



Administrative Arrangements between

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

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

and

THE EUROPEAN UNION AGENCY FOR RAILWAYS (ERA)

THE PARTICIPANTS:

- THE SECRETARIAT OF THE INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL CARRIAGE BY RAIL, represented by its Secretary General and hereinafter referred to as “OTIF Secretariat”;
- 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 UNION AGENCY FOR RAILWAYS represented by its Executive Director, hereinafter referred to as “ERA”;

HAVING REGARD TO:

- The Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol);
- The agreement of 3 June 2011 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") and declarations by the European Union thereto;
- 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 set out in Annexes I and II thereto;
- Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways;
- The good experience gained and cooperation developed in accordance with the 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) of 24 October 2013;

WHEREAS:

- The promotion, improvement and facilitation of international rail transport is a common objective of OTIF and the European Union, and enhanced cooperation between all participants is indispensable to reach this goal;

SHARE THE FOLLOWING UNDERSTANDING ON THESE ADMINISTRATIVE ARRANGEMENTS (hereinafter referred to as "AdAr"):

1. PURPOSE

The purpose of these AdAr is to establish effective collaboration and coordination in the field of international railway transport policy and law to ensure complementarity and synergy of effort within the framework provided by their respective areas of competence.

2. SCOPE

2.1. The scope of these AdAr is to specify a framework of cooperation between the participants 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 the participants.

2.2. Cooperation under these AdAr will aim to cover all aspects of international transport of passengers and goods, dangerous goods, technical interoperability and safety and the removing of obstacles to the crossing of frontiers in international rail traffic.

3. EXCHANGE OF INFORMATION

The participants recognise that effective cooperation depends on open, comprehensive and regular exchange of information at the institutional level. To this end the participants:

- a) will keep each other appropriately informed about non-confidential activities, including dissemination and training activities, in the fields of mutual interest, in particular in the legislative area.
- b) may consult each other, as necessary, on matters of common interest.
- c) will share relevant non-confidential information on the implementation and application of relevant legal provisions.

4. COORDINATION AND REPRESENTATION

4.1. The participants will maintain close and regular management and expert level contacts. The participants should aim to hold coordination meetings twice a year to discuss subjects of mutual interest covered by these AdAr.

4.2. The participants should cooperate, coordinate and inform each other when discussing matters of common interest, in particular the international regulation of railway transport and the promotion of relevant EU and OTIF rules, with states and international organisations. Without prejudice to the rights of the EU under COTIF in accordance with the applicable respective rules, the participants agree to notify and invite each other to attend suitable meetings of common interest.

5. PRACTICAL ARRANGEMENTS

The participants concerned may put in place any additional detailed practical arrangements for implementing these AdAr. Such arrangements will be set out in Annexes to the AdAr.

6. GENERAL

- 6.1 These AdAr constitute an expression of mutual good faith and do not create any legally binding obligations.
- 6.2. Each party should bear its own costs resulting from cooperation under these AdAr, unless otherwise mutually agreed in writing.
- 6.3 Any dispute concerning the interpretation or implementation of these AdAr should be resolved through consultations between the participants.
- 6.4 Each participant should provide the other participants with a contact point or a list of contact persons (with contact details and main area of activity) shortly after these AdAr have been signed.
- 6.5 These AdAr may be revised at any time by mutual written consent of the parties.
- 6.6 These AdAr will take effect on the date of signature by the parties. Any of the participants may terminate these AdAr at any time by giving the other participants three months' notice in writing.

Done in triplicate at [city] on [date] in English.

Wolfgang Küpper
OTIF
Secretary General

[signed]

Henrik Hololei
DG MOVE
Director-General

[signed]

Josef Doppelbauer
ERA
Executive Director

[signed]

**Annex to the Administrative Arrangements
between the OTIF Secretariat, DG MOVE and ERA**

**Practical arrangements in the field of interoperability, safety and the transport of
dangerous goods**

Having regard to the Administrative Arrangements between the Secretariat of the Intergovernmental Organisation for International Carriage by Rail (OTIF Secretariat), the Directorate-General for Mobility and Transport of the European Commission (DG MOVE) and the European Union Agency for Railways (ERA), in particular point 5 (Practical Arrangements), the OTIF Secretariat, DG MOVE and ERA have agreed these Practical Arrangements in the fields of railway interoperability and safety and the carriage of dangerous goods.

1. COORDINATION AND EXCHANGE OF INFORMATION

The participants intend to cooperate and exchange information with a view to maintaining compatibility and equivalence between relevant EU and OTIF rules. They share the following understanding, in particular on their respective roles:

The role of ERA:

- a) ERA should inform the OTIF Secretariat when ERA starts work on drafting recommendations for EU provisions and when issuing advice, guidance and opinions concerning subjects which are also in the scope of COTIF.
- b) ERA should invite the OTIF Secretariat to its meetings, which are open to external experts, when subjects relevant to the scope of these Administrative Arrangements are on the agenda.
- c) ERA should provide the OTIF Secretariat with access to relevant documents, including those published on the ERA extranet. Access to the extranet and the documents published on it may be subject to a separate confidentiality agreement.
- d) ERA should inform the OTIF Secretariat of its work on subjects which are also in the scope of COTIF.
- e) ERA should involve non-EU OTIF Member States in relevant public consultations on draft provisions of mutual interest through the OTIF Secretariat and inform the OTIF Secretariat how the feedback was taken into account.

The role of the OTIF Secretariat:

- f) The OTIF Secretariat should prepare proposals to modify OTIF provisions with a view to ensuring continued equivalence with EU provisions and inform the other participants.

- g) The OTIF Secretariat should analyse and, where relevant, discuss with DG MOVE and ERA how the planned work could affect compatibility of or equivalence between EU and OTIF rules.
- h) The OTIF Secretariat should decide whether or not it considers it relevant to participate in particular ERA meetings to which it is invited. The OTIF Secretariat may provide written comments concerning the substance of these ERA meetings.
- i) At the request of ERA or DG MOVE, the OTIF Secretariat should inform non-EU Member States of public consultations on draft EU provisions of mutual interest.
- j) The OTIF Secretariat may provide DG MOVE with written comments concerning subjects on the agenda of the relevant EU Committees (RISC, TDGC) or corresponding Expert Groups.
- k) The OTIF Secretariat should inform ERA, DG MOVE and the relevant EU Committees (RISC, TDGC) or corresponding Expert Groups of its on-going activities on subjects of mutual interest.
- l) Where relevant, the OTIF Secretariat should propose on the provisional agenda of its meetings an item which allows ERA to present its activities which are relevant to OTIF.

The role of DG MOVE:

- m) DG MOVE should inform the OTIF Secretariat of activities and 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 Transport of Dangerous Goods Committee (TDGC), as well as to the corresponding Expert Groups.
- n) DG MOVE should invite the OTIF Secretariat to the relevant EU Committees (RISC and TDGC) and to the corresponding Expert Groups as an observer when these Committees deal with subjects of mutual interest.
- o) DG MOVE should provide the OTIF Secretariat with access to documents of mutual interest through the European Commission's data base for meeting documentation (*CIRCA - Communication and Information Resource Centre for Administrations, Businesses and Citizens*).
- p) In accordance with point o) DG MOVE should provide the OTIF Secretariat, with in particular, the relevant final version of EU draft implementing acts submitted to RISC, in MS Word format in French, English and German as soon as they are available.

The joint role of the participants:

- q) In relation to each other's legal texts, where available, the participants should exchange practical examples of application, guidance, case law and technical opinions to monitor and facilitate the application of provisions at OTIF and EU level, where international railway transport and the transport of dangerous goods

are concerned. This applies to documents providing legal interpretation only insofar as they are publically available.

- r) The participants should keep up to date a working document identifying the links between EU and COTIF technical interoperability rules in force and those under development, with indicative planning for adoption and entry into force.

2. ADMISSION AND USE OF VEHICLES

The participants should endeavour to develop a common understanding of the interaction between the interoperability and safety rules of the EU and the provisions of the relevant Appendices to COTIF (APTU, ATMF and EST).

In particular, this should cover the use of vehicles approved in accordance with EU law or with COTIF, in international traffic.

Where relevant, the participants may identify potential for improvement to existing interoperability and safety rules that could further facilitate and improve international traffic by rail.

3. ESTABLISHING AND MAINTAINING EQUIVALENCE IN CASE OF MODIFICATIONS OF EU OR OTIF RULES

All participants should endeavour to cooperate with the aim of establishing and maintaining equivalence between relevant EU and OTIF rules.

To achieve this objective, initiatives by any participant to modify provisions, which exist in corresponding and equivalent EU or OTIF rules should be coordinated between the participants. In particular:

- a) If the changes envisaged would create a divergence, the participants should discuss how equivalence between relevant EU and OTIF rules can be maintained (for instance, by envisaging parallel adaptation of the relevant rules);
- b) If equivalence cannot be maintained, the participants should identify possible mitigating measures.

4. ADMINISTRATIVE REGISTERS

Provided that it is agreed by the competent Committees or Expert Groups and that it is compatible with the applicable rules, tasks and obligations of each party, cooperation on administrative registers which are equivalent or overlap in OTIF and the EU may be established to minimise the combined deployment of resources and effort devoted to this area of work.

This covers in particular the establishment and management of the common registers, such as:

- a) The vehicle keeper marking (VKM) register.
- b) The registers for entity in charge of maintenance (ECM) certificates and for ECM certification.
- c) The register of accredited and recognised bodies for common safety method risk assessment.

In addition, the participants may explore and analyse possible further synergies for cooperation on digital administrative solutions.

The participants involved should envisage putting in place practical implementing arrangements.

5. COORDINATION OF CERTIFICATION BODIES AND ASSESSMENT BODIES

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

- a) facilitating coordination between EU Notified Bodies and OTIF assessing entities, for instance by encouraging NB rail (secretariat for EU notified bodies) to allow the participation of OTIF assessing entities;
- b) facilitating coordination between EU and non-EU OTIF ECM certification bodies;
- c) facilitating coordination between EU and non-EU CSM risk assessment bodies.

6. TECHNICAL ADVICE AND TECHNICAL OPINIONS

The participants, in particular the OTIF Secretariat and ERA, should endeavour to exchange information in order to facilitate coordination with a view to issue advice, guidance and technical opinions for equivalent EU/OTIF technical rules, including advice to Notified Bodies/assessing entities.

7. TRANSPORT OF DANGEROUS GOODS

The participants should endeavour to exchange information with the aim of improving consistency between RID and the EU rules applicable to railways, where necessary through the Joint Coordinating Group of Experts, in particular on the following issues:

- 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.

Done in triplicate at Brussels on 29 September 2020 in English.

Wolfgang Küpper
OTIF
Secretary General

[signed]

Henrik Hololei
DG MOVE
Director-General

[signed]

Josef Doppelbauer
ERA
Executive Director

[signed]