



## **Joint Statement of UIC, ERFA and UIP with regard to the recent proposals of the EU Commission on Wagon Keeper issues**

The undersigned associations, members of the Joint Committee for the General Contract of Use for Wagons (GCU), representing the majority of railway undertakings and keepers of rail freight wagons in Europe, refer to the proposals of the EU Commission for an amended Safety Directive, a revised Interoperability Directive and an amended regulation about the establishment of the European Railway Agency (ERA), all dated 13 December 2006, in so far as these proposals address issues relating to the keeper of rail freight wagons.

UIC, ERFA and UIP welcome that the EU Commission proposals:

- acknowledge the need to define and integrate the concept of “keeper” on the level of the Safety and Interoperability Directives;
- refer to the definition of the keeper in COTIF 1999 in order to avoid inconsistencies;
- acknowledge the keeper’s responsibility for the maintenance of his wagon;
- provide for the Commission to be authorized to establish a maintenance certification system for keepers.

In addition, the undersigned associations would like to emphasize the following points, which should be considered in the further discussions of the proposals:

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- The entry of the keeper in the National Vehicle Register (NVR) should not just be an option, but mandatory – as has already been proposed by the respective ERA working group with regard to the NVRs.
- The definition of the keeper in the Directives should make additional reference to the keeper’s registration in the NVR, as it is already the case in the TAF TSI and has been recommended to be included in ATMF by the respective OTIF working group. This would help to clearly identify the keeper of each wagon, and would be more precise than the COTIF 1999 definition of the keeper, but not be in contradiction to it.
- It should be clarified in the proposed Article 14b of the amended Safety Directive (and other parts of the EU proposals, where applicable) that the “entity” responsible for the maintenance of a wagon is the keeper of the wagon. Railway undertakings (RUs) with regard to their own wagons are keepers of their wagons. This is in line with the terminology and the understanding laid down in the General Contract of Use for Wagons (GCU), which as of 1 January 2007 is now applicable to approximately 700 000 rail freight wagons – the vast majority of all rail freight wagons existing in Europe.
- The different roles of the RUs as train operators and keepers of own wagons and the corresponding responsibilities with regard to maintenance need to be clearly distinguished. The responsibility for generally organizing the maintenance for the individual wagons should lie with the respective keepers (whether being RUs or not). Under the Safety Directive, for a RU as train operator the responsibility with regard to maintenance should be limited to ensuring operational safety.
- A mandatory maintenance certification system for keepers of wagons should be established as soon as possible.

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**International Union**  
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**U I P**  
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