

Interoperability - Putting Wagons into Service – A Considered Overview

1. Directive 2001/16EC dated 19th March 2001

Following entry into force of the TSIs, for a new wagon to be put into service it must:-

- 1.1. firstly have a certificate of “EC” declaration of conformity or suitability. This certificate is produced by a Notified Body, competent in the required areas, as chosen by the procurement entity or its official representative. The Notified Body shall be responsible for compiling a technical file, which has to accompany the EC declaration of verification, which must contain all necessary documents certifying conformity of the Interoperability constituents. It should also contain all elements relating to the conditions and limits of use and to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance. (Article 18.)
- 1.2. secondly, with the presentation of the EC declaration of verification, it must be authorised by a member state for putting into service and the Keeper registered in the file and Rolling Stock Register.
- 1.3. Notified Bodies are assessed and approved by member States within whose territory they reside and those member States notify the Commission of the list, identification numbers and areas of responsibility of those approved Notified Bodies. (Article 20)
- 1.4. In accordance with Article 16(1) of Directive 2001/16/EC, where compliance with the TSIs has been achieved and an EC Declaration of Verification is granted within one Member State for freight wagons, this shall be mutually recognised by all Member States.

When seeking safety certification under article 10 of directive 2004/49 (Part B of the certificate) or authorisation of placing in service under article 14(1) of directive 2001/16, Railway Undertakings may seek certification/authorisation of placing in service for grouped wagons. Wagons may be grouped according to series or type.

Once safety certification or authorisation of placing in service is granted for grouped wagons in one Member State, this shall be mutually recognised by all Member States in order to avoid duplication of safety/interoperability checks by Safety Authorities.

2. Points to note

- 2.1. The procurement entity or its official representative may choose any Notified Body which is competent for the areas of responsibility and not necessarily resident in the State which he chooses to make application for putting into service.
- 2.2. The procurement entity or its official representative need not necessarily be resident in the State which he chooses to make application for putting into service
- 2.3. The wagons referred to under Point 1. relate to wagons that are fully TSI compliant operating over TSI compliant areas.

2.4. Where there is deviation in either of the aspects of 2.3. then authorisation of each State to be involved would be required – ergo the allocation of such authorisation in the reference files of the TAF TSI annex on Rolling Stock Databases.

3. Change of Keeper/Area of Operation

3.1. Should a vehicle be sold/transferred and the Keeper is changed then the approving authority needs to be notified and the Technical File updated as well as the Rolling Stock Register, plus of course the VKM on the vehicle.

3.2. For the change of one Keeper to another Keeper it needs to be ensured that the new Keeper has the necessary accreditation or achieves it – for example on the requirement of Dangerous Goods.

3.3. For a change of area of operation then any significant change in environment/operational aspects need to be reflected and adopted into the maintenance file. (The assessment of maintenance is still an open point in the RST TSI and will no doubt be covered in the ERA work programme for Activity No. 6 of their Work Programme for 2005 under drafting of TSIs for conventional rail (Third Mandate)).

4. Examples

4.1. A fully TSI compliant wagon, as per 2.3., has a Keeper in State A, which State authorised it being put into service, is sold to a new Keeper in State B. Then only the approving State needs to be notified of Keeper change and to check that the new Keeper is accredited for his role as per 3.2. plus change of VKM and possibly Maintenance Plan requirements.

4.2. A wagon, as per 2.4., has a Keeper in State A and is sold to a Keeper in State B requires notification to the various authorising States of change of Keeper, change of VKM and check that the Keeper is accredited for his role plus possible change of Maintenance Plan requirements.

5. Areas of Responsibility

5.1. The responsibility for ensuring the safe operation and compliance of the wagons which it hauls at any given time **lies unequivocally with the Duty Holder** (the operating railway of the moment).

Quote from RST TSI para 4.2.8.1.2.

In the case of entities other than the Railway Undertaking using the Rolling Stock being responsible for the maintenance of the Rolling Stock used, the Railway Undertaking using the Rolling Stock must ascertain that all relevant maintenance processes are in place and are actually applied. This must also be suitably demonstrated within the Safety Management System of the Railway Undertaking.

5.2. The Duty Holder must therefore check the Rolling Stock databases, to which he has secured rights of access during his time as Duty Holder, to ensure compliance and he has the right to refuse to haul, if not satisfied with justified reasons, with those details or visual inspection of the wagon(s) when presented for traffic.

5.3. The Keeper (referred to as the Entity responsible for the Maintenance file in the RST TSI para 4.2.8.) is responsible for the fact that his wagons are compliant with their maintenance plans, that

only accredited workshops for his types of vehicle are used and that the mandatory maintenance details required by the TSIs in the Rolling Stock databases are updated in timely manner.

6. Conclusions

- 6.1. The question of Safety as per 5.1. and 5.2. is self regulating and controlled by the State through their authorisation of the Safety Management System of the Railway Undertakings. The Railway Undertakings need to follow their duty holder obligations – vide **RST TSI para 4.2.8.1.2. as quoted above -** and be able to demonstrate this fact. There is therefore no need to change a wagon number in the achievement of this. In fact traceability through retaining the same number from construction to scrapping – both of which are allowed for in the databases – is a definite safety aspect.
- 6.2. A Keeper does not have to reside in the State approving a wagon nor of operations but must be accredited for his role, particularly if dealing with Dangerous Goods.
- 6.3. The Notified Body does not have to reside in the State approving a wagon nor of operations but must be listed by his own State as competent for the area of responsibility involved in compiling the technical file.
- 6.4. If changing the ‘home’ or operations of a wagon there is no need to notify the authorising State for a fully compliant TSI wagon operating on TSI compliant areas, since the approval is already given and is mutually recognised by the other States.
- 6.5. If changing the Keeper then this must be notified and accreditation of Keeper verified, plus VKM change in both the register and physically on the wagon.
- 6.6. A wagon as per 2.4. needs to abide by the requirements exemplified in 4.2.
- 6.7. There is, therefore, absolutely no need to change a wagon number if changing ‘home’, area of operations or Keeper.
- 6.8. If it is required to have a ‘country’ code in helping the GSM systems then it could be that the first approving State country code is placed at the appropriate part of the numbering sequence, bearing in mind this is where the original Technical File arises and wherein perhaps the most concentrated review is effected and needs to be traced back to, albeit this is also foreseen in the wagon reference files already.