

Memorandum of Understanding
on the implementation of approval procedures for rolling stock
and cross-acceptance of approval procedures
of the competent supervisory authorities
between

The Ministry of Transport, Public Works and
Water Management of the Netherlands

The Federal Ministry of Transport, Building and
Urban Affairs of the Federal Republic of Germany

The Federal Department of the Environment, Transport, Energy
and Communications of Switzerland

The Federal Ministry of Transport, Innovation,
and Technology of Austria

The Ministry of Transport of Italy

Background

The goods rail transport in the European Union has been liberalised completely since 1 January 2007. With regard to international passenger transport, the European Council and the European Parliament have agreed the opening up of the market by 2010 in the framework of the negotiations on the third railway package. These measures and their expected acceptance by Switzerland present railway undertakings in the Participatory States with many and varied opportunities to achieve a favourable position with regard to other modes of transport and to exploit their special potential in the field of long-distance cross-border routes.

Despite the liberalisation, however, there still are obstacles which substantially hinder cross-border rail transport. The existing time consuming and expensive approval procedures to obtain a cross border approval for rolling stock considerably restrict international rail transport.

The European Commission has recognised the problem and in December 2006 has put forward proposals on the issue "Cross-acceptance" which aim at simplifying, accelerating and reducing the costs of approval procedures for internationally operated rolling stock, in particular locomotives.

The approach is based on the principle of mutual recognition of approval certificates for rolling stock which has already been put into practice successfully between some Member States by means of bilateral agreements.

It is a special concern of the States concerned to this Memorandum of Understanding to shift a considerable share of the trans-Alpine goods transport to the more environmentally-friendly railways. For this reason, the States concerned have already worked together intensively and confidently on different levels (ministries and infrastructure managers as well as supervisory, safety, and regulatory authorities).

In this context, the co-operation on the corridor Rotterdam-Genua within the framework of the “IQ-C project” and the measures implemented to improve the goods rail transport on the Brenner corridor deserve special mention.

Taking into account the following reasons:

- Rail transport in the Participatory States is characterized by very high safety standards. The safety standards are based on many years of confident co-operation between the competent authorities – the Inspectie Verkeer en Waterstaat Toezichtseenheid Rail for the Netherlands, the Eisenbahn-Bundesamt for the Federal Republic of Germany, the Bundesamt für Verkehr of Switzerland, the Federal Ministry of Transport, Innovation and Technology of Austria and the National Safety Authority/Ministry of Transport of Italy
- The principles for implementing the approval procedures for vehicles and the cross-acceptance of approval certificates are based on the basic ideas set out in the communication and the proposals for directives by the European Commission to the Council and the European Parliament of December 2006 regarding the facilitation of the movement of rolling stock across the European Union
- The present Memorandum of Understanding is completely consistent with the approach and the goals of the European Union and Switzerland. The Participatory States which are members of the European Union shall apply this Memorandum of Understanding in accordance with the EU directives 96/48/EC, 2001/16/EC and 2004/49/EC

- The goal is to intensify the current confident co-operation and accelerate and simplify the approval procedures while maintaining the high railway transport safety standards in the States concerned
- The chosen approach is not a closed shop. In the contrary the Participatory States wish to invite other European countries to follow the example

The Ministers recommend on

- applying the procedure of the competent authorities for the approval of the placing in service of rolling stock which is described in detail in the Annex to this Memorandum of Understanding;
- supervising the implementation of this Memorandum of Understanding and providing, on the basis of a proposal issued by the multilateral working group established between the experts of the competent authorities of the Participatory States, the updating of the Annex corresponding to the technical evolution.