

**Joint statement of UIC, UIP, ERFA and CER
with regard to
the keeper of rail freight wagons
and
his responsibility for wagon maintenance**

The undersigned associations, representing the majority of railway undertakings and keepers of rail freight wagons in Europe, refer to the decisions taken by the Committee on Transport and Tourism of the European Parliament (TRAN) on 11th September and by the Council on 2nd October 2007 with regard to the proposal of the EU Commission for an amended Directive on safety of the Community's railways (Safety Directive) dated 13th December 2006 - 2006/0272 (COD):

- The associations welcome that both TRAN and the Council in their decisions acknowledge the important role of the keeper of rail freight wagons as well as the need to define the term “keeper” in the Safety Directive and to clearly identify the keeper in the national vehicle registers.
- The associations further welcome that TRAN voted unanimously in favour of the sole responsibility of the keeper for the maintenance and in favour of a mandatory certification of the maintenance management of the keeper.
- The associations strongly object, for the reasons given below, to the proposal of the Council to introduce an additional “entity in charge of maintenance” in the Safety Directive which is not in every case identical with the wagon keeper.

Under the COTIF 1999 and further outlined in the General Contract of Use for Wagons (GCU), now being applied as a market standard by railway undertakings and wagon keepers, the responsibility for the maintenance of wagons is clearly and solely assigned to the wagon keepers. This needs to be reflected in the amended Safety Directive.

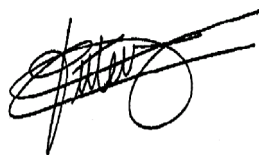
In view of their safety responsibility the railway undertakings have a duty to ensure that the wagon keepers as their contractual partners have fulfilled their maintenance obligations. This task would be substantially facilitated by a mandatory certification of the wagon keepers' maintenance management systems.

Even though a wagon keeper is free to use the services of third parties to carry out maintenance, the responsibility stays with the keeper. The introduction of an additional “entity in charge of maintenance” in the Safety Directive in contrast would open up the possibility of an entity entirely different from the keeper taking over responsibility for the maintenance of a wagon.

This potential split in responsibility would constitute a danger to railway safety. Other than the keeper, a different “entity in charge of maintenance” would not be involved in the day-to-day use of the wagon and due to the lack of contractual ties neither be obliged to deliver nor entitled to request and receive information relevant for maintenance from the different railway undertakings using the wagon. There is no known argument and no evidence presented to support the need for such an additional “entity” and apparently also no cost-benefit-analysis has been made.

In the view of the associations, the introduction of an additional “entity in charge of maintenance” would add to the complexity and cost of the railway sector and would have a potential negative impact on railway safety, while not providing any apparent benefit.

Brussels, 15th October 2007



UIC
International Union
of Railways



UIP
International Union of
Private Wagons



ERFA
European Rail Freight
Association



CER
Community of European
Railway and Infrastructure
Companies