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Clarification note

Sectoral scheme for accreditation and recognition of ECM certification bodies under the Commission Implementing Regulation (EU) 2019/779

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Document History

<i>Version</i>	<i>Date</i>	<i>Comments</i>
0.1	01/04/2020	First draft for internal validation and approval
0.2	08/04/2020	Final internal version
1.0	23/04/2020	Final version after Commission consultation
2.0	25/05/2020	Version after EA comments

The purpose of this document is to provide ECM certification bodies and other external stakeholders involved in the maintenance of vehicles with information in regards to the specific topic referenced in the title. The recommendation contained in this document may be integrated as the transitional measure for implementation of the sectorial scheme for accreditation and recognition of ECM certification bodies under Commission Implementing Regulation (EU) 2019/779.

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. Purpose of this document

This clarification aims at setting up a provisional system of accreditation and recognition of ECM certification bodies in the application of the Commission Implementing Regulation (EU) 2019/779 between 16 June 2020 and 16 June 2021. These transitional provisions should in future become part of the EA resolution.

2. Legal background

Article 15 of the Commission Implementing Regulation (EU) 2019/779 contains the transitional provisions for accreditation and certification. Paragraph 1 of this article states that *“Certification bodies accredited or recognised pursuant to Regulation (EU) No 445/2011 shall be deemed accredited or recognised in accordance with this Regulation under the conditions for which those certification bodies have been accredited or recognised.”* This means that certification bodies remain accredited or recognised for the certification of ECMs and separate maintenance functions for **freight wagons**, being the scope of the Regulation (EU) No 445/2011. There is no specific provision related to **other categories of vehicles**, which were out of the scope of the Regulation (EU) No 445/2011.

3. Description of the issue

In order to allow time to prepare the specific sectoral accreditation scheme, mentioned in Articles 6(3) and 12, covering the new scope of application of accreditation and recognition, the time period between the entry into force and the application of the Commission Implementing Regulation (EU) 2019/779 was one year. Since July 2019, the Agency has organised a specific task force to revise the previous sectoral accreditation scheme in line with the requirements of the new Implementing Regulation. This revised document will support the harmonised system of certification through the provision of the sectoral accreditation scheme. This scheme was sent to European Cooperation for Accreditation (EA) for validation in February 2020.

The Sector is facing a problem. While the revised accreditation scheme will be ready for application on time, i.e. as of 16 June 2020, the current situation with the global outbreak of coronavirus means it will not be possible to have the sectoral accreditation scheme validated by EA before June 2020. Therefore, the National Accreditation Bodies will face possible difficulties to renew or issue new accreditations of the ECM certification bodies for the new scope of application defined in the Commission Implementing Regulation (EU) 2019/779 – i.e. for vehicles other than freight wagons. Consequently, the certification bodies will not have the possibility to issue certificates.

4. Recommendation

The revised sectoral accreditation scheme, as sent to EA and annexed to this note, is not fundamentally different from the existing previous one. The majority of the modifications come from the new versions of standards, which had to be taken into account.

The revised sectoral accreditation scheme includes also requirements on competencies related to subsystems of other categories of vehicles.

However, it should be noted that for several years the current ECM certification bodies have been issuing attestations of conformity with the Regulation (EU) No 445/2011 for other categories of vehicles. According to the transitional provisions defined in Article 15 paragraphs 2, 3 and 4 of the Commission Implementing Regulation (EU) 2019/779, these attestations remain valid and should be recognised as being equivalent to the ECM certification.

Therefore, the accreditation scheme for Regulation (EU) No 445/2011 should remain valid for the purpose of accrediting or recognising certification bodies under Regulation (EU) 2019/779 as regards freight wagons and other vehicles for a limited period of time (until 16 June 2021).

Accordingly with the above, the Agency provides the following recommendation:

Between 16 June 2020 and 16 June 2021, under Article 6(3) of Commission Implementing Regulation (EU) 2019/779, certification bodies may comply with either the previous or the new accreditation scheme.

That means that the certification bodies accredited or recognised or NSAs acting as ECM certification bodies in accordance with the sectoral accreditation scheme for Regulation (EU) No 445/2011, should be deemed accredited or recognised to perform the activity of certification also for the scope of other categories of vehicles until 16 June 2021.

The scope of activities of ECM certification bodies compliant with the sectoral accreditation scheme for Regulation (EU) No 445/2011 should be automatically extended to all vehicle categories but with a time limited validity (until 15 June 2021).

As of 16 June 2021, certification bodies should be accredited or recognised in accordance with the new sectoral accreditation scheme in order to be able to perform the activity of certification also for the scope of other categories of vehicles.

This recommendation should be reflected in the EA resolution

5. Governance of this recommendation

This recommendation should be integrated in the revised accreditation scheme referred to in Article 6(3) of Commission Implementing Regulation (EU) 2019/779 and published by EA.

The Agency will organise an exchange of experience of this clarification via the Cooperation of ECM certification bodies provided by the Article 6(6) of the Commission Implementing Regulation (EU) 2019/779.

The Agency will publish in the ERADIS database the list of ECM certification bodies deemed accredited or recognised to perform the activity of certification also for the scope of other categories of vehicles.

Certification bodies delivering ECM certification for 'other vehicles' after 16 June 2021 will be required to hold accreditation or recognition for the scope of 'other categories of vehicles'.

Certification bodies accredited to deliver freight wagon certification against the requirements of Regulation EU 445/2011 will be automatically recognised to deliver ECM certification of 'other categories of vehicles' with immediate effect. Certificates related to 'other categories of vehicles' will need to include a statement declaring the certification is issued under the transition arrangements of ERA 1172-001 without formal accreditation/recognition.

National Accreditation/Recognition Bodies will need to conduct a transition assessment to validate the suitability of the Certification body competence and process to deliver ECM certification within the scope of 'other categories of vehicles'. Upon grant of accreditation/recognition for 'other categories of vehicles' ERADIS will be updated to record the technical scope of the Certification body to include 'other categories of vehicles'. Schedules of accreditation/recognition will not be updated to include 'other categories of vehicles' until a satisfactory transition assessment has been completed.