

Memorandum of Understanding
on the implementation of approval procedures for rolling stock
and cross-acceptance of approval procedures
of the competent supervisory authorities
between

The Ministry of Transport, Public Works and
Water Management of the Netherlands

The Federal Ministry of Transport, Building and
Urban Affairs of the Federal Republic of Germany

The Federal Department of the Environment, Transport, Energy
and Communications of Switzerland

The Federal Ministry of Transport, Innovation,
and Technology of Austria

The Ministry of Transport of Italy

Background

The goods rail transport in the European Union has been liberalised completely since 1 January 2007. With regard to international passenger transport, the European Council and the European Parliament have agreed the opening up of the market by 2010 in the framework of the negotiations on the third railway package. These measures and their expected acceptance by Switzerland present railway undertakings in the Participatory States with many and varied opportunities to achieve a favourable position with regard to other modes of transport and to exploit their special potential in the field of long-distance cross-border routes.

Despite the liberalisation, however, there still are obstacles which substantially hinder cross-border rail transport. The existing time consuming and expensive approval procedures to obtain a cross border approval for rolling stock considerably restrict international rail transport.

The European Commission has recognised the problem and in December 2006 has put forward proposals on the issue "Cross-acceptance" which aim at simplifying, accelerating and reducing the costs of approval procedures for internationally operated rolling stock, in particular locomotives.

The approach is based on the principle of mutual recognition of approval certificates for rolling stock which has already been put into practice successfully between some Member States by means of bilateral agreements.

It is a special concern of the States concerned to this Memorandum of Understanding to shift a considerable share of the trans-Alpine goods transport to the more environmentally-friendly railways. For this reason, the States concerned have already worked together intensively and confidently on different levels (ministries and infrastructure managers as well as supervisory, safety, and regulatory authorities).

In this context, the co-operation on the corridor Rotterdam-Genua within the framework of the “IQ-C project” and the measures implemented to improve the goods rail transport on the Brenner corridor deserve special mention.

Taking into account the following reasons:

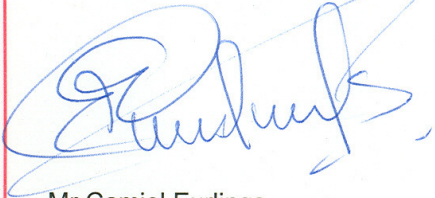
- Rail transport in the Participatory States is characterized by very high safety standards. The safety standards are based on many years of confident co-operation between the competent authorities – the Inspectie Verkeer en Waterstaat Toezichtseenheid Rail for the Netherlands, the Eisenbahn-Bundesamt for the Federal Republic of Germany, the Bundesamt für Verkehr of Switzerland, the Federal Ministry of Transport, Innovation and Technology of Austria and the National Safety Authority/Ministry of Transport of Italy
- The principles for implementing the approval procedures for vehicles and the cross-acceptance of approval certificates are based on the basic ideas set out in the communication and the proposals for directives by the European Commission to the Council and the European Parliament of December 2006 regarding the facilitation of the movement of rolling stock across the European Union
- The present Memorandum of Understanding is completely consistent with the approach and the goals of the European Union and Switzerland. The Participatory States which are members of the European Union shall apply this Memorandum of Understanding in accordance with the EU directives 96/48/EC, 2001/16/EC and 2004/49/EC

- The goal is to intensify the current confident co-operation and accelerate and simplify the approval procedures while maintaining the high railway transport safety standards in the States concerned
- The chosen approach is not a closed shop. In the contrary the Participatory States wish to invite other European countries to follow the example

The Ministers recommend on

- applying the procedure of the competent authorities for the approval of the placing in service of rolling stock which is described in detail in the Annex to this Memorandum of Understanding;
- supervising the implementation of this Memorandum of Understanding and providing, on the basis of a proposal issued by the multilateral working group established between the experts of the competent authorities of the Participatory States, the updating of the Annex corresponding to the technical evolution.

Signed at Luxembourg on 7 June 2007



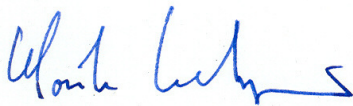
Mr Camiel Eurlings

Minister of Transport, Public Works and Water Management, Netherlands



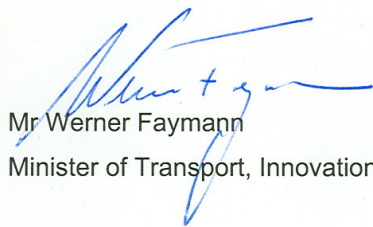
Mr Wolfgang Tiefensee

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Mr Moritz Leuenberger

Director Federal Department of the Environment, Transport, Energy and Communications,
Switzerland



Mr Werner Faymann

Minister of Transport, Innovation and Technology, Austria



Mr Alessandro Bianchi

Minister of Transport, Italy

Annex

to the Memorandum of Understanding on the implementation of approval procedures for rolling stock and cross-acceptance of approval procedures of the competent supervisory authorities in the Netherlands, Germany, Switzerland, Austria and Italy.

1. Scope

The Memorandum of Understanding refers to the approval of the placing into service of locomotives, railcars as well as passenger coaches. It applies to:

- new vehicles for which a joint uniform procedure has to be carried out in the countries mentioned above and
- vehicles and vehicle types which are already in service in one of the Participatory States: in the Netherlands, in the Federal Republic of Germany, Switzerland, Austria and Italy and need to be approved in the other countries.

2. Principle

The competent authorities of the Participatory States use a list of common approval requirements called checklist.

The competent authorities will adapt the checklist by mutual agreement if changes to the requirements on which it is based occur.

The procedure does not affect to the compliance with infrastructure-related requirements which are in line with the non-discriminatory access to the network determined by the competent infrastructure manager.

3. Classification of the requirements into categories

The 24 items included in the checklist were divided into the following three categories:

Category A

Category A contains items covered by:

- international standards;
- national regulations regarding railway safety which are considered equivalent to the national regulations of other Participatory States.

Category B

Category B contains all items which do not fall under 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 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 only need to be checked by a single competent authority or a single assigned body which is recognized by the competent authority in accordance with national law. The competent authorities of the other countries accept 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 authorities. The compilation of several items in one certificate is possible. The competent authorities will define a common format of the certificate of conformity.

5. Approval procedure for new vehicle types

- a) The applicant submits the application and an additional approval dossier to the competent authority to simplify the implementation of the procedure.
- b) The competent authority establishes a common organization for all projects of this kind.
- c) This organization has to include in particular a roadmap for the implementation.
- d) One of the competent authorities is designated to co-ordinate the approval procedures according to the project characteristics and especially the system responsibility.
- e) The project management is generally taken on by
 - the competent authority competent for the seat of the manufacturer if a manufacturer has submitted the application;
 - the competent authority competent for the seat of the operator if an operator has submitted the application.

6. Approval procedure for vehicles and vehicle types 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 issued the first 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 and that it has not been modified since then, or alternatively, that there are no safety concerns about the operation of the vehicle.
- b) If required, additional available material will be provided.

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

The technical items have been structured by the multilateral working group established between experts of the competent authorities according to the list below:

Item	as regards	Category	
0	general information		
1	vehicle dynamics		AB
2	vehicle superstructure		A
3	draw and buffer gear		A
4	bogie and running gear		A
5	wheel set/ wheel set bearing		A
6	brake equipment		AB
7	technical systems requiring monitoring (e.g. compressed air system)		AB
8	pantographs		C
9	windows		A
10	doors		A
11	devices for passing		A
12	on board energy /EMC		C
13	software		B
14	drinking water and waste water systems		B
15	environmental protection		B
16	fire protection		B
17	occupational health and safety		B
18	vehicle gauge		AC
19	miscellaneous safety equipment (e.g. control command, train radio)		AB C
20	tank		/
21	pressure-discharge freight container		/
22	load securing		/
23	marking		AB
24	joining technology		A

The classification of the items generally reflects the status checked by the five Participatory States. On some items a higher or lower bilateral classification exists between some Participatory States.

The items Nr. 20 – 22 relate to freight wagons.

8. Checklist

The content of every item is described in detail in a working document with the reference Checklist. This document is jointly updated by mutual agreement from the experts of the respective competent authorities at regular intervals. The number and the classification of the items into the categories A, B and C will be updated according to the further technical assessment. The competent authorities will ensure the publication of the checklist and the updates according to national practices.