

Making the railway system  
work better for society.

# Terms of Use

## *European register of authorised types of railway vehicles (ERATV)*

Pursuant to Article 37(1) of the Agency Regulation (EU) 2016/796<sup>1</sup>, the Agency shall set up and maintain the European register of authorised vehicle types.

The European register of authorised types of railway vehicles ('ERATV') shall contain data on the types of vehicle authorised under Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community and under Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union.

These Terms of Use are governed by and supplement the specification set forth in Decision 2011/665/EU<sup>2</sup>.

These Terms of Use are binding for any user of the European register of authorised types of railway vehicles. By logging in/signing up and using it, you accept automatically and irrevocably these Terms of Use.

Please read them carefully before the first use of the European register of authorised types of railway vehicles.

The European Union Agency for Railways (hereinafter 'ERA') reserves its right to amend these Terms of Use from time to time following an exchange of views with the relevant authorities and stakeholders without prior notice. Users have the responsibility to check them regularly and will be bound by the amended terms.

## **1. ERATV - functionalities**

Pursuant to the specification set forth in Decision 2011/665/EU, the European register of authorised types of railway vehicles provides users with the following functionalities:

- a) Record the data on the types of vehicle authorised;
- b) Consult the types of vehicle authorised.

## **2. Users**

Users and their access rights to the European register of authorised types of railway vehicles are described in Decision 2011/665/EU, Annex I, Section 2.3.

Users are responsible for safeguarding the password that they use to access ERATV and for any activities or actions performed under their password. The Agency encourages the users to use "strong" passwords

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<sup>1</sup> Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1).

<sup>2</sup> Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles (OJ L 264, 8.10.2011, p. 32–54) as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 391I of 27.5.2019, p. 108).

(passwords that use a combination of upper and lower case letters, numbers and symbols) with their accounts. The Agency cannot and will not be liable for any loss or damage arising from the failure to comply with the above.

### 3. Roles and responsibilities

The respective roles and responsibilities of national safety authorities and of the Agency are described in the specification set forth in Decision 2011/665/EU.

As providers of the submitted and published information in the European register of authorised types of railway vehicles you bear the full and sole responsibility for the information you submit for publication and for any consequences thereof, including the use of your information by other users. You represent and warrant that you have all the rights, power and authority necessary to provide any information that you submit and that you will only submit information in compliance with the specification of ERATV. The Agency will not be responsible or liable for any use of your information in accordance with these Terms of Use.

Before submitting any information, please consider very carefully its content in compliance with the specification of ERATV and respect all applicable civil, administrative or criminal legislation of the EU Member States, including rules on criminal or civil liability, confidentiality, industrial and intellectual property.

### 4. Disclaimer

You agree that when using European register of authorised types of railway vehicles, you will not publish, distribute or disseminate any information not compliant with the specification of ERATV.

ERA accepts no responsibility or liability whatsoever with regard to the information submitted and published in the European register of authorised types of railway vehicles. Under no circumstances will the Agency be liable in any way for any content, including, but not limited to, any errors or omissions in any content, or any loss or damage of any kind incurred as a result of the use of any content published, emailed, transmitted or otherwise made available via the European register of authorised types of railway vehicles. .

ERA responsibility is limited to checking the data submitted to be in compliance with the specifications of the European register of authorised types of railway vehicles. This is achieved by the European register of authorised types of railway vehicles by checking automatically:

- The provided data against its format and applicability, as defined in Annex II, table 2, of Decision 2011/665/EU;
- Unintended publication or duplication of types, by checking against, as far as the data available in the European register of authorised types of railway vehicles allows, that a type has not been registered before.

ERA does not have the responsibility of removing any of the published information in case of a complaint based on the content of the information. However, it reserves the right at all times to remove any submitted information or to disable users' accounts in case of non compliance with the specification of ERATV or in other duly justified cases.

ERA might provide support for ERATV. In this case, ERA support is provided only to the entities acting as Authorising Entities<sup>3</sup> in their process of submitting data in ERATV.

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<sup>3</sup> Solely recognised users of ERATV as in Table 1 of Annex I of Commission Implementing Decision 2011/665/EU.

## 5. Intellectual property rights and confidentiality

By legislation, ERA has to make the European register of authorised types of railway vehicles publicly available and as such it facilitates the publication of the relevant information. As described above all information is submitted under the sole responsibility of the authorised user.

In that respect, ERA has no ownership rights over the original information or their copies or the content of this information. The European register of authorised types of railway vehicles is solely hosting these copies. However, all submitted and published information will remain unchanged and archived by ERA in accordance with applicable legislation.

## 6. Protection of personal data submitted in European register of authorised types of railway vehicles

ERA is committed to user privacy. Our privacy statement (<https://www.era.europa.eu/content/data-protection>) sets out the details about the way ERA processes personal data that we collect from and about you and how we may use your information in accordance with the [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

## 7. Availability of European register of authorised types of railway vehicles

Availability of the European register of authorised types of railway vehicles is stated in Decision 2011/665/EU, Annex I, Section 2.6.

ERA aims to minimise disruption caused by technical failures, maintenance of the IT system or unforeseen circumstances. However, ERA cannot guarantee that European register of authorised types of railway vehicles will not be interrupted for maintenance or otherwise affected by any technical problem or other circumstances. ERA will bear no liability with regard to such problems if caused by force majeure<sup>4</sup>.

## 8. Applicable law and competent court

These Terms of Use shall be governed by the European Union law supplemented where necessary by the national substantive laws of France.

Any claim against ERA which could not be first resolved amicably between the parties must be addressed to:

The General Court of the European Union

<http://curia.europa.eu/>

It is also possible to complain against ERA to the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the

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<sup>4</sup> *Force majeure shall mean any unforeseeable and exceptional situation or event beyond the control of ERA which prevents or delays either of the parties from performing any of their obligations related to European register of authorised types of railway vehicles, which was not due to error or negligence of ERA, and which could not have been avoided by the exercise of due diligence.*

Decision of the European Parliament of 9 March 1994 on the regulations and the general conditions governing the performance of the Ombudsman's duties (Official Journal of the European Union, L 113 of 4 May 1994):

European Ombudsman

1, Avenue du Président Robert Schuman –CS 30403

FR-67001 Strasbourg Cedex

<http://www.ombudsman.europa.eu>

## 9. Contact details

In case of questions and technical issues related to the European register of authorised types of railway vehicles please contact [servicedesk@era.europa.eu](mailto:servicedesk@era.europa.eu) or use the "[Contact us](#)" form in ERA website.