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PRE-ENGAGEMENT BASELINE

A freeze is required for the TSIs, National Rules and other applicable legislations for the authorization case at the beginning of the pre-engagement phase, in order to ensure certainty of delivery schedule and costs. This, meaning a fixed date until requirements are frozen, is essential to give legal certainty to every single authorization process. Further requirements, beyond TSIs, National Rules and other applicable legislations, as non-legally binding standards, shall not be part of authorization and therefore cannot be challenged by the authorizing entities.

Uncertainty up to the end of the project about the baseline to be fulfilled brings to additional costs and left shifting of authorization

TRANSITIONAL REGIME

The EC (Legal Dept.) confirmed that no authorization based on the 2008/57 regime can be issued after June, 16th 2019 transition deadline by NSA, while, at the same time ERA (Agency) cannot receive official submission for authorization before the June, 16th 2019 (option 4 of the ERA proposal). Consequently, there might be:

- ❖ 5 months of gaps in all European business for manufacturers, where potentially no authorization will be issued, UNIFE asked since the beginning for a “smooth” transition and suggests to apply the “Transition Phase” as per TSIs.
- ❖ Potential implications when different Member State apply different legislation. The Directive (EU) 2016/797 grants an extended transposition period referred to in paragraph 1 by one year (June, 16th 2020).

Gaps in the transition phase leads to unpredictable increase of costs and delivery time with severe risk of contract liabilities



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FEES & CHARGES

- ❖ A fixed F&C structure to be established; to allow predictability, the applicant should know the costs of authorization before applying so to include those costs in the tendering and project planning.
- ❖ For Vehicle Authorization and Single Safety certification, the F&C structure to be based on a matrix of the types of vehicle and types of authorization and safety certification files, similar to models currently being used in Italy. Similarly the fixed F&C structure for ERTMS trackside approval should be based upon on the 'learning cases' which shall be used to further refine the ERTMS trackside approval itself.
- ❖ The sector is not willing to pay for the learning curve of the Agency.

Fix and resonable F&C are vital to allow the fair competition into the european market.

Industry has to know properly in advance (since the tender stage) the magnitude of costs to be borne in order to correctly estimate their price.

UPDATE OF AN ISSUED VEHICLE TYPE AUTHORIZATION

Some contradictions between art. 3.14, art. 15, art. 32 and art. 49 of IA which defines a vehicle type version as “a modification that constitutes a change to the basic design characteristics of a vehicle type or of a vehicle type variant that do not require a new authorization of a vehicle type according to Art. 21(12) of “EU 2016/797 and thus shall not require additional administrative procedures. The AE is exempted to update the vehicle type authorization when the value of parameters only are changed within the range of acceptable parameters as defined in the TSIs”.

Lack of clear definition brings to misinterpretation of rules causing time consuming and claim versus authority



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CONFINDUSTRIA



CSM-RA for Requirements capture

UNIFE since 2012 claimed against the application of CSM on RA in the process of authorization for placing in service of railway vehicles. Conformity with TSIs and NR makes sure that “Essential requirements” being fulfilled. EUAR and EC stick their position that requirements of TSIs and NR do not fully cover the “Essential requirements” safety. CSM-RA needs to be applied. UNIFE made a concrete proposal, the “application safety report” describing the evidences for requirements capture to be provided for authorization.

Unnecessary additional efforts to assess requirements covered by provisions already in force