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Valenciennes 23/01/2020

## Line to take

### *Clarification about transitory measure for the uploading of EC Certificates, ISV and declarations information to ERADIS*

	<i>Drafted by</i>	<i>Validated by</i>	<i>Approved by</i>
<i>Name</i>	R. DAYEZ	A. GIGANTINO	T. BREYNE
<i>Position</i>	Team Leader	Head of Unit	Head of Unit
<i>Date</i>	23/01/2020	23/01/2020	23/01/2020
<i>Signature</i>	<i>(signed)</i>	<i>(signed)</i>	<i>(signed)</i>

<i>Version</i>	<i>Date</i>	<i>Comments</i>
1.0	09/07/2019	Initial version
1.1	10/07/2019	To explicitly cover all EC certificates issued by NoBos
1.2	11/07/2019	Reference to manufacturers declarations
2.0	23/01/2020	Extension temporary measure to end of 2020

*The purpose of this document is to provide applicants and other external stakeholders of the vehicle authorisation business with information in regards to the specific topic referenced in the title. The clarifications contained in this document may be integrated in the next revision of the guidelines for the practical arrangements for the vehicle authorisation process, without prejudice of the formal process foreseen for updating the guideline. The present document is a non-legally binding guidance of the European Union Agency for Railways. It is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.*

## 1. Description of the issue

Article 50(2) of Regulation (EU) 2018/545 requires the authorizing entity to ensure that ERADIS has been updated as appropriate before delivering a vehicle type authorisation and/or vehicle authorisation for placing on the market.

The Agency developed with the support of NB Rail a new module in ERADIS that hosts EC Certificates and ISV information. This functionality is available in ERADIS since November 2018.

Applicants for authorisation for placing on the market of vehicles and/or vehicle types may face the problem that the relevant EC certificates of verification and/or certificates of conformity or suitability for use (type 1, 2, 4, 5, 6 and 7) issued by the Notified Bodies (NoBos) or manufacturers declarations of conformity and suitability of use of interoperability constituents (ICs) have not been uploaded by these NoBos or manufacturers to the corresponding ERADIS module.

The Agency proposed as temporary mitigation measure in the previous version of this line to take (ERA1209/006 v1.2) to allow applicants facing the problem referred to in the previous paragraph to upload to ERADIS the relevant EC certificates and declarations as attached documents in the dedicated ERADIS “EC declaration” module.

In January 2020, the Agency has evaluated the status of the fulfillments by the NoBos and the manufacturers of ICs of their obligations to upload to ERADIS their EC certificates and declarations as well as the results of the implementation of the temporary mitigation measures proposed by the Agency in its line to take ERA1209/006 v1.2.

Positive improvements in the recording of these certificates and declarations have been seen but some applicants for authorization for placing on the market of vehicles and/or vehicle types are still facing difficulties due to the fact that some certificates and/or declarations have not yet been properly uploaded in ERADIS.

Taking into account the efforts already done by applicants and their NoBos and contractors and in order to ensure an equal treatment for applicants, NoBos and manufacturers mainly active in Member States transposing in June 2020, the Agency has decided to extend the validity of the temporary mitigation measure until the end of 2020.

## 2. Line to take

In such cases, as first step, the applicants are invited to:

- *ask the NoBos of subsystem concerned to upload the EC certificates to ERADIS.*
- *ask the NoBos of ICs concerned to upload the EC certificates to ERADIS.*
- *ask the manufacturer of ICs concerned to upload the EC declaration(s) of conformity and suitability for use of ICs to ERADIS*

This will foster transparency through the appropriate population of ERADIS, as foreseen by the applicable EU legislation.

If, for justified reasons, the NoBos or manufacturer of ICs concerned have not uploaded to ERADIS the appropriate documents mentioned above, it is proposed, as a temporary mitigation measure, that the applicants facing this problem inform the Agency in writing (in the application or by replying to the issue raised in the OSS) and then exceptionally upload to ERADIS the relevant EC certificates and declarations as

attached documents in the dedicated ERADIS “EC declaration” module, initially designed to allow applicants to upload their EC declarations (of verification of subsystems, of suitability for use/conformity of IC).

The Agency shall consider this practice as means of fulfilling the conditions of Article 50(2) of Regulation (EU) 2018/545 until the end of 2020.