

ECM-compliant maintenance in the GCU

**Amendments and additions to the GCU  
Proposal sheet**

**Proposed Amendment: adjustments to Article 19**

<p><b>1. Present the issue (with examples and, if possible, figures outlining the extent of the issue)</b></p> <p>In the context of the GCU, maintenance based on Appendix 10 GCU must be commissioned by the user RU. In the contract text (Article 19.5), the GCU mentions "approved workshops", but these are not further defined.</p> <p>As the ECM Regulation has in the meantime been incorporated into the COTIF (ATMF Appendix G, Annex A), the GCU (Article 19) should describe such commissioning more clearly, and should define the term "approved workshops" in order to bring the GCU into conformity with both the ECM Regulation (Regulation 445/2011) and Annex A to Appendix G (ATMF) to the 1999 COTIF.</p>	<p><b>2. Show where and why the GCU is lacking in this respect:</b></p> <p>Article 8 of EU Regulation 445/2011 (the ECM Regulation) and Annex A to Appendix G (ATMF) to the 1999 COTIF both allow for outsourcing of ECM functions (or sub-functions). Under the certification system of the ECM Regulation or of Annex A to Appendix G of COTIF, voluntary certification of the contractor creates a presumption of conformity (this refers to the relevant requirements set out in Annex III) of the subcontracting entity or shall serve as evidence as to how these requirements are (otherwise) fulfilled. The amendment/clarification of the GCU comprises two functions from the ECM Regulation and/or Annex A to Appendix G, the content of which needs to be clarified in the GCU.</p> <p>In accordance with Annex III, the fleet maintenance management function (ECM III function), specifically those parts of the function performed by the RU, includes the following:</p> <ul style="list-style-type: none"> <li>- Competence of maintenance personnel</li> <li>- Composition of work package for maintenance</li> <li>- Procedure for removal of freight wagons from operation when defects are identified</li> <li>- Inspection of maintenance work performed</li> <li>- Rules for release to service and return to operation</li> </ul> <p>Appendix 9 to the GCU already covers some of the requirements listed above (e.g. removal of wagons). With the amendment of Article 19, the other functions are also sufficiently described. Competence of maintenance personnel is also covered by amending Article 19 (approved workshops). Appendix 10 to the GCU is already in force as a binding set of regulations to the extent that repairs are commissioned or performed by an RU in the GCU framework. The keeper (GCU Article 7.2) can thus assume that an RU - as a GCU signatory - has sufficient competence to perform sub-functions in terms of subcontracting.</p>
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	<p>The sub-function of subcontracting the commissioning of maintenance is assured through proof that the RU holds a safety certificate.</p> <p>The GCU does indeed mention “approved workshops” that are covered by the RU’s safety certificate; however, no certification is demanded for maintenance.</p> <p>In order for Appendix 10 of the GCU to continue to be used, clarification of the contract text is needed.</p>
<p><b>3. Explain why the issue can only be resolved via the GCU:</b></p> <p>The issue can be resolved by adjusting the content of Article 19 of the GCU.</p>	<p><b>4. Outline why the issue should be solved as envisaged by the proposed amendment/addition:</b></p> <p>In order to realise the objectives aimed for by the ECM Regulation/Annex A to Appendix G to the 1999 COTIF within the scope of the GCU, some passages of the GCU must be adjusted and new definitions incorporated.</p> <p>The proposed amendments create a set of unambiguous GCU provisions for the vehicle fleet maintenance management and maintenance delivery functions.</p>
<p><b>5. Describe how the proposed amendment or addition will help resolve the issue:</b></p> <p>The adjustments to Article 19 containing the new definition of “approved” workshops ensure there is legal certainty between the GCU partners when commissioning and performing maintenance/repair work in the context of Appendix 10.</p> <p>Both RUs and keepers can thus meet their legal and contractual obligations.</p>	<p><b>6. Assess the possible positive and negative impacts (operations, costs, administration, interoperability, safety, competitiveness, etc.), using a scale from 1 (very low) to 5 (very high):</b></p> <p>Costs: +3          Competition: +3          Operations: +3          Interoperability: +5          Safety: +4</p>
<p><b>N.B.:</b></p> <p>The keeper and his ECM must agree on a rule whereby, sub-contracting of the necessary measures to a GCU signatory RU is possible in a GCU context.</p> <p>The RU and the workshops he employs must agree on a rule whereby the currently-valid version of the GCU is to be applied and that this must be demonstrated if requested.</p>	

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**7. Proposed wording (amendment in blue)*****Amendment of the GCU - Article 19:*****Article 19.4 – valid from: 01 July 2019**

The RU that initiated the maintenance in accordance with Appendix 10 shall check whether and to what extent the work requested has been completed on the basis of information received from the workshop. Any restrictions on use (e.g. fitness to run, fitness for service) that become apparent after the repairs must be documented by the RU.

On completion of the repairs and failing any specific instructions from the keeper, the RU shall forward the wagon to the destination station for which it was initially bound.

**Article 19.5 – valid from: 01 July 2019**

In cases where the RU carries out measures in application of the provisions of Appendix 9, it shall do so with qualified staff and all due care. In the context of the preceding provision, “qualified staff” (operations staff) means staff possessing the competences and authorisations to take corrective measures, described in the RU’s safety management system (SMS).

Repair work in application of the provisions of Appendix 10 may only be performed by approved workshops.

Approved workshops are:

- a) Workshops which have a valid certificate for an entity in charge of maintenance (ECM certificate) containing the maintenance delivery function as a minimum,  
and
- b) are listed in the European Railway Agency Database of Interoperability and Safety (ERADIS)  
and
- c) which are conversant with Appendices 7, 9, 10 and 13 to the GCU and instruct their employees on changes to the GCU on a regular basis.

The RU or his auxiliary must inform the keeper of the work performed, using the codes provided in Appendix 10, Annex 6.