



OTIF/RID/CE/GTP/2015/2

17 September 2015

Original: German

**RID:** 5<sup>th</sup> Session of the RID Committee of Experts' standing working group  
(Zagreb, 23 - 27 November 2015)

**Subject:** Inclusion of obligations for Entities in Charge of Maintenance (ECM) in RID

**Proposal from the International Union of Wagon Keepers (UIP)**

1. At the last session of the RID Committee of Experts' standing working group, UIP agreed to submit a more detailed follow-up proposal to include obligations for Entities in Charge of Maintenance (ECM) in RID, and to coordinate the proposal with the interested parties beforehand.
2. UIC and UIP have come to an agreement on this issue and submit the following amendment proposal.
3. Insert the following new definitions in 1.2.1:

**"Entity in Charge of Maintenance (ECM):** means the entity in accordance with the Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (ATMF – Appendix G to COTIF) and certified in accordance with Annex A\* thereto, that is in charge of the maintenance of a wagon.

<sup>\*)</sup> Appendix G is harmonised with the European legislation, particularly Directives 2004/49/EC (Articles 3 and 14 a) and 2008/57/EC (Articles 2 and 33) on the elements related to ECM. Annex A to ATMF is equivalent with Regulation (EU) 445/2011 and deals with the certification system of entities in charge of the maintenance of freight wagons."

**"ECM,** see *Entity in charge of maintenance.*"

4. Include a new 1.4.3.8; the obligations are derived from the ECM's responsibilities for the wagon:

**"1.4.3.8 Entity in Charge of Maintenance (ECM)**

In the context of 1.4.1, the Entity in Charge of Maintenance (ECM) shall in particular ensure that:

- (a) the maintenance of tanks and their equipment is carried out in such a way as to ensure that, under normal operating conditions, the tank-wagon satisfies the requirements of RID;
- (b) the tests and inspections are carried out in accordance with Chapter 6.8;
- (c) the information as defined in Article 15a § 3 of ATMF – Appendix G to COTIF and in Article 5 of Annex A to ATMF also covers the tank and its equipment;
- (d) the maintenance activities concerning the tank and its equipment are recorded in the maintenance file."

5. This would result in changes to the responsibilities of tank-wagon operators in 1.4.3.5. Amend 1.4.3.5 to read as follows:

**"1.4.3.5 Tank-wagon operator**

In the context of 1.4.1, the tank-wagon operator shall in particular:

- (a) ensure compliance with the requirements for construction, equipment, tests and marking;
- (b) that the entity in charge of maintenance (ECM) assigned to the tank-wagon holds a valid certificate covering tank-wagons for dangerous goods;
- (c) ensure that the information made available to the ECM as defined in Article 15a § 3 of ATMF – Appendix G to COTIF and in Article 5 of Annex A to ATMF also covers the tank and its equipment."

6. Amend 4.3.2.1.7 to read as follows:

**"4.3.2.1.7** The tank record shall be retained by the owner or operator, who shall be able to provide this documentation at the request of the competent authority,

and who shall ensure that it is available to the entity in charge of maintenance at all times (ECM).

The tank record, including the relevant information concerning the activities of the ECM,

The tank record

shall be maintained throughout the life of the tank and retained for 15 months after the tank is taken out of service.

Should a change of owner or operator occur during the life of the tank, the tank record shall be transferred

without delay to the new owner or operator.

Copies of the tank record or all necessary documents shall be made available to the expert for tests, inspections and checks on tanks in accordance with 6.8.2.4.5 or 6.8.3.4.16, on the occasion of periodic inspections or exceptional checks."

7. Under the obligations of the carrier, insert a new paragraph 1.4.2.2.7 to include the obligations to provide information set out in Article 15a § 3 ATMF – Appendix G to COTIF, and in Article 5 of Annex A ATMF:

**"1.4.2.2.7** The carrier shall ensure that the information to be made available to the entity in charge of maintenance (ECM) as defined in Article 15a § 3 of ATMF – Appendix G to COTIF and in Article 5 of Annex A to ATMF also covers the tank and its equipment."

### **Justification**

8. According to Regulation (EU) 445/2011, the tank-wagon operator (keeper) is currently responsible for procurement, registration and approval in accordance with the regulations. He is also responsible for registering certified bodies and for organising the required exchange of information.
9. The Entity in Charge of Maintenance (ECM) is responsible for maintenance and hence also for organising the periodic inspections and providing evidence thereof (documentation).
10. This proposal takes account of this division of responsibilities.
11. According to Article 15a § 3 ATMF – Appendix G to COTIF and Article 5 of Annex A to ATMF, the keeper, the railway undertaking and the ECM are required to exchange "information on safety-related malfunctions, accidents, incidents, near-misses and other dangerous occurrences as well as on any possible restriction on the use of freight wagons." In RID, this obligation relating to tank-wagons should also be extended to cover the tank. For this reason, this proposal includes corresponding amendments to the obligations of the tank-wagon operator, the ECM and the carrier.
12. In the ECM provisions, the ECM is required to ensure the safe condition of the wagon by means of a maintenance system. Based on the exchange of information between the keeper (operator), railway undertaking (carrier) and ECM, he has to take action in necessary, i.e. he cannot wait until the next inspection. For this reason, the words "until the next inspection" have been deleted from 1.4.3.8 (a) and 1.4.3.5 (b).
13. The words "without delay" have been added to the second sub-paragraph of 4.3.2.1.7 to make clear that the transfer of the tank record cannot take place at some undefined time. It should also be considered whether the freedom to choose whether to give the tank record to the owner, the operator or the ECM should not be removed, as there is a risk that one participant will rely on another. The ECM provisions say that the keeper (operator) has to keep the technical file and the ECM has to keep the maintenance file.

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