

Memorandum of Understanding on the multilateral recognition of the authorisation procedure for railway vehicles between the national safety authorities of Denmark, Finland, Germany, Norway and Sweden

This Memorandum of Understanding (MoU) sets the rules for mutual recognition of authorisation procedures for railway vehicles. It covers the following countries: Denmark, Finland, Germany, Norway and Sweden, each country is referred to as 'cooperating country' in the MoU.

The following authorities conclude the MoU:

- Eisenbahn Bundesamt, German Federal Railway Authority
- Statens Jernbanetilsyn, Norwegian Railway Authority
- Trafik- og Byggestyrelsen, Danish Transport and Construction Agency,
- Liikenteen turvallisuusvirasto, Finnish Transport Safety Agency and
- Transportstyrelsen, Swedish Transport Agency

are referred to as 'the competent authorities'.

The legal basis for this MoU is the European Commission recommendation 2014/897/EU on matters related to the placing in service and use of structural subsystems and vehicles under Directives 2008/57/EC and 2004/49/EC of the European Parliament and of the Council.

The MoU includes the framework for cooperation for authorisation for placing vehicles in service. This MoU will not affect other duties of the national safety authorities.

1. Scope

This document refers to the authorisation for placing conventional and high-speed railway vehicles in service, including thermal and electric traction units, self-propelling thermal or electric trains, passenger carriages, freight wagons, on track machines and infrastructure inspection vehicles.

It applies to all kinds of authorisations, e.g.:

- new vehicles for which a simultaneous authorisation are to be carried out in two or more of the cooperating countries,
- vehicles which are already in service in one or more of the cooperating countries and need to be authorised in one of the other cooperating countries,
- vehicles which are already in service in one or more of the cooperating countries and need to be authorised for renewal / upgrade in one of the other cooperating countries.

For access to the network 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 network of the country are considered in the scope of National Technical Rules (NTR). 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 agree on using a list of authorisation requirements structured to common parameters as displayed in Commission decision 2009/965/EC (amended by decision (EU) 2015/2299). Respective NTR are published in accordance with Commission decision 2011/155/EU in National Reference Documents (NRD) via the Reference Document Database (RDD).

The competent authorities will update and adopt the list of requirements and the classifications using the procedure of updating and adopting the RDD.

Special case for Germany:

1st stage: the MoU refer to the GIG Nordic - spreadsheet.

2nd stage: the MoU refer to German requirements published in RDD.

3. Classification of the requirements into groups

The rules of each cooperating country will be classified by the other cooperating countries as follows in RDD:

Group A covers:

- international standards,
- national rules deemed to be equivalent, in railway safety terms, to national rules of other Member States.

Group B

Group B covers all rules that do not fall within the scope of Group A or Group C, or that it has not yet been possible to classify in one of these groups.

Group C

Group C covers rules that are strictly necessary and are associated with technical infrastructure characteristics, in order to ensure safe and interoperable use in the network concerned (e.g. the loading gauge).

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

- a) Cross-accepted rules are classified into Group A by the competent authorities. Compliance to these rules shall be checked only by one competent authority or one designated body which is designated by the competent authority in accordance with its national law. The other competent authorities accept the validity of these checks without further checking at the expenditure of the applicant.
- b) There is no obligation to translate all documents of the technical file for A-rules, but in case of justified doubt translation might be required. A statement of cross acceptance for one or several requirement(s) issued by the competent authority and the translation of this statement is sufficient to prove the conformity to the other competent authority.
- c) The competent authorities have defined a common template “statement of cross acceptance”, see **Appendix 1**.
- d) The competent authorities decide per project the languages to be used in communication between the authorities.

5. Practical functioning of cross-acceptance procedures

The cross-acceptance procedure for placing in service of new vehicles, vehicles already in service in one country and renewed / upgraded vehicles, especially the required documents to be submitted and the “statement of cross acceptance” template to be issued, will be

Appendix 1. Statement of Cross Acceptance

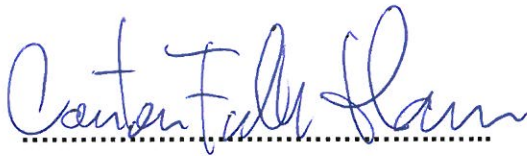
explained to applicants by the competent authorities. An application guide can be jointly elaborated.

6. 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.

7. Entry into force and period of validity

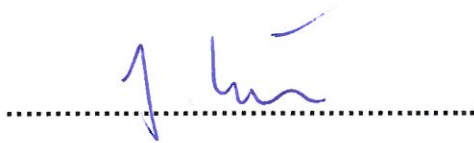
This MoU shall enter into force after signed by all competent authorities. It becomes effective on the day after a copy of the signed original of the MoU is distributed to all competent authorities. The MoU is valid for an indefinite period. Each competent authority is entitled to terminate the agreement as of January 1st the following year by writing to all other competent authorities by September 30th at the latest.



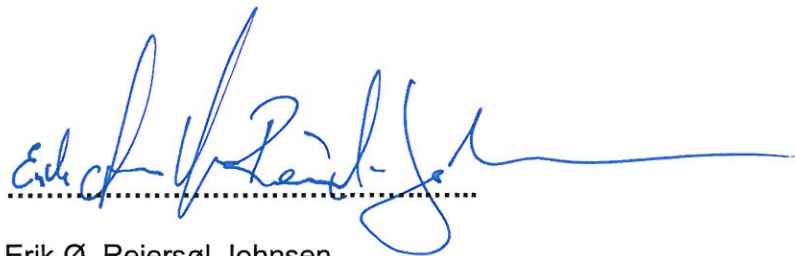
Carsten Falk Hansen
Director
Trafik- og Byggestyrelsen



Kari Wihlman
Director General
Liikenteen turvallisuusvirasto



Gerald Hörster
Präsident
Eisenbahn-Bundesamt

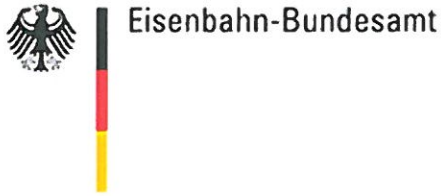


Erik Ø. Reiersøl-Johnsen
Director
Statens Jernbanetilsyn



Birgitta Hermansson
Director
Transportstyrelsen

Appendix 1. Statement of Cross Acceptance



STATEMENT OF CROSS ACCEPTANCE

APPENDIX 1. OF "MEMORANDUM OF UNDERSTANDING ON THE MULTILATERAL RECOGNITION OF THE AUTHORISATION PROCEDURE FOR RAILWAY VEHICLES BETWEEN THE COMPETENT NATIONAL SAFETY AUTHORITIES OF DENMARK, FINLAND, GERMANY, NORWAY AND SWEDEN"
DATED 8TH MARCH 2016.

EIN-number of the authorisation	
-	
Common project name	
Applied version of the national reference document (parameter(-s))	
Treated chapters of RDD and/or parameter	

Appendix 1. Statement of Cross Acceptance

Category of Vehicle	
EVN of vehicle(s) if existing	
Existing type authorisation ERATV-number (optional)	
Non-conformities and corresponding accepted solutions if relevant (incl. documentation)	
List of documents that has been used for the assessment	
Location of documents (the "organisation which keeps the documentation")	
Restrictions and specific conditions of use (if any) as declared by the applicant	
Reference number / identification number and date of this document	
National Safety Authority, establishing this confirmation of evaluation	<p>Name(s):</p> <p>.....</p> <p>Place and date</p> <p>.....</p>

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Appendix 1. Statement of Cross Acceptance

	Signature(s):
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This "STATEMENT OF CROSS ACCEPTANCE" can be used as evidence that the rules listed in the RDD of the establishing NSA has been verified for the parameter(s), which are listed in this document.