



The Group of Representative Bodies (GRB)

GRB Position on the “transition regime”

Brussels, 09.05.2017



Scope of this GRB position paper

With this position paper the rail sector associations draw the attention to the very critical point regarding the **transitional provisions** for **vehicle authorisation** as well as for **safety certification**. The current proposal of the European Commission foresees a potential gap of several months, where an applicant cannot yet apply to the Agency (option only available starting from 16 June 2019), but at the same time the National Safety Authorities (NSAs) would not start new application processes as they can no longer issue authorisations and certifications under the old directives after 16 June 2019. In particular vehicle authorisation processes last several months from the official request by the applicant to the NSAs.

The currently proposed approach will lead to uncertainties, costs and delays for projects planned in 2019-2020.

The Group of Representative Bodies (GRB) calls for a smooth, structured and direct hand-over of submitted applications (both vehicle authorisation and safety certification) from the concerned NSAs to the European Union Agency for Railways on 16 June 2019.

In order to underline the criticality of the transition, GRB provides examples in this paper of expected vehicle authorisation and safety certification applications that might or will be critical in 2019.



1. Problem statement

Before 16 June 2019 all applications for vehicle authorisation and safety certificate shall be submitted to the national safety authorities and shall be assessed in accordance with the respective directive. Where the concerned national safety authority is aware that it will not be able to issue the authorisation or certificate before 16 June 2019, it shall inform immediately the applicant that it will not be possible to issue a vehicle authorisation or safety certificate on the basis of its application. The applicant needs to submit a new application to the European Union Agency for Railways.

The current proposal of the European Commission foresees a potential gap of several months, where an applicant cannot yet apply to the Agency (option only available starting from 16 June 2019), but at the same time the National Safety Authorities (NSAs) would not start new application processes as they can no longer issue authorisation and certifications under the old Directives after 16 June 2019. In particular authorisation processes last several months from the official request by the applicant to the NSAs. Such an option will generate uncertainties, costs and delays for projects planned in 2019-2020.

2. Possible negative impact on the sector

If vehicle authorisation and safety certification is going to be delayed or disrupted in 2019, this might lead to a disruption of rail services and operations. (e.g. railway undertakings without valid safety certification) or non-availability of rolling stock due to missing vehicle authorisations.

The rolling stock that is foreseen to be authorised (incl. new authorisations and upgrades and renewals) in 2019 it already planned to be operated (to be "used" according to article 23 of the Interoperability Directive) in 2019/2020. The lack of this rolling stock would have a significant negative impact on the planned and scheduled rail services and in the end on the overall customer satisfaction. Delays in authorisation will also negatively affect the European rail supply industry.

In case of non-availability of rolling stock contractual penalties for RUs in transport contracts with public authorities or for suppliers in projects might be demanded by the respective entity.

3. Proposal

The Group of Representative Bodies (GRB) calls for a pragmatic approach and suggests to define special provisions in the ERA/ NSA cooperation agreements to allow exceptionally a **smooth, structured and direct hand-over** of applications (both vehicle authorisation and safety certification) from **NSAs** to the **European Union Agency for Railways on 16 June 2019**. Submitted application shall not be returned to the applicant but forwarded between the old entity and the new entity in charge of authorisation and certification, the results from the authorisation process carried out so far shall be recognized and accepted as well as original timelines and deadlines being respected. A notification shall be given to the applicant that the application was handed over to the new entity in charge.



4. Examples of time critical projects

Vehicle Authorisation

Actor / Applicant	Number of train sets	Type of train sets	Type of application	Time frame
RU (A) in Central Europe	20	Rolling stock (loco pulled trains)	First Authorisation	Vehicle authorisation will not be granted before June 2019 → Critical situation
RU (A) in Central Europe	To be further defined	Rolling stock (EMU)	First Authorisation	Vehicle authorisation will not be granted before June 2019 → Critical situation
RU (A) in Central Europe	120 - 250 train sets in 8 - 15 projects	Rolling stock	First Authorisation	Vehicle authorisation will not be granted before June 2019 → Critical situation
RU (A) in Central Europe	To be further defined	Rolling stock	Upgrades and renewals	Upgrades and renewals of existing rolling stock will not be granted before 2019 → Critical situation
RU (B) in Central Europe	21	EMU	First Authorisation	Vehicle authorisation might not be granted before June 2019 → Critical situation
RU (B) in Central Europe	23	Rolling stock (loco pulled trains)	First Authorisation	Vehicle authorisation will not be granted before June 2019 → Critical situation
RU (B) in Central Europe	30-70	DMU	First Authorisation	Vehicle authorisation will not be granted before June 2019 → Critical situation
RU (C) in Central Europe	29	International Highspeed trainsets	First Authorisation	Vehicle authorisation is planned to be received by March 2019. In case of delays authorisation might be postponed after June 2019 → Critical situation
RU (C) in Central Europe	18	EMU for an international "urban"-railway-system	First Authorisation	Delivery between 2018-2019 → Critical situation
RU (C) in Central Europe	5	EMU for an international "urban"-	Upgrades and renewals	Delivery 2019 → Critical situation



		railway-system		
RU (C) in Central Europe	5	EMU for an international "urban"-railway-system	First Authorisation	Delivery 2020 → Critical situation
RU (C) in Central Europe	14	EMU for an international "urban"-railway-system	First Authorisation	Delivery between 2019-2021 → Critical situation
RU in Southern Europe	39	Double-deck Regional train sets (high capacity)	First Authorisation	Vehicle authorisation will not be granted before June 2019 → Critical situation
RU in Southern Europe	47	Regional train sets (medium capacity)	First Authorisation	Vehicle authorisation will not be granted before June 2019 → Critical situation

[...]

Summary

Actor / Applicant	Number of train sets	Type of train sets	Type of application	Time frame
Europe-wide	More than 5.000 train sets in 60 projects	All types of rolling stock	First and new Authorisation	From 2019 until 2021 → Critical situation

Safety Certification

Actor / Applicant	Service	Seize of the company	Safety certification expires	Time frame
RU (1) in Central Europe	Passenger operator	Huge	2019 Need for renewal	Safety certification will not be granted before June 2019 → Critical situation
RU (2) in Central Europe	Freight operator	Huge	2019 Need for renewal	Safety certification will not be granted before June 2019 → Critical situation
RU (3) in Central Europe	Passenger operator	Huge	2019 Need for renewal	Safety certification will not be granted before June 2019 → Critical situation