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Valenciennes 15/01/2021

Line to take

Clarification about transitory measure for the uploading of EC Certificates, ISV and declarations information to ERADIS

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<i>Version</i>	<i>Date</i>	<i>Comments</i>
1.0	09/07/2019	Initial version
1.1	10/07/2019	To explicitly cover all EC certificates issued by NoBos
1.2	11/07/2019	Reference to manufacturers declarations
2.0	23/01/2020	Extension temporary measure to end of 2020
3.0	15/01/2021	Extension temporary measure to end of 2021 to take into account delays in transposition in some MS

The purpose of this document is to provide applicants and other external stakeholders of the vehicle authorisation business with information in regards to the specific topic referenced in the title. The clarifications contained in this document may be integrated in the next revision of the guidelines for the practical arrangements for the vehicle authorisation process, without prejudice of the formal process foreseen for updating the guideline. The present document is a non-legally binding guidance of the European Union Agency for Railways. It is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.

1. Description of the issue

Article 50(2) of Regulation (EU) 2018/545 requires the authorizing entity to ensure that ERADIS has been updated as appropriate before delivering a vehicle type authorisation and/or vehicle authorisation for placing on the market.

The Agency developed with the support of NB Rail a new module in ERADIS that hosts EC Certificates and ISV information. This functionality is available in ERADIS since November 2018.

Applicants for authorisation for placing on the market of vehicles and/or vehicle types may face the problem that the relevant EC certificates of verification and/or certificates of conformity or suitability for use (type 1, 2, 4, 5, 6 and 7) issued by the Notified Bodies (NoBos) or manufacturers declarations of conformity and suitability of use of interoperability constituents (ICs) have not been uploaded by these NoBos or manufacturers to the corresponding ERADIS module.

The Agency proposed as temporary mitigation measure in a previous version of this line to take (ERA1209/006 v1.2) to allow applicants facing the problem referred to in the previous paragraph to upload to ERADIS the relevant EC certificates and declarations as attached documents in the dedicated ERADIS “EC declaration” module.

In January 2020, the Agency evaluated the status of the fulfillments by the NoBos and the manufacturers of ICs of their obligations to upload to ERADIS their EC certificates and declarations as well as the results of the implementation of the temporary mitigation measures proposed by the Agency in its line to take ERA1209/006 v1.2. Positive improvements in the recording of these certificates and declarations were seen but some applicants for authorization for placing on the market of vehicles and/or vehicle types were still facing difficulties due to the fact that some certificates and/or declarations were not yet been properly uploaded in ERADIS. Taking into account the efforts already done by applicants and their NoBos and contractors and in order to ensure an equal treatment for applicants, NoBos and manufacturers mainly active in Member States transposing in June 2020, the Agency decided in January 2020 to extend the validity of the temporary mitigation measure until the end of 2020 (see line to take ERA1209/006 v2.0).

Later in 2020, due to the COVID-19 pandemic situation and in line with the decisions to extend the deadline for the transposition of the Directive (EU) 2016/797 to the 31st of October 2020, a significant number of Member States (14) decided to take benefit from this extension. This means that the applicants, NoBos and manufacturers from these Member States will only benefit from the extension decided in January 2020 regarding the upload of EC certificates and/or declarations of conformity and suitability for use in ERADIS during 2 months instead of 6.

Furthermore, some Member States were not in the position to meet the transposition deadline of the 31st of October 2020. As a consequence, the NoBos of some of these Member States have not been notified. These NoBos can perform the conformity assessments, as long as they are properly accredited, but are not in the position to issue EC certificates. As defined in the clarification note ERA1209/088 v1.1, they can nevertheless issue documents with equivalent effects and these documents can be uploaded in ERADIS by the applicants for placing of the market of the mobile subsystems.

2. Line to take

In such cases, as first step, the applicants are invited to:

- *ask the NoBos of subsystem concerned to upload the EC certificates to ERADIS.*
- *ask the NoBos of ICs concerned to upload the EC certificates to ERADIS.*
- *ask the manufacturer of ICs concerned to upload the EC declaration(s) of conformity and suitability for use of ICs to ERADIS*

This will foster transparency through the appropriate population of ERADIS, as foreseen by the applicable EU legislation.

If, for justified reasons, the NoBos or manufacturer of ICs concerned have not uploaded to ERADIS the appropriate documents mentioned above, it is proposed, as a temporary mitigation measure, that the applicants facing this problem inform the Agency in writing (in the application or by replying to the issue raised in the OSS) and then exceptionally upload to ERADIS the relevant EC certificates and declarations as attached documents in the dedicated ERADIS “EC declaration” module, initially designed to allow applicants to upload their EC declarations (of verification of subsystems, of suitability for use/conformity of IC).

Similarly, it is also proposed, as a temporary mitigation measure, that the applicants working with NoBos of Member States not having yet transposed the Directive (EU) 2016/797 can upload to ERADIS the document with equivalent effect referred to in the clarification note ERA1209/088 v1.1 as attached documents in the dedicated ERADIS “EC declaration” module. As soon as the situation of the concerned NoBos is regularised, the applicant needs to ensure that the relevant certificates are uploaded properly in ERADIS.

The Agency shall consider this practice as means of fulfilling the conditions of Article 50(2) of Regulation (EU) 2018/545 until the end of 2021.

WITHDRAWN