

Draft document prepared by the European Commission for the 30<sup>th</sup> session of the WG TECH (16-17 November 2016)

**COMPARISON TABLE BETWEEN ATMF AND DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2016 ON THE INTEROPERABILITY OF THE RAIL SYSTEM WITHIN THE EUROPEAN UNION**

Explanatory note:

- In case of different wording: **text underlined in bold** (only where texts can be compared)
- In case of similar provision (including editorial/minor changes): no difference identified (I) IDENTICAL
- In case of different content 5 categories have been identified:

- (A) NO IMPACT: means differences have no impact on the OTIF-EU equivalence
- (B) NO CHANGE in the 4th Railway Package: means we assume that the provision already existing are already equivalent
- (C) NOT RELEVANT to check differences for equivalence e.g. Elements related to the proper governance of OTIF and/or EU
- (D) AMENDMENT to be introduced: means that OTIF text should be reviewed.  
The Amendments will be divided into: significant(\*\*) OR Not significant (\*)
- (E) To be solved by a TABLE OF CORRESPONDENCE

<b>Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (ATMF- Appendix G to the Convention Applicable from 1.07.15)</b>	<b>DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2016 on the interoperability of the rail system within the European Union</b>	COMMENTS
<b>Article 1 Scope</b>		
These Uniform Rules lay down, for railway vehicles and other railway material, the procedure for the admission to circulation or use in international traffic.		
<b>Article 2 Definitions</b>		
For the purposes of these Uniform Rules and their (future) Annex(es), the APTU Uniform Rules and their Annex(es) and the APTU Uniform Technical Prescriptions (UTP) the following definitions shall apply:		
a) “accident” means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons <b>caused by rolling stock</b> in motion, fires	Defined in Art. 3 (11) of the Railway Safety Directive 2016/798 of the European Parliament and of the Council: ‘accident’ means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions; derailments; level crossing accidents; accidents to persons <b>involving rolling stock</b> in motion; fires	The previous wording of the Railway Safety Directive 2016/798 was identical to that of OTIF.  Now with the 4th Railway Package the definition has

and others;	and others;	changed. <b>(D) AMENDMENT*</b>
ab) “accreditation” means an attestation by a national accreditation body that a conformity assessment body meets the requirements set by <b>European harmonised standards or applicable international standards</b> and, where applicable, any additional requirements, including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity.	Art. 2 (39) ‘accreditation’ means accreditation as defined in point (10) of Article 2 of Regulation (EC) No 765/2008; ‘accreditation’ shall mean an attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity;	New definition introduced by the 4th Railway Package. <b>(A) NO IMPACT</b>
ac) “accreditation body” means the sole body in a <b>Contracting State</b> that performs accreditation with authority derived from the State.	Art. 2 (40) ‘national accreditation body’ <b>means a national accreditation body as defined in point (11) of Article 2 of Regulation (EC) No 765/2008;</b>  Art. 2 (11) of Regulation (EC) No 765/2008: ‘national accreditation body’ shall mean the sole body in a <b>Member State</b> that performs accreditation with authority derived from the State;	Identical definition as 4th Railway Package makes reference to Regulation (EC) No 765/2008, which has similar wording as OTIF. <b>(I) IDENTICAL</b>
b) “admission of a type of construction” means the right granted according to which the competent authority authorises a type of construction of a railway vehicle, as a basis for the admission to operation for vehicles which correspond to that type of construction, as evidenced by a Design Type Certificate;		No definition of type authorisation of vehicle in this 2016/797 Interoperability Directive.  The process is described in Art. 24 Type authorisation of vehicles  - Definition is currently being discussed within the preparation of the implementing act (IA) on Vehicle authorisation (VA)  <b>(E) TABLE OF</b>

		<b>CORRESPONDENCE</b>
c) “admission to operation” means the right granted according to which the competent authority authorises a railway vehicle to operate in international traffic, as evidenced by a Certificate of Operation;		No definition of authorisation of vehicle  The process is described in Art. 21 vehicle authorisation for placing in the market  Definition is currently being discussed within the preparation of the implementing act (IA) on Vehicle authorisation (VA)  <b>(E) TABLE OF CORRESPONDENCE</b>
ca) “Certificate of Operation” means the attestation issued by the competent authority of an admission to operation, including the conditions of the admission;		No definition content of vehicle authorisation described in 21.9+ form discussed within the preparation of the implementing act (IA) on Vehicle authorisation (VA)  <b>(E) TABLE OF CORRESPONDENCE</b>
cb) “Certificate of Verification” means the attestation issued by an assessing entity that verification has been carried out with a positive result;		NO DEFINITION in this 2016/797 Interoperability Directive.  Procedure described in Annex IV of this 2016/797 Directive.
d) “Committee of Technical Experts” means the Committee provided for in Article 13 § 1, f) of the Convention;		<b>(C) NOT RELEVANT</b>
da) “contracting entity” means any entity, whether public or private,	Art. 2 (20) ‘contracting entity’ means a public or private entity	

<p>which orders the design and/or construction or the renewal or upgrading of a subsystem. <b>This entity may be a railway undertaking, an infrastructure manager or a keeper, or the concession holder responsible for carrying out a project;</b></p>	<p>which orders the design and/or construction or the renewal or upgrading of a subsystem;</p>	<p>The previous wording of the Interoperability Directive 2008/57 was identical to that of OTIF.</p> <p>Explanation in Recital (37)</p> <p><b>(A) NO IMPACT</b></p>
<p>e) “Contracting State” means a Member State of the Organisation which has not made a declaration in respect of these Uniform Rules in accordance with Article 42 § 1, first sentence of the Convention;</p>		<p><b>(C) NOT RELEVANT</b></p>
<p>f) “Design Type Certificate” means the attestation issued by the competent authority of the admission of a type of construction, including the conditions of the admission;</p>		<p>No Definition in this 2016/797 Interoperability Directive.</p> <p>Content and form of type authorisation discussed within the preparation of the implementing act (IA) on Vehicle authorisation (VA)</p> <p><b>(E) TABLE OF CORRESPONDENCE</b></p>
<p>g) “element of construction”, also called “interoperability constituent”, means an elementary component, group of components, complete assembly or subassembly of equipment incorporated or intended to be incorporated into <b>a railway vehicle, or infrastructure; the concept of an “element of construction” covers both</b> tangible objects and intangible objects <b>such as software;</b></p>	<p>Art. 2 (7) ‘interoperability constituents’ means any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into <b>a subsystem, upon which the interoperability of the rail system depends directly or indirectly,</b> including both tangible objects and intangible objects;</p>	<p>Definition was amended in the 4th Railway Package to delete "such as software"</p> <p><b>(D) AMENDMENT*</b></p>
<p>h) [reserved]</p>		
<p>i) “essential requirements” means all the conditions set out <b>in</b></p>	<p>Art. 2 (9) ‘essential requirements’ means all the conditions <b>set</b></p>	

<p><b>the relevant UTP</b>, which must be met by the rail system, the subsystems and the interoperability constituents, including interfaces;</p>	<p><b>out in Annex III</b> which must be met by the Union rail system, the subsystems, and the interoperability constituents, including interfaces</p>	<p><b>(B) NO CHANGE</b></p>
<p>j) “incident” means any occurrence, other than accident or serious accident, <b>associated with the operation of trains and affecting the safety of operation;</b></p>	<p>Art. 3 (13) of the Railway Safety Directive 2016/798: ‘incident’ means any occurrence, other than an accident or serious accident, affecting <b>the safety of railway operations;</b></p>	<p>The changes introduced by the 4th Railway Package alters "safety of operation" to "the safety of railway operations"</p> <p><b>(A) NO IMPACT</b> Only change in wording but does not affect the substance.</p>
<p>k) “infrastructure manager” means an undertaking or an authority which manages railway infrastructure;</p>	<p>Art. 2 (44) ‘infrastructure manager’ means <b>an infrastructure manager as defined in point (2) of Article 3 of Directive 2012/34/EU of the European Parliament and of the Council (1);</b></p> <p>Art. 3(2) in the 2012/34 Directive <b>'infrastructure manager' means any body or firm responsible in particular for establishing, managing and maintaining railway infrastructure, including traffic management and control-command and signalling; the functions of the infrastructure manager on a network or part of a network may be allocated to different bodies or firms;</b></p>	<p>Change introduced by the 4th Railway Package: definition was previously only existing in the Railway Safety Directive 2016/798</p> <p><b>(A) NO IMPACT</b> Only change in wording but does not affect the substance</p>
<p>l) “international traffic” means the circulation of railway vehicles on railway lines over the territory of at least two Contracting States.</p>		<p>NO DEFINITION in this 2016/797 Interoperability Directive</p>

<p>m) “investigation” means a process conducted for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes (<b>actions, omissions, events or conditions, or a combination thereof, which led to the accident or incident</b>) and, when appropriate, the making of safety recommendations;</p>	<p>Art. 3 (14) of the Railway Safety Directive 2016/798: ‘investigation’ means a process conducted for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendations;</p>	<p>Change introduced by the 4th Railway Package: introduction of a definition that was previously only existing the Railway Safety Directive 2016/798: <b>(A) NO IMPACT</b></p>
<p>n) “keeper” means <b>the person or entity</b> 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 vehicle register referred to in <b>Article 13</b>;</p>	<p>Art. 2 (21) ‘keeper’ means <b>the natural or legal person</b> 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 a vehicle register referred to in <b>Article 47</b>;</p>	<p>Change introduced by the 4th Railway Package, which changes "the person or entity" to "natural or legal person"  <b>(A) NO IMPACT</b> Only a change in wording but does not affect the substance</p>
<p>o) “Maintenance File” means the document(s) that specify the inspections and maintenance tasks to be carried out on a vehicle, which is set up according to the rules and provisions in the UTP including specific cases and notified national technical requirements in force, if any, according to Article 12 of the APTU Uniform Rules. The Maintenance File includes the Maintenance Record File as defined in p);</p>		<p>NO DEFINITION in in this 2016/797 Interoperability Directive</p>
<p>p) “Maintenance Record File” means the documentation relating to an admitted vehicle, which contains the record of its operating history and the inspections and maintenance operations that have been carried out on it;</p>		<p>NO DEFINITION in this 2016/797 Interoperability Directive</p>
<p>q) “network” means the lines, stations, terminals, and all kinds of fixed equipment needed to ensure safe and continuous operation <b>of the rail system</b>;</p>	<p>Art. 2 (4) ‘network’ means the lines, stations, terminals, and all kinds of fixed equipment needed to ensure safe and continuous operation of <b>the Union rail system</b>;</p>	<p>The previous wording of the definition in the 2008/57 Interoperability Directive was identical to that of OTIF.</p>

		<p>The change introduced by the 4th Railway Package adds "Union" to "rail system".</p> <p><b>(A) NO IMPACT</b> Only a change in wording but does not affect the substance</p>
r) “open points” means technical aspects relating to essential requirements which have not been covered in a UTP and are explicitly indicated as such in that UTP;		<p>NO DEFINITION in this 2016/797 Directive</p> <p>Art. 4.6 of this 2016/797 Interoperability Directive provides procedure to establish open points</p>
s) [reserved]		
t) “rail transport undertaking”, or “railway undertaking”, means <b>a private or public undertaking which is authorised or licensed by applicable law to provide services for</b> the transport of goods and/or passengers by rail with a requirement that the undertaking <b>must</b> ensure traction; this includes undertakings which provide traction only;	<p>Art. 2 (45) ‘railway undertaking’ means a <b>railway undertaking as defined in point (1) of Article 3 of Directive 2012/34/EU, and any other public or private undertaking, the activity of which is to provide</b> transport of goods and/or passengers by rail <b>on the basis</b> that the undertaking <b>is to</b> ensure traction; this also includes undertakings which provide traction only;</p>	<p>No change in the 4th Railway Package: introduction in 2016/797 Interoperability Directive of the definition from the Railway Safety Directive 2004/49.</p> <p><b>(B) NO CHANGE</b></p>
u) “railway infrastructure” (or just “infrastructure”) means all the railway lines and fixed installations so far as these are necessary for the compatibility with and safe circulation of railway vehicles admitted according to these Uniform Rules;		<p>NO DEFINITION in this 2016/797 Interoperability Directive.</p> <p>In the EU framework the concept of railway infrastructure is defined in Art. 3 (3) of Directive 2012/34/EU: 'railway infrastructure' means the items listed in Annex I;</p>
v) “railway material” means railway vehicles, and railway		



infrastructures;		NO DEFINITION in this 2016/797 Interoperability Directive
w) “railway vehicle” means a vehicle suitable to circulate on <b>its own</b> wheels on railway lines with or without traction;	Art. 2 (3) ‘vehicle’ means a railway vehicle suitable <b>for circulation</b> on wheels on railway lines, with or without traction; <b>a vehicle is composed of one or more structural and functional subsystems;</b>	The change introduced by the 4th Railway Package is the change from "that runs on its own wheels" to "suitable for circulation on wheels" <b>(D) AMENDMENT</b> (To be discussed if there is a difference of scope)
wa) “recognition” means:  1. the acknowledgment by a competent national body other than the accreditation body that an entity meets the applicable requirements, or  2. the acceptance by a competent authority of certificates, procedural documentation or test results which are issued by an entity from another Contracting State;		No definition in this 2016/797 Interoperability Directive.  Procedure for recognition bodies described in art 37.4 Art. 37. 4. Where a notification is not based on an accreditation certificate as referred to in Article 36(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored periodically and will continue to satisfy the requirements laid down in Articles 30 to 32. <b>(A) NO IMPACT</b>
x) “regional organisation” means an organisation as defined in		

<p>Article 38 of the Convention within the exclusive competence that Contracting States have ceded to it;</p>		<p><b>(C) NOT RELEVANT</b></p>
<p>y) “renewal” means any major substitution work on a subsystem <b>or part subsystem</b> which does not change the overall performance of the subsystem;</p>	<p>Art. 2 (15) ‘renewal’ means any major substitution work on a subsystem <b>or part of it</b> which does not change the overall performance of the subsystem</p>	<p>The previous wording of the definition in the 2008/57 Interoperability Directive was identical to that of OTIF. <b>(A) NO IMPACT</b> Only a change in wording but does not affect the substance</p>
<p>z) “serious accident” means any train collision or derailment of trains, resulting in the death of at least one person or serious injuries to five or more persons or extensive damage to rolling stock, <b>the railway infrastructure</b> or the environment, and any <b>other similar accident with</b> an obvious impact on railway safety regulation or the management of safety; “extensive damage” means damage that can immediately be assessed by the investigating body <b>to cost at least 1.8 million SDR in total;</b></p>	<p>Defined in the Railway Safety Directive 2016/798 Art. 3 (12) ‘serious accident’ means any train collision or derailment of trains resulting in the death of at least one person or serious injuries to five or more persons or extensive damage to rolling stock, <b>the infrastructure</b> or the environment, and any <b>other accident with the same consequences</b> which has an obvious impact on railway safety regulation or the management of safety; ‘extensive damage’ means damage that can be immediately assessed by the investigating body <b>to cost at least EUR 2 million in total;</b></p>	<p>The only change introduced in the 4th Railway Package is the change from " other similar accident" to " any other accident with the same consequences" <b>(A) NO IMPACT</b></p>
<p>aa) “specific case” means any part of the rail system <b>of the Contracting States</b> which is indicated as a special provision in <b>the UTP</b>, either temporarily or definitively, because of geographical, topographical or urban environment constraints or those affecting compatibility with the existing system. <b>This may include</b> in particular railway lines and networks isolated from the rest of the network, the loading gauge, the track gauge or space between the tracks as well as vehicles strictly intended for local, regional or historical use, and vehicles originating from or destined for third countries;</p>	<p>Art. 2 (13) ‘specific case’ means any part of the rail system which needs special provisions <b>in the TSIs</b>, either temporary or permanent, because of geographical, topographical or urban environment constraints or those affecting compatibility with the existing system, <b>in particular</b> railway lines and networks isolated from the rest of the Union, the loading gauge, the track gauge or space between the tracks and vehicles strictly intended for local, regional or historical use, as well as vehicles originating from or destined for third countries;</p>	<p><b>(A) NO IMPACT</b> Small difference in wording but similar content.</p>

<p>bb) “subsystems” <b>means the result of the division of the rail system, as shown in the UTP; these subsystems, for which essential requirements must be laid down, may be structural or functional;</b></p>	<p>Art. 2 (5) ‘subsystems’ means the structural or functional parts of the Union rail system, as set out in Annex II;</p>	<p>Change introduced by the 4th Railway Package. <b>(A) NO IMPACT</b></p>
<p>cc) “technical admission” means the procedure carried out by the competent authority to authorise a railway vehicle to operate in international traffic or to authorise a type of construction;</p>		<p>NO DEFINITION in this 2016/797 Interoperability Directive</p> <p>Procedure is defined in Art. 21 and 24 of this 2016/797 Interoperability Directive.</p> <p><b>(E) TABLE OF CORRESPONDENCE</b></p>
<p>dd) [reserved]</p>		
<p>ee) “Technical File” means the documentation relating to the vehicle containing all its technical characteristics, including a user manual and the characteristics necessary to identify the object(s) concerned, as described in the relevant UTP;</p>		<p>NO DEFINITION in this 2016/797 Interoperability Directive but described in Annex 4</p>
<p>ee1) “Train” is a formation provided with traction, consisting of one or more railway vehicles and prepared for operation;</p>		<p>NO DEFINITION in this 2016/797 Interoperability Directive</p>
<p>eea) “TSI” <b>means Technical Specification for Interoperability adopted in accordance with Directives 96/48/EC, 2001/16/EC or 2008/57/EC, according to which</b> each subsystem or part of a subsystem is covered in order to meet the essential requirements and ensure the interoperability of</p>	<p>Art. 2 (11) ‘technical specification for interoperability’ (TSI) <b>means a specification adopted in accordance with this Directive</b> by which each subsystem or part of a subsystem is covered in order to meet the essential requirements and ensure the interoperability of the Union rail system;</p>	<p><b>(A) NO IMPACT</b></p>

the rail system;		
ff) “type of construction” means <b>the basic design characteristics</b> of the railway vehicle as covered by a <b>type examination certificate or design examination certificate described respectively in assessment modules SB and SH1 of the UTP GEN-D;</b>	Art. 2 (26) type’ means <b>a vehicle type defining the basic design characteristics</b> of the vehicle as covered by a type or <b>design examination certificate described in the relevant verification module;</b>	<b>(E) TABLE OF CORRESPONDENCE</b>
gg) “upgrading” means any major modification work on a subsystem or part subsystem which improves the overall performance of the subsystem.	Art. 2 (14) ‘upgrading’ means any major modification work on a subsystem or part of it <b>which results in a change in the technical file accompanying the ‘EC’ declaration of verification, if that technical file exists,</b> and which improves the overall performance of the subsystem;	<b>(D) AMENDMENT*</b>
<b>Article 3</b> <b>Admission to international traffic</b>		
<p>§ 1 Each railway vehicle must, for circulation in international traffic, be admitted in accordance with these Uniform Rules.</p> <p>§ 2 The technical admission shall have the aim of ascertaining whether the railway vehicles satisfy:</p> <ul style="list-style-type: none"> <li>a) the construction prescriptions contained in the UTP,</li> <li>b) the construction and equipment prescriptions contained in RID,</li> <li>c) the special conditions of an admission under Article 7a.</li> </ul> <p>§ 3 §§ 1 and 2 as well as the following articles shall apply mutatis mutandis to the technical admission of other railway material and of</p>	<p>Art. 21.1. The applicant shall place a vehicle on the market only after having received the vehicle authorisation for placing on the market issued by the Agency in accordance with paragraphs 5 to 7 or by the national safety authority in accordance with paragraph 8.</p> <p>Recital (42) The subsystems constituting the Union rail system should be subject to a verification procedure. That verification should enable the entities responsible for their placing in service or placing on the market to be certain that, at the design, construction and placing into service stages, the result is in line with the regulations and technical and operational provisions in force. It should also result in manufacturers being able to count upon equality of treatment in all Member States.</p>	<p>Concept of 'placing on the market' has replaced 'placing in service'</p> <p><b>(E) TABLE OF CORRESPONDENCE</b> Identical explanation in recital 39 of Interoperability Directive 2008/57 was existing. Wording was modified</p> <p><b>(A) NO IMPACT</b> Small difference in wording but similar content.</p>

elements of construction either of vehicles or of other railway material.		
<b>Article 3a</b> <b>Interaction with other international agreements</b>		
<p>§ 1 Railway vehicles which have been <b>placed in service</b> according to applicable European Union (EU) and corresponding national legislation shall be deemed as admitted to operation by all Contracting States according to these Uniform Rules</p> <ul style="list-style-type: none"> <li>a) in the case of full equivalence between the provisions in the applicable TSIs and the corresponding UTP and</li> <li>b) provided the set of applicable TSIs, against which the railway vehicle was authorised, cover all aspects of the relevant subsystems that are part of the vehicle and</li> <li>c) provided these TSIs do not contain open points related to the technical compatibility with infrastructure and</li> <li>d) provided the vehicle is not subject to a derogation and</li> <li>e) provided the vehicle is not subject to specific cases which limit the conditions of admission or authorisation for placing in service.</li> </ul> <p>If the conditions of a) to e) are not fulfilled, the vehicle shall be subject to Article 6 § 4.</p> <p>§ 2 Railway vehicles which have been admitted to operation according to these Uniform Rules shall be deemed as authorised for <b>placing in service</b> in the Member States of the European Union and in the States which apply European Union legislation as a result of international agreements with the European Union in the case of</p> <ul style="list-style-type: none"> <li>a) full equivalence between the provisions in the applicable</li> </ul>		<p><b>(D) AMENDMENT**:</b> concept of placing in service no longer exists for vehicle authorisation in the 4<sup>th</sup> Railway Package. New Procedure</p> <p><b>(D) AMENDMENT**:</b> concept of placing in service no longer exists for vehicle authorisation in the 4<sup>th</sup> Railway Package</p>

UTP and the corresponding TSIs and

- b) provided the set of applicable UTP against which the railway vehicle was authorised covers all aspects of the relevant subsystems that are part of the vehicle and
- c) provided these UTP do not contain open points related to the technical compatibility with infrastructure and
- d) provided the vehicle is not subject to a derogation and
- e) provided the vehicle is not subject to specific cases which limit the conditions of admission or authorisation for placing in service.

If the conditions of a) to e) are not fulfilled, the vehicle shall be subject to authorisation according to the law applicable in the Member States of the European Union and in the States which apply European Union legislation as a result of international agreements with the European Union.

§ 3 The authorisation for **placing in service**, the operation and the maintenance of railway vehicles intended to be used only in Member States of the European Union are regulated by the applicable European Union and national legislation. This provision is also applicable to Contracting States which apply relevant European Union legislation as a result of international agreements with the European Union.

For Railway Undertakings and Infrastructure Managers, when operating within the EU, EU legislation takes precedence over the provisions in these Uniform Rules

**Art. 21. 13**

**Where the applicant wishes to extend the area of use of a vehicle which has already been authorised, it shall supplement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. The applicant shall submit the file to the Agency, which shall, after following the procedures laid down in paragraphs 4 to 7, issue an updated authorisation covering the extended area of use.**

**(D) AMENDMENT\*\*:** need to be define which is the relevant authority to request authorisation when the vehicle shall be subject to additional authorisation in the EU

Extension of area of use

**D) AMENDMENT\*\*:** concept of placing in service no longer exists for vehicle authorisation in the 4<sup>th</sup> Railway Package

§ 4 §§ 1 to 2 apply mutatis mutandis to admissions / authorisations of vehicle types.

**Art. 24**

**1. The Agency or a national safety authority may, where appropriate, in accordance with the procedure laid down in Article 21, grant vehicle type authorisations. The application for a vehicle type authorisation and information about all applications, the stages of the relevant procedures and their outcome, and, where applicable, the requests and decisions of the Board of Appeal, shall be submitted through the one-stop shop referred to in Article 12 of Regulation (EU) 2016/796. 2. If the Agency or a national safety authority issues a vehicle authorisation for placing on the market, it shall at the same time as the applicant's request issue the vehicle type authorisation, which is related to the same area of use of the vehicle.**

**3. In the event of changes to any relevant provisions in TSIs or national rules, on the basis of which an authorisation of a vehicle type has been issued, the TSI or national rule shall determine whether the vehicle type authorisation already granted remains valid or needs to be renewed. If that authorisation needs to be renewed, the checks performed by the Agency or by a national safety authority may only concern the changed rules.**

**4. The Commission shall establish, by means of implementing acts, the model of declaration of conformity to type. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(3).**

**5. The declaration of conformity to type shall be established in accordance with: (a) the verification procedures of the relevant TSIs; or (b) where TSIs do not apply, the conformity assessment procedures as defined in modules B+D, B+F and H1 of Decision No 768/2008/EC of the European Parliament and of the Council (1).**

**(A) NO IMPACT**

<p>§ 5 An entity in charge of maintenance<sup>1</sup> (ECM) for a freight wagon, certified according to Article 15 § 2, shall be deemed as certified according to applicable European Union and corresponding national legislation and vice versa in the case of full equivalence between the certification system adopted under Article 14a (5) of the EU Railway Safety Directive 2004/49/EC and rules adopted by the Committee of Technical Experts according to Article 15 § 2. These adopted rules are set out in Annex A to these Uniform Rules.</p>	<p><b>6. Where appropriate, the Commission may adopt implementing acts establishing ad hoc modules for conformity assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(3).</b></p> <p><b>7. The authorisation of vehicle types shall be registered in the European register of authorised vehicle types referred to in Article 48.</b></p> <p>Art. 14. 4. of the 2016/798 Railway Safety Directive In the case of freight wagons, and after the adoption of the implementing acts referred to in point (b) of paragraph 8 in the case of other vehicles, each entity in charge of maintenance shall be certified and be awarded an entity in charge of maintenance certificate (ECM certificate) by an accredited or recognised body or by a national safety authority in accordance with the following conditions:</p> <p>(a) the accreditation and recognition processes of certification processes shall be based on criteria of independence, competence and impartiality;</p> <p>(b) the system of certification shall provide evidence that an entity in charge of maintenance has established the maintenance system to ensure the safe state of running of any vehicle for which it is in charge of maintenance;</p> <p>(c) the ECM certification shall be based on an assessment of the ability of the entity in charge of maintenance to meet the relevant requirements and assessment criteria set out in Annex</p>	<p><b>(A) NO IMPACT</b> Same as before in the 2004/49 Railway Safety Directive</p>
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<sup>1</sup> The requirements relating to the entity in charge of maintenance are set out in Article 15.



	<p>III and to apply them consistently. It shall include a system of surveillance to ensure continuing compliance with those requirements and assessment criteria after award of the ECM certificate;</p> <p>(d) the certification of maintenance workshops shall be based on the compliance with the relevant sections in Annex III applied to the corresponding functions and activities to be certified</p>	
<p><b>Article 4 Procedure</b></p>		
<p>§ 1 Technical admission of a vehicle shall be carried out</p> <ul style="list-style-type: none"> <li>a) either in a single stage by the granting of admission to operation to a given individual vehicle,</li> <li>b) or in two successive stages, by the granting <ul style="list-style-type: none"> <li>- of admission of a type of construction to a given type of construction,</li> <li>- subsequently an admission to operation to individual vehicles corresponding to this type of construction by a procedure verifying that they are of this type.</li> </ul> </li> </ul> <p>If the vehicle is admitted in a single stage, the type of construction of the vehicle is admitted at the same time.</p> <p>§ 2 A vehicle or an element of construction shall be assessed for compliance</p>	<p>Art. 24.2 If the Agency or a national safety authority issues a vehicle authorisation for placing on the market, it shall at the same time as the applicant's request issue the vehicle type authorisation, which is related to the same area of use of the vehicle.</p> <p>Art. 25.1 A vehicle or a series of vehicles which is in conformity with an authorised vehicle type shall, without further checks, receive a vehicle authorisation in accordance with Article 21 on the basis of a declaration of conformity to that vehicle type submitted by the applicant.</p>	<p>Principles from article 26 of the 2008/57 Interoperability Directive has been kept</p> <p><b>(B) NO CHANGE</b></p>

with the provisions of the UTP and applicable national technical requirements. The assessment procedures and content of UTP certificates are set out in the relevant UTP.

The Committee of Technical Experts shall be competent to amend or revoke the assessment procedures and the content of UTP certificates.

The assessments of the conformity of a vehicle with the provisions of the UTP on which the admission is based may be divided into certain parts or checked at certain stages by the assessing entity each evidenced by an intermediate statement of verification.

§ 3 The procedures for the technical admission of railway infrastructure are subject to the provisions in force in the Contracting State in question

#### Art. 15

1. In order to establish the 'EC' declaration of verification necessary for placing on the market and placing in service referred to in Chapter V, the applicant shall request the conformity assessment body or bodies that it has selected for that purpose to apply the 'EC' verification procedure set out in Annex IV.

2. The applicant shall establish the 'EC' declaration of verification of a subsystem. The applicant shall declare on his sole responsibility that the subsystem concerned has been subject to the relevant verification procedures and that it satisfies the requirements of relevant Union law and any relevant national rule. The 'EC' declaration of verification and the accompanying documents shall be dated and signed by the applicant.

(...)

6. The notified body may issue intermediate statement verifications to cover certain stages of the verification procedure or certain parts of the subsystem.

#### Art. 18

**1. The trackside control-command and signalling, energy and infrastructure subsystems shall be placed in service only if they are designed, constructed and installed in such a way as to meet the essential requirements, and the relevant authorisation is received in accordance with paragraphs 3 and 4.**

**2. Each national safety authority shall authorise the placing in service of the energy, infrastructure and trackside control-command and signalling subsystems which are located or operated in the territory of its Member State.**

**3. National safety authorities shall provide detailed guidance on how to obtain the authorisations referred to in**

The changes introduced by the 4<sup>th</sup> Railway Package are mainly regarding structure  
**(A) NO IMPACT**  
As procedure remained the same as in the 2008/57 Interoperability Directive

4th Railway Package has introduced new provisions

(A) NO IMPACT:  
As it doesn't affect vehicles (what happens for international infrastructure?)

**this Article. An application guidance document describing and explaining the requirements for those authorisations and listing the documents required shall be made available to applicants free of charge. The Agency and the national safety authorities shall cooperate in disseminating such information.**

**4. The applicant shall submit a request for authorisation of the placing in service of fixed installations to the national safety authority. The application shall be accompanied by a file which includes documentary evidence of:**

**(a) the declarations of verification referred to in Article 15;**

**(b) the technical compatibility of the subsystems with the system into which they are being integrated, established on the basis of the relevant TSIs, national rules and registers;**

**(c) the safe integration of the subsystems, established on the basis of the relevant TSIs, national rules, and the common safety methods ('CSMs') set out in Article 6 of Directive (EU) 2016/798;**

**(d) in the case of trackside control-command and signalling subsystems involving European Train Control System (ETCS) and/or Global System for Mobile Communications — Railway (GSM-R) equipment, the positive decision of the Agency issued in accordance with Article 19 of this Directive; and, in the case of a change to the draft tender specifications or to the description of the envisaged technical solutions that occurred after the positive decision, the compliance with the result of the procedure referred to in Article 30(2) of Regulation (EU) 2016/796.**

**5. Within one month of receipt of the applicant's request, the national safety authority shall inform the applicant that the file is complete or ask for relevant supplementary**

**information, setting a reasonable deadline for the provision thereof.**

**The national safety authority shall verify the completeness, relevance and consistency of the file, and, in the case of trackside ERTMS equipment, compliance with the positive decision of the Agency issued in accordance with Article 19 of this Directive and, where appropriate, compliance with the result of the procedure referred to in Article 30(2) of Regulation (EU) 2016/796. Following such verification, the national safety authority shall issue the authorisation for placing in service of fixed installations, or inform the applicant of its negative decision, within a pre-determined, reasonable time, and, in any case, within four months of receipt of all relevant information.**

**6. In the event of renewal or upgrading of existing subsystems, the applicant shall send a file describing the project to the national safety authority. Within one month of receipt of the applicant's request, the national safety authority shall inform the applicant that the file is complete or ask for relevant supplementary information, setting a reasonable deadline for the provision thereof. The national safety authority, in close cooperation with the Agency in the case of trackside ERTMS projects, shall examine the file and shall decide whether a new authorisation for placing in service is needed, on the basis of the following criteria:**

**(a) the overall safety level of the subsystem concerned may be adversely affected by the works envisaged;**

**(b) it is required by the relevant TSIs;**

**(c) it is required by the national implementation plans established by the Member States; or**

**(d) changes are made to the values of the parameters on**

	<p>the basis of which the authorisation was already granted. The national safety authority shall take its decision within a predetermined, reasonable time, and, in any case, within four months of receipt of all relevant information.</p> <p>7. A decision refusing a request for an authorisation for the placing in service of fixed installations shall be duly substantiated by the national safety authority. The applicant may, within one month of receipt of the negative decision, submit a request that the national safety authority review its decision. The request shall be accompanied by a justification. The national safety authority shall have two months from the date of receipt of the request for review in which to confirm or reverse its decision. If the negative decision of a national safety authority is confirmed, the applicant may bring an appeal before the appeal body designated by the relevant Member State under Article 18(3) of Directive (EU) 2016/798.</p>	
<p align="center"><b>Article 5 Competent authority</b></p>		
<p>§ 1 The technical admission shall be the task of the national or international authority competent in the matter in accordance with the laws and prescriptions in force in each Contracting State, hereinafter the competent authority</p> <p>§ 2 The competent authorities may or, according to the provisions in force in their State, shall transfer to assessing entities the competence to carry out</p>	<p>Art. 21.4 The Agency or, in the case of paragraph 8, the national safety authority shall issue vehicle authorisations for placing on the market or inform the applicant of its negative decision within a predetermined, reasonable time, and in any case within four months of receipt of all relevant information from the applicant. The Agency, or, in the cases provided for in paragraph 8, the national safety authority, shall apply the practical arrangements on the authorisation procedure to be established in an implementing act, as referred to in paragraph 9. Those authorisations shall allow vehicles to be placed on the Union market.</p> <p>Article 16.3 of the 2016/798 Railway Safety Directive:</p>	<p><b>(A) NO IMPACT</b></p> <p><b>(B) NO CHANGE</b></p>

<p>assessments as a whole or partly, including the issuing of the corresponding certificates of verification.</p> <p>The transfer of competence to</p> <ul style="list-style-type: none"> <li>a) a rail transport undertaking,</li> <li>b) an infrastructure manager,</li> <li>c) a keeper,</li> <li>d) an entity in charge of maintenance (ECM) in accordance with Article 15,</li> <li>e) a designer or manufacturer of railway material participating directly or indirectly in the manufacture of railway material, including subsidiaries of the foregoing entities shall be prohibited.</li> </ul> <p>§ 3 In order to be recognised or accredited as an assessing entity mentioned in § 2 the following conditions must be fulfilled:</p> <ul style="list-style-type: none"> <li>a) The <u>assessing entity</u><sup>2</sup> must be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity;</li> <li>b) In particular, the assessing entity and the staff responsible for the assessments shall be functionally independent of the bodies in charge of investigations in the event of accidents;</li> </ul>	<p>The tasks referred to in paragraph 2 may not be transferred or subcontracted to any infrastructure manager, railway undertaking or contracting entity.</p> <p>Art. 31</p> <p>1. A conformity assessment body shall be a third-party body independent of the organisation or of the manufacturer of the product it assesses. A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered to be such a body.</p> <p>2. The impartiality of the conformity assessment bodies, of</p>	<p><b>(A) NO IMPACT</b></p> <p>The 4th Railway Package introduces in core text similar provisions existing in the 2008/57 Interoperability Directive</p>
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<sup>2</sup> Equivalent of NOBOS

<p>c) The assessing entity shall meet the requirements as set out in the relevant UTP.</p>	<p>their top-level management and of the assessment personnel shall be guaranteed.</p> <p>3. A conformity assessment body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the products which they assess, or the authorised representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.</p> <p>4. A conformity assessment body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to conformity assessment activities for which they are notified. This prohibition shall apply, in particular, to consultancy services.</p> <p>5. Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.</p> <p>6. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.</p>	
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§ 4 The requirements of § 3 shall apply mutatis mutandis to the competent authority regarding the tasks mentioned in § 2 which have not been transferred to an assessing entity.

§ 5 A Contracting State shall ensure, by notification or where appropriate by the means provided for in the law of the European Union or in the law of the States which apply European Union legislation as a result of international agreements with the European Union, that the Secretary General is informed of the competent authority, the assessing entities and, if applicable the accreditation body, or the competent national body referred to in Article 2 wa (1) , indicating each body's area of responsibility. The Secretary General shall publish a list of competent authorities, assessing entities and accreditation bodies or competent national bodies, their identification numbers, if applicable, and areas of responsibility, and shall keep the list updated.

Art. 36

1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.

2. That application shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the product or products for which that body claims to be competent, as well as by an accreditation certificate, where one exists, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Articles 30 to 32.

3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Articles 30 to 32.

Art. 37

1. Notifying authorities shall only notify conformity assessment bodies which comply with the requirements laid down in Articles 30 to 32.

2. Notifying authorities shall notify the bodies referred to in paragraph 1 to the Commission and the other Member States using the electronic notification tool developed and managed by the Commission.

3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules and the product or products concerned, and the

NO PROVISION

**(A) NO IMPACT**  
The 4th Railway Package introduced changes but these changes do not affect the substance.



§ 6 A Contracting State shall ensure the consistent supervision of the assessing entities indicated in § 2 and shall withdraw the competence from an assessing entity which no longer meets the criteria referred to in § 3, in which case it shall immediately inform the Secretary General thereof.

relevant accreditation certificate or other attestation of competence provided for in paragraph 4.

4. Where a notification is not based on an accreditation certificate as referred to in Article 36(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored periodically and will continue to satisfy the requirements laid down in Articles 30 to 32.

5. The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of a notification where an accreditation certificate is used or within two months of a notification where accreditation is not used.

6. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification

Art. 39

1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Articles 30 to 32, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.  
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2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that the files of that body are either processed by

**(B) NO CHANGE**

<p>§ 7 Should a Contracting State consider that an assessing entity or competent authority of another Contracting State, does not meet the criteria of § 3, the matter shall be transferred to the Committee of Technical Experts which, within four months, shall inform the Contracting State in question of any changes that are necessary for the assessing entity or authority to retain the status conferred upon it. In relation to this, the Committee of Technical Experts may decide to instruct the Contracting State to suspend or withdraw technical certificates made on the basis of work done by the assessing entity or by the authority in question.</p>	<p>another notified body or kept available for the responsible notifying and market surveillance authorities at their request</p> <p>Art. 40</p> <ol style="list-style-type: none"> <li>1. The Commission shall investigate all cases where it has any doubt, or where a doubt is brought to its attention, regarding the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.</li> <li>2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the body concerned.</li> <li>3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.</li> <li>4. Where the Commission ascertains that a notified body does not meet, or no longer meets, the requirements for its notification, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including withdrawal of notification if necessary.</li> </ol>	<p><b>(B) NO CHANGE</b></p>
<p style="text-align: center;"><b>Article 6</b> <b>Validity of technical certificates</b></p>		
<p>§ 1 Technical certificates, as specified in Article 11, issued by the competent authority of a Contracting State in accordance with these Uniform Rules, shall be valid in all the other Contracting States. However the circulation and use of the vehicles covered by these certificates on the territories of those</p>	<p>Art 21.1 The applicant shall place a vehicle on the market only after having received the vehicle authorisation for placing on the market issued by the Agency in accordance with paragraphs 5</p>	<p><b>(D) AMENDMENT*</b> Do we need to introduce the concept of area of use?</p>

<p>other States shall be subject to the conditions specified in this Article.</p> <p>§ 2 An admission to operation allows the rail transport undertakings to operate a vehicle only on infrastructures compatible with the vehicle according to its specifications and other conditions of the admission; it is the responsibility of the rail transport undertaking to ensure this.</p> <p>§ 3 Without prejudice to Article 3a an admission to operation issued for a vehicle which is in conformity with all applicable UTP shall be valid on the territories of other Contracting States provided that</p>	<p>to 7 or by the national safety authority in accordance with paragraph 8.</p> <p>Art. 23 1. Before a railway undertaking uses a vehicle in the area of use specified in its authorisation for placing on the market, it shall check:</p> <p>(a) that the vehicle has been authorised for placing on the market in accordance with Article 21 and is duly registered;</p> <p>(b) that the vehicle is compatible with the route on the basis of the infrastructure register, the relevant TSIs or any relevant information to be provided by the infrastructure manager free of charge and within a reasonable period of time, where such a register does not exist or is incomplete; and</p> <p>(c) that the vehicle is properly integrated in the composition of the train where it is intended to operate, taking into account the safety management system set out in Article 9 of Directive (EU) 2016/798 and the TSI on operation and traffic management.</p> <p>2. For the purposes of paragraph 1, the railway undertaking may carry out tests in cooperation with the infrastructure manager. The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests take place within three months of receipt of the applicant's request.</p>	<p><b>(D) AMENDMENT*</b> New concept of area of use</p> <p>NO PROVISION</p>
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- a) all essential requirements are covered in these UTP and
- b) the vehicle is not subject to
  - a specific case which affects the technical compatibility with the network of the Contracting State concerned, or
  - open points that are related to technical compatibility with the infrastructure, or
  - a derogation.

The conditions for the free circulation may also be specified in the relevant UTP

§ 4 a) Where in a Contracting State an admission to operation has been issued for a vehicle which is

- subject to a specific case which affects the technical compatibility with the network of the Contracting State concerned, an open point which is related to the technical compatibility with the infrastructure or a derogation, or
- not in conformity with the UTP on rolling stock and all other relevant provisions, or

b) where not all essential requirements are covered in the UTPs,

The competent authorities of the other States may ask the applicant for additional technical information such as risk analysis and/or vehicle tests before granting a complementary admission to operation.

For the part of the vehicle which is compliant with a UTP or part of it, the competent authorities have to accept verifications that have been made by other competent authorities or assessing entities according to the UTP. For the other part of the vehicle the competent authorities shall take full account of the equivalence table referred to in Article 13 of the APTU Uniform Rules.

Art. 21.13 and IA

Where the applicant wishes to extend the area of use of a vehicle which has already been authorised, it shall supplement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. The applicant shall submit the file to the Agency, which shall, after following the procedures laid down in paragraphs 4 to 7, issue an updated authorisation covering the extended area of use.

If the applicant has received a vehicle authorisation in accordance with paragraph 8 and wishes to extend the area of use within that Member State, it shall supplement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. It shall submit the file to the national safety authority which shall, after following the procedures laid down in paragraph 8, issue an updated authorisation covering the extended area of use.

**(D) AMENDMENT\***  
Do we need to introduce concept of are of use?

<p>The fulfilment of</p> <ul style="list-style-type: none"> <li>- identical provisions and provisions declared equivalent,</li> <li>- provisions not related to a specific case which affects the technical compatibility with the network of the Contracting State concerned and</li> <li>- provisions not related to the technical compatibility with infrastructure,</li> </ul> <p>shall not be assessed again</p> <p>§ 5      §§ 2 to 4 shall apply mutatis mutandis to an admission of a type of construction.</p>	<p>Art. 24.1</p> <p>1. The Agency or a national safety authority may, where appropriate, in accordance with the procedure laid down in Article 21, grant vehicle type authorisations. The application for a vehicle type authorisation and information about all applications, the stages of the relevant procedures and their outcome, and, where applicable, the requests and decisions of the Board of Appeal, shall be submitted through the one-stop shop referred to in Article 12 of Regulation (EU) 2016/796.</p>	<p><b>(E) TABLE OF CORRESPONDENCE</b></p>
<p style="text-align: center;"><b>Article 6a</b> <b>Recognition of procedural documentation</b></p>		
<p>§ 1 Assessments, declarations and other documentation made according to these Uniform Rules shall be recognised at face value by the authorities and competent bodies, the rail transport undertakings, the keepers and the infrastructure managers in all the Contracting States.</p>	<p>Art. 12</p> <p>Without prejudice to the provisions of Chapter V, Member States shall not, in their territory and on grounds relating to this Directive, prohibit, restrict or hinder the construction, placing in service and operation of structural subsystems constituting the rail system which meet the essential requirements. In particular, they shall not require checks which have already been carried out: (a) as part of the</p>	<p><b>(A) NO IMPACT</b> No change of substance but an exercise of clarification</p>

§ 2 If a requirement or a provision has been declared as equivalent in accordance with Article 13 of the APTU Uniform Rules related assessments and tests which have already been carried out and documented shall not be repeated

procedure leading to the 'EC' declaration of verification; or (b) in other Member States, before or after the entry into force of this Directive, with a view to verifying compliance with identical requirements under identical operational conditions.

Art. 21.13

Where the applicant wishes to extend the area of use of a vehicle which has already been authorised, it shall supplement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. The applicant shall submit the file to the Agency, which shall, after following the procedures laid down in paragraphs 4 to 7, issue an updated authorisation covering the extended area of use. If the applicant has received a vehicle authorisation in accordance with paragraph 8 and wishes to extend the area of use within that Member State, it shall supplement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. It shall submit the file to the national safety authority which shall, after following the procedures laid down in paragraph 8, issue an updated authorisation covering the extended area of use.

Art. 14. 10

The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of facilitating cross-acceptance in different Member States and the placing on the market of vehicles, including compatibility between fixed and mobile equipment. Those implementing acts shall build on the progress achieved by the Agency in the field of cross-acceptance and shall be adopted in accordance with the examination procedure referred to in Article 51(3). The Agency shall classify, in accordance with the implementing acts referred to in the first subparagraph, the national rules which are notified in accordance with this Article.

**(A) NO IMPACT**  
No change of substance but change of wording with the aim of clarification

<p style="text-align: center;"><b>Article 6b</b> <b>Recognition of technical and operational tests</b></p>		
<p>The Committee of Technical Experts may adopt rules for inclusion in an Annex to these Uniform Rules and requirements for inclusion in one or more UTPs concerning the provisions for and the mutual recognition of technical inspections, maintenance files for the admitted vehicles and operational tests such as train braking tests.</p>	<p>Art. 4. 3 (e) To the extent necessary to achieve the objectives of this Directive referred to in Article 1, each TSI shall: (e) state, in each case under consideration, which procedures are to be used in order to assess the conformity or the suitability for use of the interoperability constituents, on the one hand, or the ‘EC’ verification of the subsystems, on the other. Those procedures shall be based on the modules defined in Commission Decision 2010/713/EU (1);</p>	<p><b>(B) NO CHANGE</b></p>
<p style="text-align: center;"><b>Article 7</b> <b>Prescriptions applicable to vehicles</b></p>		
<p>§ 1 In order to be admitted to circulation in international traffic, a railway vehicle must comply with</p> <ul style="list-style-type: none"> <li>a) the applicable UTPs and</li> <li>b) where applicable, the provisions contained in RID and</li> <li>c) all other specifications in order to fulfil the applicable essential requirements.</li> </ul> <p>§ 1a Vehicles shall comply with the UTPs applicable <b>at the time of admission</b>, upgrading or renewal, in accordance with these Uniform Rules; this compliance shall be permanently maintained while each vehicle is in use.</p>	<p>Art. 13. 1 The Agency and the national safety authorities shall consider as meeting the essential requirements, those structural subsystems constituting the rail system which are covered, as appropriate, by the ‘EC’ declaration of verification established by reference to TSIs, in accordance with Article 15, or the declaration of verification established by reference to national rules in accordance with Article 15(8), or both.</p> <p>Art. 21. 3 (d) the technical compatibility of the vehicle with the network in the area of use referred to in paragraph 2, established on the basis of the relevant TSIs and, where applicable, national rules, registers of infrastructure and the CSM on risk assessment referred to in Article 6 of Directive (EU) 2016/798.</p> <p>Art. 4. 2. (... ) Vehicles shall comply with TSIs and national rules in force at the time <b>of the request</b> for authorisation of placing on</p>	<p><b>(D) AMENDMENT*</b> Do we need to introduce here the concept of area of use?</p> <p><b>(D) AMENDMENT*</b> as the difference between time</p>

<p>§ 2 In the absence of UTPs applicable to the subsystem, the technical admission shall be based on the applicable national technical requirements in force according to Article 12 of the APTU Uniform Rules in the Contracting State in which an application for technical admission is made.</p>	<p>the market in accordance with this Directive and without prejudice to point (f) of paragraph 3. The conformity and compliance of fixed subsystems and vehicles shall be permanently maintained while they are in use.</p> <p>Art. 13. 1 The Agency and the national safety authorities shall consider as meeting the essential requirements, those structural subsystems constituting the rail system which are covered, as appropriate, by the ‘EC’ declaration of verification established by reference to TSIs, in accordance with Article 15, or the declaration of verification established by reference to national rules in accordance with Article 15(8), or both.</p>	<p>of request and time of admission could be different</p> <p>The 4th Railway Package introduced changes in the wording to take into account new tasks of ERA <b>(A) NO IMPACT</b> As there is no change in the substance</p>
<p>§ 3 If not all vehicle related UTPs are in force, or in the case of specific cases or open points, the technical admission shall be based on</p> <ul style="list-style-type: none"> <li>a) the provisions contained in the UTPs,</li> <li>b) where applicable, the provisions contained in RID and</li> <li>c) applicable national technical requirements in force according to Article 12 of the APTU Uniform Rules</li> </ul>	<p>Art 13.2 National rules for implementing the essential requirements and, where relevant, acceptable national means of compliance, shall apply in the following cases:</p> <ul style="list-style-type: none"> <li>(a) where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including open points as referred to in Article 4(6);</li> <li>(b) where non-application of one or more TSIs or parts of them has been notified under Article 7;</li> <li>(c) where a specific case requires the application of technical rules not included in the relevant TSI;</li> <li>(d) national rules used to specify existing systems, limited to the aim of assessing technical compatibility of the vehicle with the network;</li> <li>(e) networks and vehicles not covered by TSIs; (f) as an urgent</li> </ul>	<p>The 4th Railway Package introduced changes in the wording for clarification purposes</p> <p><b>(A) NO IMPACT</b> No change to principles</p>



	temporary preventive measure, in particular following an accident.	
<b>Article 7a Derogations</b>		
The Committee of Technical Experts is competent to adopt guidelines or mandatory provisions for derogations from structural and functional UTPs. The guidelines and provisions are set out in Annex B to these Uniform Rules.	<p>Art. 7 (Non-application of TSIs)</p> <p>1. Member States may allow the applicant not to apply one or more TSIs or parts of them in the following cases:</p> <p>(a) for a proposed new subsystem or part of it, for the renewal or upgrading of an existing subsystem or part of it, or for any element referred to in Article 1(1) which is at an advanced stage of development or which is the subject of a contract in the course of performance on the date of application of the TSI(s) concerned;</p> <p>(b) where, following an accident or a natural disaster, the conditions for the rapid restoration of the network do not economically or technically allow for partial or total application of the relevant TSIs, in which case the non-application of the TSIs shall be limited to the period before the restoration of the network;</p> <p>(c) for any proposed renewal, extension or upgrading of an existing subsystem or part of it, when the application of the TSI(s) concerned would compromise the economic viability of the project and/or the compatibility of the rail system in the Member State concerned, for example in relation to the loading gauge, track gauge, space between tracks or electrification voltage;</p> <p>(d) for vehicles arriving from or going to third countries the track gauge of which is different from that of the main rail network within the Union;</p> <p>(e) for a proposed new subsystem or for the proposed renewal or upgrading of an existing subsystem in the territory of the</p>	<p><b>(A) NO IMPACT</b></p> <p>Procedural changes were made but none affecting OTIF-EU equivalence</p>

Member State concerned when its rail network is separated or isolated by the sea or separated as a result of special geographical conditions from the rail network of the rest of the Union.

2. In the case referred to in point (a) of paragraph 1, the Member State concerned shall communicate to the Commission, within one year of entry into force of each TSI, a list of projects that are taking place within its territory and which, in the view of the Member State concerned, are at an advanced stage of development.

3. In the cases referred to in points (a) and (b) of paragraph 1, the Member State concerned shall communicate to the Commission its decision not to apply one or more TSIs or parts of them.

4. In the cases referred to in points (a), (c), (d) and (e) of paragraph 1 of this Article, the Member State concerned shall submit to the Commission the request for non-application of the TSIs or parts of them, accompanied by a file containing the justification for the request, and specifying the alternative provisions that that Member State intends to apply instead of the TSIs. In the case referred to in point (e) of paragraph 1 of this Article, the Commission shall analyse the request and decide whether or not to accept it on the basis of the completeness and coherence of the information contained in the file. In the cases referred to in points (c) and (d) of paragraph 1 of this Article, the Commission shall adopt its decision by means of implementing acts on the basis of such analysis. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(3). In the cases referred to in the third subparagraph of Article 21(6), the applicant shall submit the file to the Agency. The Agency shall consult the relevant safety authorities and give its final opinion to the Commission.

5. The Commission shall, by means of an implementing act,

	<p>establish the information to be included in the file referred to in paragraph 4, the required format of that file and the method to be used for its transmission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 51(3).</p> <p>6. Pending the decision of the Commission, the Member State may apply the alternative provisions referred to in paragraph 4 without delay.</p> <p>7. The Commission shall give its decision within four months of submission of the request supported by the complete file. In the absence of such a decision, the request shall be deemed to have been accepted.</p> <p>8. Member States shall be informed of the results of the analyses and of the outcome of the procedure set out in paragraph 4. 26.5.2016 L 138/59 Official Journal of the European Union EN</p>	
<p style="text-align: center;"><b>Article 8</b></p> <p style="text-align: center;"><b>Prescriptions applicable to railway infrastructure</b></p>		
<p>§ 1 Railway infrastructure must comply with</p> <ul style="list-style-type: none"> <li>a) the provisions contained in the UTP and</li> <li>b) where applicable, the provisions contained in RID</li> <li>c) all other specifications in order to fulfil the applicable essential requirements.</li> </ul> <p>§ 2 Admission of infrastructure and supervision of its maintenance remain subject to the provisions in force in the Contracting State in which the infrastructure is located.</p>	<p>Art. 4. 2. Fixed subsystems shall comply with the TSIs and national rules in force at the time of the request for authorisation of placing in service in accordance with this Directive and without prejudice to point (f) of paragraph 3.</p> <p>Art. 18 (Authorisation for the placing in service of fixed installations)</p> <p>1. The trackside control-command and signalling, energy and</p>	<p><b>(B) NO CHANGE</b></p> <p><b>(A) NO IMPACT</b> No change to substance</p>

infrastructure subsystems shall be placed in service only if they are designed, constructed and installed in such a way as to meet the essential requirements, and the relevant authorisation is received in accordance with paragraphs 3 and 4.

2. Each national safety authority shall authorise the placing in service of the energy, infrastructure and trackside control-command and signalling subsystems which are located or operated in the territory of its Member State.

3. National safety authorities shall provide detailed guidance on how to obtain the authorisations referred to in this Article. An application guidance document describing and explaining the requirements for those authorisations and listing the documents required shall be made available to applicants free of charge. The Agency and the national safety authorities shall cooperate in disseminating such information.

4. The applicant shall submit a request for authorisation of the placing in service of fixed installations to the national safety authority. The application shall be accompanied by a file which includes documentary evidence of:

(a) the declarations of verification referred to in Article 15;

(b) the technical compatibility of the subsystems with the system into which they are being integrated, established on the basis of the relevant TSIs, national rules and registers;

(c) the safe integration of the subsystems, established on the basis of the relevant TSIs, national rules, and the common safety methods ('CSMs') set out in Article 6 of Directive (EU) 2016/798;

(d) in the case of trackside control-command and signalling subsystems involving European Train Control System (ETCS) and/or Global System for Mobile Communications — Railway (GSM-R) equipment, the positive decision of the Agency

issued in accordance with Article 19 of this Directive; and, in the case of a change to the draft tender specifications or to the description of the envisaged technical solutions that occurred after the positive decision, the compliance with the result of the procedure referred to in Article 30(2) of Regulation (EU) 2016/796.

5. Within one month of receipt of the applicant's request, the national safety authority shall inform the applicant that the file is complete or ask for relevant supplementary information, setting a reasonable deadline for the provision thereof. The national safety authority shall verify the completeness, relevance and consistency of the file, and, in the case of trackside ERTMS equipment, compliance with the positive decision of the Agency issued in accordance with Article 19 of this Directive and, where appropriate, compliance with the result of the procedure referred to in Article 30(2) of Regulation (EU) 2016/796. Following such verification, the national safety authority shall issue the authorisation for placing in service of fixed installations, or inform the applicant of its negative decision, within a pre-determined, reasonable time, and, in any case, within four months of receipt of all relevant information.

6. In the event of renewal or upgrading of existing subsystems, the applicant shall send a file describing the project to the national safety authority. Within one month of receipt of the applicant's request, the national safety authority shall inform the applicant that the file is complete or ask for relevant supplementary information, setting a reasonable deadline for the provision thereof. The national safety authority, in close cooperation with the Agency in the case of trackside ERTMS projects, shall examine the file and shall decide whether a new authorisation for placing in service is needed, on the basis of the following criteria:

(a) the overall safety level of the subsystem concerned may be adversely affected by the works envisaged;

<p>§ 3 Article 7 and 7a shall apply mutatis mutandis to infrastructure.</p>	<p>(b) it is required by the relevant TSIs;</p> <p>c) it is required by the national implementation plans established by the Member States; or</p> <p>(d) changes are made to the values of the parameters on the basis of which the authorisation was already granted. The national safety authority shall take its decision within a predetermined, reasonable time, and, in any case, within four months of receipt of all relevant information.</p> <p>7.A decision refusing a request for an authorisation for the placing in service of fixed installations shall be duly substantiated by the national safety authority. The applicant may, within one month of receipt of the negative decision, submit a request that the national safety authority review its decision. The request shall be accompanied by a justification. The national safety authority shall have two months from the date of receipt of the request for review in which to confirm or reverse its decision. If the negative decision of a national safety authority is confirmed, the applicant may bring an appeal before the appeal body designated by the relevant Member State under Article 18(3) of Directive (EU) 2016/798.</p>	<p>** Is this reference to 7 in OTIF correct?</p>
<p>Article 9 Operation prescriptions</p>		
<p>§ 1 The rail transport undertakings which operate railway vehicles admitted to circulation in international traffic shall be required to comply with the prescriptions relating to the operation of a vehicle in international traffic, specified in the UTP.</p>	<p>Art. 10. 3 (a) of the 2016/798 Railway Safety Directive The application for a single safety certificate shall be accompanied by a file including documentary evidence that: (a) the railway undertaking has established its safety management system in accordance with Article 9 and that it meets the requirements laid down in TSIs, CSMs and CSTs</p>	<p><b>(B) NO CHANGE</b></p>

§ 2 The undertakings and administrations which manage infrastructure in the Contracting States, including operational safety and control systems, intended and suitable for operation in international traffic, shall be required to comply with the technical prescriptions specified in the UTP and satisfy them permanently in respect of the construction and the management of that infrastructure.

and in other relevant legislation in order to control risks and provide transport services safely on the network; and

Art. 12 of the 2016/798 Railway Safety Directive

1. In order to be allowed to manage and operate a rail infrastructure, the infrastructure manager shall obtain a safety authorisation from the national safety authority in the Member State where the rail infrastructure is located. The safety authorisation shall comprise an authorisation confirming acceptance of the infrastructure manager's safety management system as provided for in Article 9, and shall include the procedures and provisions fulfilling the requirements necessary for the safe design, maintenance and operation of the railway infrastructure, including, where appropriate, the maintenance and operation of the traffic control and signalling system. The national safety authority shall explain the requirements for the safety authorisations and the documents required, where appropriate in the form of an application guidance document.

2. The safety authorisation shall be valid for 5 years and may be renewed upon application by the infrastructure manager. It shall be wholly or partly revised whenever substantial changes are made to the infrastructure, signalling or energy subsystems or to the principles of their operation and maintenance. The infrastructure manager shall inform the national safety authority of all such changes without delay. The national safety authority may require that the safety authorisation be revised following substantial changes to the safety regulatory framework.

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any event not more than 4 months after all the information required and any supplementary information requested has been submitted by the applicant.

4. The national safety authority shall inform the Agency

**(B) NO CHANGE**

	<p>without delay, and in any event within 2 weeks, of the safety authorisations that have been issued, renewed, amended or revoked. It shall state the name and address of the infrastructure manager, the issue date, scope and period of validity of the safety authorisation and, in the event of revocation, the reasons for its decision.</p> <p>5. In the case of cross-border infrastructure, the competent national safety authorities shall cooperate in order to issue the safety authorisations.</p>	
<p>Article 10 Application and granting of technical certificates and declarations and related conditions</p>		
<p>§ 1 The grant of a technical certificate shall be related to the type of construction of a railway vehicle or to the railway vehicle itself.</p> <p>§ 2 [reserved]</p> <p>§ 3 The application for a technical certificate may be made to the competent authority of any Contracting State.</p> <p>§ 3a The application for an assessment and for the issuing of corresponding UTP certificates and declarations may be made to any assessing entity to which a competent authority has wholly or partly transferred competence to carry out assessments in accordance with Article 5 § 2.</p> <p>§ 4 If Article 6 § 4 applies to the vehicle, the applicant shall indicate the Contracting States (if applicable the lines) for which the technical certificates are required to permit free circulation; in this case the competent authorities and assessing entities involved should cooperate in order to make the process easier for the applicant</p>	<p>Art. 21. 1 The applicant shall place a vehicle on the market only after having received the vehicle authorisation for placing on the market issued by the Agency in accordance with paragraphs 5 to 7 or by the national safety authority in accordance with paragraph 8.</p> <p>Art. 21. 13 Where the applicant wishes to extend the area of use of a vehicle which has already been authorised, it shall supplement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. The applicant shall submit the file to the Agency, which shall, after following the procedures laid down in paragraphs 4 to 7, issue an updated authorisation covering the extended area of use. If the applicant has received a vehicle authorisation in accordance</p>	<p>NO PROVISION</p> <p><b>(C) NOT RELEVANT</b></p> <p><b>A) NO IMPACT</b></p> <p>Possibly equivalent to EU extension of area of use introduced by 4th Railway Package in Art. 21.13 of this 2016/797 Interoperability Directive</p>



§ 5 All costs arising from the admission process shall be covered by the applicant, unless provided otherwise according to the laws and prescriptions in force in the State where the admission to operation is granted. Granting admissions to operation by the competent authority for profit shall not be permitted.

with paragraph 8 and wishes to extend the area of use within that Member State, it shall supplement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. It shall submit the file to the national safety authority which shall, after following the procedures laid down in paragraph 8, issue an updated authorisation covering the extended area of use.

Art. 80 ERA Regulation (Implementing acts relating to fees and charges)

1. The Commission shall adopt, on the basis of the principles set out in paragraphs 2 and 3, implementing acts specifying:

(a) the fees and charges payable to the Agency, in particular in application of Articles 14, 20, 21 and 22; and

(b) the conditions of payment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 81(3).

2. Fees and charges shall be levied for:

(a) the issuing and renewal of authorisations for the placing on the market of vehicles and types of vehicles;

(b) the issuing and renewal of single safety certificates;

(c) the provision of services; the fees and charges payable in this regard shall reflect the actual cost of each individual provision;

(d) the issuing of decisions for approval in accordance with Article 19 of Directive (EU) 2016/797.

**(A) NO IMPACT**

Fees and charges may be levied for the processing of appeals.

All fees and charges shall be expressed, and payable, in euro.

Fees and charges shall be set in a transparent, fair and uniform manner, taking into account the competitiveness of the European railway sector. They shall not lead to the imposition of unnecessary financial burdens on applicants. The specific needs of small and medium-sized enterprises, including the possibility of splitting payments into several instalments and phases, shall be taken into account, as appropriate.

The fee for issuing the decision for approval shall be set in a proportionate manner, taking into account the different stages of the authorisation process for ERTMS trackside projects and the workload required for each of the stages. The apportionment of the fees shall be clearly identified in the accounts.

Reasonable deadlines shall be set for the payment of fees and charges, taking due account of the deadlines for the procedures provided for in Articles 19 and 21 of Directive (EU) 2016/797 and Article 10 of Directive (EU) 2016/798.

3. The amount of the fees and charges shall be fixed at such a level as to ensure that the revenue in respect thereof is sufficient to cover the full cost of the services provided, including the relevant costs resulting from the tasks assigned to the national safety authorities in accordance with Article 76(2) and (3). All expenditure of the Agency attributed to staff involved in the activities referred to in paragraph 2 of this Article, including the employer's pro-rata contribution to the pension scheme, shall in particular be reflected in that cost. Should a significant imbalance resulting from the provision of the services covered by fees and charges become recurrent, the level of those fees and charges shall be revised. Those fees and charges shall be assigned revenues for the Agency.

§ 5a All decisions, assessments, tests etc. shall be carried out in a non-discriminatory way.

When setting the levels of fees and charges, the Commission shall take into account:

- (a) the area of operation of certificates;
- (b) the area of use of authorisations; and
- (c) the type and extent of railway operations.

For assessments:

Art. 31

1.A conformity assessment body shall be a third-party body independent of the organisation or of the manufacturer of the product it assesses. A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered to be such a body.

2.The impartiality of the conformity assessment bodies, of their top-level management and of the assessment personnel shall be guaranteed.

3.A conformity assessment body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the products which they assess, or the authorised representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.

4.A conformity assessment body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, marketing, installation, use or

**(A) NO IMPACT**

	<p>maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This prohibition shall apply, in particular, to consultancy services.</p> <p>5.Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.</p> <p>6.Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.</p> <p>Annex 4 p 2.4</p>	
<p>§ 6 The applicant shall elaborate and attach to his application a <u>Technical File</u> containing the information required in the relevant UTPs. The assessing entity shall compile the technical file.</p>	<p>Art. 15.4 The applicant shall be responsible for compiling the technical file that is to accompany the ‘EC’ declaration of verification. That technical file shall contain all the necessary documents relating to the characteristics of the subsystem and, where appropriate, all the documents certifying conformity of the interoperability constituents. It shall also contain all the elements relating to the conditions and limits of use and to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.</p>	<p><b>(B) NO CHANGE</b></p>
<p>§ 7 Every assessment carried out shall be documented by <u>the assessing entity</u> in an Assessment Report which shall substantiate the assessments carried out hereby, stating which provisions the object has been assessed against and whether the object passed or failed this assessment.</p>		<p>NO PROVISION</p>
<p>§ 8 The applicant for a Certificate of Operation by the procedure of technical</p>	<p>Art. 25</p>	<p><b>(A) NO IMPACT</b></p>

<p>admission as set out in Article 4 § 1, b), shall attach to his application the Design Type Certificate, established in accordance with Article 11 § 2, and demonstrate in an appropriate manner that the vehicles for which he is applying for a Certificate of Operation correspond to that type of construction.</p> <p>For new vehicles, an appropriate manner of demonstration consists of a UTP certificate of verification issued by an assessing entity in accordance with the relevant UTP.</p> <p>§ 9 A technical certificate shall be granted in principle for an unlimited period; it can be general or limited in scope.</p> <p>§ 10 If relevant provisions in the prescriptions according to Article 7 on the basis of which a type of construction has been admitted have been changed, and if no relevant transitional provisions can be applied, <b>the Contracting State</b> in which the corresponding Design Type Certificate has been issued, and after consultation of the other States where the Certificate is valid according to Article 6, shall decide whether the Certificate may remain valid or need to be renewed for the admission of new vehicles according to that type. The criteria which shall be checked in the case of a renewed type admission may only concern the changed provisions. The renewal of the type admission does not affect admissions to operation already granted to vehicles</p>	<p>1. A vehicle or a series of vehicles which is in conformity with an authorised vehicle type shall, without further checks, receive a vehicle authorisation in accordance with Article 21 on the basis of a declaration of conformity to that vehicle type submitted by the applicant.</p> <p>2. The renewal of the authorisation of a vehicle type as referred to in Article 24(3) shall not affect vehicle authorisations for placing on the market already issued on the basis of the previous authorisation to place that vehicle type on the market.</p> <p>Art. 15. 5 In the event of the renewal or upgrading of a subsystem resulting in an amendment to the technical file and affecting the validity of the verification procedures already carried out, the applicant shall assess the need for a new ‘EC’ declaration of verification.</p> <p>Art. 24. 3 In the event of changes to any relevant provisions in TSIs or national rules, on the basis of which an authorisation of a vehicle type has been issued, <b>the TSI or national rule</b> shall</p>	<p>No changes to substance</p> <p>NO PROVISION</p> <p><b>D) AMENDMENT*</b> Procedure has changed for renewal on the EU side as it is for TSI and national rules to determine whether the vehicle type is still valid</p>
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on the basis of previously admitted types.

§ 11 In the event of renewal or upgrading, the contracting entity or the manufacturer shall send the Contracting State concerned a file describing the project. The Contracting State shall examine this file and, taking account of the implementation strategy indicated in the applicable UTP, shall decide whether the extent of the work means that a new admission to operation within the meaning of these Uniform Rules is needed.

Such a new admission to operation shall be required whenever the overall safety level of the subsystem concerned may be adversely affected by the work envisaged. If a new admission is needed, the Contracting State shall decide to what extent the provisions in the related UTP need to be applied to the project.

The Contracting State shall take its decision not later than four months after submission of the complete file by the applicant.

When a new admission is required and if the UTP are not fully applied the vehicle shall be subject to a new admission to which the conditions of Article 6 §4 apply and the Contracting States shall notify to the Secretary General

- a) the reason why a UTP is not fully applied,
- b) the technical characteristics applicable in place of the UTP and
- c) the bodies responsible for the assessment of the technical characteristics referred to under b).

The Secretary General shall publish the notified information on the website of the Organisation.

determine whether the vehicle type authorisation already granted remains valid or needs to be renewed. If that authorisation needs to be renewed, the checks performed by the Agency or by a national safety authority may only concern the changed rules

Art. 21. 12

In the event of renewal or upgrading of existing vehicles which already have a vehicle authorisation for placing on the market, a new vehicle authorisation for placing on the market shall be required if: (a) changes are made to the values of the parameters referred to in point (b) of paragraph 10 which are outside the range of acceptable parameters as defined in the TSIs; (b) the overall safety level of the vehicle concerned may be adversely affected by the works envisaged; or (c) it is required by the relevant TSIs

**(D) AMENDMENT\***  
Procedure has changed in the EU

<p>§ 12 § 11 applies mutatis mutandis to a Design Type Certificate and to any declaration concerning the construction or the elements of construction in question.</p>		<p><b>(A) NO IMPACT</b> EU is less prescriptive than OTIF. No provision dealing with certificates in this context</p>
<p style="text-align: center;"><b>Article 10a</b> <b>Rules for withdrawals or suspensions of technical certificates</b></p>		
<p>§ 1 If a competent authority of a Contracting State other than the one which has granted the (first) admission to operation discovers non-compliance it shall, with all details, inform the (first) admitting authority; if the non-compliance relates to a Design Type Certificate, the authority which issued it shall also be informed.</p> <p>§ 2 A Certificate of Operation may be withdrawn</p> <p>a) when the railway vehicle no longer satisfies</p> <ul style="list-style-type: none"> <li>- the prescriptions contained in the UTP and in applicable national provisions in force according to Article 12 of the APTU Uniform Rules, or</li> <li>- the special conditions of its admission under Article 7a or</li> <li>- the construction and equipment prescriptions contained in RID or</li> </ul> <p>b) if the keeper does not comply with the requirement of the competent authority to remedy the defects within the prescribed time or</p> <p>c) when stipulations and conditions resulting from a limited admission under Article 10 § 10 are not fulfilled or complied with.</p>	<p>Art. 26 (Non-compliance of vehicles or vehicle types with essential requirements)</p> <p>1. When a railway undertaking finds, during operation, that a vehicle it is using does not meet one of the applicable essential requirements, it shall take the necessary corrective measures in order to bring the vehicle into conformity. Furthermore, it may inform the Agency and any national safety authorities concerned of the measures taken. If the railway undertaking has evidence that the non-compliance existed already at the time when the authorisation for placing on the market was issued, it shall inform the Agency and any other national safety authorities concerned.</p> <p>2. When a national safety authority becomes aware, for instance within the process of supervision provided for in Article 17 of Directive (EU) 2016/798, that a vehicle or a vehicle type to which an authorisation for placing on the market was granted either by the Agency, in accordance with Article 21(5) or Article 24, or by the national safety authority, in accordance with Article 21(8) or Article 24, when used as intended, does not meet one of the applicable essential requirements, it shall inform the railway undertaking using the vehicle or the vehicle type and ask it to take the necessary corrective measures in order to bring the vehicle(s) into conformity. The national safety authority shall inform the Agency and any other national safety authorities concerned, including those in a territory where application for authorisation for placing on the market for a vehicle of the same type is ongoing.</p>	<p><b>(A) NO IMPACT</b> Art 26 has been newly introduced by the 4th Railway Package in as it did not exist before. Now closer to OTIF</p>

§ 3 Only the authority which has granted the Design Type Certificate or the Certificate of Operation may withdraw it.

§ 4 The Certificate of Operation shall be suspended

- a) when technical checks, inspections, maintenance and servicing of the railway vehicle prescribed in its Maintenance File, in the UTP, in the special conditions of an admission pursuant to Article 7a or in the construction and equipment prescriptions contained in RID are not carried out (or if deadlines are not observed);
- b) if in case of severe damage to a railway vehicle, the order of the competent authority to present the vehicle is not complied with;
- c) in case of non-compliance with these Uniform Rules and prescriptions contained in the UTP;
- d) if applicable national provisions in force according to Article 12 of the APTU Uniform Rules or their declared equivalent provisions according to Article 13 of the APTU Uniform Rules are not complied with. The validity of the Certificate shall be suspended for the Contracting State(s) concerned.

§ 5 The Certificate of Operation shall become void when the railway vehicle is withdrawn from service. This withdrawal from service shall be notified in accordance with Article 13 § 4.

§ 6 §§ 1 to 4 shall apply mutatis mutandis to a Design Type Certificate.

3. When, in the cases set out in paragraphs 1 or 2 of this Article, the corrective measures applied by the railway undertaking do not ensure conformity with the applicable essential requirements and that non-conformity leads to a serious safety risk, the national safety authority concerned may apply temporary safety measures under its supervision tasks, in accordance with Article 17(6) of Directive (EU) 2016/798. Temporary safety measures in the form of a suspension of type authorisation of a vehicle may be applied in parallel by the national safety authority or by the Agency and shall be subject to judicial review and the arbitration procedure laid down in Article 21(7).

4. In the cases referred to in paragraph 3, the Agency or the national safety authority which issued the authorisation, following a review of the effectiveness of any measures taken to address the serious safety risk, may decide to revoke or amend the authorisation when it is proven that an essential requirement was not met at the time of authorisation. To that end, they shall notify their decision to the holder of the authorisation for placing on the market or of the vehicle type authorisation, giving the reasons for their decisions. The holder may, within a period of one month from receipt of the decision of the Agency or the national safety authority, request them to review the decision. In that case, the decision to revoke shall be temporarily suspended. The Agency or the national safety authority shall have one month from the date of receipt of the request for review in which to confirm or reverse their decision.

Where relevant, in the event of disagreement between the Agency and the national safety authority concerning the need to restrict or revoke the authorisation, the arbitration procedure provided for in Article 21(7) shall be followed. If the result of that procedure is that the vehicle authorisation is neither to be restricted nor revoked, the temporary safety measures referred to in paragraph 3 of this Article shall be suspended.



5. If the decision of the Agency is confirmed, the holder of the vehicle authorisation may bring an appeal before the Board of Appeal designated under Article 55 of Regulation (EU) 2016/796 within the time limit referred to in Article 59 of that Regulation. If the decision of a national safety authority is confirmed, the holder of the vehicle authorisation may bring an appeal, within two months of the notification of that decision, under the national judicial review referred to in Article 18(3) of Directive (EU) 2016/798. Member States may designate the regulatory body set out in Article 56 of Directive 2012/34/EU for the purpose of this appeal procedure.

6. When the Agency decides to revoke or amend an authorisation for placing on the market which it has granted, it shall directly inform all national safety authorities, giving the reasons for its decision. When a national safety authority decides to revoke an authorisation for placing on the market which it has granted, it shall forthwith inform the Agency thereof and give the reasons for its decision. The Agency shall then inform the other national safety authorities.

7. The decision of the Agency or the national safety authority to revoke the authorisation shall be reflected in the appropriate vehicle register, in accordance with Article 22 or, in the case of an authorisation of a vehicle type, in the European register of authorised vehicle types in accordance with Article 24(7). The Agency and the national safety authorities shall ensure that railway undertakings using vehicles of the same type as the vehicle or type subject to the revocation are properly informed. Such railway undertakings shall first check whether the same problem of non-compliance applies. In that event, the procedure provided for in this Article shall apply.

8. When an authorisation for placing on the market is revoked, the vehicle concerned shall no longer be used and its area of use shall not be extended. When a vehicle type authorisation is revoked, vehicles built on the basis of it shall not be placed on

	<p>the market or, if they had already been placed on the market, they shall be withdrawn. A new authorisation may be requested on the basis of the procedure provided for in Article 21 in the case of individual vehicles or Article 24 in the case of a vehicle type.</p> <p>9. When, in the cases provided for in paragraphs 1 or 2, the non-compliance with the essential requirements is limited to part of the area of use of the vehicle concerned and such non-compliance already existed at the time when the authorisation for placing on the market was issued, the latter shall be amended to exclude the parts of the area of use concerned.</p>	
<p><b>Article 10b</b> <b>Rules for assessments and procedures</b></p>		
<p>§ 1 The Committee of Technical Experts is competent to adopt mandatory provisions for the assessments and procedural rules for technical admission. Provisions for the assessments are set out in the relevant UTP.</p> <p>§ 2 In addition to, but not in contradiction with the provisions set by the Committee of Technical Experts according to § 1, Contracting States or regional organisations may adopt (or maintain) provisions for non-discriminatory detailed mandatory procedures for the assessments and requirements concerning declarations. These provisions shall be notified to the Secretary General, who shall inform the Committee of Technical Experts, and they shall be published by the Organisation.</p>	<p>Art. 4. 3 (e) To the extent necessary to achieve the objectives of this Directive referred to in Article 1, each TSI shall: (e) state, in each case under consideration, which procedures are to be used in order to assess the conformity or the suitability for use of the interoperability constituents, on the one hand, or the ‘EC’ verification of the subsystems, on the other. Those procedures shall be based on the modules defined in Commission Decision 2010/713/EU (1);</p>	<p><b>(B) NO CHANGE</b></p> <p><b>(D) AMENDMENT**</b> Problem for interoperability (to be discussed)</p>
<p><b>Article 11</b> <b>Technical Certificates</b></p>		
§ 1 The admission of a type of construction and the admission to operation		

shall be evidenced by separate documents called: “Design Type Certificate”<sup>3</sup> and “Certificate of Operation”.

§ 2 The Design Type Certificate shall:

- a) specify the designer and intended manufacturer of the type of construction of the railway vehicle;
- b) have the Technical File attached;
- c) if appropriate, specify the special operating limitations and conditions for the type of construction of a railway vehicle and for railway vehicles which correspond to this type of construction;
- d) have the Assessment Report(s) attached;
- e) if appropriate, specify all related declarations (of conformity and verification) issued;
- f) specify the issuing competent authority, date of issue and contain the signature of the authority;
- g) if appropriate, specify its period of validity;
- h) have attached for vehicles subject to Article 6 § 4, copies of the additional national admissions, if any.

§ 3 The Certificate of Operation shall include

- a) all the information indicated in § 2, and
- b) the identification code(s) of the vehicle(s) covered by the

Art. 21. 10

Vehicle authorisations for placing on the market shall state: (a) the area(s) of use; (b) the values of the parameters set out in the TSIs and, where applicable, in the national rules, for checking the technical compatibility between the vehicle and the area of use; (c) the vehicle's compliance with the relevant

No detailed provision in this Directive

**(E) TABLE OF CORRESPONDENCE**

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<sup>3</sup> Design type Certificate = Type Authorisation  
Certificate of Operation = Vehicle Authorisation

<p>certificate;</p> <p>c) information on the keeper of the railway vehicle(s) covered by the certificate on the day of its issue;</p> <p>d) if appropriate, its period of validity.</p> <p>§ 4 The Certificate of Operation may cover a group of individual vehicles of the same type, in which case the information required according to § 3 shall be specified identifiably for each of the vehicles of the group and the Technical File shall contain a list with identifiable documentation concerning the tests made on each vehicle.</p> <p>§ 5 The <b>Technical File</b> shall contain the information according to the provisions in the UTP.</p>	<p>TSIs and sets of national rules, relating to the parameters referred to in point (b); (d) the conditions for use of the vehicle and other restrictions</p> <p>Art. 2 (27) 'series' means a number of identical vehicles of a design type;</p> <p>Annex 4 p 2.4 Technical file accompanying the 'EC' declaration of verification. The technical file accompanying the 'EC' declaration of verification shall be assembled by the applicant and must contain the following:</p> <p>(a) technical characteristics linked to the design including general and detailed drawings with respect to execution, electrical and hydraulic diagrams, control-circuit diagrams, description of data-processing and automatic systems to the level of detail sufficient for documenting the verification of conformity carried out, documentation on operation and maintenance, etc., relevant for the subsystem concerned;</p> <p>(b) a list of interoperability constituents, referred to in point (d) of Article 4(3), incorporated into the subsystem;</p> <p>(c) the files referred to in Article 15(4), compiled by each of the notified bodies involved in the verification of the subsystem, which shall include: — copies of the 'EC' declarations of verification and, where applicable, 'EC'</p>	<p><b>(A) NO IMPACT</b> The definition of series</p> <p><b>(B) NO CHANGE</b></p>
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<p>§ 6 The certificates shall be printed in one of the working languages according to Article 1 § 6 of the Convention.</p> <p>§ 7 The certificates referred to in §§ 2 and 3 shall be issued to the applicant by the Competent Authority.</p>	<p>declarations of suitability for use established for interoperability constituents referred to in point (d) of Article 4(3) and accompanied, where appropriate, by the corresponding calculation notes and a copy of the records of the tests and examinations carried out by the notified bodies on the basis of the common technical specifications,— where available, the ISV that accompany the certificate of verification, including the result of verification by the notified body of the ISV validity, — the certificate of verification, accompanied by corresponding calculation notes and signed by the notified body responsible for the verification, stating that the subsystem complies with the requirements of the relevant TSI(s) and mentioning any reservations recorded during performance of the activities and not withdrawn; the certificate of verification should also be accompanied by the inspection and audit reports drawn up by the same body in connection with its task, as specified in points 2.5.2 and 2.5.3;</p> <p>(d) certificates of verification issued in accordance with other legal acts of the Union;</p> <p>(e) when verification of safe integration is required pursuant to in point (c) of Article 18(4) and in point (c) of Article 21(3), the relevant technical file shall include the assessors' report(s) on the CSMs on risk assessment referred to in Article 6(3) of Directive 2004/49/EC (1).</p> <p>Annex 4 p 2.8 The files and correspondence relating to the 'EC' verification procedure must be written in a Union official language of the Member State in which the applicant is established or in a Union official language accepted by the applicant.</p> <p>Art. 21. 4 The Agency or, in the case of paragraph 8, the national safety authority shall issue vehicle authorisations for placing on the market or inform the applicant of its negative decision within a</p>	<p><b>(B) NO CHANGE</b></p> <p><b>(A) NO IMPACT</b></p>
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<p>§ 8 The Certificate of Operation is related to the object. Once the vehicle is in operation the holder of the Certificate of Operation (including the Technical File), if not the current keeper, shall without delay hand it over to the current keeper together with the Maintenance File and make available all instructions for maintenance and operations that are still in his possession.</p> <p>§ 9 § 8 applies mutatis mutandis to vehicles and railway material admitted according to Article 19, whereby the documentation in question is the approval documentation and any other documentation containing any information similar to what is included in the requirements for the Technical File and Maintenance File, whether in full or in part.</p>	<p>predetermined, reasonable time, and in any case within four months of receipt of all relevant information from the applicant. The Agency, or, in the cases provided for in paragraph 8, the national safety authority, shall apply the practical arrangements on the authorisation procedure to be established in an implementing act, as referred to in paragraph 9. Those authorisations shall allow vehicles to be placed on the Union market.</p>	<p><b>NO PROVISION</b></p> <p><b>NO PROVISION</b></p>
<p style="text-align: center;"><b>Article 12</b> <b>Uniform formats</b></p>		
<p>1 The Organisation shall prescribe uniform formats of the certificates indicated in Article 11 and of the Assessment Report according to Article 10 § 7.</p> <p>§ 2 The formats shall be prepared and adopted by the Committee of Technical Experts and shall be published on the Organisation’s website.</p>	<p>Art. 21. 9 By 16 June 2018, the Commission shall adopt by means of implementing acts practical arrangements specifying: (a) how the requirements for the vehicle authorisation for placing on the market and for vehicle type authorisation laid down in this Article shall be fulfilled by the applicant and listing the documents required; (b) the details of the authorisation process, such as procedural stages and timeframes for each stage of the process; (c) how the requirements laid down in this Article shall be complied with by the Agency and the national safety authority through the different stages of the application and authorisation process including in the</p>	<p>Within the scope of the IA <b>(A) NO IMPACT</b></p>

<p>§ 3 The Committee of Technical Experts may decide to allow certificates made according to another specified format than that prescribed in these Uniform Rules, but containing the information required according to Article 11, to be recognised as equivalent substitutes.</p>	<p>assessment of applicants' files. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(3). They shall take into account the experience gained during the preparation of the cooperation agreements referred to in paragraph 14 of this Article</p>	<p><b>NO PROVISION</b></p>
<p><b>Article 13 Registers</b></p>		
<p>§ 1 A national vehicle register (NVR) shall be set up according to the specifications adopted by CTE in the form of an electronic data bank containing information concerning the railway vehicles in respect of which a Certificate of Operation has been issued. The register shall also include railway vehicles admitted according to Article 19; it may contain railway vehicles admitted for national traffic only.</p>	<p>Art.47. 1 Until the European Vehicle Register referred to in paragraph 5 is operational, each Member State shall keep a national vehicle register. That register shall</p> <p>Art.47. 5 With a view to reducing administrative burdens and undue costs for Member States and stakeholders, by 16 June 2018, the Commission, taking into account the result of a cost-benefit analysis, shall adopt by means of implementing acts</p>	<p><b>(D) AMENDMENT**</b></p>

<p>§ 1a The Organisation shall establish and keep up-to-date, or make accessible a register with certificates of entities in charge of maintenance (ECM) and ECM Certification bodies.</p> <p>§ 1b The Organisation shall establish and keep up-to-date, or make accessible a register with Vehicle Keeper Marking codes.</p> <p>§ 2 [reserved]</p> <p>§ 3 The Committee of Technical Experts may decide to include other data to be used in railway operations in a data bank, such as design types, information concerning declarations, inspections and maintenance of the admitted vehicles (including next inspection due), information needed to establish if there is technical compatibility between vehicle and network, information on accidents and incidents and registers concerning coding of vehicles, locations, rail transport undertakings, keepers, infrastructure managers, workshops, manufacturers, etc.</p> <p>§ 4 The Committee of Technical Experts is competent to decide on modifications to or the merging or withdrawal of the registers and databases referred to in this Article. The Committee of Technical Experts shall establish the functional and technical architecture of the registers specified in this Article and may also specify the data to be contained, when and how the data shall be provided, what the access rights will be and other administrative and organisational provisions, including which database structure should be applied. In all cases, change of keeper, change of ECM, withdrawals from</p>	<p>the technical and functional specifications for the European Vehicle Register, which would incorporate the national vehicle registers with a view to providing a harmonised interface to all users for the registration of vehicles and data management. Points (b) and (c) of paragraph 1 and paragraph 3 shall apply. Such a specification shall include content, data format, functional and technical architecture, operating mode, including arrangements for the exchange of data, and rules for data input, and consultation, as well as migration steps.</p> <p>Art. 10.4 of Commission Regulation 445/2011 The Agency shall keep a record of all information notified under paragraphs 2 and 3 and shall make it publicly available</p>	<p><b>(A) NO IMPACT</b></p> <p>NO PROVISION</p> <p><b>(C) NOT RELEVANT</b></p> <p><b>(C) NOT RELEVANT</b></p>
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<p>service, official immobilisations, suspensions and withdrawals of certificates, declarations or other evidence and modifications to a vehicle which derogate from the admitted type of construction shall be notified by the registration holder to the entity keeping the register without delay.</p> <p>§ 5 When applying this Article, the Committee of Technical Experts shall consider registers set up by Contracting States and regional organisations in such a way so as to reduce undue burden on the involved parties such as regional organisations, Contracting States, competent authorities and industry. In order also to minimise the cost for the Organisation and obtain coherent register systems, all parties involved shall coordinate with the Organisation their plans and the development of registers which are within the scope of these Uniform Rules.</p> <p>§ 6 The data registered in the data bank according to § 1 shall be considered as prima facie evidence of the technical admission of a railway vehicle.</p> <p>§ 7 The Committee of Technical Experts may decide that the costs of setting up and running the data bank shall be covered, in whole or in part, by the users.</p>		<p><b>(C) NOT RELEVANT</b></p> <p><b>(C) NOT RELEVANT</b></p> <p><b>(C) NOT RELEVANT</b></p>
<p><b>Article 14</b> <b>Inscriptions and signs</b></p>		
<p>§ 1 Railway vehicles admitted to operation must bear inscriptions and signs prescribed in the UTP, including a unique vehicle number.</p> <p>The competent authority which grants the (first) admission to operation is responsible for ensuring that the alphanumeric identification code is assigned</p>	<p>Art. 46</p> <p>1. Upon registration in accordance with Article 22, each vehicle shall be assigned a European vehicle number (EVN) by the competent authority in the Member State of registration. Each vehicle shall be marked with an assigned</p>	<p>The 4<sup>th</sup> railway package deleted concept of 1<sup>st</sup> authorisation. Therefore, the provisions on marking were</p>

<p>to each vehicle. This code, which shall include the country code of the (first) admitting State, must be marked on each vehicle and be entered in the NVR of that State.</p> <p>§ 2 The Committee of Technical Experts may lay down a sign which establishes that the vehicle bearing it has been admitted to operation in international traffic according to these Uniform Rules.</p> <p>§3 The Committee of Technical Experts may set out the transitional periods during which the railway vehicles admitted to circulation in international traffic may bear inscriptions and signs derogating from those prescribed in §§ 1 and 2.</p>	<p>EVN.</p> <p>2. The specifications of the EVN shall be set out in the measures referred to in Article 47(2), in accordance with the relevant TSI.</p> <p>3. Each vehicle shall be assigned an EVN only once, unless otherwise specified in the measures referred to in Article 47(2), in accordance with the relevant TSI.</p> <p>4. Notwithstanding paragraph 1, in the case of vehicles operated or meant to be operated from or to third countries the track gauge of which is different from that of the main rail network within the Union, Member States may accept vehicles clearly identified in accordance with a different coding system.</p>	<p>modified. However no changes in the substance <b>(A) NO IMPACT</b></p>
<p><b>Article 15</b> <b>Maintenance of vehicles</b></p>		
<p>§ 1 Railway vehicles must be in a good state of maintenance in such a way that they comply with the provisions as defined in Article 7. The condition of vehicles must not in any way compromise operational safety and must not harm the infrastructure, environment and public health by their circulation or their use in international traffic. To that end, railway vehicles shall be made available for and undergo the service, inspections and maintenance as prescribed in the Maintenance File. It shall be the responsibility of the keeper to designate an ECM for this purpose.</p> <p>§ 2 Each railway vehicle, before it is admitted to operation or used on the network, shall have an ECM assigned to it and this entity shall be registered in the data bank referred to in Article 13. The ECM shall ensure that the vehicles for which it is in charge of maintenance are in a safe state of running by means of a system of maintenance. The ECM may make use of contractors including maintenance workshops.</p>	<p>Art. 14 of the 2016/798 Railway Safety Directive</p> <p>1. Each vehicle, before it is being used on the network, shall have an entity in charge of maintenance assigned to it and this entity shall be registered in the vehicle register in accordance with Article 47 of Directive (EU) 2016/797.</p> <p>2. Without prejudice to the responsibility of the railway undertakings and infrastructure managers for the safe operation of a train as provided for in Article 4, the entity in charge of maintenance shall ensure that the vehicles for the maintenance of which it is in charge are in a safe state of running. To that end, the entity in charge of maintenance shall establish a maintenance system for those vehicles and shall by means of that system:</p> <p>(a) ensure that vehicles are maintained in accordance with the maintenance file of each vehicle and the requirements in force,</p>	<p><b>(A) NO IMPACT</b> for equivalence however new provisions on safety shall be assessed in the context of the discussion on “interoperability beyond the EU”</p>

The Committee of Technical Experts shall be competent to adopt and amend rules for certification and auditing of ECM and maintenance workshops. The rules are set out in Annex A to these Uniform Rules.

The ECM for a freight wagon shall be certified by an ECM Certification Body accredited or recognised in one of the Contracting States in accordance with Annex A to these Uniform Rules.

§ 3 The keeper shall make available to the ECM, as far as necessary for maintenance, the elements relating to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.

The ECM must ensure, either directly or via the keeper, that reliable information about maintenance and restrictions affecting operations, necessary and sufficient to support safe operations are available for the operating railway undertaking.

The operating railway undertaking must in due time, either directly or via the keeper, provide the ECM with information on operation of the vehicles (including mileage, type and extent of activities, incidents/accidents) for which the ECM is in charge.

§ 4 The ECM of an admitted vehicle shall keep and update the Maintenance File and Maintenance Record File for that vehicle. The ECM shall inform the keeper of updates to the Maintenance Record File. The files shall be available for inspection by the competent national authority.

including maintenance rules and relevant TSI provisions;

**(b) implement the necessary risk evaluation and assessment methods established in the CSMs as referred to in point (a) of Article 6(1), where appropriate in cooperation with other actors;**

**(c) ensure that its contractors implement risk control measures through the application of the CSM on monitoring referred to in point (c) of Article 6(1) and that this is stipulated in contractual arrangements to be disclosed on request of the Agency or the national safety authority; and**

(d) ensure the traceability of the maintenance activities.

3. The maintenance system shall be composed of the following functions:

**(a) a management function to supervise and coordinate the maintenance functions referred to in points (b) to (d) and to ensure the safe state of the vehicle in the railway system;**

**(b) a maintenance development function responsible to manage the maintenance documentation, including the configuration management, based on design and operational data as well as on performance and return on experience;**

**(c) a fleet-maintenance management function to manage the vehicle's removal for maintenance and its return to operation after maintenance;**

**(d) a maintenance delivery function to deliver the required technical maintenance of a vehicle or parts of it, including the release to service documentation.**

The entity in charge of maintenance shall carry out the management function itself, but may outsource the maintenance functions referred to in points (b) to (d), or parts

thereof, to other contracting parties such as maintenance workshops.

The entity in charge of maintenance shall ensure that all the functions set out in points (a) to (d) comply with the requirements and assessment criteria set out in Annex III.

Maintenance workshops shall apply relevant sections of Annex III as identified in the implementing acts adopted pursuant to point (a) of paragraph 8, which correspond to the functions and activities to be certified.

4. In the case of freight wagons, and after the adoption of the implementing acts referred to in point (b) of paragraph 8 in the case of other vehicles, each entity in charge of maintenance shall be certified and be awarded an entity in charge of maintenance certificate (ECM certificate) by an accredited or recognised body or by a national safety authority in accordance with the following conditions:

(a) the accreditation and recognition processes of certification processes shall be based on criteria of independence, competence and impartiality;

(b) the system of certification shall provide evidence that an entity in charge of maintenance has established the maintenance system to ensure the safe state of running of any vehicle for which it is in charge of maintenance;

(c) the ECM certification shall be based on an assessment of the ability of the entity in charge of maintenance to meet the relevant requirements and assessment criteria set out in Annex III and to apply them consistently. It shall include a system of surveillance to ensure continuing compliance with those requirements and assessment criteria after award of the ECM certificate;

(d) the certification of maintenance workshops shall be based

on the compliance with the relevant sections in Annex III applied to the corresponding functions and activities to be certified Where the entity in charge of maintenance is a railway undertaking or an infrastructure manager, compliance with the conditions set out in the first subparagraph may be checked by the national safety authority pursuant to the procedures referred to in Article 10 or 12 and may be confirmed on the certificates issued in accordance with those procedures.

5. The certificates issued in accordance with paragraph 4 shall be valid throughout the Union.

6. On the basis of the recommendation of the Agency, the Commission shall, by means of implementing acts, adopt detailed provisions on the certification conditions referred to in the first subparagraph of paragraph 4 for the entity in charge of maintenance of freight wagons, including the requirements set out in Annex III in compliance with the relevant CSM and TSIs, and, when necessary, shall amend those provisions.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(3).

The certification system applicable to freight wagons adopted by Commission Regulation (EU) No 445/2011 (1) shall continue to apply until the implementing acts referred to in this paragraph apply.

7. By 16 June 2018, the Agency shall evaluate the system of certification of the entity in charge of maintenance for freight wagons, consider the expediency of extending that system to all vehicles and the mandatory certification of maintenance workshops and submit its report to the Commission.

8. On the basis of the evaluation carried out by the Agency pursuant to paragraph 7, the Commission shall, by means of implementing acts, adopt, if appropriate, and, when necessary,

	<p>subsequently amend detailed provisions identifying which of the requirements set out in Annex III shall apply for the purpose of:</p> <p>(a) maintenance functions carried out by maintenance workshops, including detailed provisions to ensure the uniform implementation of the certification of maintenance workshops, in compliance with the relevant CSM and TSIs;</p> <p>(b) the certification of entities in charge of maintenance of vehicles other than freight wagons, on the basis of the technical characteristics of such vehicles, including detailed provisions to ensure the uniform implementation of the certification conditions by the entity in charge of maintenance for vehicles other than freight wagons, in compliance with the relevant CSM and TSIs.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(3).</p>	
<p><b>Article 15a</b> <b>Train composition and operation</b></p>		
<p>§ 1 The rail transport undertaking shall control the risks associated with its activities and especially those related to the operation of trains. To that end it shall ensure that these trains comply with the essential requirements and shall in particular:</p> <ul style="list-style-type: none"> <li>a) ensure correct and safe train composition and preparation, including predeparture checks,</li> <li>b) take into account information necessary for the safe operation of each vehicle, including possible operating restrictions,</li> <li>c) only use vehicles within their limit and conditions of use,</li> <li>d) be required to comply with the prescriptions relating to operation in international traffic, such as those specified in</li> </ul>	<p>Art 23 (Checks before the use of authorised vehicles)</p> <p>1. Before a railway undertaking uses a vehicle in the area of use specified in its authorisation for placing on the market, it shall check:</p> <ul style="list-style-type: none"> <li>(a) that the vehicle has been authorised for placing on the market in accordance with Article 21 and is duly registered;</li> <li>(b) that the vehicle is compatible with the route on the basis of the infrastructure register, the relevant TSIs or any relevant information to be provided by the infrastructure manager free of charge and within a reasonable period of time, where such a register does not exist or is incomplete; and</li> <li>(c) that the vehicle is properly integrated in the composition of</li> </ul>	<p>The 4<sup>th</sup> RP introduces clarification of the tasks of the RU after authorisation. Those provisions were already existing in OTIF <b>(A) NO IMPACT</b></p>

<p>the relevant UTPs,</p> <p>e) ensure that each vehicle carried has an ECM assigned to it and when required that the ECM has a valid certificate.</p> <p>§ 2 The rules as set out in § 1 shall apply mutatis mutandis to entities other than a rail transport undertaking that operate trains under their own responsibility.</p> <p>§ 3 The keeper shall make available, as far as necessary for operation, to any rail transport undertaking operating the vehicle, the elements relating to the conditions and limits of use and concerning servicing and constant or routine monitoring.</p> <p>§ 4 The infrastructure manager shall make available, as far as necessary for operation, to any rail transport undertaking operating on its network, the elements relating to the infrastructure characteristics.</p>	<p>the train where it is intended to operate, taking into account the safety management system set out in Article 9 of Directive (EU) 2016/798 and the TSI on operation and traffic management.</p> <p>2. For the purposes of paragraph 1, the railway undertaking may carry out tests in cooperation with the infrastructure manager.</p> <p>The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests take place within three months of receipt of the applicant's request.</p> <p>Art. 4. 6 of the of the 2016/798 Railway Safety Directive In the case of exchange of vehicles between railway undertakings, any involved actor shall exchange all information relevant to safe operation including, but not limited to, the status and history of the vehicle concerned, elements of the maintenance files for the purpose of traceability, traceability of loading operations and consignment notes.</p>	
<p><b>Article 16</b> <b>Accidents, incidents and severe damage</b></p>		
<p>§ 1 In case of accident, incident or severe damage to railway vehicles, all parties involved (the infrastructure managers, the keepers, the ECM, the railway undertakings concerned and possible others), shall be required</p> <p>a) to take, without delay, all necessary measures to ensure the safety of railway traffic, respect for the environment and public health and</p> <p>b) to establish the causes of the accident, the incident or the severe damage.</p> <p>§ 1a The measures according to § 1 must be coordinated. Such coordination</p>	<p>Art. 20 of the 2016/798 Railway Safety Directive</p> <p>1. Member States shall ensure that an investigation is carried out by the investigating body referred to in Article 22 after any serious accident on the Union rail system. The objective of the investigation shall be to improve, where possible, railway safety and the prevention of accidents</p> <p>2. The investigating body referred to in Article 22 may also investigate those accidents and incidents which under slightly different conditions might have led to serious accidents, including technical failures of the structural subsystems or of</p>	<p>Changes have been introduced by the 4th Railway Package. However it doesn't affect equivalence <b>(A) NO IMPACT</b></p>

is the obligation of the infrastructure manager unless otherwise prescribed by provisions in force in the State in question. In addition to the duty of investigation placed upon the parties involved, the Contracting State may require an independent investigation to be carried out.

§ 2 A vehicle shall be considered severely damaged when it cannot be repaired by a simple operation which would allow it to be joined in a train and to circulate on its own wheels without danger for operations. If the repair can be carried out in less than 72 hours or the cost is less than 0.18 million SDR in total, the damage shall not be considered as severe.

§ 3 The accidents, incidents and severe damage shall be notified, without delay, to the authority or body which admitted the vehicle to circulation. That authority or body may require the damaged vehicle to be presented, possibly already repaired, for examination of the validity of the admission to operation which has been granted. If appropriate, the procedure concerning the grant of admission to operation must be repeated.

§ 4 The Contracting States shall keep records, publish investigation reports including their findings and recommendations, inform the authorities concerned and the Organisation of the causes of accidents, incidents and severe damage in international traffic that occurred on their territory. The Committee of Technical Experts may examine the causes of serious accidents and incidents or severe damage in international traffic with a view possibly to developing the construction and operation prescriptions for railway vehicles contained in the UTP and may, if appropriate, decide to instruct the Contracting States within a short time limit to suspend relevant Certificates to Operation, Design Type Certificates or declarations issued.

§ 5 The Committee of Technical Experts may prepare and adopt further mandatory rules concerning the investigation of serious accidents, incidents and severe damage, requirements concerning independent State investigation bodies and the form and content of reports. It may also change the values/numbers in § 2 and in Article 2 ff).

interoperability constituents of the Union rail system. The investigating body may decide whether or not an investigation of such an accident or incident is to be undertaken. In making its decision it shall take into account:

- (a) the seriousness of the accident or incident;
- (b) whether it forms part of a series of accidents or incidents relevant to the system as a whole;
- (c) its impact on railway safety; and
- (d) requests from infrastructure managers, railway undertakings, the national safety authority or the Member States.

3. The extent of investigations and the procedure to be followed in carrying out investigations shall be determined by the investigating body, taking into account Articles 21 and 23 and depending on the lessons it expects to draw from the accident or incident for the improvement of safety.

4. The investigation shall in no case be concerned with apportioning blame or liability.

Art. 22 of the 2016/798 Railway Safety Directive

1. Each Member State shall ensure that investigations of the accidents and incidents referred to in Article 20 are conducted by a permanent body, which shall comprise at least one investigator able to perform the function of investigator-in-charge in the event of an accident or incident. That body shall be independent in its organisation, legal structure and decision-making from any infrastructure manager, railway undertaking, charging body, allocation body and conformity assessment body and from any party whose interests could conflict with the tasks entrusted to the investigating body. It



shall, furthermore, be functionally independent from the national safety authority, from the Agency and from any regulator of railways.

2. The investigating body shall perform its tasks independently of the other entities referred to in paragraph 1 and shall be able to obtain sufficient resources to do so. Its investigators shall be afforded status giving them the necessary guarantees of independence.

3. Member States shall provide for railway undertakings, infrastructure managers and, where appropriate, the national safety authority to be obliged to immediately notify the accidents and incidents referred to in Article 20 to the investigating body and to provide all available information. Where appropriate, this notification shall be updated as soon as any missing information becomes available. The investigating body shall decide, without delay and in any event no later than 2 months after receipt of the notification concerning the accident or incident, whether or not to start the investigation.

4. The investigating body may combine its tasks under this Directive with the work of investigating occurrences other than railway accidents and incidents as long as such other investigations do not endanger its independence.

5. If necessary, and provided it does not undermine the independence of the investigating body as provided for in paragraph 1, the investigating body may request the assistance of investigating bodies from other Member States or from the Agency to supply expertise or to carry out technical inspections, analyses or evaluations.

6. Member States may entrust the investigating body with the task of carrying out investigations of railway accidents and incidents other than those referred to in Article 20.

	<p>7. The investigating bodies shall conduct an active exchange of views and experience for the purposes of the development of common investigation methods, drawing up common principles for follow up of safety recommendations and adaptation to the development of technical and scientific progress.</p> <p>Without prejudice to paragraph 1, the Agency shall support the investigating bodies in the performance of this task in accordance with Article 38(2) of Regulation (EU) 2016/796. The investigating bodies, with the support of the Agency in accordance with Article 38(2) of Regulation (EU) 2016/796, shall establish a programme of peer reviews where all investigating bodies are encouraged to participate so as to monitor their effectiveness and independence.</p> <p>The investigating bodies, with the support of the secretariat referred to in Article 38(2) of Regulation (EU) 2016/796, shall publish:</p> <ul style="list-style-type: none"> <li>(a) the common peer-review programme and the review criteria; and</li> <li>(b) an annual report on the programme, highlighting identified strengths and suggestions for improvements.</li> </ul> <p>The peer review reports shall be provided to all investigating bodies and to the Agency. Those reports shall be published on a voluntary basis.</p>	
<p><b>Article 17</b> <b>Immobilisation and rejection of vehicles</b></p>		
<p>§ 1 A competent authority, a rail transport undertaking or an infrastructure manager shall not prevent railway vehicles from running on compatible railway infrastructures if these Uniform Rules, the prescriptions contained in the UTP, the special conditions, if any, for the admission set out by the admitting authority as well as the construction and operation prescriptions</p>	<p>Art 17 of the Railway Safety Directive</p>	<p><b>(A) NO IMPACT</b></p>

<p>contained in RID, are complied with.</p> <p>This Article shall not prejudice the responsibility of the rail transport undertaking as defined in Article 15a.</p> <p>§ 2 The right of a competent authority to inspect and immobilise a vehicle is not affected if non-compliance with § 1 is suspected, but the examination to establish certainty should be carried out as quickly as possible and in any case within 24 hours.</p> <p>§ 3 However, if a Contracting State does not suspend or withdraw a certificate within the limit indicated according to Article 5 § 7 or Article 16 § 4, other Contracting States are entitled to reject or immobilise the vehicle(s) in question.</p>		
<p><b>Article 18</b> <b>Non-compliance with the prescriptions</b></p>		
<p>§ 1 Subject to § 2 and Article 10 a § 4 c), the legal consequences resulting from failure to comply with these Uniform Rules and the UTP shall be regulated by the provisions in force in the Contracting State of which the competent authority has granted the first admission to operation, including the rules relating to conflict of laws.</p>	<p>Art. 16 (Non-compliance of subsystems with essential requirements)</p> <p>1. Where a Member State finds that a structural subsystem covered by the ‘EC’ declaration of verification accompanied by the technical file does not fully comply with this Directive and, in particular, does not meet the essential requirements, it may request that additional checks be carried out.</p> <p>2. The Member State making the request shall forthwith inform the Commission of any additional checks requested and set out the reasons therefor. The Commission shall consult the interested parties.</p> <p>3. The Member State making the request shall state whether the failure to fully comply with this Directive is due to: (a) non-compliance with the essential requirements or with a TSI, or incorrect application of a TSI, in which case the Commission shall forthwith inform the Member State where the person who drew up the ‘EC’ declaration of verification in error</p>	<p><b>(B) NO CHANGES</b></p>

<p>§ 2 The consequences in civil and penal law resulting from failure to comply with these Uniform Rules and the UTP shall be regulated, so far as concerns the infrastructure, by the prescriptions in force in the Contracting State in which the infrastructure manager has his place of business, including the rules relating to conflict of laws.</p>	<p>resides and shall request that Member State to take the appropriate measures; (b) inadequacy of a TSI, in which case the procedure for amending the TSI as referred to in Article 6 shall apply.</p>	<p>NO PROVISION</p>
<p style="text-align: center;"><b>Article 19</b> <b>Transitional provisions</b></p>		
<p>§ 1 [reserved]</p> <p>§ 2 These Uniform Rules do not affect admissions to operation issued before 1.1.2011 for vehicles which exist as at 1.1.2011 and which are marked with RIV or RIC as proof of current compliance with the technical provisions of the RIV 2000 agreement (revised edition of 1 January 2004) or the RIC agreement respectively and for existing vehicles not marked RIV or RIC but admitted and marked according to bilateral or multilateral agreements between Contracting States notified to the Organisation.</p> <p>§ 3 Without prejudice to § 5, the original admission according to § 2 is valid until the vehicle requires a new admission according to Article 10 § 11.</p> <p>§ 4 The inscriptions and signs referred to in Article 14, together with the data stored in the database indicated in Article 13 § 1, shall be considered as</p>	<p>Art. 54. 2. Authorisations for the placing in service of vehicles which have been granted pursuant to paragraph 1 and all other authorisations granted prior to 15 June 2016, including authorisations delivered under international agreements, in particular RIC (Regolamento Internazionale Carrozze) and RIV (Regolamento Internazionale Veicoli), shall remain valid in accordance with the conditions under which the authorisations have been granted.</p> <p>Art. 21. 12 In the event of renewal or upgrading of existing vehicles which already have a vehicle authorisation for placing on the market, a new vehicle authorisation for placing on the market shall be required if:</p> <p>(c) it is required by the relevant TSIs.</p>	<p><b>(A) NO IMPACT</b> Although the date is different there should be no admission/authorisation of RIV vehicles after 2011</p>

<p>sufficient proof of the admission. Unauthorised changing of this marking shall be considered as fraud and prosecuted according to national law.</p> <p>§ 5 Regardless of this transitional provision, the vehicle and its documentation shall comply with the prescriptions in force of the UTP concerning marking and maintenance; compliance with the prescriptions of RID in force shall also be ensured, where applicable. The Committee of Technical Experts may also decide that, for duly justified safety or interoperability reasons, prescriptions introduced in the UTP shall be complied with within a certain deadline.</p> <p>§ 6 Existing vehicles which are not covered by the scope of § 2 may be admitted to operation upon the request of an applicant to a competent authority. The latter may request additional technical information from the applicant, risk analysis and/or vehicle tests before granting a complementary admission to operation. However, the competent authorities shall take full account of the equivalence table referred to in Article 13 of the APTU Uniform Rules.</p> <p>§ 7 The Committee of Technical Experts may adopt additional transitional provisions.</p>	<p>Art 4. 2 Fixed subsystems shall comply with the TSIs and national rules in force at the time of the request for authorisation of placing in service in accordance with this Directive and without prejudice to point (f) of paragraph 3.</p> <p>Vehicles shall comply with TSIs and national rules in force at the time of the request for authorisation of placing on the market in accordance with this Directive and without prejudice to point (f) of paragraph 3.</p> <p>The conformity and compliance of fixed subsystems and vehicles shall be permanently maintained while they are in use.</p> <p>Art. 54. 2. Authorisations for the placing in service of vehicles which have been granted pursuant to paragraph 1 and all other authorisations granted prior to 15 June 2016, including authorisations delivered under international agreements, in particular RIC (Regolamento Internazionale Carrozze) and RIV (Regolamento Internazionale Veicoli), shall remain valid in accordance with the conditions under which the authorisations have been granted.</p>	<p>NO PROVISION</p> <p><b>(B) NO CHANGE</b></p> <p><b>(A) NO IMPACT</b></p> <p>NO PROVISION</p>
<p align="center"><b>Article 20</b></p>		

<b>Disputes</b>		
<p>Disputes relating to the technical admission of railway vehicles intended to be used in international traffic, may be dealt with by the Committee of Technical Experts if there is no resolution by direct negotiation between the parties involved. Such disputes may also be submitted, in accordance with the procedure specified in Title V of the Convention, to the Arbitration Tribunal. ”</p>	<p>Art 21.11  Any decision refusing the vehicle authorisation for placing on the market or excluding part of the network in accordance with a negative assessment as referred to in paragraph 7 shall be duly substantiated. The applicant may, within a period of one month from receipt of the negative decision, request that the Agency or the national safety authority, as appropriate, review the decision. The Agency or the national safety authority shall have two months from the date of receipt of the request for review in which to confirm or reverse its decision. If the negative decision of the Agency is confirmed, the applicant may bring an appeal before the Board of Appeal designated under Article 55 of Regulation (EU) 2016/796. 26.5.2016 L 138/69 Official Journal of the European Union EN  If the negative decision of a national safety authority is confirmed, the applicant may bring an appeal before an appeal body in accordance with the national law. Member States may designate the regulatory body referred to in Article 55 of Directive 2012/34/EU for the purpose of this appeal procedure. In that case, Article 18(3) of Directive (EU) 2016/798 shall apply</p>	<p><b>(A) NO IMPACT</b></p>