UNESCAP EXPERT GROUP MEETING ON HARMONIZATION OF THE RULES AND REGULATIONS FOR FACILITATION OF INTERNATIONAL RAILWAY TRANSPORT

EXCHANGE of FREIGHT WAGONS in EUROPE regarding AVV/CUU/GCU (former RIV)

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Historical evolution COTIF // RIV > GCU

**OCTI** - Office central des transports internationaux ferroviaires

**UIC** - Union Internationale des Chemins de Fer

**RIV** - Regolamento Internazionale dei Veicoli

**COTIF** - Convention relative aux transports internationaux ferroviaires – Convention concerning International Carriage by RAIL

**COTIF & OCTI >>> OTIF**
Organisation intergouvernementale pour les Transports Internationaux Ferroviaires – Intergovernmental Organisation for International Carriage by Rail

**OTIF : Vilnius Protocol >>> new COTIF**

**COTIF – 1999:** comes into force, 1\textsuperscript{st} July, 2006

**Transformation of RIV 2000 >>>.**

**2006 **

>>> **CUU / AVV / GCU**
General Contract of Use for Wagons


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These texts form the core of OTIF:

- COTIF are **official documents** that have **legal force**.

- These texts are the subject of **consensus between the Member States** and are the result of work that has been carried out since the Organization was set up to promote and improve international railway transport.

- The international Convention, regulations, provisions, circulars, agreements, derogations, declarations, entries and explanations are documents that are available to both the public and professionals.
COTIF 1999

COTIF enables legal interoperability to be extended and technical interoperability to be improved and contributes to the development of multimodal transport.

Appendix A
CIV
Uniform Rules concerning the Contract for International Carriage of Passengers by Rail

Appendix B
CIM
Uniform Rules concerning the Contract for International Carriage of Freight by Rail

Appendix C
RID
Regulations concerning the International Carriage of Dangerous Goods by Rail

Appendix D
CUV
Uniform Rules concerning the Contracts of Use of Vehicles in International Rail Traffic

Appendix E
CUI
Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic

Appendix F
APTU
Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to RM intended to be used in International Traffic

Appendix G
ATMF
Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic
Significant alterations between COTIF 1980 >>> 1999

❖ Abolition of line registration
❖ Abolition of obligation to carry
❖ New transport models
❖ New requirements for travel documents and consignment notes
❖ More stringent rules concerning liability
❖ Approval and registration of the railways vehicles
Significant principles in UR **CUV** of COTIF 1999

- **Signs and inscriptions on the vehicles** *(article 3)*
- **Liability in case of loss of or damage to a vehicle** *(article 4)*
- **Loss of right to invoke the limits of liability** *(article 5)*
- **Presumption of loss of a vehicle** *(article 6)*
- **Liability for loss or damage caused by a vehicle** *(article 7)*
- **Subrogation** *(article 8)*
- **Liability for servants and other persons** *(article 9)*
Any rolling stock / freight wagon has to fulfill some requirements:

- **COTIF (Appendixes) / UE Directives**
- **TSI and European Standards (EN, …)**
- **Specifications for Rolling Stock such as TecRecs or UIC leaflets**
- **Operator specific requirements**
- **Market specific requirements**

Wagon keeper // RU
The principal need to change the RIV was required by:

- The (new) COTIF 1999
  - The disappearance of the obligation to transport,
  - No distinction between WR and WP, etc.

- Liberalization of freight transport in the EU, introducing the disappearance of state border territorial aspects

- The transformation of state railways into independent companies (inclusive separation between IM and RU)

- The European Union competition rules on the market
  >>> non-discriminatory treatment of all wagons
Contractor of the train composed of wagons RU, intermodal operator, transport company, industry etc.

Logistics companies / Shippers

Terminal

Wagon keeper

First mile

Loading

RU X → RU Y → RU Z

Last mile

IM

Information Systems

Delivery of good

Unloading

Start >>>

>>> End
A freight wagon is at the same time a financial asset, a means of transport, and a safety issue.
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UIC, UIP and ERFA work together to develop the **General Contract of Use** for freight wagons - GCU

- The **Sector’s main Associations** are playing a key role in this process: they are the **guardians** of the GCU.
- The market players have demonstrated that they can **organize themselves in an open market**, in areas where cooperation is advantageous.
- The GCU has entered into force on **July 1st, 2006**.

The European Commission attaches great value to the GCU as a vector for the flexible and concrete implementation of EU legislation / COTIF
I - OBJECT, SCOPE OF APPLICATION, TERMINATION, FURTHER DEVELOPMENT OF THE CONTRACT, DISCONTINUANCE OF BEING A SIGNATORY (1-6)

II - OBLIGATIONS AND RIGHTS OF THE WAGON KEEPER (7-9)

III - OBLIGATIONS AND RIGHTS OF THE RU's (10-17)

IV - ASCERTAINMENT AND HANDLING OF DAMAGE TO WAGONS IN THE CUSTODY OF A RU (18-21)

V - LIABILITY IN THE EVENT OF LOSS OF OR DAMAGE TO A WAGON (22-26)

VI - LIABILITY IN THE EVENT OF DAMAGE CAUSED BY A WAGON (27)

VII - LIABILITY FOR STAFF AND OTHER PERSONS (28)

VIII - OTHER PROVISIONS (29-35)
1: List of Signatory keepers and RU's
2: Definitions
3: Wagon note
4: Wagon damage report
5: Method for calculating the residual value of a wagon
6: Compensation for loss of use
7: Spare parts
8: Internal Regulation for the Application and Further Development of the GCU
9: Conditions for the technical transfer in inspection of wagons
10: Corrective and Preventive Maintenance
11: Inscriptions and signs on wagons (published separately)
12: Catalogue of damage to wagons
13: List of repairs which may be carried out by the RU on the place of immobilization of the wagon or in the nearby vicinity
14: Additional conditions for the use of wagons on ferries and in exchange with railways operating on standard or broad gauge lines
DECISION-MAKING PROCEDURE of GCU

GCU Bureau

Proposal

Signatory Association

Proposal

UIC / UIP / ERFA

Joint Committee

Proposal

Recommendation

Proposal

Result publication

UIC Dept. Freight (for UIC members) Centre of expertise for railway wagons

Draft and recommendation

Vote

Signatories

Signatories

UIC Dept. Freight (for UIC members) Centre of expertise for railway wagons

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Main current challenges facing the GCU signatories

Adapting the GCU to the evolution of the EU legislation

➢ **Introducing the notion of Wagon Keeper (WK) and of Entity in Charge of Maintenance (ECM) in the GCU**
   (recent amendment to the GCU : for the purposes of the contract: WK = ECM)

➢ **Directive 2008/110/EC, introducing the ECM - certification**

➢ **Amended Directive 2004/49/EC : contents related to safety certification**
   ▪ proposal of the Sector for an intermediate solution facilitating the delivery of safety certificates to the RUs
   ▪ self declaration by the ECM

➢ **New marking rules defined in annex P of TSI OPE**
   - introduction of “GE” and “CW”

❖ **different economic models are possible**, the challenge is to keep them compatible

❖ **autonomous management of the wagon**, including reloading and empty returns
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Technical Specifications for Interoperability (TSIs)
A few words about TSI (Technical Specifications for Interoperability)

Structure of a TSI

In application of the “new approach process”, the Interoperability Directive fixes essential requirements for:
- Safety,
- Reliability and availability,
- Health
- Environmental protection
- Technical compatibility
- Plus requirements specific to each subsystem

The Directive does not ask directly for standards but intermediate mandatory rules:
- Technical Specifications for Interoperability - TSI
Major differences between a TSI and UIC-Leaflets / EN-Standards

**TSIs**

- >> legal act: Commission decision or regulation
- >> mandatory
- >> linked to Essential requirements
- >> assessment by NoBo (structural TSIs)

**EN-Standards / UIC-Leaflet**

- >> CEN/ CENELEC or UIC
- >> voluntary (generally)
- >> can meet Essential requirements or support internal / commercial procedures / issues
- >> assessment by addressee
ASEAN Issues: - Joint Traffic Agreement
- Well-Trained Staff
- Accounting Settlement

Expansion of Business / United Railway Network of Over 10,000 km / Increase trading opportunity / Reduce gasoline consumption / Reduce GHG Emission / Reduce damage of road accident / Prepare your railway to confront with the new challenges / Link to Archipelagic countries / Improve the regional competitiveness

Examples to follow and develop:

Lao Cai - Hekou Interchange

Malaysian-Thai Border Projects
Conclusion and Recommendations

- Need for harmonization of national standards and systems across Asia (from the responsibility point of view of the various railway stakeholders).

- Mutual recognition of rules and regulations for facilitation of international railway transport.

- Benchmark to be undertaken in Asia on the CUU / AVV / GCU model and success for more than 10 years now (or PGV equivalent). Responsibility point.

- Benchmark on COTIF model (and eventually SMGS model of OSJD), to be adapted to the Asian conditions.

- UIC and its various partners in Europe are ready to closely cooperate with theirs colleagues in Asia.

Note: a seminar (study group) for wagon users in Europe is scheduled in Warsaw (Poland) between UIC and OSJD on 14-15 September 2017, in order to compare the CUU / GCU model with the latest version of the PGV one, dated 1st July 2017.
Thank you for your kind attention

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