



Cross – Acceptance and Safety

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UNECE Group of Experts on Unified Railway Law
Second Session; St. Petersburg



Content

- I. Short introduction to Eisenbahn-Bundesamt (EBA)**
 - II. EU Railway Policy and EU Legal Framework**
 - III. Safety Responsibility in the Railway Sector**
 - IV. The EU – Railway House**
 - I. Technical Interoperability,
 - II. Licensing,
 - III. Operational Interoperability,
 - IV. Maintenance,
 - v. Supervision, Monitoring**
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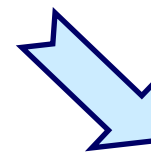
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EBA = German National Safety Authority since 1994

Responsibilities



Art. 16 (2) Safety Directive, e.g.:

- Safety certification / Authorisation
- Authorisation for placing in service
- Supervision
- Market surveillance

Other tasks, e.g.:

- Licensing
- Financing infrastructure investment
- Planning approval



EBA Key figures

Staff	1.255 (incl. apprenticeship etc)
Expenditures	65 m € (thereof approx. 80 % for staff)
Revenues	42 m €
Budget managed	approx. 3.9 bn € (for infrastructure investment)

Authorisations for placing in service

Locos/trainsets	508
Passenger coaches	182
Freight wagons	4106



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EU Railway policy

Equal conditions for fair intermodal competition



**Liberalisation
incl.
Regulation**

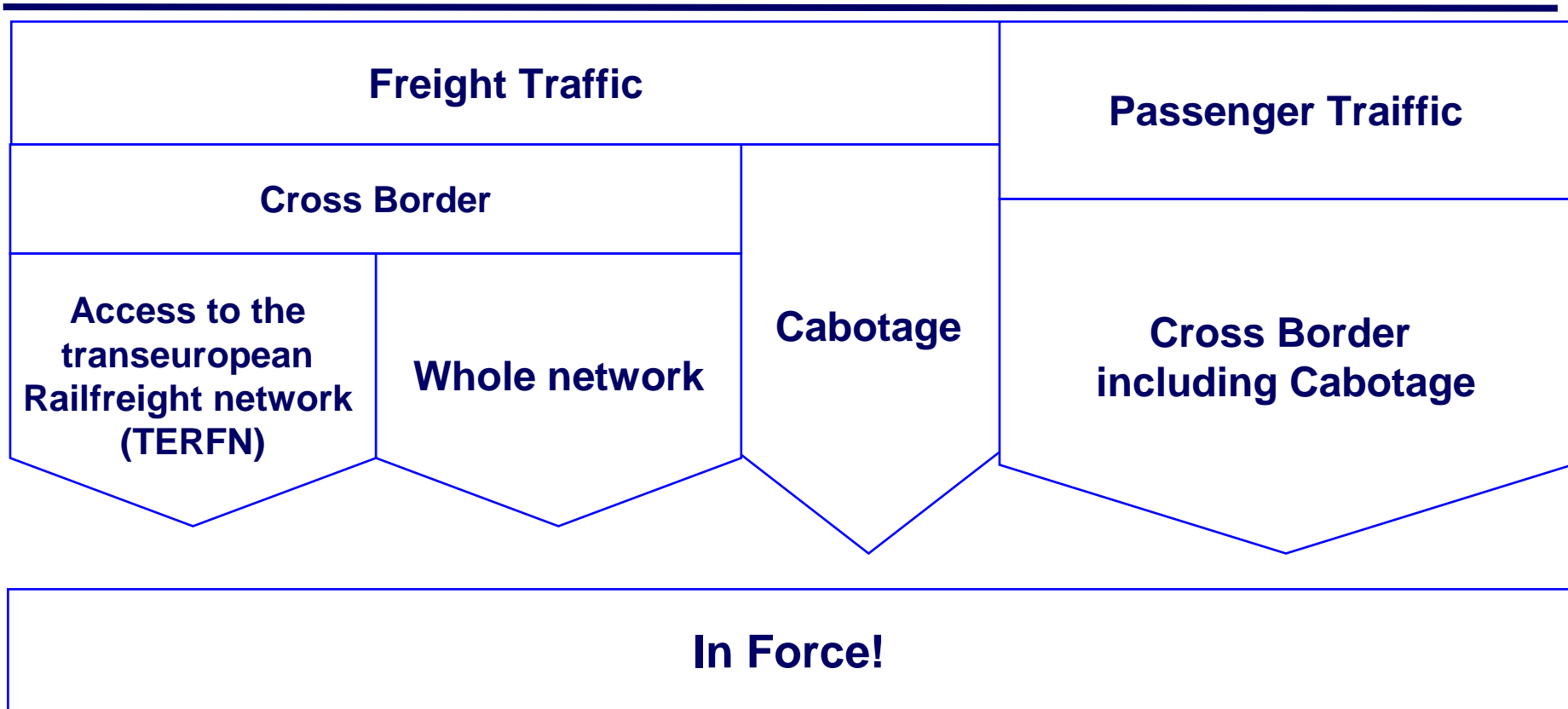


Harmonisation

of the railway market



Liberalisation



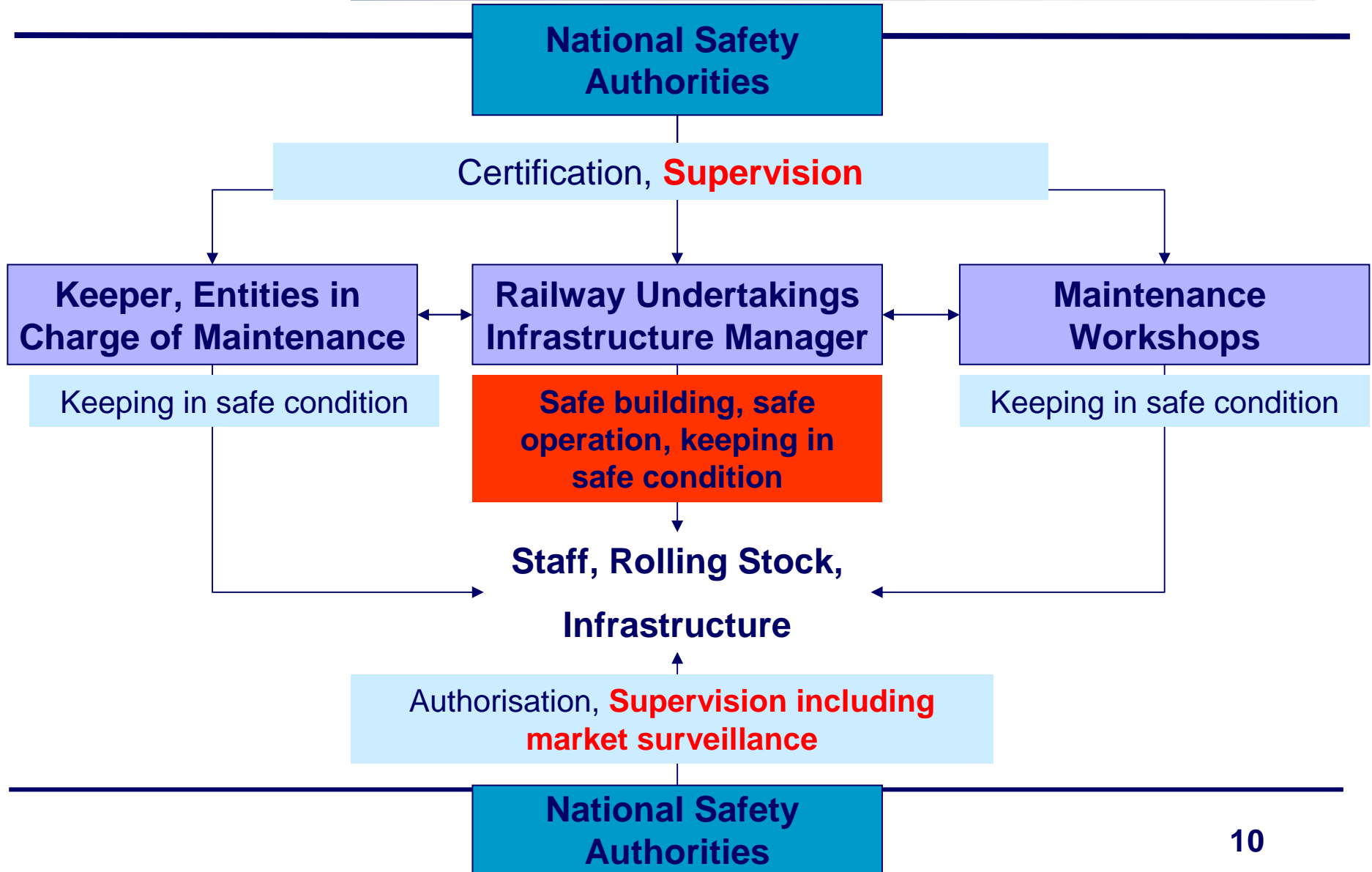


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Safety Responsibility in the Railway Sector





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EU “Railway House”

Step		Regulation	Content/Result	Requirements assigned to:	To be checked by:
7	Quality of rail passenger services and liability	Regulation 1371/2007 on rail passengers` rights and obligations, contract		RU, IM, Passenger	EB
6	Network Access of RU	2001/14/EC	Contract	RU/IM	RB
5	Maintenance of vehicles	MoU, Revision of Dir. 2004/49/EC (Dir. 2008/110/EC)	Certificates for maintenance workshops, entities in charge of maintenance of freight wagons	Maintenance Workshops, Entities in charge of maintenance	NSA
4	Safety and operational Interoperability	Dir. 2004/49/EG, TSI Operation, Dir. 2007/59/EC	Safety Certificate, Safety Authorisation, Driver Licence	RU, IM, Trainsdriver	NSA
3	Competence of the Undertaking	Dir. 91/440 EWC and 95/18EC	Licence	RU, (IM)	NSA
2	Structural Interoperability	Dir. 2008/57EC, TSI, EN	TSI, EN, EC – Declaration by NoBo, Authorisation for placing into service by NSA	Manufacturer, RU, IM	NB, NSA
1	Technical Harmonisation			Manufacturer	NB, Manufacturer

EB = Enforcement Body, RB = Regulatory Body, NSA = National Safety Authority, NB = Notified Body

= safety relevant



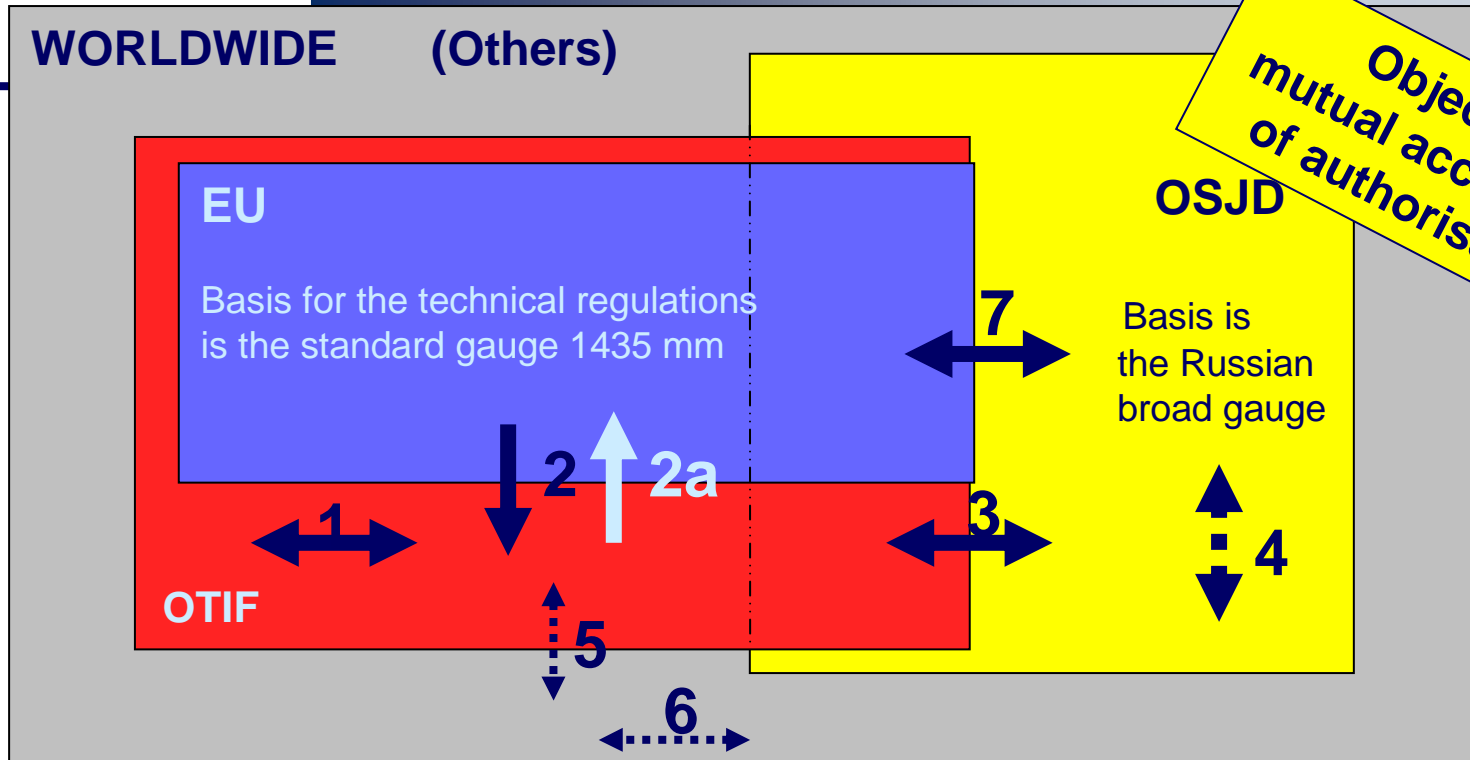
Harmonisation, state of the art

Rolling Stock

EU – Part		COTIF	National Part
Specific TSI:	Transversal TSI (PRM, SRT, Noise)		
TSI RST HS	X	X (?)	X
TSI Loc&Pas CR (2011)	X	X (?)	X
TSI Energy, CCS		X (?)	X
TSI FW	X	X (2011)	
CSM „Risk“			



Introduction, Circulation of Vehicles



1. Within OTIF Member States only
2. From an EC Member State to an OTIF Member State
- 2a. From an OTIF Member State to an EC Member State
3. Between an OTIF Member State and a State which is a Member of OSJD only
4. Within OSJD Member States only
5. Between an OTIF Member State and States outside OTIF/OSJD
- Between States outside OTIF/OSJD
- Between EU and OSJD



Cross Acceptance within COTIF and between COTIF and EC

COTIF

Art. 6, § 3

EU

Art. 3 a, § 3

2. Authorisation for placing in service on the basis of EU – Law*#

1. Authorisation for placing in service on the basis of EU – Law*#

EU - MS

EU - MS

COTIF - MS

COTIF - MS

§ 1

§ 2

Operation, maintenance acc. to EU-Law

Operation, maintenance acc. to ATMF, APTU

4. ATMF, APTU *

3. Admission to operation on the basis of ATMF, APTU * #

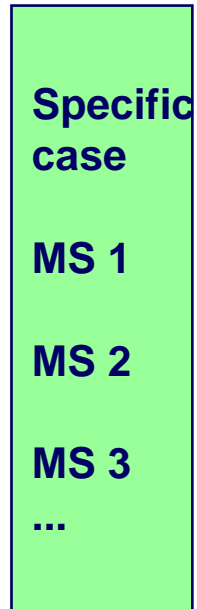
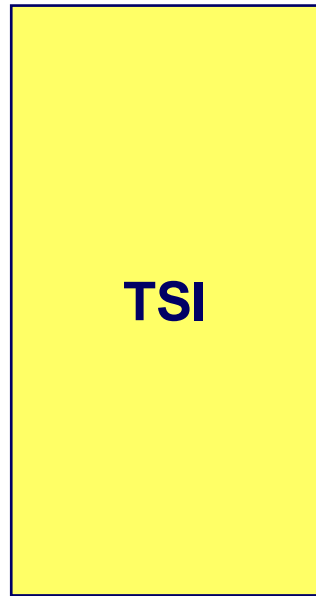
* = + assessment of national requirements for the applicable networks (compatibility)
= + safety certificate for RUs operating trains, but not for being keeper of vehicles



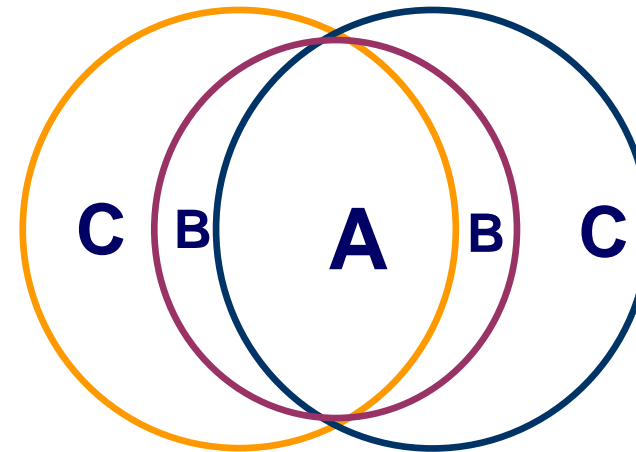
Cross Acceptance, example: Rolling Stock

Two methods:
TSI

↔ Guideline for Cross Acceptance



very long and time and cost concerning progress for technical harmonisation



“A” items are realised today on the basis of the approval of the same rules

- ➔ Reduction of “B” items
- ➔ Acceleration of the European cross acceptance process is possible



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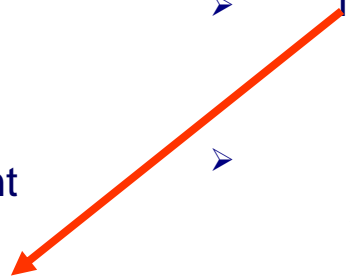
Operation, Safety Certification, Safety Authorisation

Part A:

- SMS,
 - Common Requirements: Dir. 2004/49/EC, Art. 9, Annex 3, CSM on conformity assessment (2011)
 - COM paper 04/49 DV 28 EN 02, european interim solution (maintenance of freight wagons of other keeper)
- TSI OPERATION HS&CR

Part B:

- National Requirements
 - (esp. Operation)
- Common Requirements: Dir. 2004/49/EC, Art. 9, Annex 4, CSM on conformity assessment (ERA is developing)



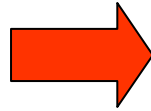
Conclusion: appropriate way is support of cross acceptance by further harmonisation of operational requirements independent of certifying body!



Operation, Specific question: driver license

State of the Art:

- DE: VDV 753 (license + certificate) by RU, IM
- FR: analogue solution



Dir. 2007/59/EC:

- License („related to the driver“):
 - NSA or certifying body
 - XA in Europe
- Certificate (Infrastructure, RST – knowledge):
 - by RU, IM, no XA



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Maintenance

Organisation:

- MoU ECM: signed by DE and FR:
 - voluntary ECM – certification,
 - Cross Acceptance by signatories
- Dir. 2004/49/EC (as amended by Dir. 2008/110/EC)
 - mandatory ECM obligation for maintenance,
 - mandatory ECM – certification for ECM of freight wagons
 - Mandatory cross acceptance
 - ERA draft include MW!

ECM = entity in charge of maintenance

Technical Requirements

- No harmonisation,
- First discussion about XA of maintenance requirements
- Different level



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Supervision, monitoring

Distinguish between:

- **Internal** (second party: by RU, IM, ECM...)
- **External** (third party: by NSA)

Relevance:

- Common requirements and common procedures are the basis for equal conditions for manufacturers and operators

Market Surveillance (interoperability constituents):

- harmonised procedure
- Practical experience (-)

External supervision:

Dir. 2004/49/EC, Art. 16 Par. 2 a), e)

- no common requirements, no common procedures up to now
- CSM on conformity assessment: framework principles (proportionality, consistency targeting, transparency, accountability, co-operation arrangements between NSA),
- Future requirements in CSM for monitoring



Thank you for your kind attendance!



New website:

www.eisenbahn-bundesamt.de