

Memorandum of Understanding
establishing the basic principles
of a common system of certification of entities in charge
of maintenance
for freight wagons

14 May 2009

ANNEX F
Specific provisions applicable to OTIF non EU
signatories

Note: This annex does not apply to OTIF non EU signatories which apply EU legislation as a result of their international agreements with the EU

1. Introduction

COTIF 1999 includes no provisions concerning mandatory safety certification of the RUs and IMs and their SMS systems for the maintenance of their own vehicles, but some non EU OTIF Member States have/plan national rules which requires safety certification in compliance with the Community regulations. For RUs and IMs which have no such safety certification, their ECM activities will therefore have to be certified in full in the same way as an ECM having a “stand alone” maintenance system; e.g. Annex B applies to them in full. When RUs/IMs are indicated in the Annexes it shall generally be understood as safety certified RUs/IMs. Also safety certified RUs will need an (additional) ECM certification concerning the maintenance of vehicles not belonging to the RU itself (commercial maintenance).

2. Terminology

The COTIF Convention uses another terminology than the Community legislation. The following “translation” table should be used when a non-EC OTIF Member State applies the MoU and its Annexes:

EC terminology	OTIF terminology
NSA (National Safety Authority)	The national authority competent for admission and/or supervision of railway vehicles
Railway Safety Directive	No parallel in OTIF; national rules apply
NVR (National Vehicle Register)	The vehicle register according to ATMF Article 13. A proposal to establish OTIF NVRs for the non-EC OTIF Member States has been adopted by the Committee of Technical Experts on 11-12 February 2009. The OTIF NVRs will for each registered vehicle include the same information as in the EC NVRs, including the related ECM.
TSI (Technical Specification for Interoperability)	Technical specification included in an Annex to APTU; if no applicable Annex, national rules apply
EU Identification Number	OTIF Identification number, same structure as EC

3. Detailed additional provisions related to OTIF

ad 2.4.2: The ECM certificates granted should be valid throughout the European Community and those other OTIF Member States which have signed this MoU.

ad 2.5.3: The certification bodies and the authorities in the non EU OTIF Member States shall notify their updated lists to the OTIF Secretary General (SG). The Agency and OTIF SG will cooperate and at the same time publish a combined, consolidated list of the certified ECMs.

ad 2.5.4: Non EU OTIF Member States shall notify to the OTIF SG. The Agency and the OTIF SG will cooperate and at the same time publish the combined, consolidated list of ECM certification bodies.

ad 2.7.1: Non EU OTIF Member States shall notify to the OTIF SG.

ad 2.7.2: DG TREN and the OTIF SG will at the same time publish the combined, consolidated list of signatories (Annex A) and the date of application in the Member States.

ad 2.7.3: The competent authorities in the non-EC OTIF Member States should participate in the exchange of experience.

ad 2.7.4: It is expected that COTIF 1999 is amended in order to include an ECM certification system which is identical or equivalent to the Community system. When the latter enters into force, this MoU should be reviewed in order to maintain mutual recognition of ECM certificates between EU and non EU Member States.
