

## **Decision of the 12<sup>th</sup> General Assembly to modify the Convention**

*Articles 3 § 2, 12 § 5, 14 § 2 letter e), 14 § 6, 15 § 5 letter g), 20, 24 § 5, 25, 26 §§ 5 to 7 and 33 § 4, letter a) of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with amendments adopted by the Revision Committee at its 24<sup>th</sup> and 25<sup>th</sup> sessions read as follows:*

### **“Article 3 International cooperation**

§ 2 The obligations resulting from § 1 for the Member States, which are at the same time Members of the European Union or States parties to the European Economic Area Agreement, shall not prevail over their obligations as members of the European Union or States parties to the European Economic Area Agreement.

### **Article 12 Execution of judgements. Attachment**

§ 5 Railway vehicles may only be seized on a territory other than that of the Member State in which the keeper has its registered office, under a judgement given by the judicial authority of that State. The term "keeper" means the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport.

### **Article 14 General Assembly**

§ 2

e) fix, for **three** year periods, the maximum amount that the expenditure of the Organisation may reach in each budgetary period (Article 25); if not, it shall issue directives relating to the limitation of that expenditure for a period no longer than **three** years;

§ 6 The General Assembly shall take its decisions by the majority of the Member States represented at the time of the vote, save in the case of § 2, letters e), f), g), h), l) and p) as well as of Article 34 § 6, for which the majority shall be two-thirds. However, in the case of § 2, letter l) the majority shall be two-thirds only in the case of proposals aiming to modify the Convention itself, with the exception of Articles 9 and 27 §§ 2 to 4 and the Protocol referred to in Article 1 § 4.

### **Article 15 Administrative Committee**

§ 5

g) fix, on the basis of the approved accounts, the definitive contributions due from the Member States in accordance with Article 26 for the previous calendar year, as well as the amount of the treasury advance due from the Member States in accordance with Article 26 § 5 for the current year;

## **Article 20**

### **Committee of Technical Experts**

§ 1 The Committee of Technical Experts shall:

- a) take decisions, in accordance with Article 5 of the APTU Uniform Rules, about the validation of a technical standard relating to railway material intended to be used in international traffic; **when taking such decisions, the technical standards or certain specific parts of these standards may either be validated or rejected; they may not under any circumstances be modified;**
- b) take decisions, in accordance with Article 6 of the APTU Uniform Rules, about the adoption or modification of a uniform technical prescription relating to the construction, operation, maintenance or relating to a procedure concerning railway material intended to be used in international traffic;
- c) keep a watch on the application of technical standards and uniform technical prescriptions relating to railway material intended to be used in international traffic and examine their development with a view to their validation or adoption in accordance with the procedures provided for in Articles 5 and 6 of the APTU Uniform Rules;
- d) take decisions, in accordance with Article 33 § 6, about proposals aiming to modify the Convention;
- e) deal with all other matters which are assigned to it in accordance with the APTU Uniform Rules and the ATMF Uniform Rules.

§ 2 There shall be a quorum (Article 13 § 3) in the Committee of Technical Experts, when one-half of the Member States, within the meaning of Article 16 § 1, are represented there. When the Committee is taking decisions about provisions of the Annexes to the APTU Uniform Rules, Member States which have made an objection, in accordance with Article 35 § 4, with regard to the provisions concerned or have made a declaration, in accordance with Article 9 § 1 of the APTU Uniform Rules, shall not have the right to vote.

## **Article 24**

### **Lists of lines or services**

§ 5 Carriage on the maritime and inland waterway services referred to in § 1 and carriage on the railway lines referred to in § 2 shall be subject to the provisions of the Convention on the expiration of one month running from the date of the notification of their inclusion by the Secretary General. Such a service or line shall cease to be subject to the provisions of the Convention on the expiration of one month running from the date of the notification of the deletion by the Secretary General, save in respect of carriage underway which must be finished.

### **Article 25**

#### **Work Programme. Budget. Accounts. Annual Report**

- § 1 The budget and accounts of the Organisation shall cover a period of one calendar year. The work programme shall cover a period of two calendar years.
- § 2 The Organisation shall publish a management report every year.
- § 3 The total amount of expenditure of the Organisation shall be fixed, for each budgetary period, by the Administrative Committee on a proposal by the Secretary General.

### **Article 26**

#### **Financing the expenditure**

- § 5 The contributions of the Member States to the expenditure of the Organisation shall be due in the form of a treasury advance payable at the latest by the 31 October of the year covered by the budget. The treasury advance shall be fixed on the basis of the definitive contributions for the preceding year.
- § 6 When sending the management report and statement of accounts to the Member States, the Secretary General shall notify the definitive amount of the contribution for the previous calendar year as well as the amount of the treasury advance in respect of the calendar year to come.
- § 7 After the 31 December of the year the notification is made by the Secretary General in accordance with § 6, the amounts due for the last calendar year shall bear interest at the rate of five per cent per annum. If, two years after that date, a Member State has not paid its contribution, its right to vote shall be suspended until it has fulfilled its obligation to pay. On expiry of a further period of two years, the General Assembly shall consider whether the attitude of that State should be regarded as a tacit denunciation of the Convention and, where necessary, shall determine the effective date thereof.

### **Article 33**

#### **Competence**

- § 4
- a) Articles 9 and 27 §§ 2 to 4;"

## **Decision of the 12<sup>th</sup> General Assembly to modify Appendix D (CUV)**

1. *After Article 1 of the Rules concerning Contracts of Use of Vehicles in International Rail Traffic (CUV), Appendix D 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) and with the amendment adopted by the Revision Committee at its 25<sup>th</sup> session the new Article 1a is inserted and reads as follows:*

### **“Article 1a Areas governed**

These Uniform Rules govern only the rights and obligations of the parties which arise from a contract concerning the use of railway vehicles as means of transport for carriage in accordance with the CIV Uniform Rules and in accordance with the CIM Uniform Rules. Public law prescriptions applicable to the use of railway vehicles, in particular those prescriptions relating to the technical admission of vehicles, to maintenance and to operational safety, shall remain unaffected.”

2. *Article 9 of the Rules concerning Contracts of Use of Vehicles in International Rail Traffic (CUV), Appendix D 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) and with the amendment adopted by the Revision Committee at its 25<sup>th</sup> session reads as follows:*

### **“Article 9 Liability for servants and other persons**

- § 1 The contracting parties shall be liable for their servants and other persons whose services they make use of for the performance of the contract, when these servants and other persons are acting within the scope of their functions.
- § 2 Unless the contracting parties otherwise agree, the managers of the infrastructure on which the rail transport undertakings use the vehicle as a means of transport, shall be regarded as persons whose services the rail transport undertaking makes use of.
- § 3 The entity in charge of maintenance (ECM) as defined in Article 15 § 2 of the ATMF Uniform Rules shall be considered as a person whose services the keeper makes use of.

The contract defined in Article 1 shall contain the relevant provisions to ensure the exchange of information as defined in Article 15 § 3 of the ATMF Uniform Rules between the ECM and the railway undertaking.

- § 4 §§ 1, 2 and 3 shall also apply in the case of subrogation in accordance with Article 8.”

## **Decision of the 12<sup>th</sup> General Assembly to modify Appendix F (APTU)**

*Article 3 of the 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 the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with amendments adopted by the Revision Committee at its 24<sup>th</sup> and 25<sup>th</sup> sessions, reads as follows:*

### **“Article 3 Aim**

- § 1 The validation of technical standards relating to railway material and the adoption of UTP applicable to railway material shall have as its aim to
- a) facilitate the free circulation of vehicles in international traffic,
  - b) contribute to ensuring the safety, efficiency and the availability for international traffic,
  - c) take account of the protection of the environment and public health.
- § 2 When technical standards are validated or UTP are adopted, only those prepared at the international level shall be taken into account.
- § 3 To the extent possible
- a) it is appropriate to ensure interoperability of technical systems and components necessary for international traffic;
  - b) technical standards and UTP shall be performance related; if appropriate, they shall include variants.”

## **Decision of the 12<sup>th</sup> General Assembly to modify Appendix G (ATMF)**

*Articles 1 and 3 of the Rules concerning Technical Admission of Railway Material used in International Traffic (ATMF), Appendix G 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) and with amendments adopted by the Revision Committee at its 24<sup>th</sup> and 25<sup>th</sup> sessions, read as follows:*

### **“Article 1 Scope**

These Uniform Rules lay down, for railway vehicles, the procedure for the admission to circulation or use in international traffic.

### **Article 3 Admission to international traffic**

- § 1 Each railway vehicle must, for circulation in international traffic, be admitted in accordance with these Uniform Rules.
- § 2 The technical admission shall have the aim of ascertaining whether the railway vehicles satisfy
- a) the construction prescriptions contained in the UTP,
  - b) the construction and equipment prescriptions contained in RID,
  - c) the special conditions of an admission under Article 7a.
- § 3 §§ 1 and 2 as well as the following articles shall apply mutatis mutandis to the technical admission of elements of construction.”

