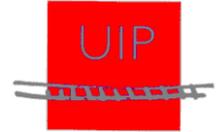


# UIP UPDATE 4<sup>th</sup> RAILWAY PACKAGE

## 2<sup>ND</sup> REPORT – ERA LEARNING CASE TANK WAGON



### Background

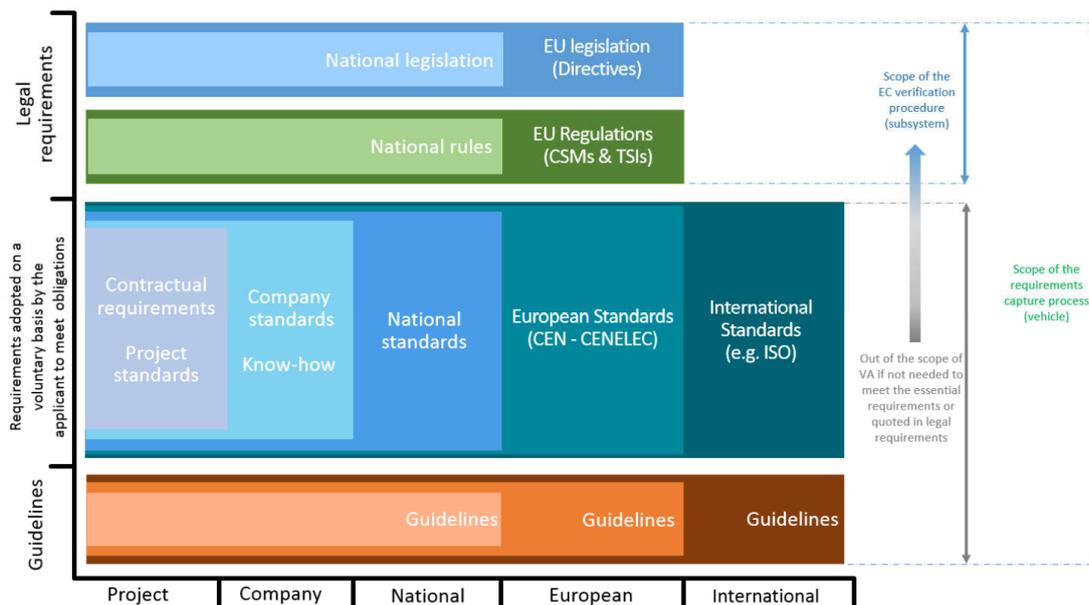
In our mail on the 4<sup>th</sup> of February 2019 we informed you that members of our affiliated associations are involved in a **“tank wagon” Learning Case activity for the authorisation of a tank wagon** with the ERA that is to be manufactured in the Czech Republic and registered in Germany (which will transpose the Directive into national law only in June 2020). In a first meeting in January, it was among other things decided that, as far as the authorisation of tank wagons is concerned, the relation between national RID approvals and the possibility to register the wagon in the country of choice of the applicant needed further clarification. In addition, the parties involved submitted a complete VA application via the OSS in March and agreed to discuss further findings and arising issues in a new meeting.

### ERA Learning case tank wagon

Against this background, we would like to inform you about the outcome of the discussions during the last meeting which took place on the 2<sup>nd</sup> of May in Lille:

On UIP's request, issues concerning RID tank approvals and the OSS-authorisation process were clarified. ERA confirmed that only **one valid RID approval will have to be submitted** in order for the ERA to grant an authorisation for a GE wagon valid in all EU MS. ERA confirmed as well that the authorisation process will be absolutely neutral with regards to the registration of the concerned GE wagon. Decisions remain national for the registration and number assignment. It's the keeper's responsibility to be aware of potential limitations for registrations based on RID tank approvals. The RID tank approval and other certificates shall be uploaded under section 18.5 (see annexe I of Implementing Regulation (EU) [2018/545](#)) in the OSS. As soon as UIP receives a written confirmation on this matter we will share it with you without delay.

Regarding the use of **Common Safety Methods (CSM) for Risk Assessment** in the framework of VA processes, ERA explained that the **“requirements capture”** process that has to be performed has to prove how not only all requirements stemming from the TSI, but also other related regulations and technical standards are fulfilled.

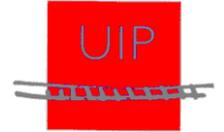


Requirements Capture: Practical arrangements (EU) 2018/545, article 13 & Guidelines for practical arrangements, pages 45-46

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For freight wagons, there are no open points in the TSI WAG. However, to build a vehicle that meets all essential requirements, other requirements may be necessary to fulfil, such as CEN/CENELEC standards, ISO standards, UIC leaflets, etc.

Therefore, in the vehicle authorisation process, there is a need to **provide evidence on the requirements capture process followed by the applicant** to ensure that at vehicle type and/ or vehicle level all relevant requirements are met. To this end, it will be necessary to provide a written document in the OSS covering the point 18.1 and 18.9 of annexe I of Implementing Regulation (EU) 2018/545. The requirements capture process should always be performed but depending on the application case, the documentation must be provided to the authorising entity. The synthesis tables from the "[Guidelines for the practical arrangements for the vehicle](#)" gives an overview of the different practical cases that are expected to be experienced by the applicants and the necessity to include or not requirements capture evidence in the application. As ERA didn't provide any opinion on the documents submitted for this learning case, it remains very **difficult for the time being to assess the expectations of the Agency in terms of scope and depth of the information required**.

Nevertheless, ERA confirmed that until the 16<sup>th</sup> of June 2019, the OSS can among other things be used to grant access to the authorising entity to the application in preparation, in order for the authorities to provide assistance if needed or required. To this end, the applicant needs to add the email address of the authorising entities users in the application (first screen). Alternatively, applicants are free also to ask ERA to enter a pre-engagement phase via the OSS. In both cases, a formal request must be submitted to the Agency, as these services **will be charged according to Art. 43 of ERA regulation (EU) 2016/796**.

Additionally, during the discussions, ERA stressed the **obligation for NoBos to publish upfront relevant information in ERADIS** according to Art. 42 §3 of IOD (EU) 2018/797 and Art. 50 §2 of the Implementing Regulation (EU) 2018/545. This concerns in particular 'EC certificates of verification of subsystems', 'EC certificates of conformity of interoperability constituents' and 'EC certificates of suitability of use of interoperability constituents' (see <https://eradis.era.europa.eu/default.aspx> - Sub section Interoperability documents). Even if this was already required under Directive 2008/57, Annex IV – section 2.7, it seems that this prerequisite for delivering vehicle authorisation has not been consequently implemented by NoBos. Applicants and wagon keepers should pay particular attention to this duty of the NoBos when requesting new conformity to type approvals or submitting a new application for VA.

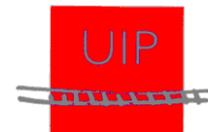
**From the 16<sup>th</sup> of June 2019**, the Agency will have to handle all freight wagons approvals, including those cases for which NSAs have not been able to hand over a final authorisation. In this sense, all applicants may have to apply again and upload relevant documents, already submitted to an NSA, into the OSS. On this basis, ERA will then contact the NSA and discuss the status of the file and the best way forward. Moreover, the Agency **reiterated its awareness of the potentially high number of "conformity to type" applications** which may be submitted in the 2<sup>nd</sup> half of 2019. In this context, while the timeframes specified in Art. 34 of Implementing Regulation (EU) 2018/545 should be recognised as the maximum time frames and not target times, the involved parties should strive to complete their tasks without unnecessary delay.

UIP will continue to address the issues raised above bilaterally with the Agency and look forward to solution-driven discussions in close cooperation with the ERA staff. We will inform you of the answers without delay.

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### DISCLAIMER

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#### **UIP – International Union of Wagon Keepers a.i.s.b.l.**

Founded in 1950, the UIP – International Union of Wagon Keepers, with its seat in Brussels, is the umbrella association of national associations from fourteen European countries, thus representing more than 200 freight wagon keepers and ECMs with more than 210'000 freight wagons, performing 50 % of the rail freight tonne-Kilometres throughout Europe. The UIP represents the members' concerns at the international level. By means of research, lobbying and focused cooperation with all stakeholders and organisations interested in rail freight transportation, the UIP wants to secure on the long term the future of rail freight transport.