

BEWAG General Assembly

Changes for putting new wagons in service
and modification of existing wagons brought
by the 4th railway package

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Purpose of the presentation

Present the principles for some roles of keepers following the new interoperability directive 2016/797

Key points of the presentation

The different tasks leading to the authorisation of placing on the market of new or modified freight wagons

- **Design and manufacturing**
- **Verification**
 - Procedures for verification of conformity by third party independent bodies.
 - Procedure for establishing the **'EC' declaration of verification** (2016/797 art 15)
- **Vehicle authorisation for placing on the market** (2016/797 art 21)
 - Application to the Agency or NSA depending on the **'area of use'** by the **'applicant'**
- **Placing on the market and operation**

- **Contracts between keeper and designers/manufacturers.**
 - Agreement on who is the ‘applicant’ for next phases. It can be the keeper or the manufacturer.
- **Development of the project of new wagons or modified wagons**

The keeper and its designer/manufacturer:

 - Define the area of use: Which network in which country?
 - Identify the applicable legal base:
 - EU level: e.g. Which TSIs or which parts of which TSIs? Which other regulations?
 - National level (when appropriate): e.g. Which national rules? Which requirements specific on lines of networks in the area of use?
 - Identify the applicable sector rules and standards when appropriate e.g. VPI, GCU, RSSB (for UK).
 - Prepare the ‘technical file’ as required in the identified applicable legal base.

Design and manufacturing (2)

- Help to stakeholders

Pre-engagement with NSAs concerned by 'area of use' and with Agency **upon request of the 'applicant'**.

- Good practice:

To facilitate the verification phase, the conformity assessment bodies (NoBo, DeBo, AsBo) should be associated from the start of the design.

- Verification procedures: Verification of conformity by conformity assessment bodies :NoBo, DeBo and AsBo
 - The ‘applicant’ designates the NoBo, the DeBo and the AsBo (contracts)
 - The NoBo, DeBo and AsBo proceeds to the verifications imposed by the applicable legal base.
- Procedure for establishing the ‘EC’ declaration of verification (2016/797 art 15)
 - The ‘applicant’ under its **sole responsibility** establish, date and sign the ‘EC’ declaration of verification
 - This declaration means that the wagon concerned has been **verified by NoBo, DeBo and AsBo** and that **it satisfies the requirements** of the applicable legal base.
 - The ‘applicant’ compile the ‘technical file’ that **must** accompany the ‘EC’ declaration of verification. Attention: Change!

Vehicle authorisation for placing on the market (APoM)

- The ‘applicant’ applies for APoM to the Agency or NSA depending on the ‘area of use’.
- The ‘applicant’ has to provide a set of documents:
 - ‘EC’ declaration of verification and technical file
 - Evidences that the wagon is compatible with the area of use on the basis of the applicable legal base, registers of infrastructure and the CSM on risk assessment.
 - Additional documents related to safe integration if the vehicle is composed of different subsystems. E.g. locomotives equipped with ETCS.

Attention: Change!

- Obligation to use ‘One Stop Shop’ communication IT tools (from June 2019).
- Remark. If tests on tracks are necessary for compatibility with the area of use:
 - NSAs may issue a ‘temporary’ authorization prior of making tests.
 - Infrastructure manager MUST collaborate (2016/797 art 21§3).

Placing on the market and operation

- The wagon must be registered in national vehicle register.
- The keeper designates a certified ECM (contract when appropriate).
- The keeper should ensure that the wagons remain in conformity with their 'EC' declaration of verification all along their lifecycle.
- The keeper should collaborate with the RU for the safe integration of the wagon within train operation (Checks before the use of authorised vehicles art 23)
 - Provision of documents from the 'technical file'
 - Technical support

Specificities for modification of wagons

Attention: Change!

- **Verification:** If the 'technical file' is modified and if the previous validity of the verification is affected , the 'applicant' assess the need for a new 'EC' declaration of verification.
- **APoM:** the TSIs will include the criteria to decide if a new APoM is required.

Annex: Definitions: Directive 2016/797

- **‘applicant’** means a natural or legal person requesting an authorisation, be it a railway undertaking, an infrastructure manager or any other person or legal entity, such as a manufacturer, an owner or a **keeper**;
for the purpose of Article 15, the ‘applicant’ means a **contracting entity** or a manufacturer, or its authorised representatives
- **‘contracting entity’** means a public or private entity which orders the design and/or construction or the renewal or upgrading of a subsystem.
- **‘area of use of a vehicle’** means a network or networks within a Member State or a group of Member States in which a vehicle is intended to be used;
- **‘technical file’** contains all the necessary documents relating to the characteristics of the subsystem (i.e. the wagon) and, where appropriate, all the documents certifying conformity of the interoperability constituents. It shall also contain all the elements relating to the conditions and limits of use and to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance (art 15§4).



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