

# POSITION PAPER

## Certification of ECMs - NSA “flexibility”<sup>1</sup>

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<sup>1</sup> This position paper is not supported by ATOC

COMMUNITY OF EUROPEAN RAILWAY AND INFRASTRUCTURE COMPANIES - COMMUNAUTÉ EUROPÉENNE DU RAIL ET DES COMPAGNIES D'INFRASTRUCTURE - GEMEINSCHAFT DER EUROPÄISCHEN BAHNEN UND INFRASTRUKTURGESELLSCHAFTEN



The Commission regulation (EU) 445/2011 on “*certification of entities in charge of maintenance (ECMs) for freight wagons*” mandates the certification for these entities. According the Article 10 of this regulation, each Member State had until 30<sup>th</sup> November 2011 to inform the Commission whether the certification body in its country was:

- An accredited body: those certification bodies are accredited by a national accreditation body,
- A recognised body: those certification bodies are designated by the member state,
- The National Safety Authority.

In application to the above mentioned regulation, the European Railway Agency (ERA) has also developed the following documents:

- An “ECM accreditation Scheme” to describe the way to accredit Certification Bodies or to recognize Recognized Bodies,
- An “ECM certification scheme” to describe the way to certify ECM,
- A “certification scheme for Maintenance workshop”.

Within the scope of the ERA group on “Cooperation of ECM Certification Bodies”, NSAs in charge of Certification of ECM in their country recently asked for the possibility (only for them) to re-use elements that are already available to them for others verifications, e.g. on-going or former checks for Safety certificate of Railway undertaking (when the RU is also ECM). In this case, NSAs would like to apply a “light” certification scheme which they call “flexibility” for certification of ECM. As a consequence, NSAs may be allowed e.g. to deliver ECM certificate to the applicant after the completion of the initial audit on the maintenance system of the ECM (which is only a documentary review), while certification and accreditation bodies will have to addition to perform on-site audit and on-site inspections.

One of the justifications given to this request for flexibility is “the widest and more detailed view the NSAs have, among stakeholders and interested parties, on the safety of the (European) railway system and in particular, on safety risks. NSAs have then sufficient safety maturity and knowledge of the applicants to targeting by a risk based approach the assessment of the maintenance system of the ECMs.” CER cannot support this statement and would like to remind that NSAs in Europe have very different resources. As a consequence, this statement is not applicable to every NSA.

**Therefore CER doesn't support this request for flexibility from NSAs when certifying ECM as long as it doesn't provide the same assurance as the application of the ECM certification scheme.**

In any case, article 6 §2 of regulation (EU) 445/2011 shall be applied: “Member States shall ensure that the certification bodies comply with the general criteria and principles set out in Annex II and with any subsequent sectoral accreditation schemes”.

## Disclaimer

### Community of European Railway and Infrastructure Companies (CER) AISBL

Avenue des Arts 53  
B-1000 Brussels  
Belgium

Tel +32 2 213 08 70  
Fax +32 2 512 52 31  
[contact@cer.be](mailto:contact@cer.be)

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