

# CHANGE PROPOSALS FOR

COTIF Appendix G ATMF, Annex A [ECM Regulation 2021](#)

(Rules for the certification and auditing of entities in charge of maintenance)

## Change Proposal 1

Problem Description:	
<b>Related Provision</b>	<b>Implementation Gaps</b>
None	<p>The capabilities of the entities which have an ECM certificate and/or the certificate in respect of the maintenance functions is not clear on their certificate.</p> <p>Due to this uncertainty, railway vehicle owners suffer to understand clearly which ECM is able to provide technical capacity. Furthermore, the comparison of ECMs is also difficult since their capabilities is not clear.</p> <p>For instance; a company can have an ECM certificate even does not have any technical, personnel and facility capacity to perform technical activities by providing the required capacities by outsourcing according to article 9.</p>
Change Proposal:	
<b>Alternative Solution Proposal 1:</b> A new provision addition to article 9 of ECM Regulation.	
<b>Existing Provision</b>	<b>Proposed Provision</b>
<p><b>ATMF Annex A ECM Regulation</b></p> <p><b>Article 9</b></p> <p><b>Outsourcing maintenance functions</b></p>	<p><b>Article 9</b></p> <p><b>Outsourcing maintenance functions</b></p> <p>(4) If the entity in charge of maintenance or the entity has the certificate in respect of a maintenance function is not capable to provide all required technical services in scope of maintenance delivery function for a vehicle type included to the scope of its certificate by it's own sources, the services that can be provided by outsourcing and the services that can neither be provided by its own sources nor by outsourcing are specified in the "6. Additional Information" section of the ECM certificate or "6. Maintenance Functions" section of the certificate in respect of the maintenance function section of the certificate. Existing certificates are updated accordingly within the scope of routine audit activities.</p>
<b>An example for alternative solution proposal 1:</b>	
<p><b>6. ADDITIONAL INFORMATION</b></p> <p><input type="text"/></p> <p>Date issued <input type="text"/> Signature <input type="text"/></p> <p>Internal reference number <input type="text"/> Certification body's stamp <input type="text"/></p>	<p><b>6. ADDITIONAL INFORMATION</b></p> <p>Conformity assessment for certification was carried out in accordance with ERA-1172-003 certification scheme V1.1.</p> <p>Scope of Activity: The company has the necessary workshop, personnel, technical and organizational competencies to perform all maintenance, repair and inspection activities defined in a maintenance file of the railway vehicle types including in scope of this certificate, including revision up to maintenance level five defined in ERA-1172-003 certification scheme V1.1.</p> <p>Outsourced Maintenance Activities: In order to increase maintenance capacity, some maintenance delivery activities can also be outsourced in the scope of activities that can currently be fulfilled with its own sources.</p> <p><b>Please Click to reach the proposed <a href="#">certificate sample</a>.</b></p>

**Alternative Solution Proposal 2:** The information about the capacity of the ECM or the entity has a certificate in respect of a maintenance function can be specified in the brackets at the Annex IV Certification Forms of ECM Regulation

**An example for alternative solution proposal 2:**

**6. ADDITIONAL INFORMATION**

<div></div>	
Date issued	Signature
<div></div>	<div></div>
Internal reference number	Certification body's stamp
<div></div>	<div></div>

**6. ADDITIONAL INFORMATION**

(Outsourced Maintenance Activities: The services that can be provided by outsourcing and the services that can neither be provided by its own sources nor by outsourcing can be specified.)	
Date issued	Signature
<div></div>	<div></div>
Internal reference number	Certification body's stamp
<div></div>	<div></div>

*(Outsourced Maintenance Activities: The services that can be provided by outsourcing and the services that can neither be provided by its own sources nor by outsourcing can be specified.)*

**Alternative Solution Proposal 3:** It's also possible to describe this provision in the related guidance ([ERA 1172/003 V1.1](#)) publishing by ERA. Furthermore, it's also a necessary to prepare a common Explanatory Note on the Certification of Entities in Charge Of Maintenance published by OTIF as like Explanatory Note on the CSM Assessment Body in Regulation (EU) N°402/2013 and in OTIF UTP GENG of 1.1.2016 on the CSM for risk assessment. ([To reach the note, please click.](#))

**Expected Improvement:**

With this additional provision, the technical capacities of ECMs will be clearly described in their certificates. Thus, vehicle owners will be able to clearly differentiate which ECM is fully competent to provide the maintenance delivery activities required by their vehicles, which one provides the necessary competence by outsourcing, and which one does not have all or a part of the necessary competence.

## Change Proposal 2

Problem Description:	
Related Provision	Implementation Gaps
<b>ATMF Annex A ECM Regulation Article 9</b> (2) The entity in charge of maintenance shall demonstrate to the certification body how it complies with all the requirements and assessment criteria set out in Annex II with regard to the functions it decided to outsource.	Even though it's defined when an ECM decide a service to outsource, it has to demonstrate the capability of the entity, that it's decided to provide the service in scope of the maintenance functions, comply with the requirements laid down in Annex II of ECM Regulation, <b>it's not clear that the Certification Body confirm the compliance of the entity.</b> So that, it's possible that the ECM starts the outsourcing without the confirmation of Certification Body though the entity that it's decided to provide the service is not comply with the requirements laid down in Annex II of ECM Regulation. This gap brings an important risk to railway safety.
Change Proposal:	
<b>Solution Proposal:</b> A change in the subgraph 2 of article 9 of ECM Regulation.	
Existing Provision	Proposed Provision
<b>ATMF Annex A ECM Regulation Article 9</b> (2) The entity in charge of maintenance shall demonstrate to the certification body how it complies with all the requirements and assessment criteria set out in Annex II with regard to the functions it decided to outsource.	<b>ATMF Annex A ECM Regulation Article 9</b> (2) The entity in charge of maintenance shall demonstrate to the certification body how it complies with all the requirements and assessment criteria set out in Annex II with regard to the functions it decided to outsource. <b>The certification body shall confirm its competence.</b>
Expected Improvement:	
It shall be ensured that the outsourced entity meets the requirements set out in Annex 2 of ECM Regulation. By this way, the risk of unsafe access of the railway vehicle subject to outsourcing to the railway infrastructure will be prevented.	

### Change Proposal 3

Problem Description:	
Related Provision	Implementation Gaps
None	<p>If the ECM of the vehicle is changed, during the period when the registration of the vehicle is suspended, any modification can be made to the vehicle contrary to the related references (technical file, maintenance file, type approval certificate, related legislation, standards etc.), or some parts of the vehicle can be replaced with parts contrary to these related references.</p> <p>When a new ECM take the maintenance and inspection responsibility of the vehicle, and if there is still time or usage amount to the next maintenance and inspection period, new ECM does not inspect the vehicle and can not be aware of the contrary modification. Such a vehicle can bring a risk to the railway safety.</p> <p>In the current situation, The Competent (National Safety) Authority does not have the information if the vehicle has been examined by the new ECM before issuing a declaration to take the maintenance and inspection responsibility of the vehicle for renewal of the vehicle registration certificate. So that if an inconvenient modification or replacement of a part of the vehicle is made, it's not possible to be informed.</p>
Change Proposal:	
<b>Solution Proposal:</b> A new provision addition to the subitem 5 of article 5 of ECM Regulation.	
Existing Provision	Proposed Provision
<p><b>ATMF Annex A ECM Regulation</b>  <b>Article 5</b>  <b>Obligations of parties involved in the maintenance process</b></p> <p>(5) Where there is a change of entity in charge of maintenance, the keeper shall inform without delay the registration entity or entities of the vehicle register(s) referred to in Article 13 of ATMF, in which the vehicle is registered and request the update of the vehicle register. In that situation:</p> <p>(i) the former entity in charge of maintenance shall provide the keeper with the maintenance documentation without delay;</p>	<p><b>ATMF Annex A ECM Regulation</b>  <b>Article 5</b>  <b>Obligations of parties involved in the maintenance process</b></p> <p>(5) Where there is a change of entity in charge of maintenance, the keeper shall inform without delay the registration entity or entities of the vehicle register(s) referred to in Article 13 of ATMF, in which the vehicle is registered and request the update of the vehicle register. In that situation:</p> <p>(i) the former entity in charge of maintenance shall provide the keeper with the maintenance documentation without delay;</p>

<p>(ii) the former entity in charge of maintenance shall be relieved of its obligations when it is removed from the vehicle register;</p> <p>(iii) in the absence of a new entity in charge of maintenance the registration of the vehicle shall be suspended.</p>	<p>(ii) the former entity in charge of maintenance shall be relieved of its obligations when it is removed from the vehicle register;</p> <p>(iii) in the absence of a new entity in charge of maintenance the registration of the vehicle shall be suspended.</p> <p>(iiii) the new entity in charge of maintenance shall inform the relevant Competent Authority directly or via keeper that the vehicle is compatible with its type approval and/or vehicle registration certificates, and maintenance file as well as related legislation, national rules and technical standards, and the inspections defined in its maintenance file up to level 4 are conducted, and ensure the vehicle is safe to operate for renewal of the vehicle registration.</p>
<p><b>Expected Improvement:</b></p>	
<p>With this additional provision, when an ECM issues a declaration and take the maintenance and inspection responsibility of a vehicle for renewal of vehicle authorization (registration) certificate, firstly the new ECM has to inspect the vehicle and confirm if any modification or replacement of a part of the vehicle is made, this modifications and new parts which is replaced are completely compatible to related references (technical file, maintenance file, type approval certificate, related legislation, standards etc.), the vehicle complies with the related requirements set out in the related references, and that the vehicle is ensured to be technically safe by carrying out the inspections defined in the maintenance file up to maintenance level 4.</p>	

## Change Proposal 4

Problem Description:	
Related Provision	Implementation Gaps
<p><b>ATMF Annex A ECM Regulation</b>  <b>ANNEX V</b>  <b>Report of the entity in charge of maintenance</b></p> <p>2. The report shall include at least:</p> <ul style="list-style-type: none"> <li>- explanations and justification on how non-conformities have been addressed or solved, or both;</li> <li>- information on the volume of maintenance carried out during the prevailing period;</li> <li>- the feedback on experience in applying the common safety methods related to the risk evaluation and assessment as laid down in UTP GEN-G and to the methods for monitoring to be applied by railway undertakings, infrastructure managers and entities in charge of maintenance in accordance with the provisions applicable in the state concerned.</li> <li>- changes related to: <ul style="list-style-type: none"> <li>-- legal ownership of the company;</li> <li>-- organisation (procedures in place);</li> <li>-- vehicles for which the entity is in charge of maintenance;</li> <li>-- sites and contractors including processes and equipment;</li> <li>-- the balance between internal and external activities related to the three maintenance functions (maintenance development, fleet maintenance and maintenance delivery);</li> <li>-- contractual arrangements with users (including the keepers and the exchange of data);</li> <li>-- the maintenance system;</li> <li>-- defects and failures of components related to safety, referred to in Section II of Annex II, and relevant information about maintenance exchanged pursuant to Article 5(3);</li> <li>-- internal audit reports;</li> <li>-- enforcement actions by competent authorities;</li> <li>-- competence management.</li> </ul> </li> </ul> <p>.</p>	<p>In order to examine the non-conformity reported to the competent authority regarding a vehicle, information is needed on which the last maintenance and inspection activities are applied to the vehicle by which ECM. Competent authorities can obtain this information via annual maintenance reports of ECMs. Thus, the registration numbers of the vehicles which the ECMs carried out the maintenance and inspection activities are required.</p> <p>2. <i>The report shall include at least:</i></p> <ul style="list-style-type: none"> <li>- <i>information on the volume of maintenance carried out during the prevailing period</i>” provision provide the information on the maintenance capacity of the ECM and how much capacity has been used during the prevailing period. But this information may not be used for development of railway safety. In order to receive the exact information of the maintenance and inspection activities, we propose to claim the vehicle registration number, specified in authorization certificate of the vehicle via an addition to this provision.</li> </ul> <p>In addition, if the maintenance development activities carried out by ECMs are known, it will be possible to evaluate whether there is a need to update the national regulations in line with the experience gained as well as dissemination of the best practices by Competent Authorities. For this purpose, we propose an addition to the item 2 of Annex V.</p>
Change Proposal:	
<p><b>Solution Proposal:</b> An addition to the item 2 of Annex V.</p>	
Existing Provision	Proposed Provision
<p><b>ANNEX V</b></p> <p>2. The report shall include at least:</p>	<p><b>ANNEX V</b></p> <p>2. The report shall include at least:</p>

<ul style="list-style-type: none"> <li>- explanations and justification on how non-conformities have been addressed or solved, or both;</li> <li>- information on the volume of maintenance carried out during the prevailing period;</li> <li>- the feedback on experience in applying the common safety methods related to the risk evaluation and assessment as laid down in UTP GEN-G and to the methods for monitoring to be applied by railway undertakings, infrastructure managers and entities in charge of maintenance in accordance with the provisions applicable in the state concerned.</li> <li>- changes related to: <ul style="list-style-type: none"> <li>-- legal ownership of the company;</li> <li>-- organisation (procedures in place);</li> <li>-- vehicles for which the entity is in charge of maintenance;</li> <li>-- sites and contractors including processes and equipment;</li> <li>-- the balance between internal and external activities related to the three maintenance functions (maintenance development, fleet maintenance and maintenance delivery);</li> <li>-- contractual arrangements with users (including the keepers and the exchange of data);</li> <li>-- the maintenance system;</li> <li>-- defects and failures of components related to safety, referred to in Section II of Annex II, and relevant information about maintenance exchanged pursuant to Article 5(3);</li> <li>-- internal audit reports;</li> <li>-- enforcement actions by competent authorities;</li> <li>-- competence management.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- explanations and justification on how non-conformities have been addressed or solved, or both;</li> <li>- information on the volume of maintenance carried out during the prevailing period <a href="#">and the registration numbers of the vehicles that have been performed maintenance and inspection activities</a>;</li> <li>- <a href="#">the activities carried out within the scope of the maintenance development function</a>;</li> <li>- the feedback on experience in applying the common safety methods related to the risk evaluation and assessment as laid down in UTP GEN-G and to the methods for monitoring to be applied by railway undertakings, infrastructure managers and entities in charge of maintenance in accordance with the provisions applicable in the state concerned.</li> <li>- changes related to: <ul style="list-style-type: none"> <li>-- legal ownership of the company;</li> <li>-- organisation (procedures in place);</li> <li>-- vehicles for which the entity is in charge of maintenance;</li> <li>-- sites and contractors including processes and equipment;</li> <li>-- the balance between internal and external activities related to the three maintenance functions (maintenance development, fleet maintenance and maintenance delivery);</li> <li>-- contractual arrangements with users (including the keepers and the exchange of data);</li> <li>-- the maintenance system;</li> <li>-- defects and failures of components related to safety, referred to in Section II of Annex II, and relevant information about maintenance exchanged pursuant to Article 5(3);</li> <li>-- internal audit reports;</li> <li>-- enforcement actions by competent authorities;</li> <li>-- competence management.</li> </ul> </li> </ul>
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#### **Expected Improvement:**

With this additional provisions, Competent Authorities will be able to trace the maintenance and inspection activities for a vehicle. By this way, it will be possible to detect a non-conformity on the maintenance and inspection activities of an ECM as well as a vehicle is not technically proper to operate due to the lack of the required maintenance and inspection services.

Additionally, thanks to the collected information on the maintenance development activities carried out by ECMs, it will be possible to evaluate whether there is a need to update the national regulations in line with the experience gained as well as dissemination of the best practices by Competent Authorities.