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# EIM Position Paper on Entity in Charge of Maintenance

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## Position background:

1. European Commission Regulation no... "on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007
2. Paper A version 0.7, working document:  
  
Architecture of Maintenance  
Scope of Activity of an ECM  
Scope of the Certification  
  
ERA Dossier on Certification of the Entity in Charge of Maintenance
3. ERA revision of the Wagon TSI, Final draft 0.1 of 29th July 2011.  
Chapter 2: Scope and definition of subsystem

## Introduction:

The revision of Directive 2004/49/EC (Safety Directive) has introduced a new Article 14a (2008/110/EC), dealing with the certification of the Entity in Charge of Maintenance (ECM). It assigns a new task to the Agency, drafting a recommendation for the certification scheme, which is supported by the amendment of the Agency Regulation EC 881/2004 (EC 1335/2008).

In the Commission Regulation (EU), "on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007. Is the following point (4) under whereas describes:

Whereas:

*(4) Infrastructure managers need to use freight wagons to transport materials for construction or for infrastructure maintenance activities. When they operate freight wagons for this purpose, infrastructure managers do so in the capacity of a railway undertaking. The assessment of the infrastructure manager's capacity to operate freight wagons for this purpose should be part of its assessment for a safety authorisation under Article 11 of Directive 2004/49/EC*

In the same regulation (on a system of certification of entities in charge of maintenance...) the following under Article 3, definition (d):

*'freight wagon' means a none-self-propelled vehicle designed for the purpose of transporting freight or other materials to be used for activities such as construction or infrastructure maintenance;*

In ERA revision of, the Wagon TSI Final draft 0.1 of 29<sup>th</sup> July 2011. Chapter 2: Scope and definition of subsystem *the following definitions are used:*

*A **unit** is the generic term used to name the rolling stock. It is subject to the application of this TSI, and therefore subject to the EC verification procedure.*

*A unit can consist of:*

- *a **freight wagon or wagon** that can be operated separately, featuring an individual frame mounted on its own set of wheels or*
- *a rake of permanently connected **elements**, those elements cannot be operated separately or*
  - **separate rail bogies** connected to a compatible road vehicle the combination of which form a rake of a rail compatible system.

The objectives:

- ERA Terms of Reference for ECM.
- Developing a recommendation on a System for the Certification of the Entity in Charge of
- Maintenance for freight wagons under Article 14 of the amended SD.
- Ensuring consistency of the proposed ECM Certification Scheme with the CSM for Conformity Assessment developed under Article 6(3)(b) SD.

With reference to:

1. European Commission Regulation no... “on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007.
2. Paper A version 0.7, working document:
  - ARCHITECTURE OF MAINTENANCE
  - SCOPE OF ACTIVITY OF AN ECM
  - SCOPE OF THE CERTIFICATION
  - ERA Dossier on Certification of the Entity in Charge of Maintenance

### **Certification Scope**

According to the art 14a of the Railway safety directive this recommendation is limited to freight wagons. This covers all freight wagons used for commercial freight transport and all wagons used by RUs and IMs for internal purposes (e.g. wagons used for the maintenance of the infrastructure, yellow vehicles – yet to be defined by EIM after a survey that EIM will make in 2010).

According to the art 14a the passenger’s vehicles and the locomotives are excluded. Certification are in the regulation limited to freight wagons, but may be extended to other or to any kind of vehicles.

The Safety Directive 2008/110/EC of 16 December 2008, states:

- (8) When a railway undertaking or infrastructure manager uses a vehicle for which no entity in charge of maintenance is registered or for which the entity in

charge of maintenance is not certified, it should control all risks associated with the use of such a vehicle. The capacity to control such risks should be demonstrated by the railway undertaking or the infrastructure manager through the certification of their safety management system and, where applicable, through their safety certification or authorisation.

(9) For freight wagons, the entity in charge of maintenance should be certified according to a system to be developed by the Agency and to be adopted by the Commission.

Where the entity in charge of maintenance is a railway undertaking or an infrastructure manager, this certification should be included in the procedure for safety certification or authorisation. The certificate delivered to such an entity would guarantee that the maintenance requirements of this Directive are met for any freight wagon of which it is in charge. This certificate should be valid in the whole Community and should be delivered by a body able to audit the maintenance system set up by such entities. As freight wagons are frequently used in international traffic and as an entity in charge of maintenance may want to use workshops established in more than one Member State, the certification body should be able to perform its controls in the whole Community

#### **Conclusion:**

#### **EIM position on vehicles/units/wagons to be included in the ECM regulation:**

- All none self-propelled units/wagons which use in-service tracks shall be under ECM certification.
- Units/wagons which only use tracks that are in the out-of-service mode are not required to be under ECM certification.
- Each wagon/unit that can be operated or transported separately by a traction-unit on in-service tracks shall be under ECM certification.

This implies that:

- Every unit/wagon that is transported over in-service tracks (perhaps in order to be used on out-of-service tracks) is under ECM certification
- Individual units/wagons that are part of a fixed or non-fixed combination that can transport separately over in-service tracks are under ECM certification. A combination of units/wagons that can only be transported and operated as a fixed combination can be as 1 unit under ECM certification.