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European Union

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TRANS 240

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union at the 16th session of the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards the revision of the Uniform Technical Prescription applicable to the subsystem 'rolling stock – freight wagons', to the subsystem 'rolling stock – noise', to train composition and route compatibility checks, as well as to the subsystem 'telematics applications for freight services'

COUNCIL DECISION (EU) 2024/...

of ...

**on the position to be taken on behalf of the European Union
at the 16th session of the Committee of Technical Experts
of the Intergovernmental Organisation for International Carriage by Rail (OTIF)
as regards the revision of the Uniform Technical Prescription
applicable to the subsystem ‘rolling stock – freight wagons’,
to the subsystem ‘rolling stock – noise’, to train composition and route compatibility checks,
as well as to the subsystem ‘telematics applications for freight services’**

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’), by means of Council Decision 2013/103/EU¹ 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 Convention².
- (2) Pursuant to Article 13(1)(f) of the COTIF, the Committee of Technical Experts (‘CTE’) of the 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) concerning the subsystem ‘Rolling stock – Freight Wagons’ (UTP WAG), concerning the subsystem ‘Rolling stock – Noise’ (UTP Noise), concerning train composition and route compatibility checks (UTP TCRC), and concerning ‘telematics applications for freight services’ (UTP TAF).

¹ 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)).

² 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. 8, ELI: http://data.europa.eu/eli/agree_international/2013/103/oj).

- (4) The CTE has included in the agenda of its 16th session, which will take place on 11 and 12 June 2024, a proposal for decisions to revise the UTP WAG, the UTP Noise, and the UTP TCRC, and to modify Appendix I to the UTP TAF.
- (5) 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.
- (6) The objectives of those decisions are to align the UTP WAG, UTP Noise, and UTP TCRC to Commission Implementing Regulation (EU) 2023/1694³, and to align the references to the European Union Agency for Railways' Technical Documents of technical specifications for interoperability relating to the 'telematics applications for freight' (TAF TSI) listed in Appendix I of UTP TAF.
- (7) The envisaged OTIF decisions 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,

HAS ADOPTED THIS DECISION:

³ 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).

Article 1

The position to be taken on the Union's behalf at the 16th session of the Committee of Technical Experts (CTE) of the the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards the revision of the Uniform Technical Prescriptions (UTP) concerning the subsystem 'Rolling stock – Freight Wagons' (UTP WAG), concerning the subsystem 'Rolling stock – Noise' (UTP Noise), concerning train composition and route compatibility checks (UTP TCRC), and as regards updating the references to the Technical Documents of technical specifications for interoperability relating to the 'telematics applications for freight' (TAF TSI) listed in Appendix I of UTP relating to the 'telematics applications for freight services' (UTP TAF), shall be the following:

(1) to vote in favour of the CTE proposed revision of UTP WAG, (CTE Working Document TECH-24003 UTP WAG), and subject to the following amendments:

(a) in point 0.3,

- replace the title by 'Vehicles suitable for free circulation and interchangeable vehicles';
- in third paragraph, second indent, replace the text by:

“Interchangeable vehicle” means a vehicle which meets the requirements for free circulation and which, in addition, is equipped with standardised inter-vehicle interfaces, enabling the vehicle to be integrated into a train composition alongside other interchangeable vehicles. Wagons meeting these criteria may be marked “GE” or “CW”, in addition to the “TEN” marking.’

- in fourth paragraph, point 3, replace ‘general operation’ by ‘interchangeable vehicles’;

- (b) in point 4.2.1 ‘General’, oppose the proposed deletion of the following text:

‘When the functional and technical specifications that are necessary in order to achieve interoperability and to meet the essential requirements, have not been developed concerning a particular technical aspect, this aspect is identified as an open point in the relevant point. As required in

Article 8 § 7 of APTU

Article 4(6) of Directive (EU) 2016/797

all open points are listed in Appendix A’;

- (c) in point 4.2.3.5.3.4 ‘Derailment detection and actuation function (DDAF)’, third paragraph, replace ‘Implementing Regulation (EU) No 402/2013’ by ‘UTP GEN-G’;
- (d) in point 6.1.2.1 ‘Running gear’, fourth paragraph, replace ‘If the vehicle does not reach its minimum axle load in tare condition, the conditions for use of the vehicle shall require’ by ‘If the vehicle’s mass does not enable it to reach its minimum axle load in tare condition, the conditions for use of the vehicle may require’;

- (2) to vote in favour of the CTE proposed revision to UTP Noise, (CTE Working Document TECH-24004 UTP Noise);
- (3) to vote in favour of the CTE proposed revision to UTP TCRC, (CTE Working Document TECH-24005 UTP TCRC);

- (4) 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, (CTE Working Document TECH-24005 UTP TAF);
- (5) 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 CTE shall be published in the *Official Journal of the European Union*, indicating the date of their entry into force.

This Decision is addressed to the Commission.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council
The President
