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# Forum Güterwagen

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**Keeper discussion  
in**

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# Keeper discussion in European legislation

VAB Forum Güterwagen – 15. May 2008

## What is a wagon keeper ?

### Definition GCU

The person who exploits a wagon economically in a permanent manner as a means of transport.

The keeper is the entity whose company name is mentioned as such on the wagon itself and/or in the official register

### Who can be a wagon keeper ?

- ✓ Owner of a wagon
- ✓ Financial entity
- ✓ Specialised company investing in wagons
- ✓ Leasing Company
- ✓ Railway Undertaking
- ✓ Infrastructure Manager

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VAP Forum Güterwagen - 15. May 2008

## New situation for wagons

- TSIs have replaced RIV rules for new wagons
- Independent wagons are not any more registered in RU fleets.
- Maintenance of independent wagons and maintenance workshops are not any more supervised by RUs

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## What are the new tasks of a wagon keeper ?

- Provide wagons to various customers
- Guarantee that wagons are in conformity with the applicable rules (TSIs)
- Guarantee that wagons are in a correct state of maintenance
- Have processes in place which enable him to achieve compliance with safety requirements
- The Keeper is now responsible that his wagons are compliant with their maintenance plans, that, as per the GCU, only accredited workshops for his types of wagon are used and that the mandatory maintenance details required by the TSIs in the Rolling Stock databases are updated in timely manner

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## New situation for RUs

RU is responsible for the overall safety but can only check the operational safety.

**It cannot check the hidden defects of the train components like the state of maintenance of the wagons !!!!!!**

**Therefore there is a missing link :**

**A CERTIFIED KEEPER TO ASSUME THE RESPONSIBILITY FOR THE MAINTENANCE OF THE WAGONS**

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Why do we need a wagon keeper with mandatory certification of his management system for maintenance ?

- Freight wagons have a nomadic lifestyle moving from RU to RU
- Currently there is no harmonised maintenance in EU or COTIF areas with the consequence of different standards and varying in-service reference factors

**Without mandatory certification RU can only:**

- rely on the keeper being voluntary certified  
or
- check completely the wagon  
or
- withdraw the wagon from the train.

**Consequence : fluidity of traffic in serious danger**

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**Therefore,  
a wagon keeper with mandatory certification is a must !**

- To respect the fluidity of the traffic it is impossible to perform advanced checks.
- It is as well impossible to ensure that the Management System for Maintenance has been totally respected and that the wagon is fully ready for transport

**What happens if you rent a lorry instead of a freight wagon ?**

- Renting company is responsible and acts as a keeper.
- Its management of safety relies on state control to be performed regularly by notified body.
- You don't have to check the brakes and other parts involved in safety for road transport but you can rely on the maintenance done by the renting company.

# Keeper discussion in European legislation

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How is the EU transposing the demands of the sector ?

## Modified Interoperability Directive

### Article 2 r) : First reading agreement

#### Keeper definition

“Keeper” means the person **or entity** that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the National Vehicle Register (NRV) referred to in Article 23 b of the Directive.

## Modified Safety Directive : Maintenance of vehicles

### Article 14 b : Position of EU Commission

- Whenever an item of rolling stock is placed in service, a legal entity to be responsible for maintenance shall be designated for each vehicle.
- Certification of the keeper should be voluntary but may be made “mandatory” through contractual arrangements in the framework of the GCU.

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How is the EU transposing the demands of the sector ?

## Modified Safety Directive :

### Article 14 b : Council compromise proposal (April 2008) respecting largely EP

1. Each vehicle, before it is placed in service or used on the network, shall have an entity in charge of maintenance assigned to it and this entity shall be registered in the NVR in accordance with Article 33 of the Railway Interoperability Directive.
2. A railway undertaking, an infrastructure manager or a keeper may be an entity in charge of maintenance. **Demand of the sector: Wagon keeper is always the entity in charge of maintenance.**
3. In the case of freight wagons , each entity in charge of maintenance shall be certified in accordance with paragraph 5.
4. Based on a recommendation by the Agency, the Commission shall, at the latest two years (**EP – one year**) after entry into force of this directive, adopt a measure establishing a system of certification of entities in charge of maintenance for freight wagons....

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## Conclusions

- ❖ A RU can only be responsible for what it can check in a reasonable time.
- ❖ The railway sector needs a legislation adapted to the changed legal responsibilities and enhancing its efficiency.
- ❖ Responsibility of the keeper for maintenance and its mandatory certification is an important factor for guaranteeing safety.
- ❖ The framework created by the GCU must be respected.
- ❖ The European Parliament and finally the Council respect the unanimous wish of the whole rail freight sector.