



Inspectie Leefomgeving en Transport
Ministerie van Infrastructuur en Milieu



Eisenbahn-Bundesamt



Bundesministerium
für Verkehr,
Innovation und Technologie



**Agreement on the multilateral recognition of the
authorisation procedure for locomotives and
passenger rolling stock**

**between
the national safety authorities of**

**Austria, the Czech Republic, Germany,
Poland, the Netherlands and Hungary.**

December 2016

This agreement sets the rules for mutual recognition of approval procedures for locomotives and passenger rolling stock hereinafter "rolling stock" between:

- The Austrian Ministry for Transport, Innovation and Technology (BMVIT),
 - Drážni úřad (DU),
 - Eisenbahn Bundesamt (EBA),
 - Office of Rail Transportation (UTK),
 - Human Environment and Transport Inspectorate (ILT),
 - Nemzeti Közlekedési Hatóság (NKH)
- as the competent supervisory authorities.

The legal basis of this agreement is the recommendation on cross - acceptance by the European Commission. It is based on the directive 2008/57/EG from 2008/06/17 on interoperability of the railway system of the European Union.

The agreement includes the framework for applications for approval of placing rolling stock into service.

This agreement will not affect duties of the national safety authorities.

1. Scope

This document refers to the approval of placing conventional and high-speed locomotives and passenger rolling stock into service, including thermal and electric traction units, self-propelling thermal or electric trains and passenger carriages.

It applies to:

- new vehicles for which a joint uniform procedure has to be carried out in two or more of the cooperating countries;
- vehicles which are already in service in one of the countries and need to be approved in one of the other cooperating countries;
- vehicles which are already in service in one of the countries and need to be approved for renewal / upgrade in the one of other countries.

For the network access the vehicle must meet the requirements on technical compatibility including the conditions for use of the respective railway network. The requirements to comply with the technical compatibility of the representative network of the country are considered in the scope of National Technical Rules. Operators must take care that route specific conditions may vary from the requirements of the network and take adequate measures to ensure that the vehicles can be operated safely on the route for the intended purpose. Route specific requirements are not considered by this agreement and can be obtained via the respective infrastructure manager.

2. Principle

The competent authorities of the participating countries agree on using a list of common approval requirements called "checklist". In annex 1 you will find an overall view. This checklist can be seen in a common technical document on applicable requirements. The rules which are mentioned in the common technical document are in accordance with the respective national requirements.

The competent authorities will update the "checklist" by multilateral agreement if changes to the requirements on which it is based occur. National Technical Rules and agreed classifications between two or more authorities of this agreement will be published and updated in the checklist. The checklist will be replaced by the Reference Document Database as soon as the National Technical Requirements and its classification of all the participating countries of this Memorandum of Understanding are updated and published as such in the Reference Document Database.

3. Classification of the requirements into categories

The items included in the "checklist" were divided into the following three categories:

Category A

Category A contains items met by:

- international standards;
- national regulations regarding railway safety which are for safety considered equivalent to the national regulations of the other country/countries.

Category B

Category B contains all items which do not belong to categories A and C or which can currently not be classified into one of these categories. The aim is to minimize the items in category B and put them by further technical assessment into the categories A or C.

Category C

Category C contains items which are absolutely necessary standards to guarantee the safe and interoperable operation in the network concerned and are linked to the technical characteristics of the infrastructure (e.g. structure gauge). In the case of identical requirements the results of previous checks are cross-accepted.

4. Relevant items for cross-acceptance (Category A)

- a) Cross-accepted items are classified into Category A by the competent authorities of the participatory States. These items need to be checked only by a single competent authority or a single assigned body which is recognized by the competent authority in accordance with their national law. The competent authority of the other country accepts the validity of previous checks without further checking.
- b) There is no obligation to translate the documents for A-items. A certificate of conformity for a requirement issued by the competent authority that has checked this requirement and the translation of this certificate is sufficient to prove the conformity to the other competent authority. The compilation of several items/parameters that have coherence in one certificate is possible. The competent authorities will define a common format of the certificate of conformity and per project the language to communicate in.

5. Approval procedure for new vehicles

- a) The applicant submits the application and an additional approval dossier to the competent authority/authorities to simplify the implementation of the procedure.
- b) The applicant establishes a common organization for all parts of the project of this kind.
- c) In particular, this organization has to include a time schedule for the implementation.
- d) The applicant is designated to co-ordinate the approval procedures according to the project characteristics and especially the system responsibility. It could also decide to nominate a separate organisation for this co-ordination.

6. Approval procedure for vehicles which are in service

Besides the procedure described under no. 5, the following special circumstances apply to vehicles which are already in service:

- a) The competent authority which has already issued the approval of the vehicle, provides the competent authority where approval of the vehicle is sought with an overview of the existing reference documents as well as the reports of the checks if still available. If the reports are not available or incomplete, the competent authority which approved the vehicle will issue a confirmation stating that the vehicle was put into service according to the construction and safety regulations applicable at the time of approval, or alternatively, that there are no safety concerns about the operation of the vehicle.
- b) If required, additional available material will be provided (e.g. the return of experience, reliability, maintainability).

7. Approval procedure for renewal / upgrade of rolling stock

Interested parties might get further information on the approval procedure, the required documents and the certificate of conformity for cross-acceptance by the competent authorities of this agreement.

8. Overview of the classification of the items for cross-acceptance

The parameters have been structured by the responsible authorities of the participating countries according to the list in annex 1.

The content of every parameter is described in detail in a working document with reference to the national reference document NRD (see annex 2).

These documents are jointly updated by mutual agreement by the respective competent authorities of the participating countries at regular intervals.

The competent authorities will ensure the public accessibility of the checklist and the updates according to national practice that meets the EC Decision 2011/155/EC.

9. Possible expansion of the number of signatories of the protocol

A competent authority other than who have already signed the protocol, may join the present agreement by sending to the competent authorities co-signatories a written, dated and signed declaration expressing its willingness to join the agreement.

By this declaration, the competent authority, will automatically accept entirely the technical documents attached to the present protocol.

Furthermore, it will have to participate with the other NSAs, in the updating of the common technical document associated with this protocol.

10. Coming into force and period of validity


The Memorandum of Understanding is coming into force after signing. It becomes effective on the day after signing and for an indefinite period. Each of the participating authorities is entitled to terminate the agreement in writing to all others and with a notice period of 90 days.

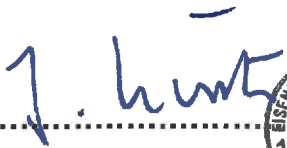

The Memorandum of Understanding dated June 2014 is replaced by the Memorandum of Understanding 2016 on the day the latter comes in to force. However, the checklist (Spreadsheet) of the MoU June 2014 will still be valid for those projects where in one of the participating countries of the MoU 2014 an application for authorisation is officially registered before the date the MoU 2016 has come in to force.

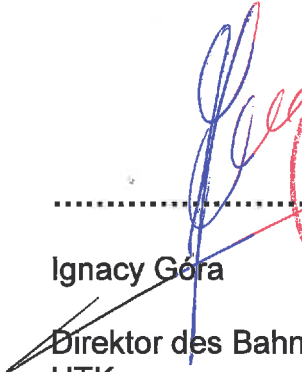

Agreement made in December 2016


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Annex 1: Working document « Checklist »