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Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union at the 17th meeting of the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail (OTIF) with regard to the revision of Uniform Technical Prescriptions applicable to the subsystem “rolling stock – locomotives and passenger rolling stock” (UTP LOC&PAS), to the accessibility of the rail system for persons with disabilities and persons with reduced mobility (UTP PRM), to vehicle marking (UTP Marking), to the subsystem “infrastructure” (UTP INF), to the subsystem Telematics applications for freight services (UTP TAF), and to the update of the Handbook for the implementation and application of the APTU and ATMF Uniform Rules

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

The 17th session of the Committee of Technical Experts (CTE) of the Intergovernmental Organisation for International Carriage by Rail (OTIF) will take place in Bern on 17 and 18 June 2025. The agenda of the meeting includes the following proposals for adoption:

- Revision of the Uniform Technical Prescription applicable to the subsystem “rolling stock – locomotives and passenger rolling stock” (UTP LOC&PAS);
- Revision of the Uniform Technical Prescription applicable to the accessibility of the rail system for persons with disabilities and persons with reduced mobility (UTP PRM);
- Revision of the Uniform Technical Prescription applicable to vehicle marking (UTP Marking);
- Revision of the Uniform Technical Prescription applicable to the subsystem “infrastructure” (UTP INF);
- Modification of Appendix I (references to the technical documents) to the Uniform Technical Prescription applicable to the subsystem Telematics applications for freight services (UTP TAF);
- Update of the Handbook for the implementation and application of the APTU and ATMF Uniform Rules.

The agenda of the meeting and documents related to the proposals for adoption are available on the OTIF website https://otif.org/en/?page_id=1025.

OTIF develops uniform legal regimes for international rail transport in three major areas of activity: technical interoperability, dangerous goods and railway contract law.

2. CONTEXT OF THE PROPOSAL

2.1. The Convention concerning International Carriage by Rail (COTIF)

The Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (‘COTIF’), is an international agreement where both the Union and 25 Member States¹ are Contracting Parties.

On 16 June 2011, the Council adopted a Council Decision 2013/103/EU on the signing and conclusion of the Agreement between the European Union and the OTIF 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 (‘EU-COTIF Accession Agreement’)².

The Agreement entered into force on 1 July 2011.

¹ Only Cyprus and Malta are not Contracting Parties.

² 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 (OJ L 51, 23.2.2013, p. 1, ELI: [http://data.europa.eu/eli/dec/2013/103\(1\)/oj](http://data.europa.eu/eli/dec/2013/103(1)/oj)).

According to Article 2(1) of the COTIF, OTIF aims at promoting, improving and facilitating, in all respects, international traffic by rail, in particular by establishing systems of uniform law in various fields of law relating to international traffic by rail. The COTIF also governs the running of the Organisation, its objectives, attributions, relations with the Contracting States and its activities in general.

COTIF therefore deals with rail legislation on a number of different legal and technical rail matters that are divided into two parts: the Convention itself, which governs the running of OTIF, and the eight Appendices that establish uniform railway law:

- Appendix A – Contract of International Carriage of Passengers by Rail (**CIV**)
- Appendix B – Contract of International Carriage of Goods by Rail (**CIM**)
- Appendix C – International Carriage of Dangerous Goods by Rail (**RID**)
- Appendix D – Contract of use of vehicles in international rail traffic (**CUV**)
- Appendix E – Contract of use of infrastructure in international rail traffic (**CUI**)
- Appendix F – 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 UR**)
- Appendix G – Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (**ATMF UR**)
- Appendix H – Uniform Rules concerning the safe operation of trains in international traffic (**EST UR**)

Based on Appendix F and G to COTIF, there are 18 Uniform Technical Prescriptions (UTPs) for technical interoperability. The UTPs in the framework of COTIF have the same purpose as the EU technical specifications for interoperability (TSIs) for admission to international traffic, as defined in Chapter II of Directive (EU) 2016/797³.

43 out of the 50 States that are Party to the COTIF, including the already mentioned 25 EU Member States, apply Appendix F and G.

Based on Appendix H to COTIF, there are 4 Annexes for common safety methods. The Annexes to EST UR in the framework of COTIF have the same purpose as the EU common safety methods (CSMs) for admission to international traffic, as defined in Chapter II of Directive (EU) 2016/798⁴.

Entry into force of the Appendix H is still pending approval by two-thirds of the states that are party to OTIF.

2.2. The OTIF Committee of Technical Experts (CTE)

The CTE is set up by Article 13(1)(f) of the COTIF. It is made up of the OTIF Member States that apply Appendices F and G (APTU, ATMF) to COTIF.

³ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (recast) (OJ L 138, 26.5.2016, p. 44, ELI: <http://data.europa.eu/eli/dir/2016/797/oj>)

⁴ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (recast) (OJ L 138, 26.5.2016, p. 102, ELI: <http://data.europa.eu/eli/dir/2016/798/oj>)

The CTE has competence in matters of interoperability and technical harmonisation in the railway field and technical approval procedures. It develops the APTU and ATMF Appendices and its Uniform Rules, which apply to railway material intended for use in international traffic, which concern in particular:

- the adoption of technical prescriptions for vehicles and infrastructure and the validation of standards;
- procedures concerning the assessment of conformity of vehicles;
- provisions concerning the maintenance of vehicles;
- responsibilities for train composition and the safe use of vehicles;
- provisions concerning risk evaluation and assessment;
- specifications for registers.

The CTE currently has a standing working group (WG TECH) which is responsible for preparing the former's decisions.

Pursuant to Article 20(1)(b) of the COTIF, and in accordance with Article 6 of Appendix F (APTU), the CTE is competent to adopt or to amend the UTPs.

In accordance with Article 21(4) of Appendix G (ATMF), the CTE is competent to recommend methods and practices relating to the technical admission of railway material used in international traffic.

2.3. The adoption of acts by the CTE

According to Article 6 of APTU, the CTE shall decide whether to adopt a UTP or a provision amending it in accordance with the procedure laid down in Articles 16, 20 and 33 § 6 of the COTIF. These decisions enter into force in accordance with Article 35 §§ 3 and 4 of the Convention.

2.4. The envisaged acts to be adopted by the CTE during the session on 17 and 18 June 2025

2.4.1. *Revision of the Uniform Technical Prescription applicable to the subsystem “rolling stock – locomotives and passenger rolling stock” (UTP LOC&PAS)*

UTP LOC&PAS lays down functional and technical requirements for admitting locomotives and passenger rolling stock to international traffic within the territories of all COTIF Contracting States, in line with the ATMF UR. It covers technical design and production requirements and verification procedures.

The aim of this proposal to revise the UTP LOC&PAS is to keep it aligned with legal developments in the European Union and to update specific cases and particular implementing rules. Furthermore, the proposal clarifies the scope of the UTP LOC&PAS and its application to vehicles suitable for free circulation and to interchangeable vehicles.

The proposed modifications include:

- Clarifications concerning the scope and application of the UTP;
- An update of the references to EU legislation and to standards;

- New provisions concerning the interfaces within a vehicle between the rolling stock subsystem and on-board part of the control, command and signaling subsystem;
- Modified provisions concerning water released by or through on-board sanitary facilities;
- Modified provisions concerning the maximum current through each pantograph at standstill;
- New provisions relating to derailment detection and prevention functions;
- Modified provisions concerning the train recording device;
- Additional requirements concerning the documentation that must be provided with the rolling stock;
- Additional provisions relating to the admission to a wide area of use, applicable to particular types of passenger coaches, i.e. interchangeable vehicles;
- Update of the implementation rules, in particular by removing validity deadlines (phases A and B) for vehicles and types of vehicles that comply with previous versions of the UTP;
- Update of specific cases and particular implementing rules for non-EU Contracting States;
- Editorial modifications to align the UTP with the latest practice.

2.4.2. *Revision of the Uniform Technical Prescription applicable to the accessibility of the rail system for persons with disabilities and persons with reduced mobility (UTP PRM)*

UTP PRM lays down harmonised accessibility requirements for passenger vehicles used in international traffic in the scope of the ATMF UR.

The aim of this proposal to revise the UTP PRM is to keep it aligned with legal developments in the European Union. Furthermore, the proposal clarifies the scope of the UTP PRM with regard to vehicles and with regard to other subsystems. In particular, the application of the UTP PRM is generally mandatory for new passenger rolling stock that is admitted to international traffic in accordance with the ATMF UR. The UTP PRM also describes optional parameters for the infrastructure, operational and telematics subsystems.

The proposed modifications include:

- Clarifications concerning the scope and application of the UTP;
- An update of the references to EU legislation and to standards;
- Modified provisions concerning audible signals related to passenger door opening and closing;
- Modified and additional provisions concerning dynamic route information in and on trains;
- Update of the implementation rules, in accordance with the implementation rules of the UTP LOC&PAS;
- Editorial modifications to align the UTP with the latest practice.

2.4.3. *Revision of the Uniform Technical Prescription applicable to vehicle marking (UTP Marking)*

UTP Marking lays down the requirements applicable to vehicles used in COTIF Contracting States in relation to their vehicle numbers and associated alphabetical markings on their bodyframes.

The aim of this proposal to revise the UTP Marking is to update the references to the EU provisions. Furthermore, to facilitate understanding of the rules, information should be added to clarify the meaning of the European Vehicle Number (EVN) for freight wagons. Language corrections and editorial changes are also included.

2.4.4. *Revision of the Uniform Technical Prescription applicable to the subsystem “infrastructure” (UTP INF)*

UTP INF sets out the railway infrastructure parameters that are relevant in terms of compatibility with vehicles used in international traffic in the scope of the ATMF UR and specific methods to check these parameters.

The aim of this proposal to revise the UTP INF is to keep it aligned with legal developments in the European Union and to update specific cases and particular implementing rules.

The proposed modifications include:

- Clarifications concerning the scope and the optional application of the UTP;
- An update of the references to EU legislation and to standards;
- New provisions related to combined transport;
- Updated provisions concerning the categories of lines;
- New provisions concerning maximum pressure variations in tunnels with operational speeds of 200 km/h or above;
- Modified provisions concerning the voluntary application of the UTP to existing infrastructure;
- Update of specific cases and particular implementing rules for non-EU Contracting States;
- Editorial modifications to align the UTP with the latest practice.

2.4.5. *Modification of the UTP Telematics applications for freight services (UTP TAF)*

UTP TAF lays down requirements about the communication process between railway undertakings and infrastructure managers, databases intended to be used to track trains and wagon movements and information to be delivered to freight customers.

The aim of this proposal is to align the references to the ERA’s Technical Documents of TAF TSI listed in Appendix I of UTP TAF.

Modifications to the technical documents referred to in Appendix I of the UTP TAF are necessary in order to correct errors, take feedback into account, keep up with technical progress and maintain equivalence with the specifications defined in the ERA’s technical document ERA-TD-105: TAF TSI — Annex D.2: Appendix F — TAF TSI Data and Message Model.

2.4.6. *Update of the Handbook for the implementation and application of the APTU and ATMF Uniform Rules*

The handbook outlines the requirements for implementing and applying Appendix F to COTIF (the APTU UR) and Appendix G to COTIF (the ATMF UR) for international transport by rail, and describes the various roles and responsibilities in connection with implementation and application. It is intended to serve as a practical reference for OTIF members and states interested in acceding to COTIF, particularly for the authorities, entities and actors in their respective railway sectors.

The Handbook is non-legally binding under COTIF but nevertheless is capable of producing legal effects. It is adopted by OTIF CTE established by the COTIF, which has the power to adopt the Handbook and their modifications, i.e. recommendations in accordance with Article 21(4) of the ATMF UR. The Handbook (and thus the envisaged amendment thereto) would inform the way the EU must implement its obligations under COTIF.

The update of the handbook for the implementation and application of the APTU and ATMF Uniform Rules is necessary in order to take into account return from experience of COTIF Contracting States.

3.1. **Union competence and voting rights**

Pursuant to Article 6 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 COTIF approved by Council Decision of 16 June 2011:

"1. For decisions in matters where the Union has exclusive competence, the Union shall exercise the voting rights of its Member States under the Convention.

2. For decisions in matters where the Union shares competence with its Member States, either the Union or its Member States shall vote.

3. Subject to Article 26, paragraph 7, of the Convention, the Union shall have a number of votes equal to that of its Member States who are also Parties to the Convention. When the Union votes, its Member States shall not vote."

Pursuant to Article 3(2) TFEU, the Union has exclusive competence in relation to international commitments to be undertaken in the context of COTIF, including legal instruments adopted pursuant to it, when such commitments risk affecting existing Union rules or altering their scope.

The objective of the proposed decisions is to:

- align the UTP LOC&PAS, UTP PRM, UTP INF, and UTP Marking with Commission Implementing Regulation (EU) 2023/1694⁵ (the ‘2023 TSI Package’),
- align the references to the ERA’s Technical Documents of TAF TSI listed in Appendix I of UTP TAF.

These decisions fall in the area of rail transport services. The area of rail transport services is largely covered by Union rules which therefore risk to be affected or altered by the adoption

⁵ Commission Implementing Regulation (EU) 2023/1694 of 10 August 2023 amending Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1300/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1304/2014 and Implementing Regulation (EU) 2019/777 (OJ L 222, 8.9.2023, p. 88, ELI: http://data.europa.eu/eli/reg_impl/2023/1694/oj).

of these decisions. The Union, represented by the Commission, shall therefore exercise the voting rights with respect to the adoption of these decisions.

3.2. Proposed conclusions

For all the reasons detailed in paragraphs 2.4.1 to 2.4.6 respectively, the Union should vote as proposed below in paragraphs 3.2.1 to 3.2.6 respectively.

3.2.1. Revision of the Uniform Technical Prescription applicable to the subsystem “rolling stock – locomotives and passenger rolling stock” (UTP LOC&PAS)

The European Union should vote in favour of the revision of UTP LOC&PAS TECH-25003, subject to the amendments listed below. In case these amendments are not introduced, the European Union should vote against the proposed revision of UTP LOC&PAS.

- (a) in section 1 (Introduction) of the Annex, second subparagraph, the word “infrastructure” should be replaced by “network(s)” to reflect that technical compatibility is not limited to the infrastructure but also covers energy and track side signaling aspects;
- (b) in point 2.1 (The rolling stock subsystem as part of the rail system) of the Annex, fourth subparagraph, “, UTP WAG” should be deleted as this UTP refers only to the subsystem “locomotives and passenger rolling stock” that is not covered by UTP WAG;
- (c) in point 2.2.1 (Train formation), paragraph (1), the term “OTIF technical admission” should be replaced by “UTP verification procedure” for consistency with point 0.1, paragraph (4);
- (d) points 3.2.1 (General requirements, requirements related to maintenance and operation) and 3.2.2 (Requirements specific to other subsystem) should be deleted to align with the 2023 TSI Package.
- (e) in point 4.2.3.4.2 (Running dynamic behaviour), the title of paragraph (d) should be replaced by “Additional requirements regarding interface with on-board part of the control-command and signaling subsystem” to fully align with the 2023 TSI Package;
- (f) in paragraph (8) of point 4.2.3.4.2 (Running dynamic behaviour), in paragraphs (3) and (4) of point 4.2.4.3 (Type of brake system), in paragraph (3) of point 4.2.4.4.1 (Emergency braking command), in paragraph (5) of point 4.2.4.4.2 (Service braking command), in paragraph (4) of point 4.2.4.4.4 (Dynamic braking command), in paragraph (6) of point 4.2.4.8.2 (Magnetic track brake), in paragraph (9) of point 4.2.4.8.3 (Eddy current track brake), in paragraph (2) of point 4.2.5.5.6 (Door opening), in paragraph (8) of point 4.2.8.1.2 (Requirements on performance), in paragraph (4) of point 4.2.8.2.4 (Maximum power and current from the overhead contact line), in paragraph (5), second subparagraph, of point 4.2.8.2.9.8 (Running through phase or system separation sections
- (g) (RST level)), in paragraphs (5) and (6) of point 4.2.9.1.6 (Driver’s desk ergonomics), in paragraph (4) of point 4.2.9.3.6 (Radio Remote control function by staff for shunting operation), in points 4.2.9.3.8.1 (Sleeping mode), 4.2.9.3.8.2 (Passive shunting), 4.2.9.3.8.3 (Non leading), 4.2.9.3.9 (Traction status), in paragraph (5) of

point 4.2.10.4.2 (Smoke Control), in point 4.2.13 (Interface requirements with Automated Train Operation on-board):

- “signalling system” should be replaced by “control-command and signalling subsystem”;
 - “See point 4.3.4” should be deleted, considering that such reference is not related to the content of the point 4.2.3.4.2;
- (h) in point 4.2.4.6.1 (Limit of wheel rail adhesion profile), the wording “Note to points (1) – (4)” should be deleted as the corresponding text is a requirement, not a note;
- (i) in point 4.2.4.7 (Dynamic brake – Braking system linked to traction system), the third paragraph should be replaced by “For electric units, in case the presence on-board the unit of the voltage delivered by the external power supply is a condition for the dynamic brake application, the safety analysis shall cover failures leading to absence on-board the unit of that voltage.” to fully align with the 2023 TSI Package;
- (j) in point 4.2.7.1.4 (Lamp controls), paragraph (3), “a flashing/blinking mode” should be replaced by “an automatic flashing/blinking mode” to align with the meaning of the 2023 TSI Package;
- (k) in paragraph (1) of point 4.2.9.6 (Recording device), the fourth subparagraph should be replaced by “Additional data pertaining to the on-board control-command and signalling subsystem may be required to be recorded” to align with the meaning of the 2023 TSI Package;
- (l) in point 4.2.12.2 (General documentation), paragraph (24):
- first tiret, “signalling equipment” should be replaced by “control-command and signalling subsystem”;
 - the second tiret should be replaced by “conditions for the installation of on-board part of the control-command and signalling subsystem (e.g. mechanical, electrical, etc.)”;
- (m) in point 6.2.6 (Assessment of documentation requested for operation and maintenance), paragraph (1), “and assessing entity” should be deleted to align with the meaning of the 2023 TSI Package;
- (n) in point 7.3.2, all specific cases for the United Kingdom in respect of Northern Ireland should be deleted, as they are defined in the TSI LOC&PAS.

3.2.2. *Revision of the Uniform Technical Prescription applicable to the accessibility of the rail system for persons with disabilities and persons with reduced mobility (UTP PRM)*

The European Union should vote in favour of the revision of UTP PRM as proposed by OTIF in the CTE Working Document TECH-25004.

3.2.3. *Revision of the Uniform Technical Prescription applicable to vehicle marking (UTP Marking)*

The European Union should vote in favour of the revision of UTP Marking as proposed by OTIF in the CTE Working Document TECH-25005.

3.2.4. *Revision of the Uniform Technical Prescription applicable to the subsystem “infrastructure” (UTP INF)*

The European Union should vote in favour of the revision of UTP INF as proposed by OTIF in the CTE Working Document TECH-25006.

3.2.5. *Modification of the UTP Telematics applications for freight services (UTP TAF)*

The European Union should vote in favour of the modifications of the UTP TAF as proposed by OTIF in the CTE Working Document TECH-25007, subject to the amendment listed below. In case this amendment is not introduced, the European Union should vote against the proposed revision of UTP TAF.

- in the table in Appendix I, the line number 6 should be replaced as follows to refer instead to the up-to-date version of TAF TSI technical documents published by the Agency⁶:

6	ERA-TD-105	TAF TSI - Annex D.2: Appendix F - TAF TSI Data and Message Model	3.5.1	15.12.2024
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3.2.6. *Update of the Handbook for the implementation and application of the APTU and ATMF Uniform Rules*

The European Union should vote in favour of the modifications of the Handbook as proposed by OTIF in the CTE Working Document TECH-25011, subject to the amendments listed below. In case these amendments are not introduced, the European Union should vote against the proposed update of the Handbook.

Point 5.3.3 – specific cases

- A specific case should be used to specify a deviation from a requirement in the UTP due to technical constraints affecting compatibility with the existing system.
- A national technical requirement should be used to define a requirement other than those laid down in the UTPs.
- In case the method of assessing a specific case is complex and too long to be described in the UTP, the specific case in the UTP may refer instead to a specific national technical requirement defining the corresponding assessment method.

Point 5.4 – national technical requirements

- In case a national technical requirement falls, in full or in part, in the scope of a requirement laid down in the UTP, it should be transferred into the UTP in the form of a specific case.

Point 10.3 – Correlation with EU Law

- Even though the requirements that entities in charge of maintenance (‘ECMs’) must meet in order to be certified and the qualifications of ECM certification bodies are

⁶ Available at [TSI TAF/Technical documents at master · EU-Agency-for-Railways/TSI TAF · GitHub](#).

both harmonised between the EU and OTIF, the scope of non-EU ECM certification bodies is limited to carrying out ECM certification only outside the EU, irrespective of whether ECM requirements are equivalent in EU law and COTIF and irrespective of the fact that the EU accepts UTP compliant vehicles in international traffic into the EU on the basis of COTIF. Non-EU ECM certification bodies should therefore not certify ECMs in the EU, unless a specific agreement with the EU permits this.

- Considering ATMF UR does not include market access conditions for service provisions, foreign ECMs and ECM certification bodies cannot assert rights to provide their services in another state on the basis of COTIF but unilateral or multilateral decisions between those states may authorise the provision of these services on the territory of one or more of those states.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *‘the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’*

Article 218(9) TFEU applies regardless of whether the Union is a member of the body or a party to the agreement⁷.

The concept of *‘acts having legal effects’* includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are *‘capable of decisively influencing the content of the legislation adopted by the EU legislature’*⁸.

4.1.2. Application to the present case

The CTE is a body set up by an agreement, namely the COTIF, in particular under its Article 13(1)(f).

The acts listed above which the CTE is called upon to adopt during its 17th session constitute acts having legal effects.

The envisaged acts modify the OTIF legal framework. As the Union is a full contracting party to COTIF⁹, the envisaged acts will be binding upon the Union under international law in accordance with Article 6(1) APTU and Article 35 §§ 3 and 4 COTIF.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

⁷ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraph 64

⁸ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64

⁹ Council Decision 103/2013 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 (OJ L 51, 23.2.2013, p. 1, ELI: [http://data.europa.eu/eli/dec/2013/103\(1\)/oj](http://data.europa.eu/eli/dec/2013/103(1)/oj)).

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is adopted on behalf of the Union.

4.2.2. Application to the present case

The main objective and content of the envisaged act relate to international rail transport.

The substantive legal basis of the proposed decision, therefore, is Article 91 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 91 TFEU, in conjunction with Article 218(9) TFEU.

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union at the 17th meeting of the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail (OTIF) with regard to the revision of Uniform Technical Prescriptions applicable to the subsystem “rolling stock – locomotives and passenger rolling stock” (UTP LOC&PAS), to the accessibility of the rail system for persons with disabilities and persons with reduced mobility (UTP PRM), to vehicle marking (UTP Marking), to the subsystem “infrastructure” (UTP INF), to the subsystem Telematics applications for freight services (UTP TAF), and to the update of the Handbook for the implementation and application of the APTU and ATMF Uniform Rules

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 TFEU, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union acceded to the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (the ‘COTIF’), in accordance with Council Decision 2013/103/EU¹⁰ and the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail (OTIF) on the Accession of the European Union to the COTIF Convention (the ‘Agreement’)¹¹.
- (2) Pursuant to Article 13(1)(f) of the COTIF, the Committee of Technical Experts (‘CTE’) of OTIF was set up.
- (3) Pursuant to Article 20(1)(b) of the COTIF, and in accordance with Article 6(1) of the 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, the CTE is competent to adopt or to amend, inter alia, the Uniform Technical Prescriptions (UTP) applicable to the subsystem “rolling stock – locomotives and passenger rolling stock” (UTP LOC&PAS), to the accessibility of the rail system for persons with disabilities and persons with reduced mobility (UTP PRM), to vehicle marking (UTP Marking), to the subsystem “infrastructure” (UTP INF) and to the subsystem Telematics applications for freight services (UTP TAF).

¹⁰ 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 (OJ L 51, 23.2.2013, p. 1, ELI: [http://data.europa.eu/eli/dec/2013/103\(1\)/oj](http://data.europa.eu/eli/dec/2013/103(1)/oj))

¹¹ OJ L 51, 23.2.2013, p. 8–10.

- (4) Pursuant to Article 20(1)(e) of the COTIF, and in accordance with Article 21(4) of the Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (ATMF - Appendix G to the Convention); the CTE is competent to adopt or to amend, inter alia, the Handbook for the implementation and application of the APTU and ATMF Uniform Rules.
- (5) The CTE has included in the agenda of its 17th session, that will take place on 17 and 18 June 2025, a proposal for decisions to revise the UTP LOC&PAS, the UTP PRM, the UTP Marking, and the UTP INF, to modify the Appendix I to the UTP TAF, and to update the Handbook for the implementation and application of the APTU and ATMF Uniform Rules.
- (6) The envisaged acts of the CTE will have legal effects.
- (7) It is appropriate to establish the position to be taken on the Union's behalf in the CTE, as the proposed decisions will be binding on the Union, pursuant to Article 6(1) APTU and Article 35 §§ 3 and 4 COTIF.
- (8) The objectives of those decisions are to align the UTP LOC&PAS, UTP PRM, UTP Marking, and UTP INF with Commission Implementing Regulation (EU) 2023/1694¹², to align the references to the ERA's Technical Documents of TAF TSI listed in Appendix I of UTP TAF, and to update Handbook for the implementation and application of the APTU and ATMF Uniform Rules taking into account the return on experience from COTIF Contracting States.
- (9) The envisaged OTIF decisions to revise the UTP PRM, the UTP Marking, and the UTP INF are in line with the law and the strategic objectives of the Union by contributing to the alignment of OTIF legislation with the equivalent provisions of Union law, and should therefore be supported by the Union.
- (10) The envisaged OTIF decisions to revise the UTP LOC&PAS and to modify Appendix I of UTP TAF are also generally in line with the law and the strategic objectives of the Union, and contribute to the alignment of OTIF legislation with the equivalent provisions of Union law. However, some of the changes proposed by OTIF should be aligned with the Commission Implementing Regulation (EU) 2023/1694¹³ (the '2023 TSI Package'). It is therefore necessary to propose amendments to the envisaged OTIF decisions to revise the UTP LOC&PAS and to modify Appendix I of UTP TAF, in order to ensure alignment with EU acquis as last amended by the 2023 TSI Package. The Union should thus support the envisaged decisions subject to the condition that these amendments are introduced.

¹² Commission Implementing Regulation (EU) 2023/1694 of 10 August 2023 amending Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1300/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1304/2014 and Implementing Regulation (EU) 2019/777 (OJ L 222, 8.9.2023, p. 88, ELI: http://data.europa.eu/eli/reg_impl/2023/1694/oj)

¹³ Commission Implementing Regulation (EU) 2023/1694 of 10 August 2023 amending Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1300/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1304/2014 and Implementing Regulation (EU) 2019/777 (OJ L 222, 8.9.2023, p. 88, ELI: http://data.europa.eu/eli/reg_impl/2023/1694/oj).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf during the 17th session of the CTE of the Convention concerning International Carriage by Rail of 9 May 1980 on the revision of the UTP LOC&PAS applicable to the subsystem "rolling stock – locomotives and passenger rolling stock", the revision of the UTP PRM applicable to the accessibility of the rail system for persons with disabilities and persons with reduced mobility, the revision of the UTP Marking applicable to vehicle marking, the revision of the UTP INF applicable to the subsystem "infrastructure", and on the update of the references to the Technical Documents of TAF TSI listed in Appendix I of UTP TAF and of the Handbook for the implementation and application of the APTU and ATMF Uniform Rules shall be the following:

- (1) to vote in favour of the CTE proposed revision of UTP LOC&PAS applicable to the subsystem "rolling stock – locomotives and passenger rolling stock", as found in the CTE Working Document TECH-25003 UTP LOC&PAS, subject to the following amendments:
 - (a) in section 1 (Introduction) of the Annex, second subparagraph, replace the word "infrastructure" by "network(s)";
 - (b) in point 2.1 (The rolling stock subsystem as part of the rail system) of the Annex, fourth subparagraph, delete ", UTP WAG";
 - (c) in point 2.2.1 (Train formation), paragraph (1), replace the term "OTIF technical admission" by "UTP verification procedure";
 - (d) delete points 3.2.1 (General requirements, requirements related to maintenance and operation) and 3.2.2 (Requirements specific to other subsystem);
 - (e) in point 4.2.3.4.2 (Running dynamic behaviour), replace the title of paragraph (d) by "Additional requirements regarding interface with on-board part of the control-command and signalling subsystem";
 - (f) in paragraph (8) of point 4.2.3.4.2 (Running dynamic behaviour), in paragraphs (3) and (4) of point 4.2.4.3 (Type of brake system), in paragraph (3) of point 4.2.4.4.1 (Emergency braking command), in paragraph (5) of point 4.2.4.4.2 (Service braking command), in paragraph (4) of point 4.2.4.4.4 (Dynamic braking command), in paragraph (6) of point 4.2.4.8.2 (Magnetic track brake), in paragraph (9) of point 4.2.4.8.3 (Eddy current track brake), in paragraph (2) of point 4.2.5.5.6 (Door opening), in paragraph (8) of point 4.2.8.1.2 (Requirements on performance), in paragraph (4) of point 4.2.8.2.4 (Maximum power and current from the overhead contact line), in paragraph (5), second subparagraph, of point 4.2.8.2.9.8 (Running through phase or system separation sections (RST level)), in paragraphs (5) and (6) of point 4.2.9.1.6 (Driver's desk ergonomics), in paragraph (4) of point 4.2.9.3.6 (Radio Remote control function by staff for shunting operation), in points 4.2.9.3.8.1 (Sleeping mode), 4.2.9.3.8.2 (Passive shunting), 4.2.9.3.8.3 (Non leading), 4.2.9.3.9 (Traction status), in paragraph (5) of point 4.2.10.4.2 (Smoke Control), in point 4.2.13 (Interface requirements with Automated Train Operation on-board):
 - replace "signalling system" by "control-command and signalling subsystem";
 - delete "See point 4.3.4";

- (g) in point 4.2.4.6.1 (Limit of wheel rail adhesion profile), delete the wording “Note to points (1) – (4)”;
 - (h) in point 4.2.4.7 (Dynamic brake – Braking system linked to traction system), replace the third paragraph by “For electric units, in case the presence on-board the unit of the voltage delivered by the external power supply is a condition for the dynamic brake application, the safety analysis shall cover failures leading to absence on-board the unit of that voltage.”;
 - (i) in point 4.2.7.1.4 (Lamp controls), paragraph (3), replace “a flashing/blinking mode” by “an automatic flashing/blinking mode”;
 - (j) in paragraph (1) of point 4.2.9.6 (Recording device), replace the fourth subparagraph by “Additional data pertaining to the on-board control-command and signalling subsystem may be required to be recorded”;
 - (k) in point 4.2.12.2 (General documentation), paragraph (24):
 - in the first tiret, replace “signalling equipment” by “control-command and signalling subsystem”;
 - replace the second tiret by “conditions for the installation of on-board part of the control-command and signalling subsystem (e.g. mechanical, electrical, etc.)”;
 - (l) in point 6.2.6 (Assessment of documentation requested for operation and maintenance), paragraph (1), delete “and assessing entity”;
 - (m) in point 7.3.2, delete all specific cases for the United Kingdom in respect of Northern Ireland.
- (2) to vote in favour of the CTE proposed amendments to UTP PRM applicable to the accessibility of the rail system for persons with disabilities and persons with reduced mobility, as found in the CTE Working Document TECH-25004 UTP PRM.
 - (3) to vote in favour of the CTE proposed amendments to UTP Marking applicable to vehicle marking, as found in the CTE Working Document TECH-25005 UTP Marking.
 - (4) to vote in favour of the CTE proposed amendments to UTP INF applicable to the subsystem “infrastructure”, as found in the CTE Working Document TECH-25006 UTP INF.
 - (5) to vote in favour of the CTE proposal to update the references to the Technical Documents of TAF TSI listed in Appendix I of UTP TAF, as found in the CTE Working Document TECH-25007 UTP TAF, subject to the following amendment:
 - in the table in Appendix I, replace the line number 6 as follows:

6	ERA-TD-105	TAF TSI - Annex D.2: Appendix F - TAF TSI Data and Message Model	3.5.1	15.12.2024
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- (6) to vote in favour of the CTE proposal to Update of the Handbook for the implementation and application of the APTU and ATMF Uniform Rules, as found in the CTE Working Document TECH-25011 Handbook, subject to the following amendments:
- Point 5.3.3 – specific cases
 - in the first tiret, “A specific case is primarily used” should be replaced by “A specific case should be used”;
 - in the first tiret, “deviation from a requirement in the UTP” should be completed with “due to technical constraints affecting compatibility with the existing system.”;
 - in the first tiret, “and national technical requirements are mainly used to define requirements in addition to the UTPs” should be replaced by “. A national technical requirement should be used to define a requirement other than those laid down in the UTPs”;
 - in the fifth tiret, “the specific case may refer to a national technical requirement for this purpose” should be replaced by “the specific case in the UTP may refer instead to a specific national technical requirement defining corresponding assessment method”;
 - Point 5.4 – national technical requirements
 - in the fourth paragraph, “In some cases, the NTR can be transferred into the UTP, in full or in part, in the form of a specific case” should be replaced by “In case a national technical requirement falls, in full or in part, in the scope of a requirement laid down in the UTP, it should be transferred into the UTP in the form of a specific case”.
 - Point 10.3 – Correlation with EU Law
 - in the second paragraph, “whether an ECM” should be replaced by “whether their ECM”;
 - in the fourth paragraph, first tiret, “should be accepted” should be replaced by “should be accepted in international traffic”;
 - in the fourth paragraph, second tiret, “For the purpose of providing ECM services,” should be replaced by “For the purpose of providing ECM services on the territory of a Contracting State,” and “Contracting States” should be replaced by “that Contracting State”.
- (7) Minor changes may be agreed to the acts set out in this Article by the Commission, without a further decision of the Council.

Article 2

Once adopted, the decisions of the Committee of Technical Experts shall be published in the *Official Journal of the European Union*, indicating the date of their entry into force.

Article 3

This Decision shall enter into force on 16 June 2025.

Done at Brussels,

*For the Council
The President*