Technical and legal regulations for insuring freight development

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The Organisation’s mission: Unified railway law to connect Europe, Asia and Africa
UIC 1435mm and 1520/1524mm gauge (as at 01.05.2014)
The Tasks

• CIM/CIV/CUV/CUI: Developing standard contracts to help define liability regimes for:
  - Passengers;
  - Freight;
  - Use of Vehicles;
  - Use of the Infrastructure.

These Uniform Rules are developed with CIT, UIP, UIC, OSJD and UNECE.

• ATMF/UTP: Ensuring technical compatibility for rolling stock with CER, EU, ERA and UIC.

• RID department: coordinating regulations on the international carriage of dangerous goods with EU, OSJD and UNECE (ADR/ADN).

=> a coordination and interfacing role
The specific characteristics of OTIF

**European Union:**
- Technical rules for interoperability and safety
- Internal regulation of transport contracts
- Implementation of liberal regulations for the rail market.

**OTIF:**
- Regulations on international rail transport
- Technical rules for interoperability/dangerous goods
- Regulation of transport contracts
- No prerequisite for regulating the rail market.

**OSJD:**
- Technical rules for interoperability and safety
- Internal regulation of conditions of transport
- Administrative regulation of the rail market.
An example: developing uniform freight contracts for Eurasia

OTIF

CIM: Regulatory model contract

CIT

Detailed provisions developed by the sector

OTIF/OSJD

Common annex: Regulatory model contract Eurasian

How to develop a contract of carriage / a single consignment note?

UNECE

OSJD

SMGS

Regulatory model contract

Detailed provisions established through regulations
Keeper – ECM a relationship to be formalised

The RU and the keeper have a contractual relationship based on CUV

The RU must ascertain that an ECM is assigned to each wagon

The RU and ECM must exchange data about operation and maintenance

The ECM is a servant of the keeper based on a contractual relationship

Keeper

ECM
Solutions for freight traffic

- The ECM regulation requires exchanges of information between RU and ECM, even though they may have no contractual relationship.
- The RU remains in charge of safety.
- GCU must be developed to take these matters into account.

⇒ OTIF is the right place to develop within CUV a common understanding in order to ensure that critical information for safety and operation is available.

⇒ This implies the assessment in international law that the ECM is an ancillary body of the keeper.
The protocol of Luxembourg: financing railway equipment

- A world-wide legal framework to recognise and regulate security interests

- By reducing risk for rail equipment financier, the protocol will:
  - Attract more private lenders and lessors
  - Facilitate and attract capital investment
  - Facilitate short term operating lease of rolling stock

=> OTIF will host the supervisory authority
Regulations for the Transport of Dangerous Goods

UN Recommendations on the Transport of Dangerous Goods (Model Regulations)

- ICAO Technical Instructions
- IMDG Code
- Regulations for the European Land Modes
  - RID
  - ADR
  - ADN
Facilitation of international freight traffic

- Freight transport by rail is the most appropriate way to carry goods over a long distance, however, many obstacles hinder the proper functioning of international rail transport.

- These obstacles must be overcome for the railways to deliver goods in a transparent, economical, fast and secure manner.

=> To that end, OTIF considers obstacles should be listed through the study of 3 corridors:

1. A corridor for land transport only between Russia/China and Germany
2. A corridor passing through Turkey, with an intermodal part on the Black Sea
The EU’s accession to COTIF

- The EU’s accession to COTIF in July 2011 is an opportunity to develop uniform railway law

- EU and OTIF have a complementary approach:
  - COTIF CIM and CIV are based on a contractual philosophy;
  - EU law is by nature public law;
  - With regard to technical regulation, OTIF has a bridging role, in order to ensure interoperability on the largest possible scale.

=> OTIF provides a level playing field for freight by rail
The administrative arrangements between ERA/Commission/OTIF of 24 October 2013

- ERA is developing safety and interoperability concepts under the control of the EU Member States and the Commission.

- Definition of common priorities:
  - a road map for the transposition of the technical specifications for interoperability;
  - setting up effective working relations;
  - prior involvement of the States parties that are not EU members;
  - cooperation on registers.

=> Involvement of the non Member States of the EU for a uniform technical environment.
Contracting states choose the level of application.

2009
- Base level: Application of APTU and ATMF
  - Competent authority outside railway company

2012
- Level 1: Freight wagons
  - UTPs GENC to GEN-G
  - UTP WAG, UTP NOI
  - RV equivalence

2015
- Level 2: Passenger carriages
  - UTP LOC&PAS + vehicle related provisions for PRM and SRT
  - Safety management provisions
  - Single admission for coaches

2017
- Level 3: Interoperability at Train level
  - UTP OPE
  - Register of types of vehicles
  - Certification of RU/Driver
  - TAF

2020
- Level 4: Infrastructure
  - UTP INF
  - UTP ENE
  - RNFE
  - Signalling
  - Infrastructure and operational harmonisation on corridors

OTIF to assist with legal and technical implementation where requested

Exchange of vehicles → Interoperability
Thank you for your attention

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Main actors for verification, admission and operation

**Verification**
- **Applicant**
  - Entity that asks for the Certificate to operation for a vehicle
  - Not defined which entity; could be RU, manufacturer, or other entity.
- **Assessing entity**
  - Entity that performs the conformity assessment of a vehicle
- **Manufacturer**
  - The end responsible for the design and production of a vehicle

**Admission**
- **Competent authority**
  - Government body that issues Certificates of Operation
  - Supervises activities of all actors

**Operation**
- **Keeper**
  - Holds the Certificate of Operation
  - Designates an ECM
- **Railway undertaking**
  - Is responsible for the correct use of the vehicle
  - Provides the ECM with information on the operation of the vehicle
- **ECM**
  - Ensures that the vehicle is in a safe state of running