasible, the sides should attempt to maintain joint registers covering both EU Member States/EEA countries and non-EU OTIF Contracting States in order to avoid duplication of work. To achieve this objective, data relating to non-EU OTIF Contracting States may be included in registers already planned to be set up and maintained by the Agency, in particular:

8.1 The vehicle keeper marking (VKM) register should be published and kept up to date on the Agency's website; OTIF should provide a link to this register on its website. OTIF should send the Agency the relevant data for the VKMs assigned to keepers with their place of business in non-EU OTIF Contracting States, in non-OTIF OSJD States and in other States in the Eurasian area connected to the international rail network. These data should be incorporated into the Agency's monthly update of the VKM register on its website.

8.2 Subject to confirmation after impact assessment of different options, the registers for entity in charge of maintenance (ECM) certificates and for ECM certification bodies may be published and kept up to date on the Agency's website for both organisations. If that solution is

confirmed, OTIF should provide a link to the ECM register on its website, and send the Agency the relevant information on the certification bodies having their place of business in non-EU OTIF Contracting State territory which have been notified to the OTIF Secretary General. In such a solution, upon receipt of this information the Agency should grant these certification bodies access to the European Railway Agency's Database of Interoperability and Safety (ERADIS), where they may upload the ECM certificates which have been issued, amended, renewed, suspended or revoked.

- 8.3 Similarly to the ECM register, the register of accredited and recognised assessment bodies under the scope of UTP on risk assessment may be published and kept up to date on the Agency's website. In that case, OTIF should provide a link to this register on its website.
- 8.4 In accordance with the OTIF NVR decision, the national vehicle registers (NVR) of the OTIF Contracting States may be connected to the Virtual Vehicle Register (VVR) hosted by the Agency. The connection should be established according to the specifications set up by the Agency.
- 8.5 The Agency may grant OTIF access to the European register of authorised types of vehicles (ERATV), subject to an additional agreement on the terms and conditions of its use. OTIF should publish information about types of vehicles authorised on the territory of non-EU OTIF Contracting States. The OTIF Contracting States should notify these types according to the specifications set up by the Agency.
- 8.6 The Agency and OTIF should establish a procedure to publish and keep up to date a joint list of fully approved composite brake blocks as referred to in Appendix G of the WAG TSI and the UTP WAG.
- 8.7 The Agency may grant OTIF access to the reference document database (RDD), subject to an additional agreement on the terms and conditions of its use. If that option is confirmed, OTIF should be responsible for uploading and updating national reference document data of non-EU OTIF Contracting States.
- 8.8 The Agency and OTIF will cooperate with regard to the notification and publication of national rules.

9. DISSEMINATION

- 9.1 Where appropriate, the sides should endeavour to cooperate in workshops/sessions to disseminate information on issues relevant to both EU Member States and OTIF Member States.
- 9.2 The sides should endeavour to coordinate the publication of Application Guides for equivalent EU/OTIF technical regulations.

10. COORDINATION OF ASSESSMENT BODIES

The three sides should endeavour to cooperate with the aim of further harmonising assessment procedures by:

- a) facilitating coordination between EU Notified Bodies and OTIF assessing entities;
- b) facilitating coordination between EU and non-EU OTIF ECM certification bodies;
- c) facilitating coordination between EU and non-EU recognition bodies for UTP dedicated to risk assessment

11. TECHNICAL ADVICE AND TECHNICAL OPINIONS

The three sides should endeavour to exchange information with the aim of coordinating the issuing of advice and technical opinions for equivalent EU/OTIF technical regulations, and in particular for TSI/UTP interpretation and questions and clarification from Notified Bodies/Assessing entities.

12. DANGEROUS GOODS

- 12.1 The three sides should endeavour to exchange information with the aim of improving consistency between RID and the EU legislative framework applicable to railways.
- 12.2 In order to facilitate this work, a joint working group may be established where harmonised solutions to the identified issues can be discussed and developed at technical level. In particular, working group meetings may be organised when an issue in the following fields is identified:
 - a) Allocation of responsibilities to the railway stakeholders
 - b) Railway operations
 - c) Wagon construction

- d) Reporting of accidents and statistics
- e) Emergency planning
- f) Telematics applications
- g) Terminology
- h) Risk evaluation and assessment methods
- i) Any other relevant issues.

13. PRACTICAL ARRANGEMENTS

The OTIF Secretariat, DG MOVE and the Agency should establish practical arrangements for implementing these AdAr.

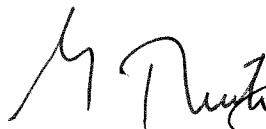
14. GENERAL

- 14.1 Each side should bear its own costs resulting from cooperation under these AdAr, unless otherwise mutually agreed in writing.
- 14.2 Any dispute about the interpretation or implementation of these AdAr should be resolved through consultations between the sides.
- 14.3 These AdAr do not create any right or obligation under international law and must not in any case be interpreted as a binding agreement.
- 14.4 These AdAr may be amended at any time by the mutual written consent of the sides.
- 14.5 Each side should provide the other sides with a contact point or a list of contact persons (with contact details and main area of activity) shortly after signature of these AdAr.
- 14.6 These AdAr will take effect on the date of signature by the sides. These AdAr will be valid for five (5) years, and may be renewed, by mutual agreement of the sides, for a further period of five (5) years. DG MOVE and the Agency, on the one hand, and OTIF on the other, may terminate these AdAr by means of notification in writing to OTIF on the one hand and DG MOVE and the Agency on the other. Termination will take effect six months following the date of notification and should not affect activities already under implementation in other instruments based on these AdAr.

Done in triplicate at Brussels this 24th of October 2013 in the English Language



Mr François Davenne
Secretary General
OTIF



Mr Matthias Ruete
Director General
DG MOVE



Mr Marcel Verslype
Executive Director
ERA