



<b>Cross Acceptance Unit</b>	
<b>REFERENCE DOCUMENT PART 3: AUSTRIA</b>	
<b>NATIONAL LEGAL FRAMEWORK APPLIED IN CONJUNCTION WITH THE AUTHORISATION OF RAILWAY VEHICLES IN ACCORDANCE TO ART.27 OF DIRECTIVE 2008/57/EC IN AUSTRIA</b>	
<b>DOCUMENT TYPE:</b>	TECHNICAL DOCUMENT
<b>VERSION:</b>	1.6.1

	<b>Edited by</b>	<b>Approved by</b>
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<b>Date &amp; Signature.</b>	28/11/2012 	3.12.2012 

### **Background information**

The 3 sheets: Back Info-General, Back Info - Roles and Resps, and Back Info - Timeframe shall be filled in with the relevant information.

The cells coloured in:  are those to be filled in.




### **Additional information**

Additional information to the flowcharts is requested where the objects are bordered with a thick black line. Reference N° of these objects have been introduced.

The 7 sheets: Stage 1, Stage 2, Stage 3, Stage 4, Stage 6, Stage 7 and Stage 8 shall be filled in with the relevant information.

The cells coloured in:  are those to be filled in.

### **Colour coding from the flowcharts**

	legal option
	non mandatory/commom practice
	legal option at the national level

Contact details for National Legal Framework						
Reporting country	Organisation Name	Office phone number				
Austria	Bundesministerium für Verkehr, Innovation und Technologie Oberste Eisenbahnbaubehörde Abteilung: IV/Sch2					
Contact name	E-mail	Mobile phone number				
Gerald Wurmitzer	<a href="mailto:Gerald.Wurmitzer@bmvit.gv.at">Gerald.Wurmitzer@bmvit.gv.at</a>					
Erich Simetzberger	<a href="mailto:erich.simetzberger@bmvit.gv.at">erich.simetzberger@bmvit.gv.at</a>					
Michael Köstinger	<a href="mailto:michael.koestinger@bmvit.gv.at">michael.koestinger@bmvit.gv.at</a>					

	Is there (Yes/No)	Classification: (general, specific, detailed)	Detailed reference of the rule(s)	Language(s) that the rule(s) are available in	MSS	
Interoperability Directive transposed	Yes	N/A	Eisenbahngesetz 1957 - EISBG idgF	DE + EN *		
National guideline	Yes	N/A	<a href="http://www.bmvit.gv.at">www.bmvit.gv.at</a> Authorisation of Railway Vehicles under Railway Law Edition 2008	DE + EN *		
Additional authorisation required	No	N/A	§ 41 EISBG	DE + EN *		
Definitions:	Vehicle type	general	§ 32 and § 32a to e EISBG	DE + EN *		
	Time validity of a type	N/A	§ 32d EISBG	DE + EN *		
	Upgrading	detailed	VgEV	DE + EN *		
	Renewal	detailed	VgEV	DE + EN *		
Specific national arrangements for on track tests	Yes	general	§ 32e EISBG, § 36 (4)1	DE + EN *		
Coordination with other MSs	Procedure for simultaneous application	Yes	detailed	MoU § 106 EISBG	DE + EN *	DE, IT, NL, CH

	Is there (Yes/No)	Amount (Euro)	Conditions (fixed/hourly rate)	Detailed reference of the rule	Language(s) that the rule(s) are available in
To obtain the National guideline	No				
For the acknowledgement of receipt of application	No				
For issuing authorisation	Yes	€14,30 + € 100 to € 600 + € 30,10	Fixed fee/application + fee/page of annexes + fee/issued authorisation	<a href="http://www.bmvit.gv.at">www.bmvit.gv.at</a> BMVIT 350.302/0002-IV/SCH/2008	DE
For refusal of authorisation	Yes	€14,30 + € 100 to € 600 +	Fixed fee/application + fee/page of annexes	<a href="http://www.bmvit.gv.at">www.bmvit.gv.at</a> BMVIT 350.302/0002-IV/SCH/2008	DE
For the appeal procedure to NSA	Yes(1)	€ 14,30 + Annex	Fixed fee/application + fee/page of annexes	<a href="http://www.bmvit.gv.at">www.bmvit.gv.at</a> BMVIT 350.302/0002-IV/SCH/2008	
For the appeal procedure to Appeal Body	Yes	€ 220	fixed	§17a of VfGG §24 of VwGG	DE
For the NSA acting as assessment body (DeBo/CSM)	No				
For NSA issuing certificates (DeBo/CSM)	No				

(1) only when an appeal is lodged against LSA refusal

\*not official translations, version of the document is not consolidated

The following roles/actors might be involved in the authorisation procedure for the placing in service of vehicles: applicant, RU, IM, keeper, NoBo, DeBo, NSA, MS, Assessment body (CSM) and others (laboratories, etc.).

Requirement on the actor for the role	Applicant	IM	NoBo	DeBo	NSA	MS	Assessment Body (CSM)	Appeal Body	Track access body	Other(*)
Detailed reference of the rule(s)	No	§ 19 EisbG § 59 (1) to (2) EisbG; § 38 to 38d EisbG; § 39 to 39c EisbG	§ 92 (1) to (2) EisbG	§32.b	§12.7 EisbG	EisbG 12.(3) 1 and 7	CSM Regulation 352/2009	VwGH VfGH	§ 59.1	
Language(s) that the rule(s) are available in:		DE + EN*	DE + EN *	DE + EN *	DE + EN *	DE + EN *	All EU languages	DE	DE	
List of acceptance criteria	No restrictions	§ 14 EisbG, § 15 EisbG § 51 Bundesbahngesetz	Akkreditierung BMWJF	§ 32a (6) Z1 to Z6 EisbG § 40 EisbG	Nominated by law	Nominated by law	Annex II of CSM Regulation 352/2009	Nominated by law	§ 62.1	
List of actors entitled to act as:	No restrictions	A	A	Anyone who fulfills the criteria	BMVIT	BMVIT	Anyone who fulfills the requirements	Supreme Administrative Court Constitutional Court	<a href="#">OBB</a> <a href="#">List of other</a> <a href="#">IMs</a>	

(\*) please describe the role and legal basis for the involvement of any "other" actor not mentioned in the Interoperability and Safety Directives

\*not official translations, version of the document is not consolidated

Is there a National timeframe	Specify timeframe	Detailed reference of the rule(s)	Language(s) that the rule(s) are available in
For new authorisation case after upgrading/renewal: for MS/NSA to make decision according to Art.20.1 of Directive 2008/57/EC	6 months	§ 73 AVG	DE
For all authorisation cases where there is a refusal of authorisation according to Art 21.7 of Directive 2008/57/EC:	Request for review of the refusal by the applicant to the NSA	No	
	Maintain of the refusal by the NSA	No	
	Request for review of the refusal by the applicant to the appeal body – Possible opinion of the Agency if required by the appeal body	6 weeks	§ 26 VwGG / § 82 VfGG
For additional authorisation case of TSI conform vehicles	NSA decision to be taken as soon as possible and not later than, according to Art. 23.7 of 2008/57/EC:	N/A(1)	
	(a) after submission of the authorisation file		
	(b) after provision of any additional information requested by the national safety authority, where applicable		
For additional authorisation case of non-TSI conform vehicle	NSA decision to be taken as soon as possible and not later than, according to Art. 25.5 of 2008/57/EC :		
	(a) after submission of the authorisation file		
	(b) after provision of any additional information requested by the national safety authority, where applicable		
For all additional authorisation cases: TSI and non-TSI conform vehicles	For tests/checks (including network compatibility) with the identified actors, in particular the IM, to take place not later than, according to Art. 23.6 and Art.25.4 of Directive 2008/57/EC		
	when there is a deemed authorisation according to Art.21.8 of Directive 2008/57/EC		

(1) - not applicable as long as there is no need for additional authorisation.

Reference No in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
1.I	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	No	
1.III	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	No	
1.IV	Is a new authorisation required for the project?	The criteria for a new authorisation	VgEV; § 36 (1) Z2 EibG; § 36 (2) EibG	DE + EN*

\*not official translations, version of the document is not consolidated

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
2.I	Request for track access to run on track test, when necessary	Procedure for establishing the conditions to run on track tests	§ 36 (4) and 59 EisbG	DE + EN*
2.II	Compile pre-engagement baseline	Procedure for establishing pre-engagement baseline	§32a+32b + 106 EisbG; §9b EisbG	DE + EN*

\*not official translations, version of the document is not consolidated

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
3.I	Perform verification (including tests and on track tests where necessary) against applicable TSIs and NRs, and establish evidences	The requirements for evidences	§ 32 a (3) EisbG;	DE + EN *
3.II	Perform verification of conformity to type, and establish evidences	The requirements for evidences	§ 35 (2) EisbG	DE + EN *
3.III	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	No	
3.IV	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	1.§ 32 a (3) EisbG; GZ. BMVIT-2.350.302/0002-IV/SCH2/2008 Annex 2	1. &2. DE + EN *
3.V	Apply CSM Regulation for safe integration	The requirements for risk assessment	1. § 9 EisbG; CSM Regulation 2. 352/2009	1. DE 2. All EU languages
3.VI	Provide certificate(s) from assessment against applicable TSIs requirements to applicant	The requirements for evidences	§ 103 (3) EisbG	DE + EN *
3.VII	Provide certificate(s) from assessment against applicable NRs requirements to applicant	The requirements for evidences	§ 32a (3) EisbG;	DE + EN *
3.VIII	Provide safety assessment report to applicant	The requirements for the content of the safety assessment report	<a href="http://www.bmvit.gv.at/verkehr/eisenbahn/sicherheit/gmethoden/index.html">http://www.bmvit.gv.at/verkehr/eisenbahn/sicherheit/gmethoden/index.html</a>	DE

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Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the	Language(s) that the rule(s) are available in
4.1	Decision on the remedial action?	Possible remedial actions: Alternative method, Design modification, Change of the conditions of use/restrictions,and	No	
		The criteria for decision on the remedial action.	No	

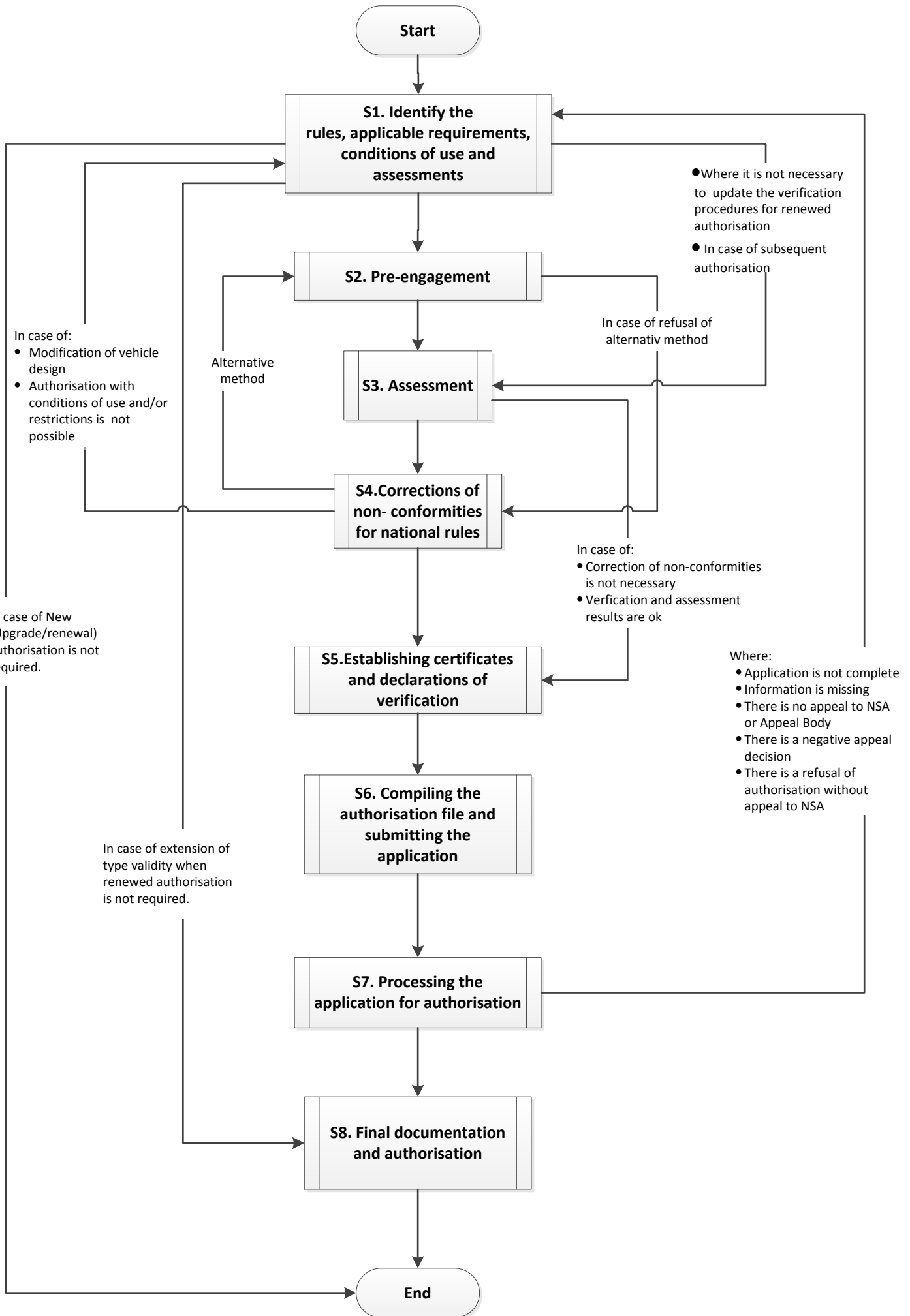
Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
6.I	<ul style="list-style-type: none"> <li>- Make a copy of the initial technical file (previous authorisation(s))</li> <li>- Collect records on operation and technical modifications</li> </ul>	Requirements for the content of the authorisation file (including the "technical files") : - If there is a clear check list to be adhered to when compiling the authorisation file	N/A	
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	N/A	
6.II	Identify the content of the technical file for the DeBo(s) part	Requirements for the content of the authorisation file (including the "technical files") : - If there is a clear check list to be adhered to when compiling the authorisation file	N/A	
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	N/A	
6.III	Identify the content of the technical file for the Assessment body (CSM) part	Requirements for the content of the authorisation file (including the "technical files") : - If there is a clear check list to be adhered to when compiling the authorisation file	N/A	
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	N/A	
6.IV	Compile the authorisation file	The requirements and the content for the official application	§§ 32a+41 EISbG	German
6.V	Identify the format and documentation of the application for authorisation: <ul style="list-style-type: none"> <li>- Vehicle type and/or</li> <li>- Vehicle placing in service</li> </ul>	The requirements and the content for the official application	§§ 32a EISbG	German
6.VI	Submit the official Application for authorisation	Time frame for the submission of the official application from the pre-engagement baseline, if any	No	

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
7.I	Acknowledge receipt of application	The requirements for the acknowledgement of the receipt of application	ELAK	
7.II	Declare the vehicle deemed authorised	The requirements for deemed authorisation	N/A	
7.III	Is there an appeal to NSA?	The requirements for appeal to NSA	No	
		The requirements for the content of justification of appeal to NSA	No	
		The requirements for launching appeal to the appeal body	VwGG, VfGG	German
7.IV	Issuing the authorisation	The requirements for issuing authorisation	§ 32b EisbG §§ 35 and 105	German
7.V	Identify conditions for archiving the authorisation file	The requirements for NSA archiving the authorisation file	ELAK	German

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
8.I	Forms for: - authorisation for placing in service of vehicle(s) and - authorisation for type of vehicle	The format of issued authorisation (of vehicle type and of placing in service of vehicle)	Bescheid § 32c and d EiszG § 58 to 62 AVG	German
8.II	Form for authorisation for type of vehicle	The format of issued authorisation of vehicle type	Bescheid § 32c and d EiszG § 58 to 62 AVG	German
8.III	Inform ERA on deemed vehicle type authorisation	The procedure for informing the Agency on deemed vehicle type authorisation	No	

**Annex A: Master diagram**  
**Process for Authorisation for placing in service of vehicles and/or type of vehicles**

Version 1.6.1 - AT



Non mandatory / Common practice

Legal option

AT Legal option

R: Recommendation 2011/217/EU  
ID: Interoperability Directive 2008/57/EC  
CSM: CSM Regulation 352/2009

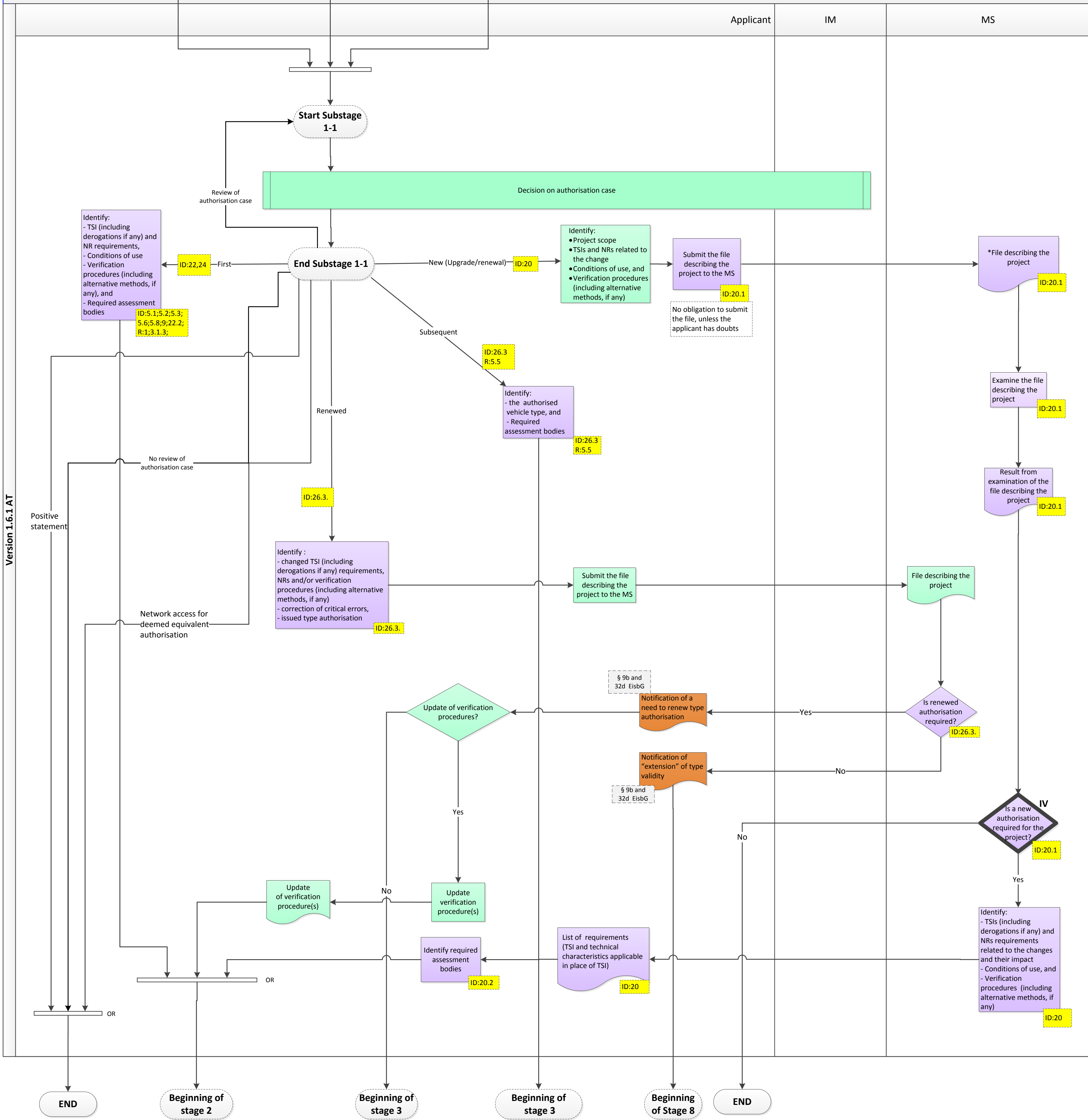
\* The timeline starts from the moment the complete file has been submitted by the applicant

EisbG: Eisenbahngesetz 1957 - EisbG idgF

End of stage 4  
Where:  
• there is a modification of vehicle design, or  
• authorisation with conditions of use and/or restrictions is not possible

End of stage 7 where:  
• the application is not complete, or  
• there is a negative appeal decision, or  
• there is a refusal of authorisation without appeal

### Stage 1 – Identify the rules, applicable requirements, conditions of use and assessments



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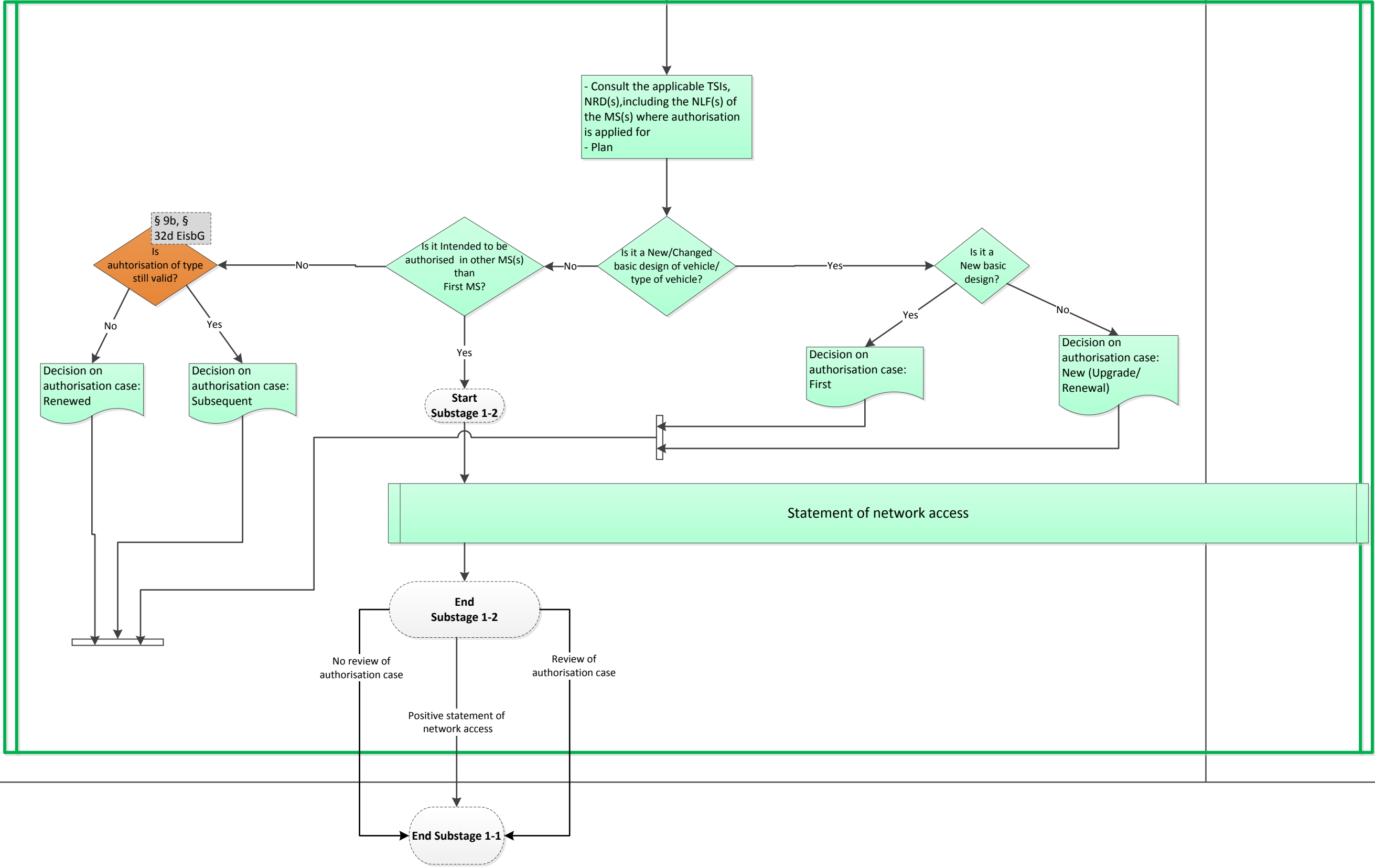
Non mandatory/  
Common practice

Stage 1 - Identify the rules, applicable requirements, conditions of use and assessments – Substage 1: Decide on authorisation case

Applicant

IM

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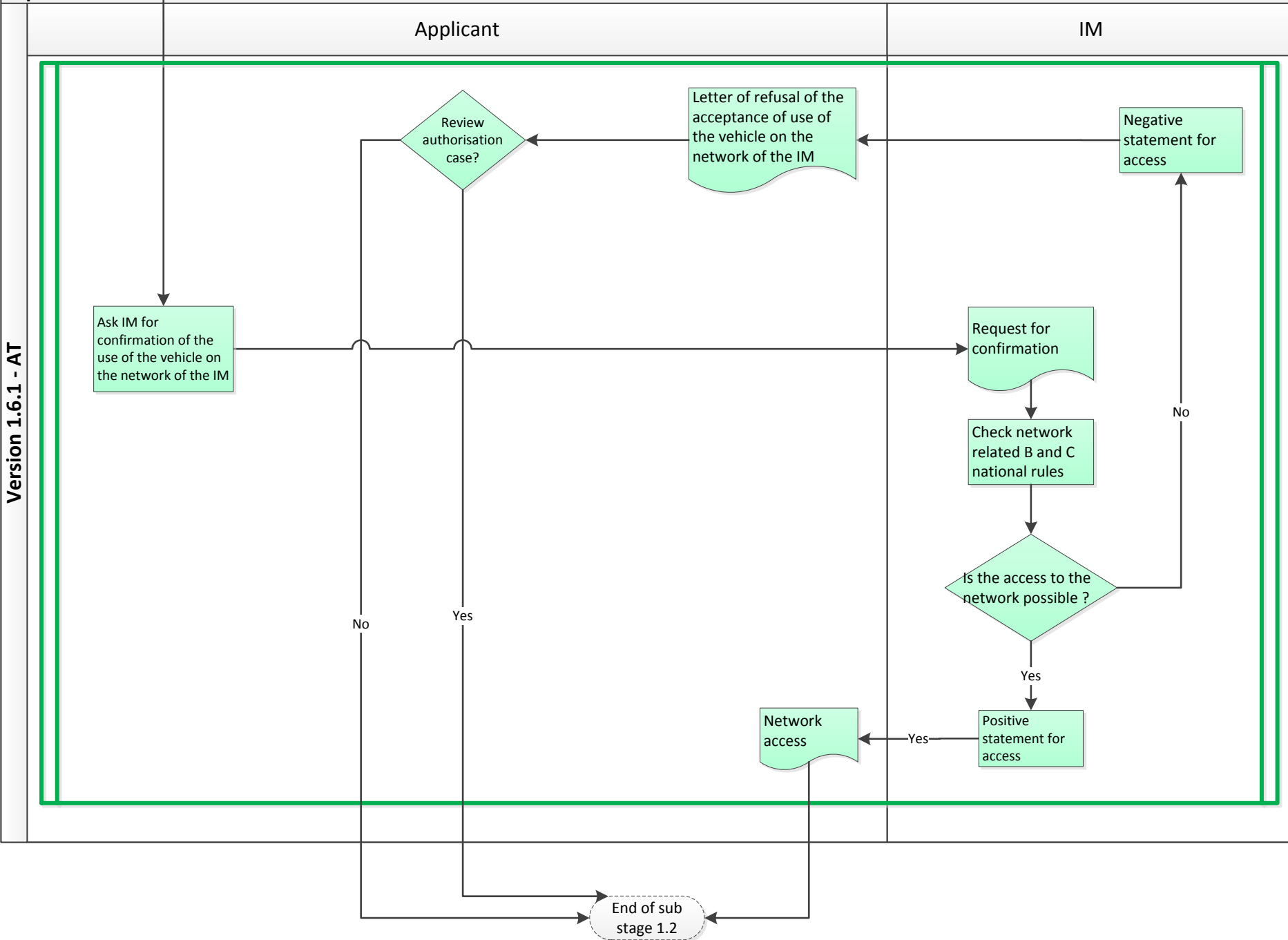


Start  
Substage 1-2

Non mandatory/  
Common practice

# Annex B

## Stage 1 - Identify the rules, applicable requirements, conditions of use and assessments – Substage 2: Network access for deemed equivalent authorisation





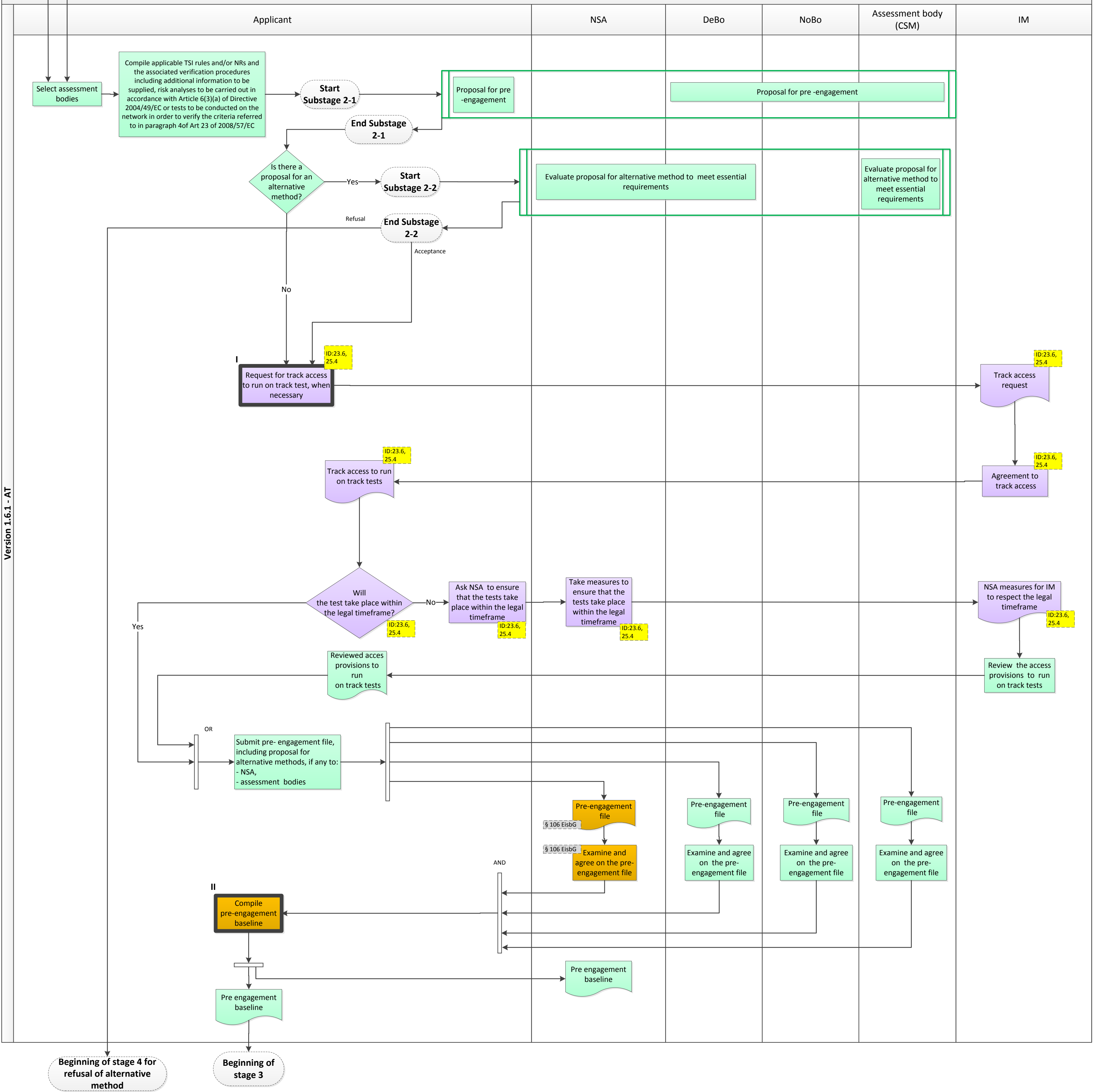
Non mandatory /  
Common practice

Legal option

National legal  
option

R: Recommendation 2011/217/EU  
ID: Interoperability Directive 2008/57/EC  
CSM: CSM Regulation 352/2009  
EisbG: Eisenbahngesetz 1957 -  
EisbG idgF

### Stage 2 – Pre-engagement



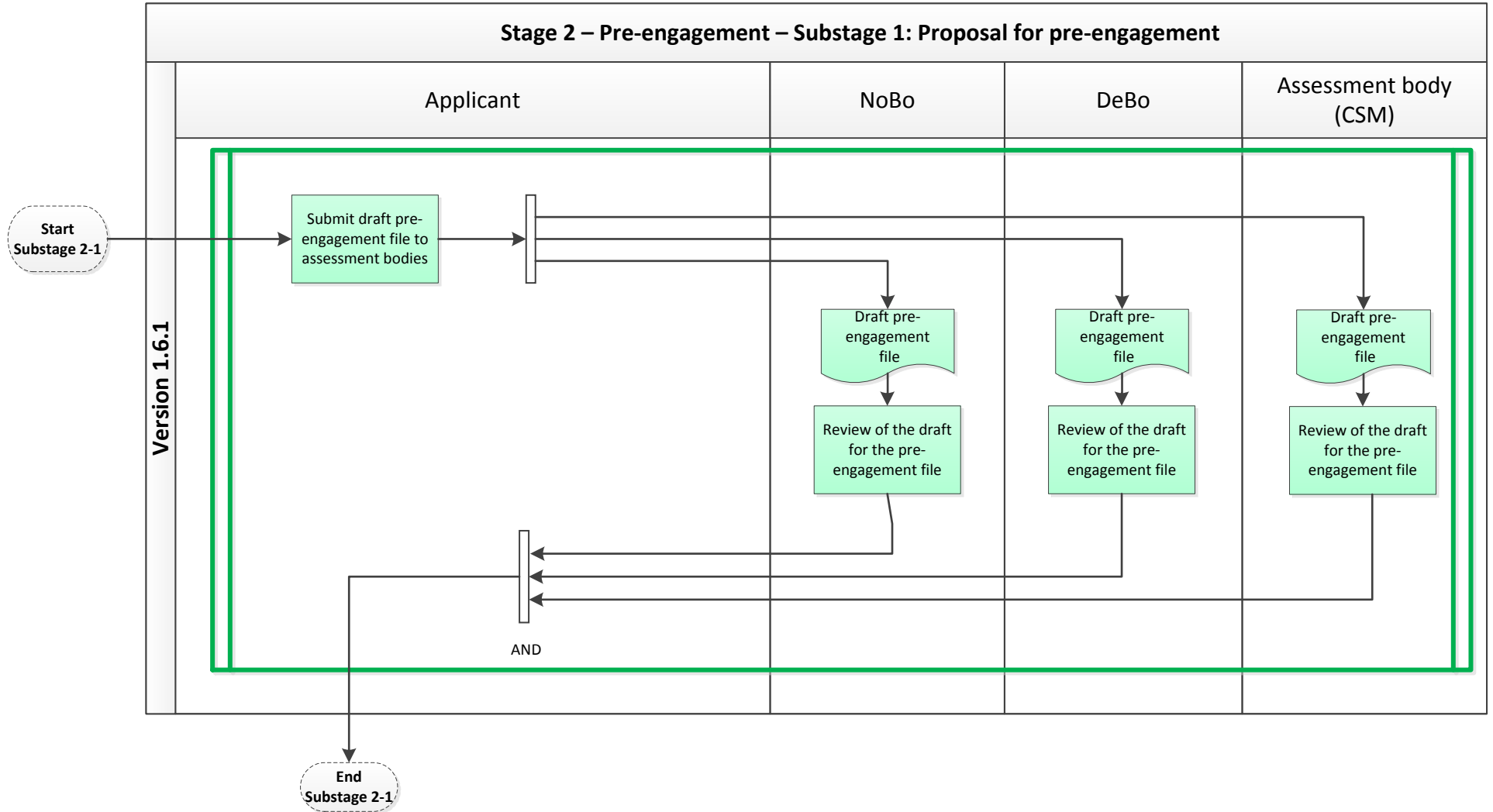
Beginning of stage 4 for  
refusal of alternative  
method

Beginning of  
stage 3

Non mandatory/  
Common practice

# Annex C

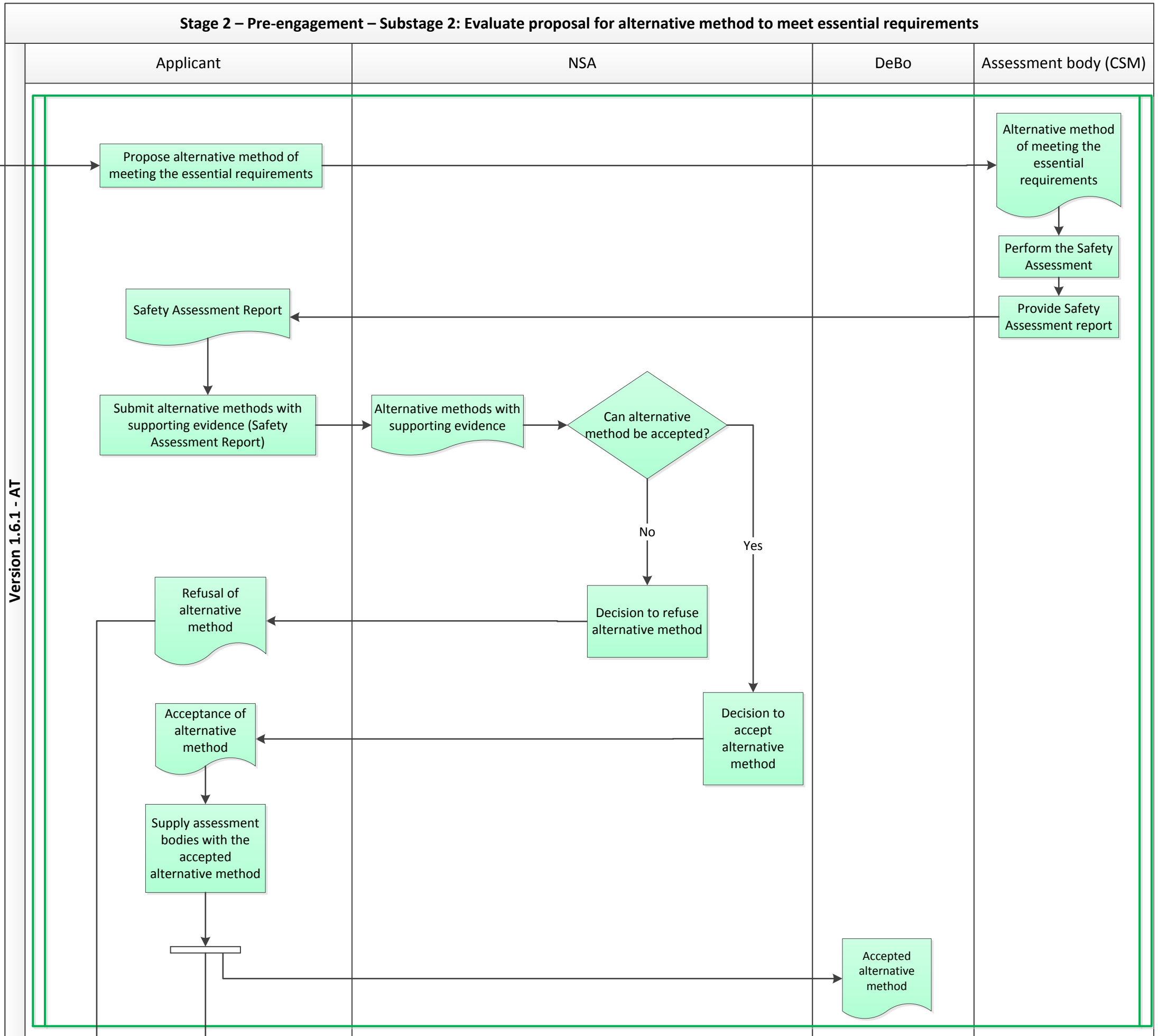
## Stage 2 – Pre-engagement – Substage 1: Proposal for pre-engagement



Stage 2 – Pre-engagement – Substage 2: Evaluate proposal for alternative method to meet essential requirements

Start  
Substage 2-2

Version 1.6.1 - AT



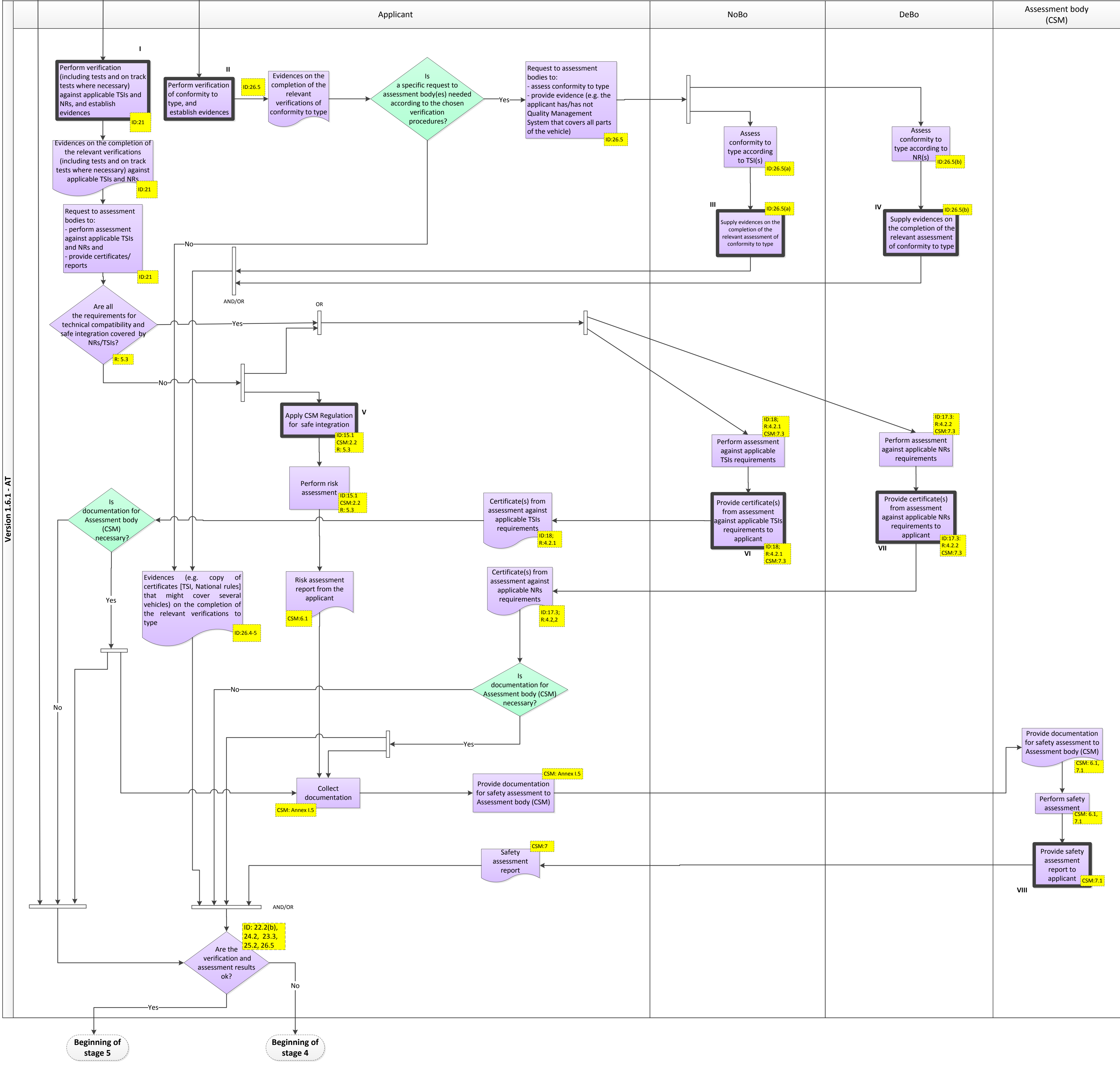
End substage 2-2

End of stage 1 for renewed  
without update of verification  
procedures

End of stage 2 for  
all other  
authorisation cases

End of Stage 1  
only for subsequent  
authorisation case

### Stage 3 - Assessment



Version 1.6.1 - AT

End of stage 3

Stage 2 for refusal of alternative method

Non mandatory/  
Common practice

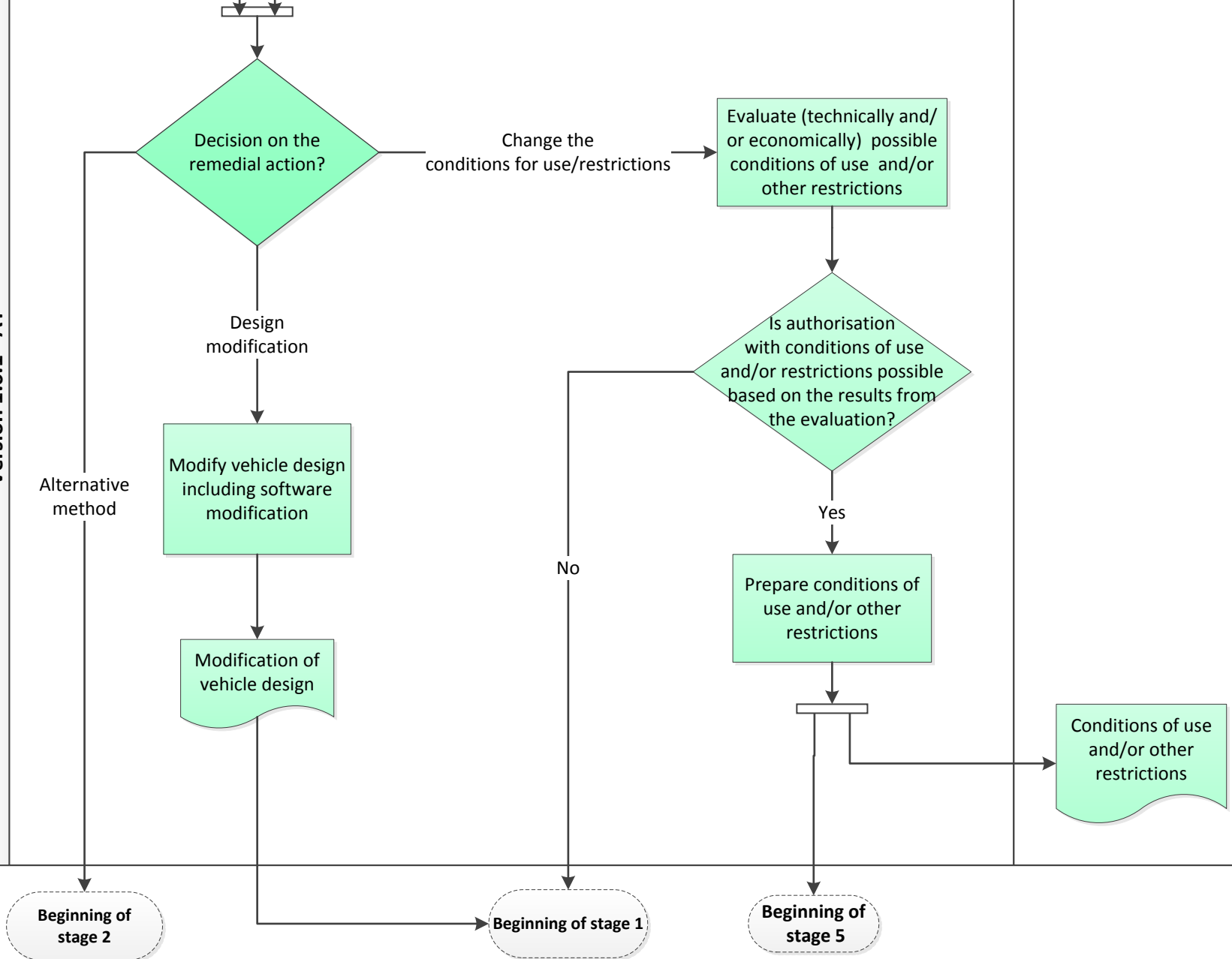
# Annex E

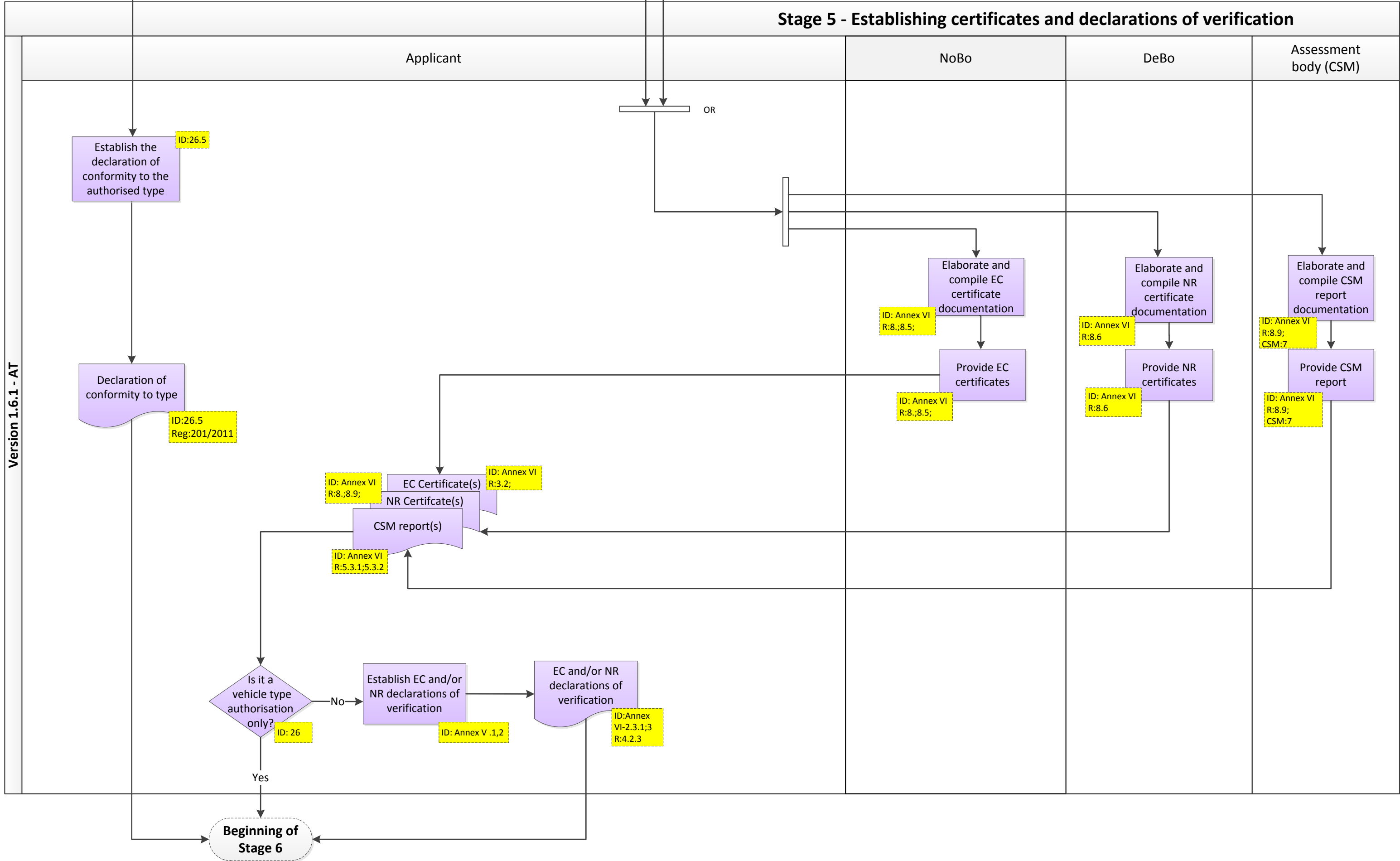
## Stage 4 - Correction of non-conformities

Applicant

DeBo

Version 1.6.1 - AT





End of stage 5

### Stage 6 - Compiling the authorisation file and submitting the application

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Applicant

NSA

**IV**

Compile the authorisation file

ID: 23.3, 25.2

Authorisation file

ID: 23.3, 25.2



Archive authorisation file

ID: Annex VI-2.6

Archived authorisation file

ID: Annex VI-2.6

**V**

Identify the format and documentation of the application for authorisation:

- Vehicle type and/or
- Vehicle placing in service

ID:21.6;23.7;25.5  
Annex VI:2.6  
R:8.1;

**VI**

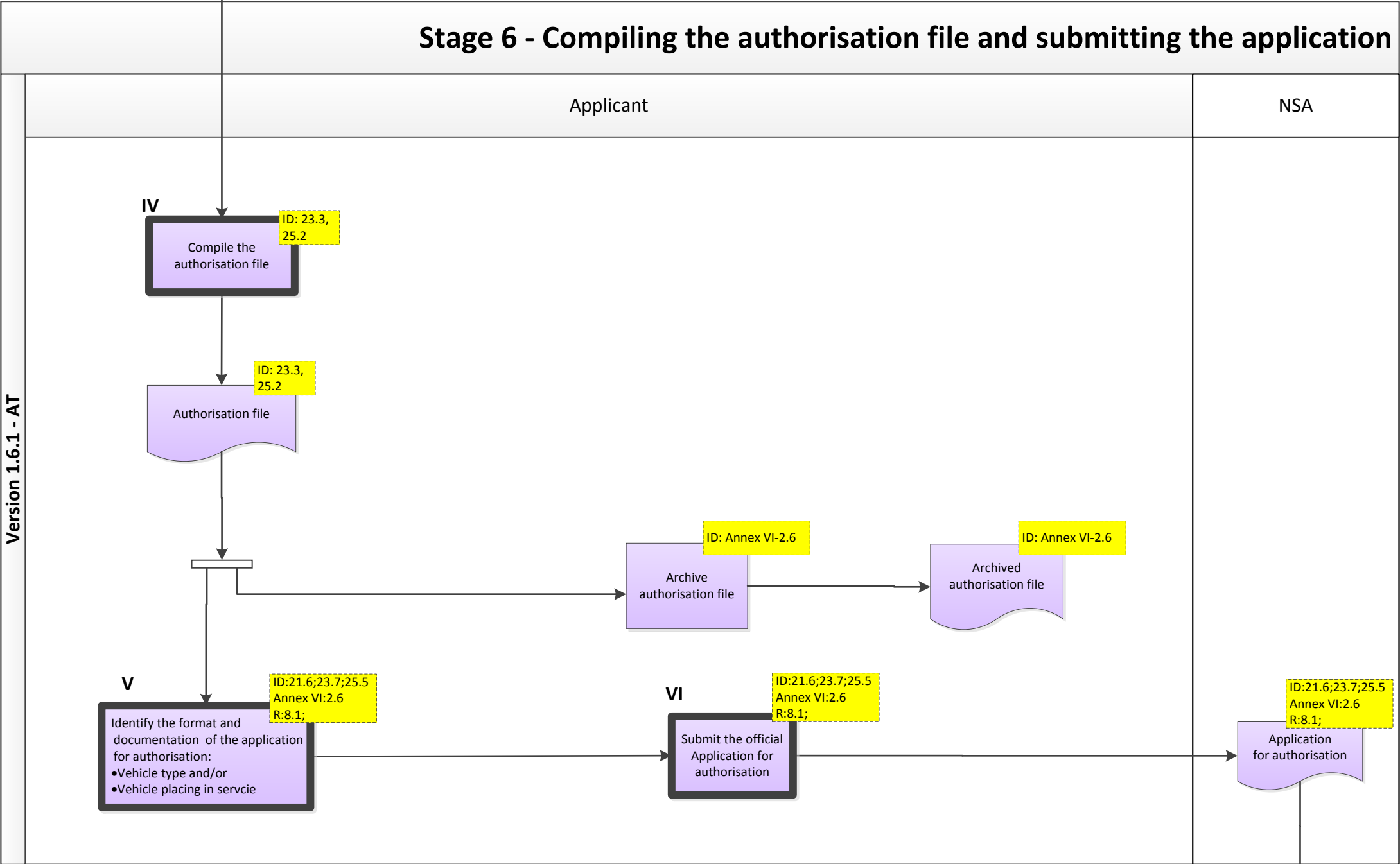
Submit the official Application for authorisation

ID:21.6;23.7;25.5  
Annex VI:2.6  
R:8.1;

Application for authorisation

ID:21.6;23.7;25.5  
Annex VI:2.6  
R:8.1;

Beginning of stage 7



(\*The timeline starts from the moment the application has been acknowledged)

End of stage 6

Legal option

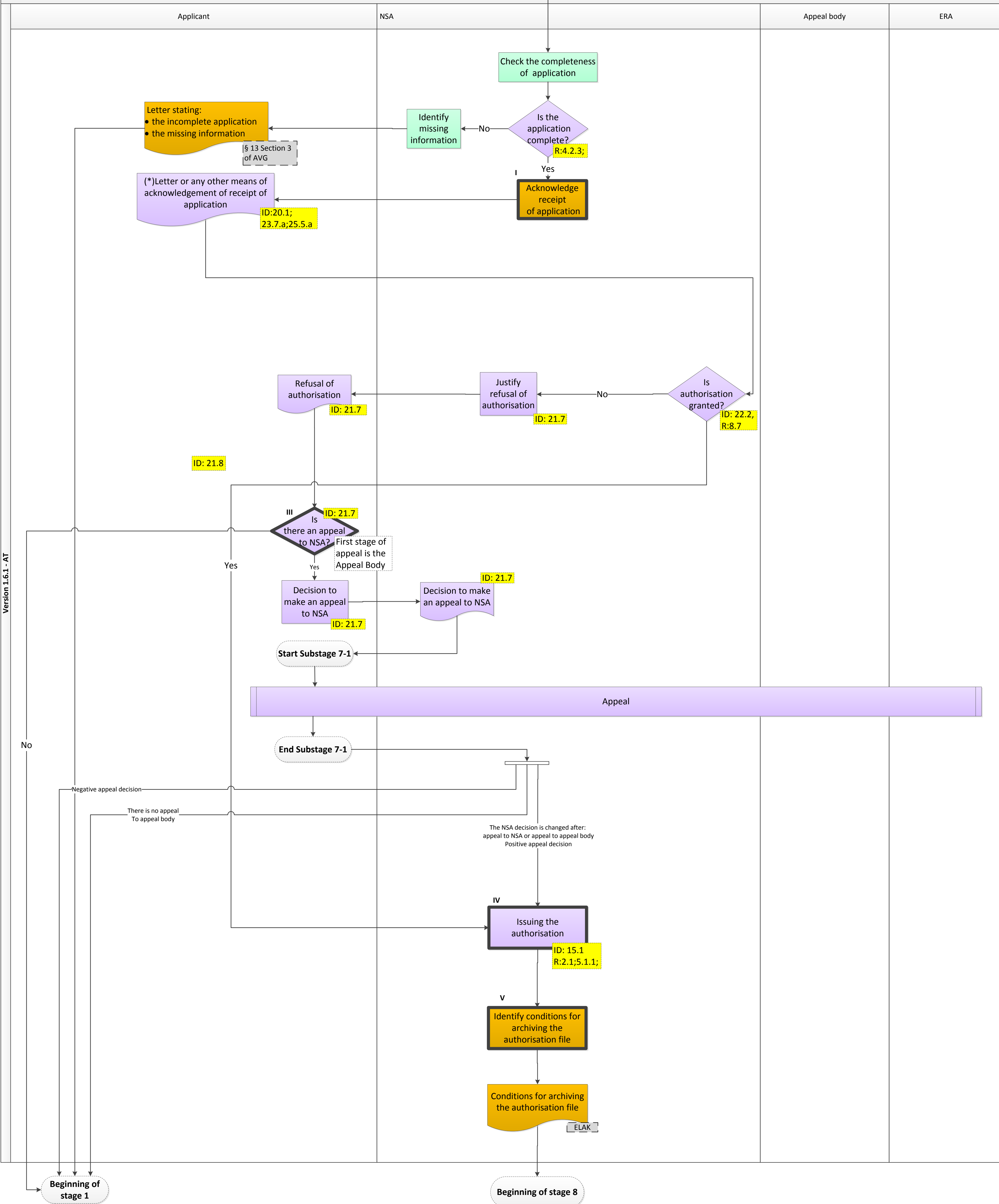
Non mandatory/  
Common practice

R: Recommendation 2011/217/EU  
ID: Interoperability Directive 2008/57/EC

National legal  
option

AVG:Administrative law  
ELAK: Electronic act

Stage 7 - Processing the application for authorisation



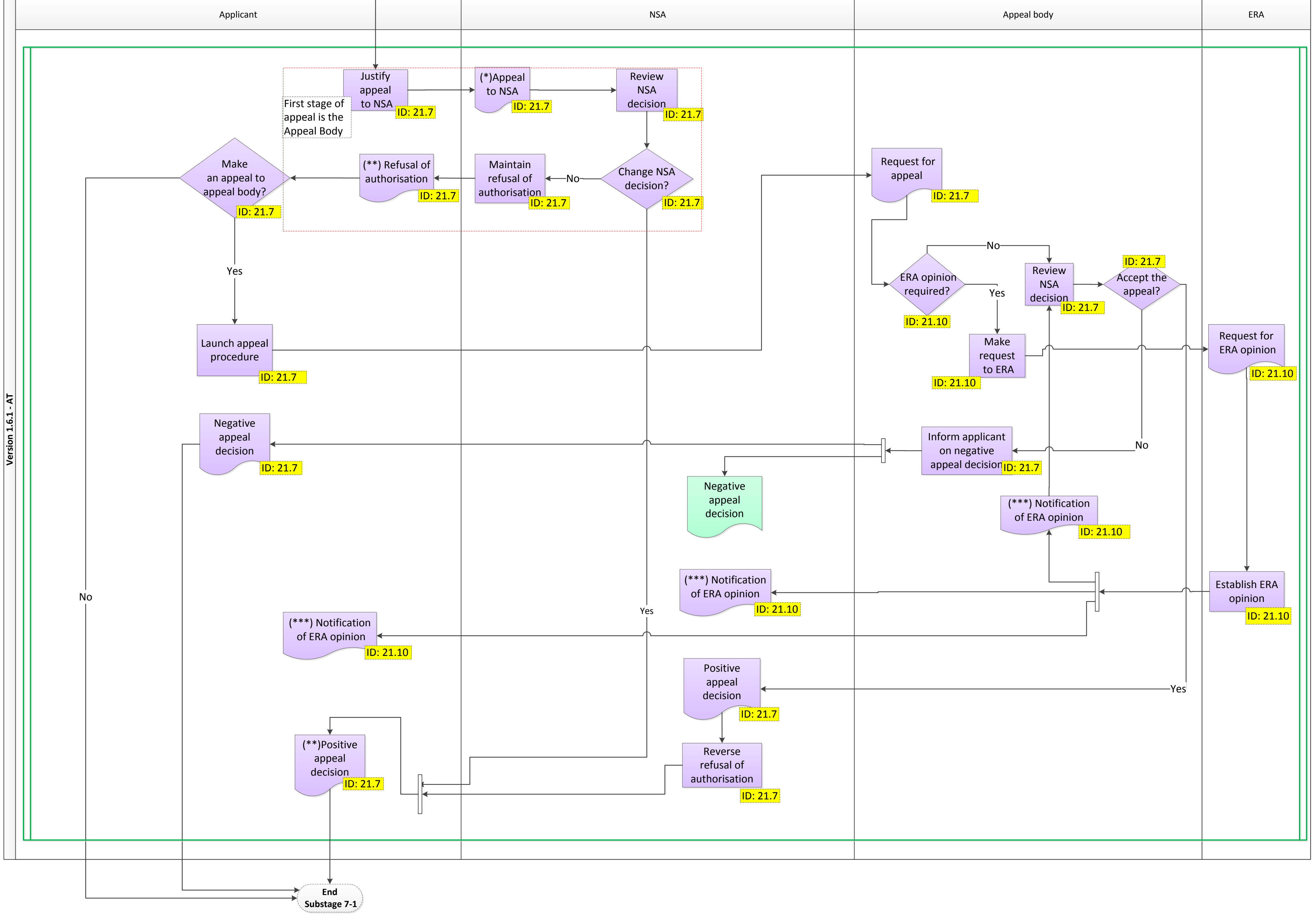
Version 1.6.1 - AT



Legal option  
Non mandatory/  
Common practice

(\*) Timeline starts from the moment the NSA has refused the autorisation  
(\*\*) Timeline starts from the receipt of the appeal from the applicant  
(\*\*\*) Timeline starts from the request of the appeal body to ERA for an opinion

Stage 7 - Processing the application for authorisation – Substage 1: Appeal



Version 1.6.1 - AT

Legal option

Non mandatory/  
Common practice

ID: Interoperability Directive 2008/57/EC

Annex I

National legal  
option

Bescheid:  
EisbG: Eisenbahngesetz 1957 - EisbG idgF  
AVG: Administrative Act

End of stage 7 Issued  
Authorisation

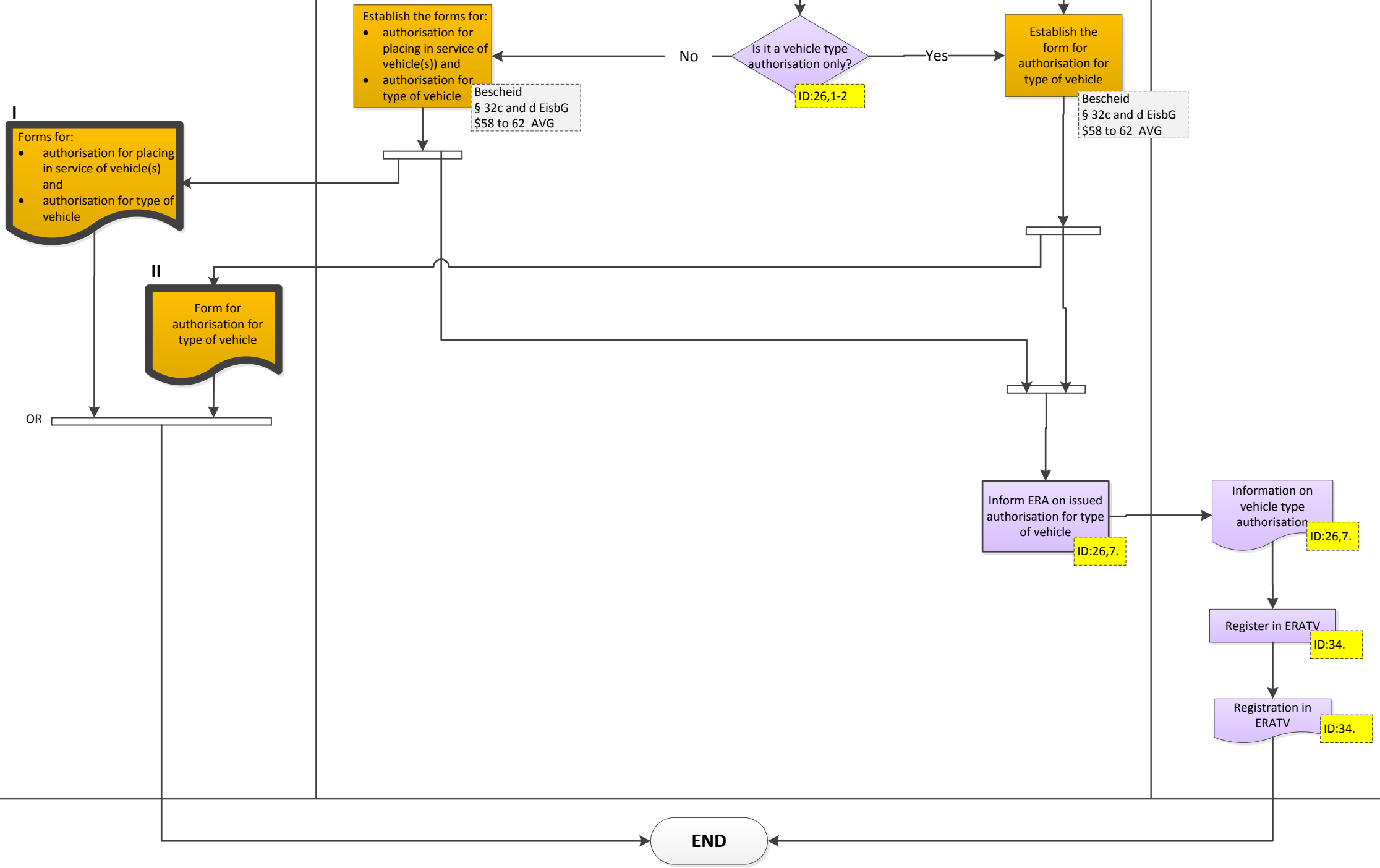
End of stage 1 for  
extension of type  
validity

### Stage 8- Final documentation and authorisation

Applicant

NSA

ERA



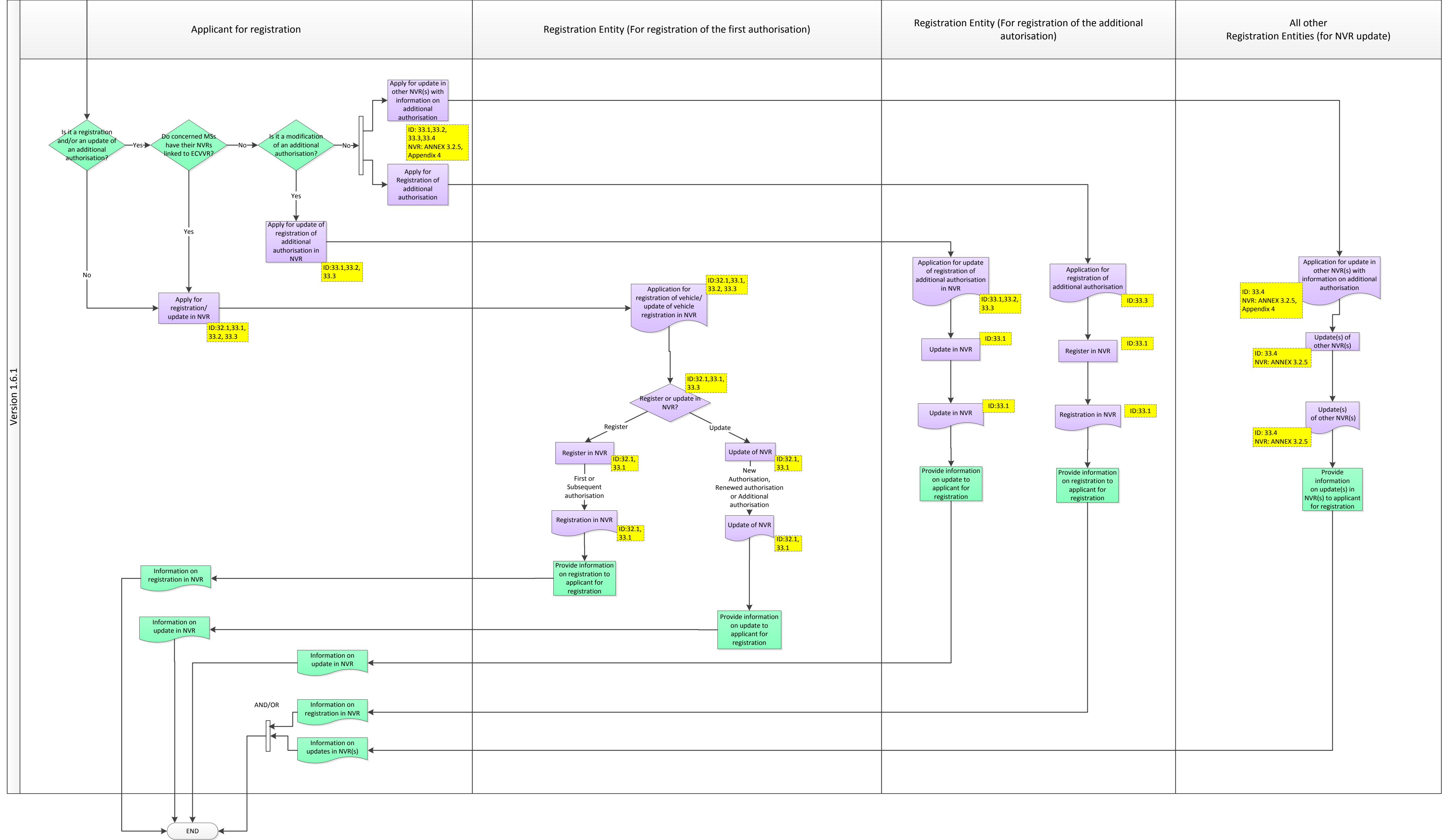
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ID: Interoperability Directive 2008/57/EC  
NVR: Commission Decision 2011/107/EU  
amending Decision 2007/756/EC adopting  
a common specification of the national  
vehicle register

Legal option

Non mandatory/  
common practice

### Stage 9 – Registration of the vehicle authorisation in the NVR



Version 1.6.1

END