

Implementing reliable train approvals in the EU

The approval processes in the rail industry must be harmonised throughout Europe and must become more cost-effective and less bureaucratic. Removal of remaining administrative and legal barriers to the interoperability of Trans-European networks, as demanded in the Transport White Paper, has not been achieved by any of the EU Directives up to now.

The strengthening of the European Railway Agency, above all with regard to mutual recognition of approval of rail technology in the Technical Column of the Fourth Railway Package proposed by the EU Commission, is a step in the right direction. In order to achieve smooth functioning of a standardised European Railway Area, and to guarantee a high level of safety and at the same time improvement of the competitive position of the rail industry, however, the principle of separation of functions and responsibilities in the administrative processes of the rail sector must also be adhered to in future.

Based on this premise, VdTÜV e.V. proposes the following improvements:

1. The requirements for the Notified Conformity Assessment Bodies must be regulated throughout Europe on a standardised basis, in order on the one hand to achieve a standardised and at the same time high level of safety and quality, and on the other hand to ensure fair competition. Notification and surveillance of the Notified Conformity Assessment Bodies in accordance with clear and strict criteria, based either on a combination of ISO/EN 17020 including EA Guide 2-17 or on ISO/EN 17065 including EA-Guide 2-17, should be performed throughout Europe by the Member States themselves in accordance with the New Legislative Framework, and therefore independently of the Railway Agency.¹
2. The Commission should be responsible for ensuring that suitable coordination and cooperation between the Notified Conformity Assessment Bodies of the railway sector takes place in the corresponding Coordination Body. The Notified Bodies themselves will be responsible for managing the Technical Secretariat.
3. Assessment of conformity or testing for suitability for use is an internationally-recognised procedure for quality assurance based on the relevant legislation and Standards. All bodies entrusted with conformity assessment must be able to provide evidence to the EU Commission and the Member States of standardised competence, which is capable of mutual comparison in accordance with the New Legislative Framework. The conformity assessment of safety components should be performed solely by the Notified Conformity Assessment Bodies, using a risk-based approach.
4. Pursuance and detailed development of railway safety and interoperability objectives require comprehensive technical work to be undertaken by experts in the rail industry. Therefore, the Coordinating Body of the Notified Conformity Assessment Bodies within the rail industry should be represented within the corresponding working groups of the Agency.

¹ Regulation (EC) No. 765/2008 setting out the requirements for accreditation and market surveillance

5. The Agency should establish one or several Boards of Appeal that are independent of the Agency from the organisational and functional points of view. By means of a clear separation between the executive tasks of the Agency and the judicial tasks of the Boards of Appeal, due account is taken of the basic principle of separation of powers on the one hand, whilst on the other hand, conflicts of interest in the Boards of Appeal are a priori avoided.

6. All existing national technical rules should be notified to the Agency. Any new national rules would be subject to examination and assessment by the Agency, in order to avoid rules and regulations from individual states involving excessive bureaucracy, and possibly protectionism. This mechanism would increase transparency for railway companies and manufacturers, as all national rules that are to be used are called up on a centralised basis from the Agency. The quality and acceptance of technical rules and regulations are decisive for European harmonisation. The ability of the EU Commission to decree changes in technical requirements (TSI, CST and CSM) by means of delegated regulatory acts should be appropriately augmented with the knowledge and experience gained by the railway authorities of the Member States and the expertise of the Notified Conformity Assessment Bodies.