

 <b>OTIF</b>	GENERAL PROVISIONS – <b>ASSESSING ENTITY –  QUALIFICATIONS AND INDEPENDENCE</b>			UTP GEN-E Page 1 of 2
Status: <b>IN FORCE</b>	Version: 05	Ref.: A 94-01E/1.2011	Original: EN	Date: 01.12.2011

# APTU Uniform Rules (Appendix F to COTIF 1999)

## Uniform Technical Prescriptions (UTP)

### General Provisions –


## ASSESSING ENTITY – QUALIFICATIONS AND INDEPENDENCE

### Explanatory note:

The texts of this UTP which appear across two columns are identical to corresponding texts of the European Union regulations. Texts which appear in two columns differ; the left-hand column contains the UTP regulations, the right-hand column shows the text in the corresponding EU regulations. The text in the right-hand column is for information only and is not part of the OTIF regulations.

OTIF UTP	Corresponding text in EU regulations <sup>1</sup>	EU ref.
<b>1. DEFINITIONS</b>		
<p>“Assessing entity” means a competent authority or a suitable body according to Article 5 of the ATMF Uniform Rules.</p>		
<b>2. REGULATIONS:</b>		
<p>In order to be recognized and practising as an assessing entity, the entity must fulfil the following conditions:</p>		
<p>1. The assessing entity, its Director and the staff responsible for carrying out the checking operations may not become involved either directly or as authorised representatives in the design, manufacture, construction, marketing or maintenance of the interoperability constituents or subsystems or in their use. This does not exclude the possibility of an exchange of technical information between the manufacturer and that assessing entity.</p>	<p>The body,          body.</p>	<p>1.</p>
<p>2. The assessing entity and the staff responsible for the checks must carry out the checks with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which could affect their judgement or the results of their inspection, in particular from persons or groups of persons affected by the results of the checks.</p>	<p>The body  and the staff responsible for the checks must carry out the checks with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which could affect their judgement or the results of their inspection, in particular from persons or groups of persons affected by the results of the checks.</p>	<p>2.</p>
<p>In particular, the assessing entity and the staff responsible for the checks must, if the Contracting State prescribes so, be functionally independent of the authorities designated to issue Technical Certificates,</p>	<p>the body     authorisations for placing in service in the</p>	

<sup>1</sup> Annex VIII to Interoperability Directive 2008/57/EC, published in the EU Official Journal L191 on 18.07.2008.

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OTIF UTP

Corresponding text in EU regulations <sup>1</sup>

EU ref.

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|    |  | framework of this Directive, licences in the framework of Directive 95/18/EC and safety certificates in the framework of Directive 2004/49/EC, |    |
|    | and of the bodies in charge of investigations in the event of accidents or incidents.  |  |    |
| 3. | The assessing entity must employ staff and possess the means required to perform adequately the technical and administrative tasks linked with the checks; it shall also have access to the equipment needed for exceptional checks.   | The body   | 3. |
| 4. | The staff responsible for the checks must currently possess:   |  | 4. |
|    | <ul style="list-style-type: none"> <li>- proper technical and vocational training,</li> <li>- a satisfactory knowledge of the requirements relating to the checks that they carry out and sufficient practice in those checks,</li> <li>- the ability to draw up the certificates, records and reports which constitute the formal record of the inspections conducted.</li> </ul>   |  |    |
| 5. | The independence of the staff responsible for inspections must be guaranteed. No official must be remunerated either on the basis of the number of inspections performed or of the results of those inspections.   |  | 5. |
| 6. | The assessing entity must take out civil liability insurance unless that liability is covered by the State under national law or unless the checks are carried out directly by that Contracting State.   | The body<br>Member State.  | 6. |
| 7. | The staff of the assessing entity are bound by professional secrecy with regard to everything they learn in the performance of their duties (with the exception of the competent administrative authorities and accident investigation bodies in the State where they perform those activities as well as accident investigation bodies responsible for the investigation of accidents caused by the failure of the interoperability constituents or subsystems checked) in pursuance of the COTIF Uniform Rules or any legal requirement and/or regulations of the Contracting State or regional organisation that has acceded to COTIF according to Article 38 of COTIF. | the body<br>this Directive or any provision of national law implementing the Directive.  | 7. |

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