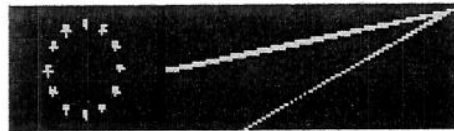


Memorandum of Understanding

between

the European Railway Agency



and

**the European Standards Organizations
CEN, CENELEC and ETSI**



Article 1

Introduction

1.1 The purpose of this Memorandum of Understanding (hereafter referred to as “MoU) is to establish a cooperative relationship between the standardization activities for the railway sector and the legislative initiatives paving the way for a gradual establishment of an integrated European railway area.

1.2 The parties signing this MoU are

- the European Railway Agency (hereafter referred to as the Agency);
- the European Standards Organizations (hereafter referred to as the ESOs), i.e. the European Committee for Standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC), the European Telecommunications Standards Institute (ETSI).

1.3 The Agency and the ESOs acknowledge that standardization, whilst being a voluntary and independent activity, has an effect on a number of areas of public interest, such as the competitiveness of industry, the functioning of the single market the environment and the consumer protection. They recognise that European standards play a significant role in public policy and support legislation.

1.4 The Agency and the ESO establish this MoU with the following goals

- To promote the use of European standards as a co-regulation tool in support of European legislation in the railway sector;
- To promote communication and regular exchange of information between both parties;
- To ensure coordination between the standardization activities of the ESOs and the legislative developments identified by the Agency;
- To ensure the continuous maintenance of interlinked documents from the Agency and the ESOs;
- To confirm the support of the European interest in the railway sector;
- To avoid duplication of work where possible.

Article 2

Framework for European standardization

- 2.1 The three ESOs are officially recognised by the European Commission as the European Standardization Bodies in the Directive 98/34/EC of the European Parliament and the Council and have the institutional responsibility and authority for proposing, adopting and editing the European Standards for products and services brought on the European market.
- 2.2 The “General Guidelines for the Cooperation between CEN, CENELEC and ETSI and the European Commission and the European Free Trade Association”, published in the EU Official Journal - ref. 2003/C91/04 on 16 April 2003, establish the agreement amongst the parties on the important role that the European standardization plays in the functioning of the internal market, competitiveness of enterprises and the significant support provided to several Community policies. The legal context to this agreement is specified in a Framework Partnership Agreement between the Commission, EFTA and the three respective ESOs.
- 2.3 In 2006, the ESOs have endorsed through their General Assemblies a set of “ESOs Common Objectives” developed by the CEN/CENELEC/ETSI Joint Presidents Group (JPG) and whereby the ESOs agreed to join forces to optimize and exploit their commonalities within the framework of a European Standardization System, whilst maintaining their legal status of independent private, civil not-for-profit standards organizations.
- 2.4 European standardization in the railway sector is performed within several Technical Committees active in the three ESOs. Their activity is coordinated by the CEN/CENELEC/ETSI Joint Programming Committee Rail (JPCR), a joint coordination group of CEN, CENELEC and ETSI with participation of railway stakeholder organizations and in cooperation with the European Commission, its Railway Agency, and EFTA.
- 2.5 The global dimension of standardization is supported by the ESOs by means of specific cooperation agreements with their international counterparts, i.e. by the “Vienna Agreement” for the ISO/CEN coordination in non-electrotechnical and telecommunications standardization, the “Dresden Agreement” for the IEC/CENELEC coordination in electrotechnical standardization and the ETSI – ITU-T MoU for the telecommunications sector & the ETSI-ITU-R agreement in the radio-communication sector and other interregional agreements.

Article 3

Framework for the European Railway Agency

3.1 The Agency has been established by Regulation EC n° 881/2004 of the European Parliament and the Council of 29 April 2004 establishing a European railway agency (Agency Regulation) to contribute to the implementation of Community legislation aiming at improving the competitive position of European railways. This involves the development and implementation of Technical Specifications for Interoperability and a common approach to questions concerning railway safety. The Agency's main task will be to manage the preparation of these measures, in accordance with the principles and definitions laid down in the Interoperability Directives 96/48/EC and 2001/16/EC amended by Directive 2004/50/EC and the Safety Directive 2004/49/EC.

3.2 The Agency may:

- address recommendations to the Commission;
- and issue opinion to the Commission and the authorities concerned in the Member States.

3.3 For drawing up the recommendations, the Agency establishes working parties. These working parties shall take as a basis,

- the expertise coming from the representatives bodies from the railway sector acting on a European level. The list of these bodies shall be drawn up by the Committee referred into Article 21 of Interoperability Directives;
- the expertise of the national safety authorities defined in Article 16 of the Railway Safety Directive;
- if necessary, the expertise of independent experts recognised as competent in the field concerned.

The Agency shall ensure that its working parties are competent and representative and that they include adequate representation of those sectors of the industry and of those users which will be affected by measures which might be proposed by the Commission on the basis of the recommendations addressed to it by the Agency. The work of the working parties shall be transparent. The working parties are chaired by a representative of the Agency.

3.4 Whenever the work has a direct impact on social environment, working condition of workers in the industry, or rail freight customers and passengers, the Agency shall consult the organisations representing them. The list of organisations to be consulted

shall be drawn up by the committee referred to in Article 21 of Interoperability Directives.

These consultations shall be held before the Agency submits its proposals to the Commission.

- 3.5 After receiving any recommendation from the Agency, the Commission may submit it to the Committee established by Article 21 of Interoperability Directives.
- 3.6 As mentioned in the Article 12 of the Regulation EC n° 881/2004, the Agency has to ensure coordination between the development and updating of the Technical Specifications for Interoperability on the one hand and the development of the European standards which prove necessary for interoperability on the other, and has therefore to maintain the relevant contacts with the ESOs.

Article 4

Mutual understanding and communication channels

- 4.1 In order to ensure mutual understanding of the roles of each of the parties in their respective area of expertise, up to date institutional documentation will be exchanged and invitations will be reciprocally extended to contribute with expertise or provide information within the framework of events with an open character organized by the respective parties.
- 4.2 In order to facilitate the proper exchange of pertinent information and technical documentation, contact experts will be appointed at both sides.
- 4.3 In order to exchange views and to co-ordinate, as far as possible, their positions on policy matters of common interest, the Agency and the ESOs will meet when needed. Normally these exchanges of views should take place between the Executive Director of the Agency and the CEN/CENELEC/ETSI JPC.
- 4.4 In order to exchange views and to co-ordinate, as far as possible, their positions on technical matters of common interest, the Agency and the ESO will meet regularly. Normally these exchanges of views should take place in the framework of the JPCR activities.

Article 5

Cooperation in standardization activities

- 5.1 The needs for standardization activities identified by the Agency for the purpose of the gradual establishment of an integrated European railway area, should be considered at a preliminary stage in the JPCR.
- 5.2 Formal requests for programming or standardization activities emanating from the Agency shall reach the ESOs through mandates issued by the European Commission and EFTA in accordance with the 98/34 procedures. Upon receipt, the acceptance of these mandates will be considered by the three ESOs and their execution coordinated by the JPCR.
- 5.3 The Agency is entitled to follow the evolution of mandated work items through access to the documentation of the technical bodies entrusted with the related standardization work. Dedicated contacts on specific technical matters can also take place between the chairman of the Agency working party and the chairman of the ESO's technical body, with acknowledgement of the JPCR.
- 5.4 The ESOs are entitled to follow the evolution of mandated draft recommendations through access to the documentation of the working groups entrusted with the related drafting work.
- 5.5 Maintenance and alignment of interlinked documents from the Agency and the ESOs will be supported by a suitable procedure.

Article 6

Standards availability and copyright aspects

- 6.1 The Agency can access for consultative use to the European Standards of the ESOs through the channel of the European Commission.
- 6.2 The ESOs keep all copyright and exploitation right on their publications. Any commercial use of these publications by the Agency will follow the relevant organization's principles and rules.

Article 7

Miscellaneous

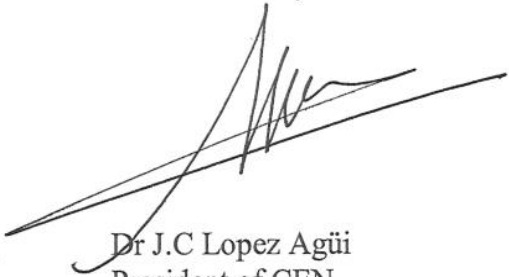
- 7.1 In the event of any inconsistency or problem arising under or relating to this MoU, it shall be amicably solved by the parties.

7.2 The Agency and the ESOs agree to review this MoU to ensure that it meets its stated goals, if necessary.

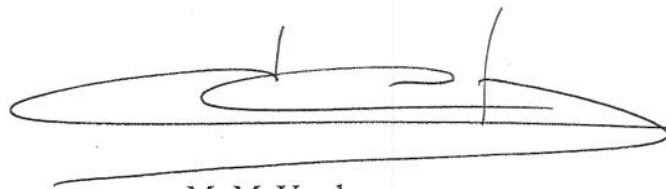
7.3 This MoU shall remain in effect until such time as one of the parties requests its termination, normally giving six months written notice.

IN WITNESS WHEREOF, this MoU in English will be made out in four copies and duly signed by authorized representatives on the date and denoted below, and those copies are to be considered as the original of this MoU.

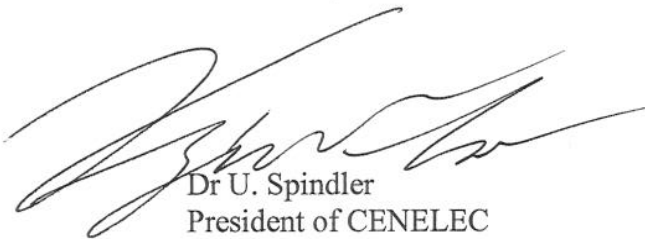
Dated : 10 May 2007



Dr J.C Lopez Agüi
President of CEN



Mr M. Verslype
Executive Director of ERA



Dr U. Spindler
President of CENELEC



Mr J. Phillips
GA Chairman of ETSI