

## European Railway Agency

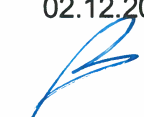
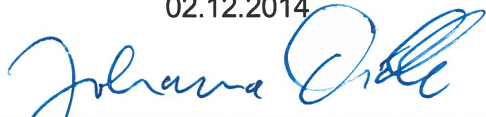
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### Cross Acceptance Unit

#### REFERENCE DOCUMENT PART 3: GERMANY

**NATIONAL LEGAL FRAMEWORK APPLIED IN CONJUNCTION WITH THE AUTHORISATION OF RAILWAY VEHICLES IN ACCORDANCE TO ART.27 OF DIRECTIVE 2008/57/EC IN GERMANY**

<b>DOCUMENT TYPE:</b>	TECHNICAL DOCUMENT
<b>VERSION:</b>	1.6.1

	Edited by	Approved by
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Position	Cross Acceptance Unit Head of Authorisation Processes Sector	National Safety Authority of Germany
Date & Signature.	02.12.2014 	02.12.2014 

### **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 8 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 on national level

Contact details for National Legal Framework		
Reporting country	Organisation Name	Office phone number
Germany	EBA	492289826310
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*\* Partially transposed*

*\*\* Only Handbook translated to FR and EN*

*\*\*\* No for CSM AssBo and using MoU Vehicle Authorisation; Yes only for Conformity Declaration Cross Acceptance*

*\*\*\*\* Serial authorisation is the preferred use in Germany even if type authorisation is legally possible*

		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	AEG; TEIV	German	N/A
National guideline		Yes	N/A	VV IBG + Annexes; TEIV; VWV Abnahme + Annexes; EBO; Handbook**; MoU Vehicle authorisation	German; FR+EN(**)	
Additional authorisation required		Yes	N/A	TEIV §6 +§8; EBO; VV IBG + Annexes	German	
Definitions:	Vehicle type	Yes (****)	General	TEIV §7+\$7a (series authorisation) or TEIV §7b (type authorisation); VWV Abnahme §3.1.a.bb	German	
	Time validity of a type	Yes	N/A	TEIV §7+\$7a; VWV Abnahme §3.1.a.bb	German	
	Upgrading	Yes	detailed	TEIV §9 + Annex 3; VWV Abnahme §4 + Annex 8	German	
	Renewal	Yes	detailed	TEIV §9 + Annex 3; VWV Abnahme §4 + Annex 8	German	
Specific national arrangements for on track tests		Yes	detailed	TEIV §6.7 + VV IBG §6 + Annex 7; VWV Abnahme §6 + Annex 9	German	
Coordination with other MSs	Procedure for simultaneous application	Yes	detailed	MOU DACHINL; bilateral agreements DF and DCH; multilateral agreement DBL; multilateral agreement DANLCZPL	English (MOU DACHINL; DANLCZPL); German, English and French (bilateral DF; multilateral DBL); German (bilateral DCH)	FR; AT; CH; IT; NL; BE; LU; CZ, PL

Fees	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	120	hourly	BEGebV Part 1 Chapter 6	German
For refusal of authorisation	Yes	120	hourly	BEGebV Part 1 Chapter 6	German
For the appeal procedure to NSA	Yes	120	hourly	BEGebV Part 1 Chapter 6	German
For the appeal procedure to Appeal Body	No				
For the NSA acting as assessment body (DeBo/CSM)	No (Yes)***	120	hourly	BEGebV Part 1 Chapter 6	German
For NSA issuing certificates (DeBo/CSM)	No (Yes)***	120	hourly	BEGebV Part 1 Chapter 6	German

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.). Some actors may have several roles. For example, an applicant can be also a RU or a NoBo can be also a DeBo. The purpose of this table is to clarify the requirements, if any, for each of the above roles.

This table is to be filled with the following information:

- the reference to the rules that describe each role and the language(s) in which these rules are available;
- a list of criteria that enables the actor to undertake a role; and
- a list of all actors able to undertake a role

Requirement on the actor for the role	Applicant	RU	IM	Keeper	NoBo	NSA	MS	Assessment Body (CSM)	Appeal Body	Single expert	LSA	Interim DeBo
Detailed reference of the rule(s)	AEG §4.2; TEIV §6.2; VWV Abnahme Chapter 2	No	TEIV §6.7 + VV IBG §6 + Annex 7; VWV Abnahme §6 + Annex 9	No	TEIV §15	AEG Chapter 5; §5 and §5a	AEG Chapter 5; §5 and §5a	CSM Regulation 402/2013	VwVFG; AEG; VwGO	VVIBG Chapter 2.2.3	AEG Chapter 5	MoU Vehicle Authorisation Annex 2
Language(s) that the rule(s) are available in:	German		German		German	German	German	All EU languages	German	German	German	German
List of acceptance criteria	No		No		TEIV §15 - 19	No	No	Annex II of CSM Regulation	No	RIL anerkennung gutachter	No	MoU Vehicle Authorisation Annex 2
List of actors entitled to act as:	RU; Keeper; Manufacturer; IM	N/A	N/A		N/A	EBA	EBA	Actors fulfilling criteria of CSM Regulation 402/2013	1. NSA; 2. Verwaltungsg ericht	List of accredited single experts on EBA website; some NSA staff	EBA; List of Genehmigung sbe hörden Lnder on EBA website	Actors fulfilling criteria of MoU Vehicle Authorisation Annex 2

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		1.) 10 weeks 2.) 8 weeks	1.) TEIV §9.4 2.) VwV Abnahme §3.1 and §4	German
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	1 month	VwVfG	German
	Maintain of the refusal by the NSA	3 months	VwVfG	
	Request for review of the refusal by the applicant to the appeal body – Possible opinion of the Agency if required by the appeal body ( the Agency has one month to answer - Art.20.10 of 2008/57/EC)	1 month	VwGO	
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:	4 months	TEIV §6 Part 8	
	(a) after submission of the authorisation file			
	(b) after provision of any additional information requested by the national safety authority, where applicable	4 months		
	(c) after provision of the results of any tests requested by the national safety authority, where applicable	4 months		
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 :	4 months	TEIV §6 Part 8 / VwV Abnahme §3.1	
	(a) after submission of the authorisation file	8 weeks		
	(b) after provision of any additional information requested by the national safety authority, where applicable	4 months 8 weeks		
	(c) after provision of the results of any tests requested by the national safety authority, where applicable	4 months 8 weeks		
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	No		
	when there is a deemed authorisation according to Art.21.8 of Directive 2008/57/EC	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
1.I	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	TEIV §9 + Annex 3 part D; VwV Abnahme Chapter 4 + Annex 8 ; VV IBG §3.2 + Flowchart 7	German
1.II	Examine: file of the previous authorisation(s) records on maintenance, operation and technical modifications	Requirements for the content of the file of the previous authorisation(s)	TEIV §8	German
		Requirements for the content of the records on maintenance, operation and modifications	TEIV §8	German
1.III	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	TEIV §7.2	German
1.IV	Is a new authorisation required for the project?	The criteria for a new authorisation	TEIV §9 + Annex 3 part D; VwV Abnahme Chapter 4 + Annex 8 ; VV IBG §3.2 + Flowchart 7	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
2.I	Request for track access to run on track test, when necessary	Procedure for establishing the conditions to run on track tests	TEIV §6.7; VV IBG Chapter 6.2 and 6.4 and Annex 7	German
2.II	Compile pre-engagement baseline	Procedure for establishing pre-engagement baseline	VV IBG Chapter 2.2.3 + Flowchart 3; Handbook Part 7 Flowcharts ; MoU Vehicle Authorisation Annex 1	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
3.I	Perform verification (including tests and on track tests where necessary) against applicable TSIs and NRs, and establish evidences	The requirements for evidences	VV IBG 2.2.3 + Flowchart 3; Annex 1 and Annex 3; MoU Vehicle Authorisation chapter II, flowchart visualised	German
3.II	Perform verification of conformity to type and establish evidences	The requirements for evidences	TEIV §7.4; VV IBG 3.1; Annex 8 and Flowchart 5; MoU Vehicle Authorisation chapter II, flowchart visualised (*)	German
3.III	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	TEIV §6.3.1	German
3.IV	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	VV IBG 2.2.3 and 3.1; MoU Vehicle Authorisation chapter II, flowchart visualised	German
3.V	Apply CSM Regulation for safe integration	The requirements for risk assessment	VV IBG 2.2.3 + Flowchart 3 and Annex 1 Part 13.	German
3.VI	Provide certificate(s) from assessment against applicable TSIs requirements to applicant	The requirements for evidences	TEIV §6.3.1; MoU Vehicle Authorisation chapter II, flowchart visualised	German
3.VII	Provide certificate(s) from assessment against applicable NRs requirements to applicant	The requirements for evidences	TEIV §6.3.2-6.3.4; VV IBG Chapter 2.2.1-2.2.3; 3.1.1.1; 3.1.1.4; 3.1.1.5; Flowchart 3 and 4; MoU Vehicle Authorisation chapter II, flowchart visualised	German
3.VIII	Provide safety assessment report to applicant	The requirements for the content of the safety assessment report	VV IBG 2.2.3 + Flowchart 3; Annex 1 Part 13 and Annex 5. "Safety Assessment Report" templates (refers to SIRF) published on EBA website.	German

\* Serial authorisation is the preferred use in Germany even if type authorisation is legally possible



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
4.I	Decision on the remedial action?	Possible remedial actions: Alternative method, Design modification, Change of the conditions of use/restrictions,and	EBO §2.2	German
		The criteria for decision on the remedial action.	EBO §2.2	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
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	TEIV §8; VV IBG Annex 1; MoU Vehicle Authorisation chapter II, flowchart visualised, Annex II, templates	German
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	TEIV §8; VV IBG Annex 1; MoU Vehicle Authorisation chapter II, flowchart visualised, Annex II, templates	German
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	TEIV §8; VV IBG Annex 1; MoU Vehicle Authorisation chapter II, flowchart visualised, Annex II, templates	German
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	TEIV §8; VV IBG Annex 1; MoU Vehicle Authorisation chapter II, flowchart visualised, Annex II, templates	German
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	TEIV §8; VV IBG Annex 1; MoU Vehicle Authorisation chapter II, flowchart visualised	German
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	TEIV §8; VV IBG Annex 1; MoU Vehicle Authorisation chapter II, flowchart visualised	German
6.IV	Compile the authorisation file	The requirements and the content for the official application	TEIV §6; §7; §8; VV IBG Annex 1; MoU Vehicle Authorisation chapter II, flowchart visualised, Annex II, templates	German
6.V	Identify the format and documentation of the application for authorisation: -Vehicle type and/or - Vehicle placing in service	The requirements and the content for the official application	TEIV §6; §7; §8; VV IBG 2.2.3; Annexes 1; 2; 4 and 5; MoU Vehicle Authorisation chapter II, flowchart visualised, Annex II, templates	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	

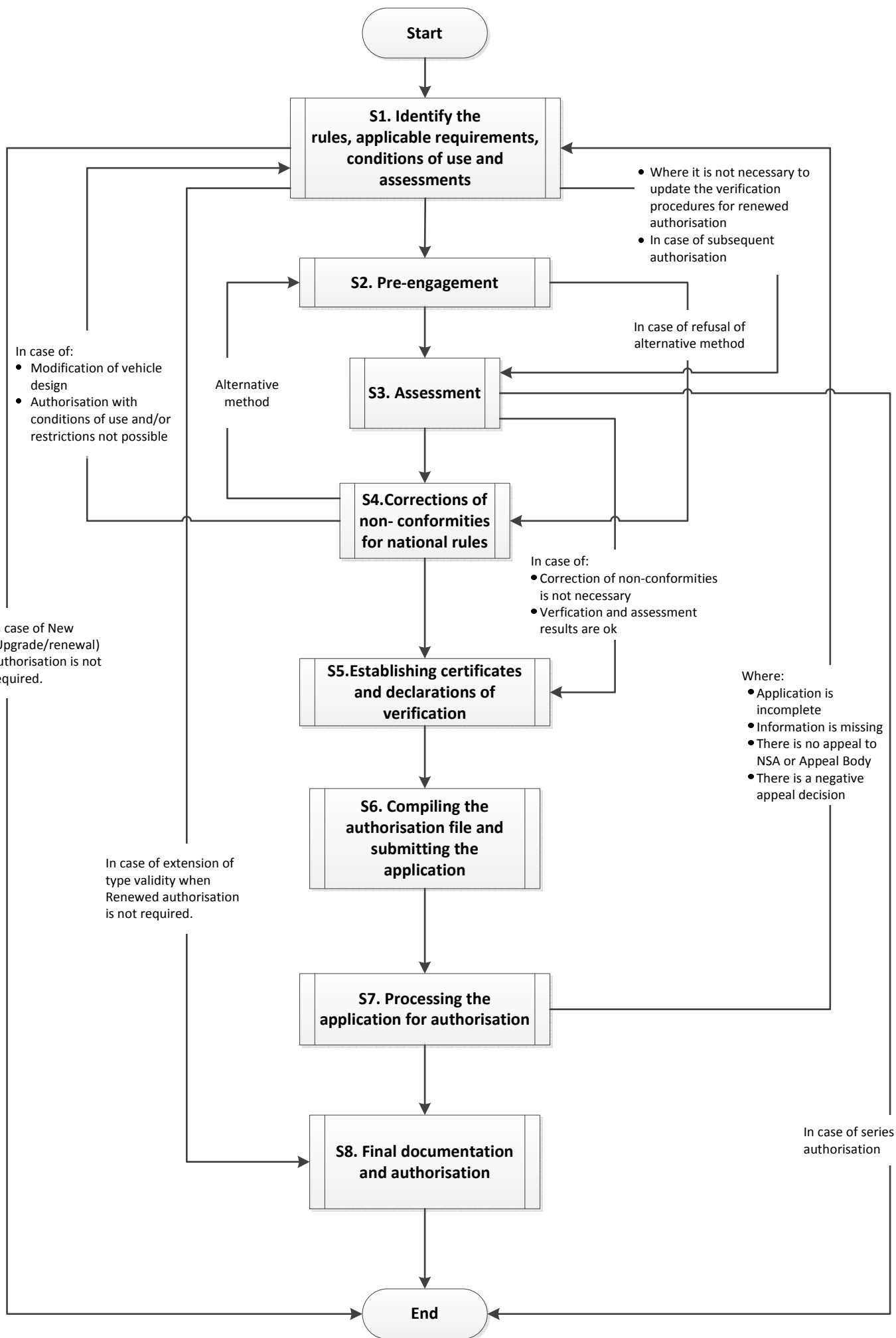
Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
7.I	Acknowledge receipt of application	The requirements for the acknowledgement of the receipt of application	MoU Vehicle Authorisation chapter II	German
7.II	Declare the vehicle deemed authorised	The requirements for deemed authorisation	No	
7.III	Is there an appeal to NSA?	The requirements for appeal to NSA	VwVfG	German
		The requirements for the content of justification of appeal to NSA	No	
		The requirements for launching appeal to the appeal body	VwGO	German
7.IV	Issuing the authorisation	The requirements for issuing authorisation	TEIV §6; §7; §8; §9; VV IBG 2.2.3; 3.1; 3.2; Chapter 4; Chapter 7; Flowcharts 1 and 3; EBO §32; VwV Abnahme Chapters 2; 3; 4; 7 and 8; MoU Vehicle Authorisation chapter II, flowchart visualised	German
7.V	Identify conditions for archiving the authorisation file	The requirements for NSA archiving the authorisation file	VwVfG; DOWEBA (EBA document management system)	German

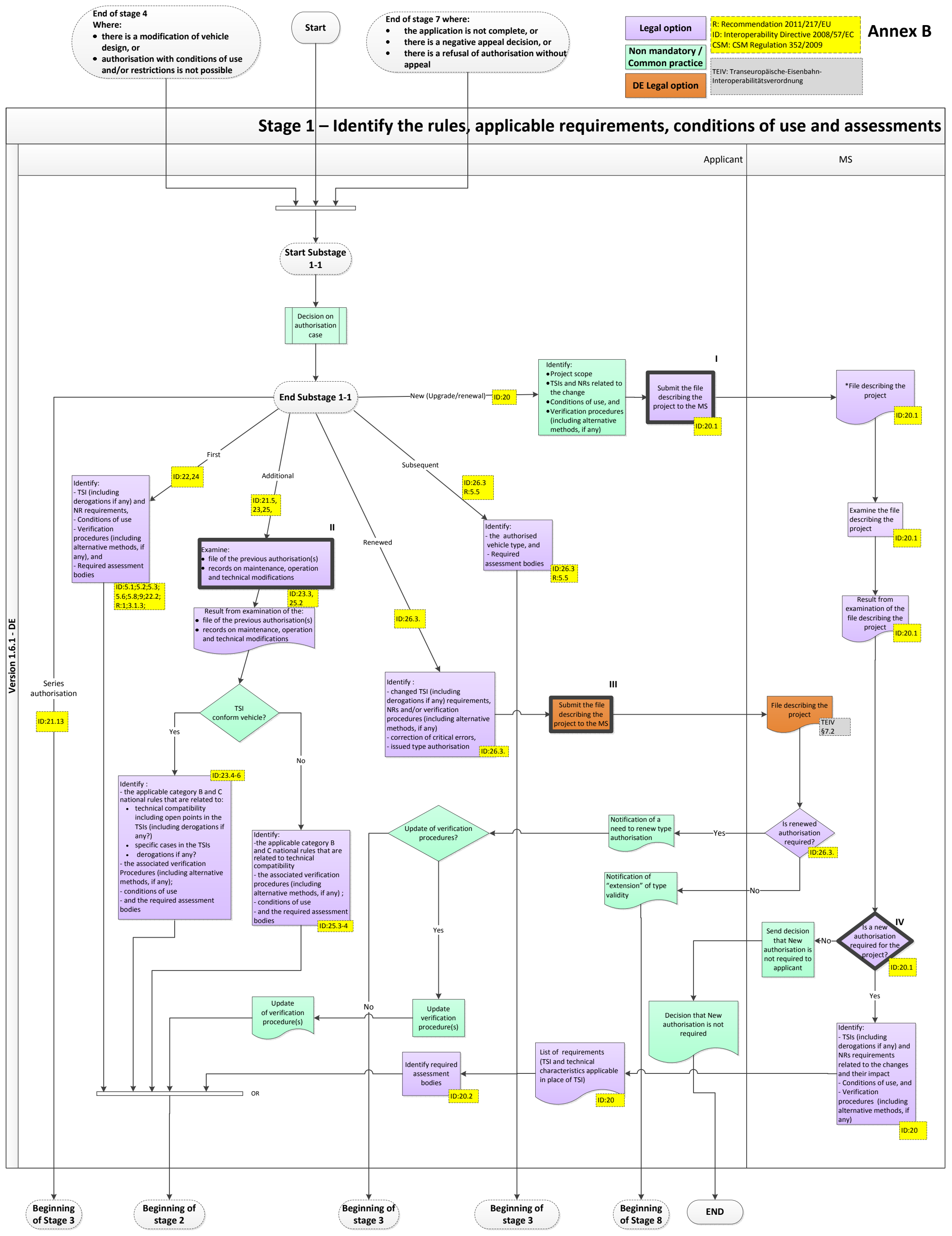
Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
8.I	Forms for: - authorisation for placing in service of vehicle(s) and - authorisation for type of vehicle	The format of issued authorisation (of vehicle type and of placing in service of vehicle)	VV IBG Annex 6	German
8.II	Form for authorisation for type of vehicle	The format of issued authorisation of vehicle type	VV IBG Annex 6	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 - DE

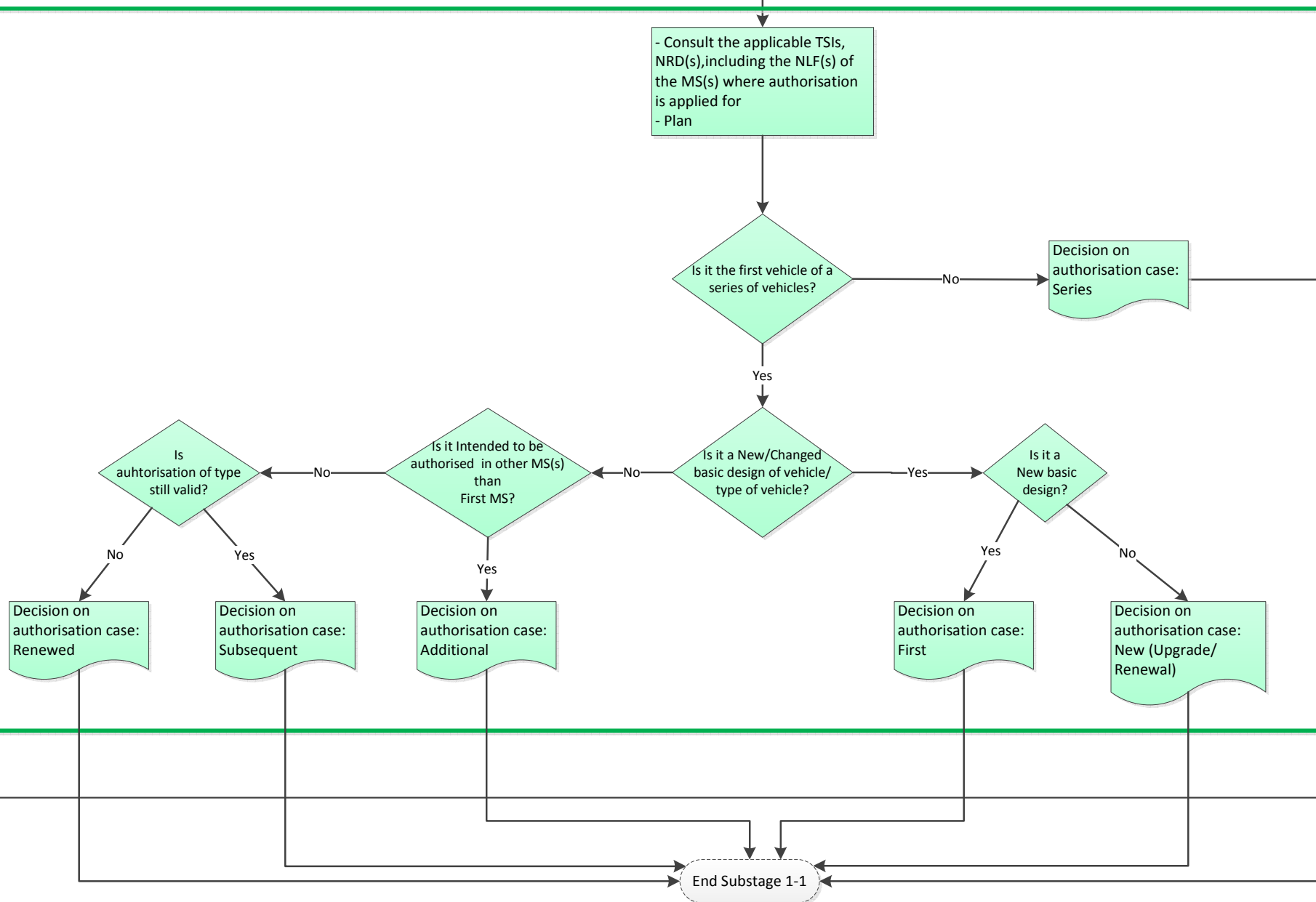




## Stage 1 - Identify the rules, applicable requirements, conditions of use and assessments – Substage 1: Decide on authorisation case

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Applicant



End Substage 1-1

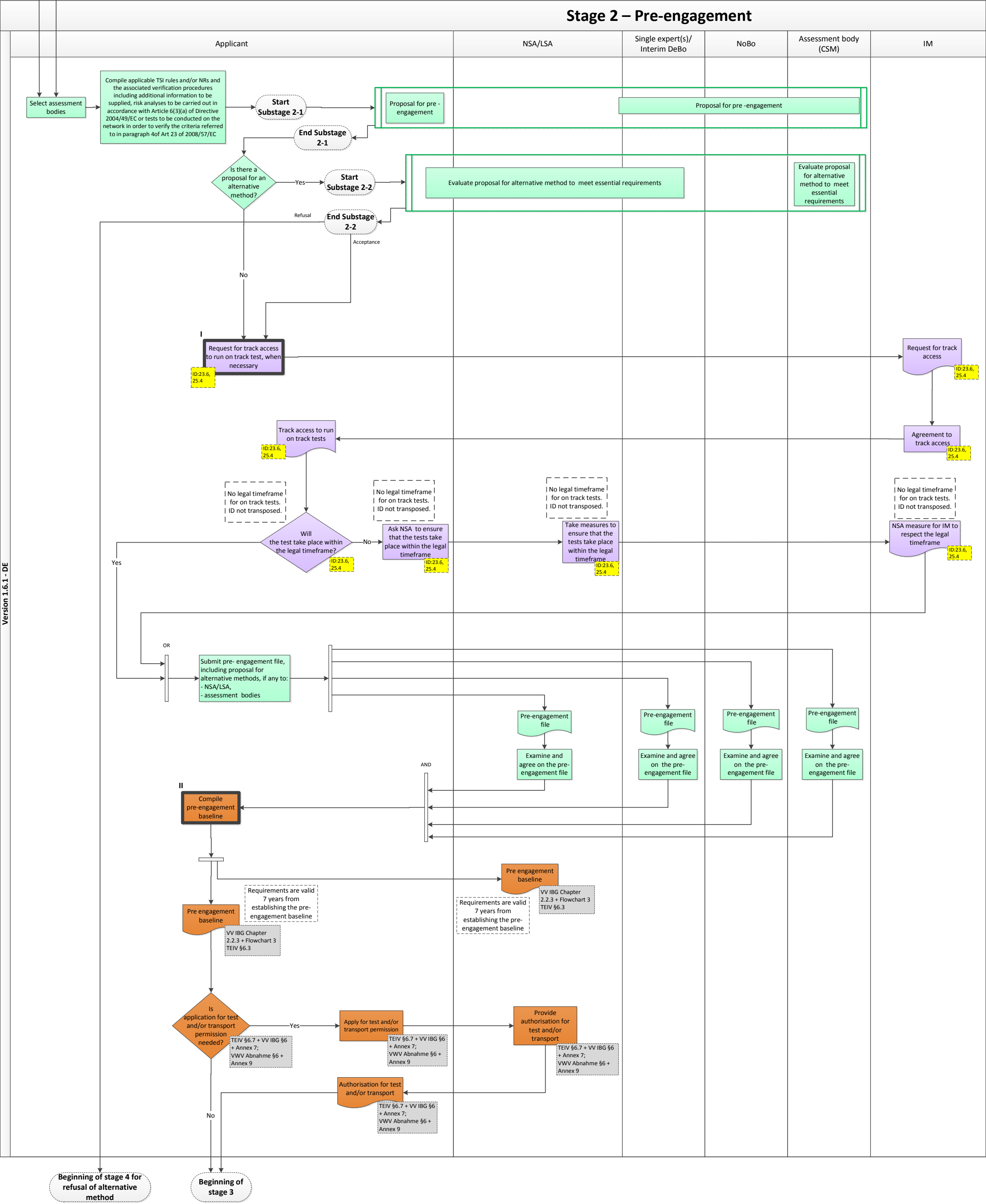
Legal option

Non mandatory / Common practice

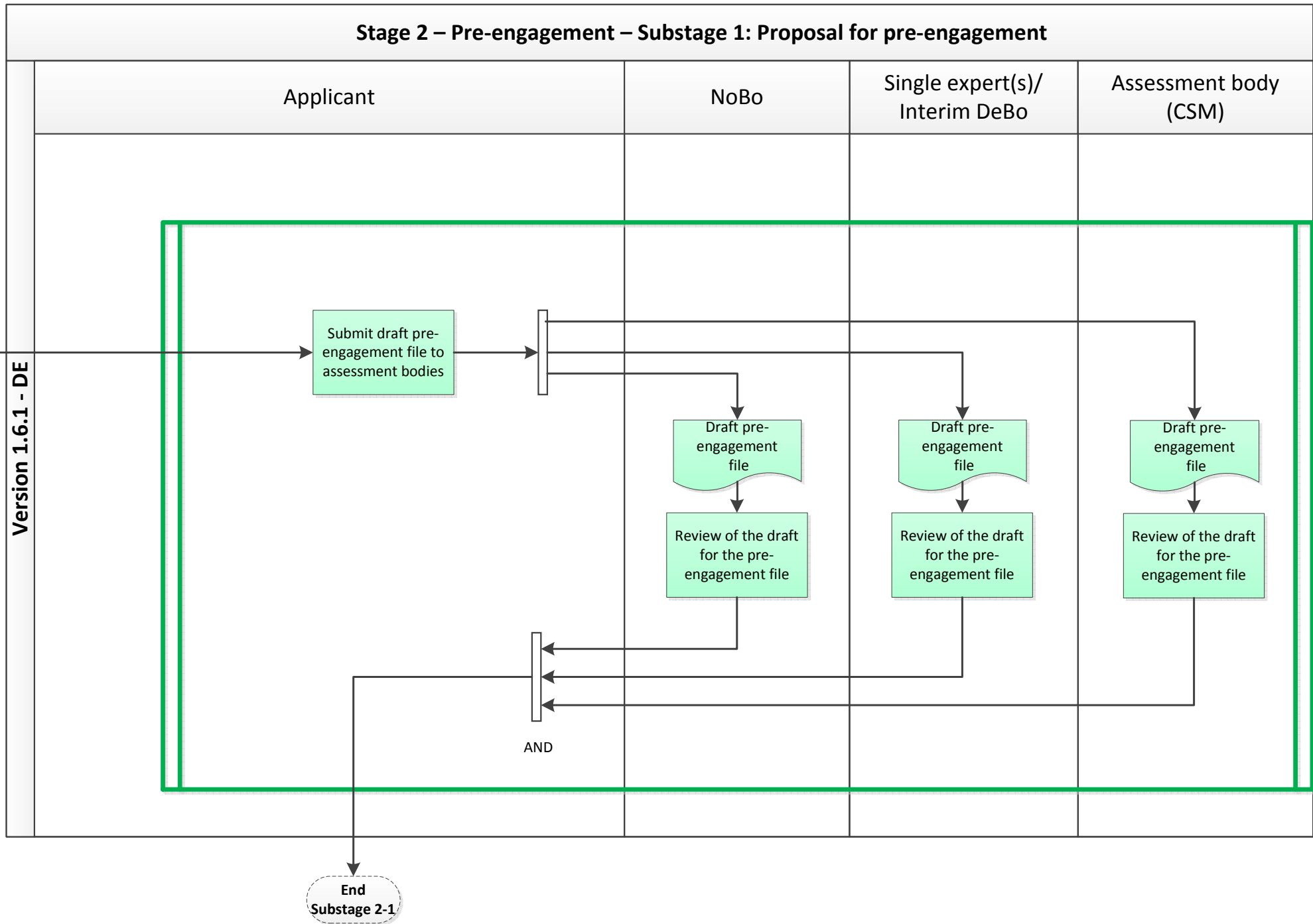
DE Legal option

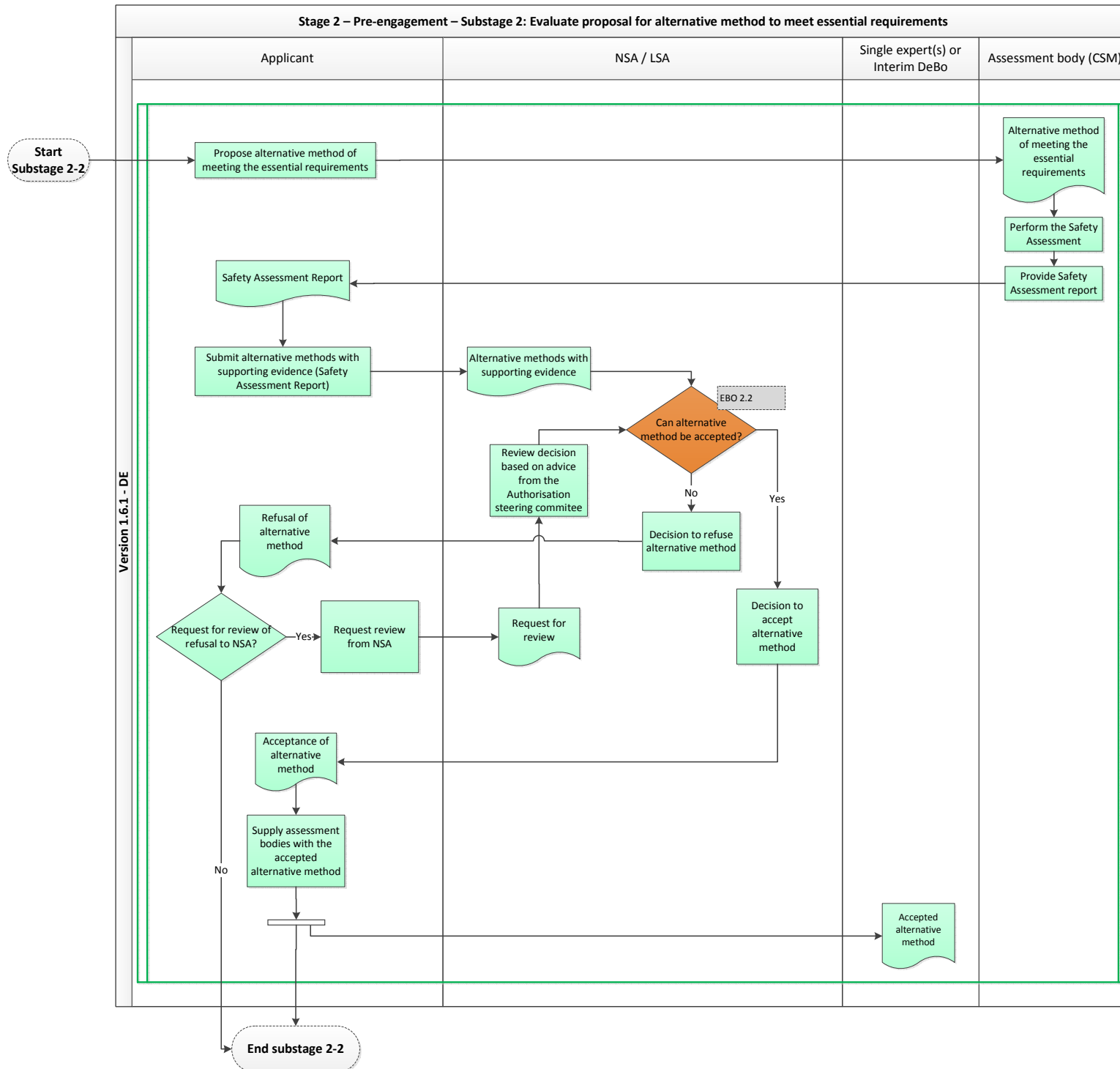
R: Recommendation 2011/217/EU  
ID: Interoperability Directive 2008/57/EC  
CSM: CSM Regulation 352/2009

TEIV: Transeuropäische-Eisenbahn-Interoperabilitätsverordnung  
VV IBG: Verwaltungsvorschrift für die Genehmigung zur Inbetriebnahme von Eisenbahnfahrzeugen  
VWV Abnahme: Verwaltungsvorschrift für die Abnahme von Eisenbahnfahrzeugen





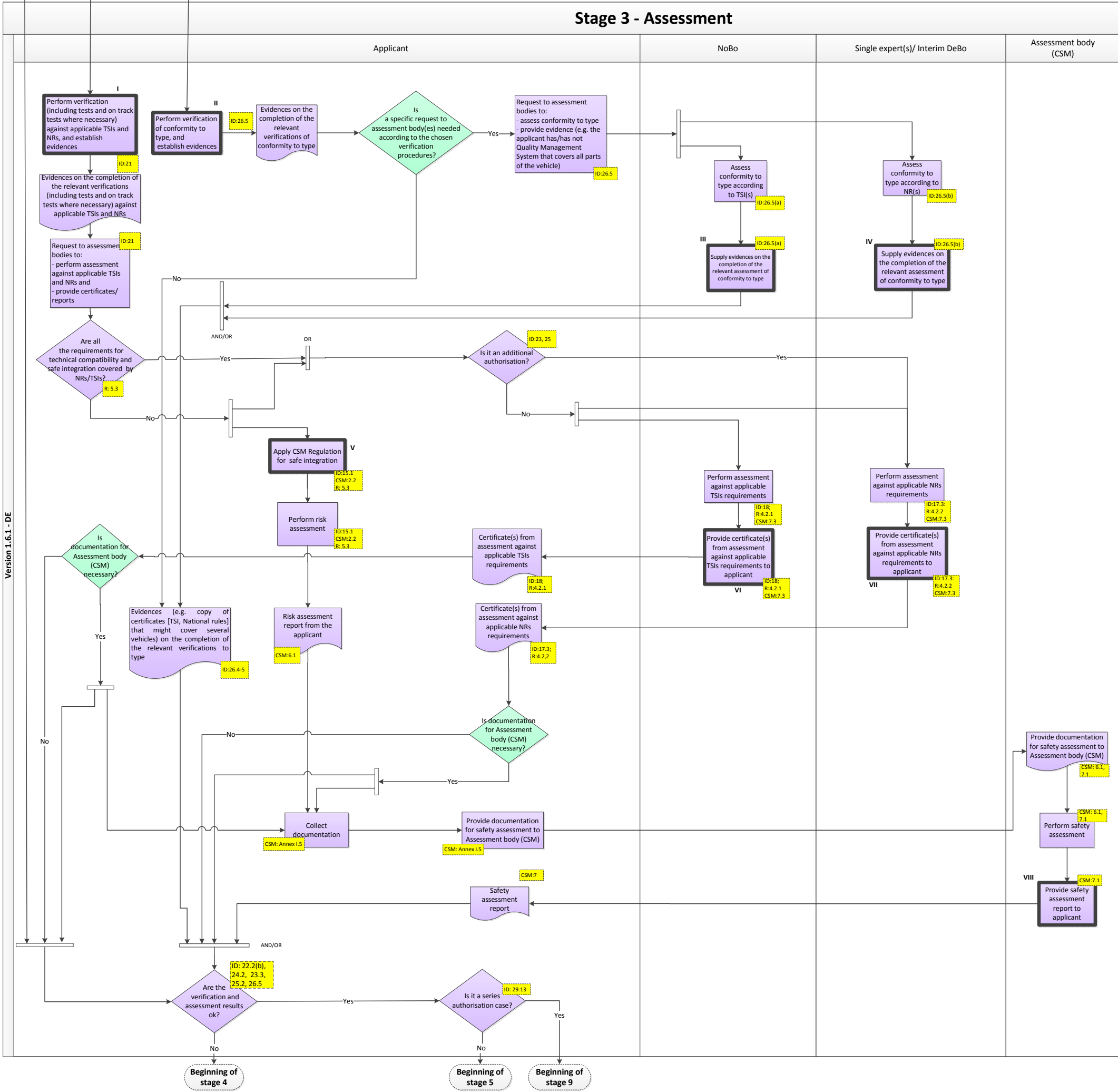


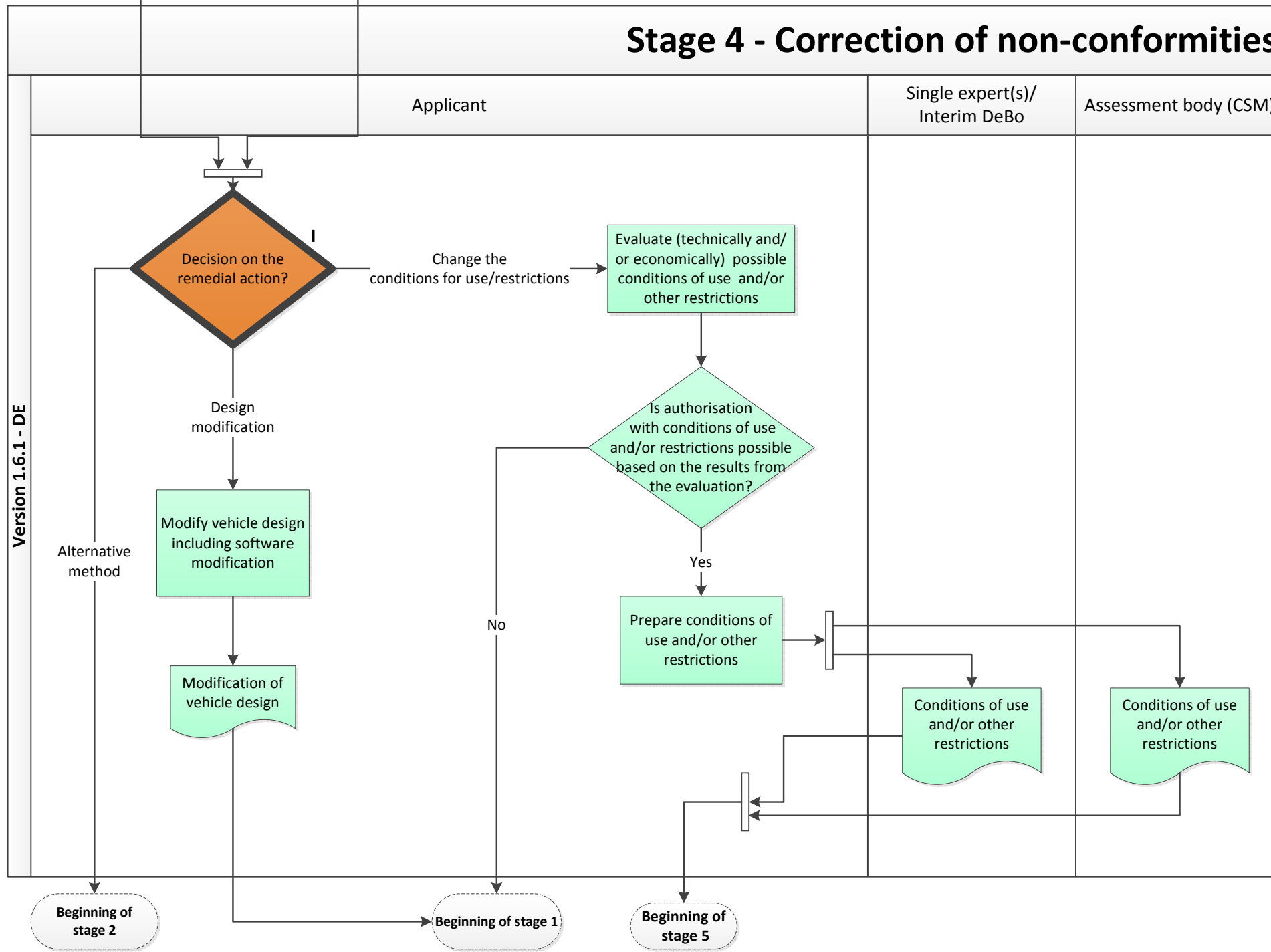


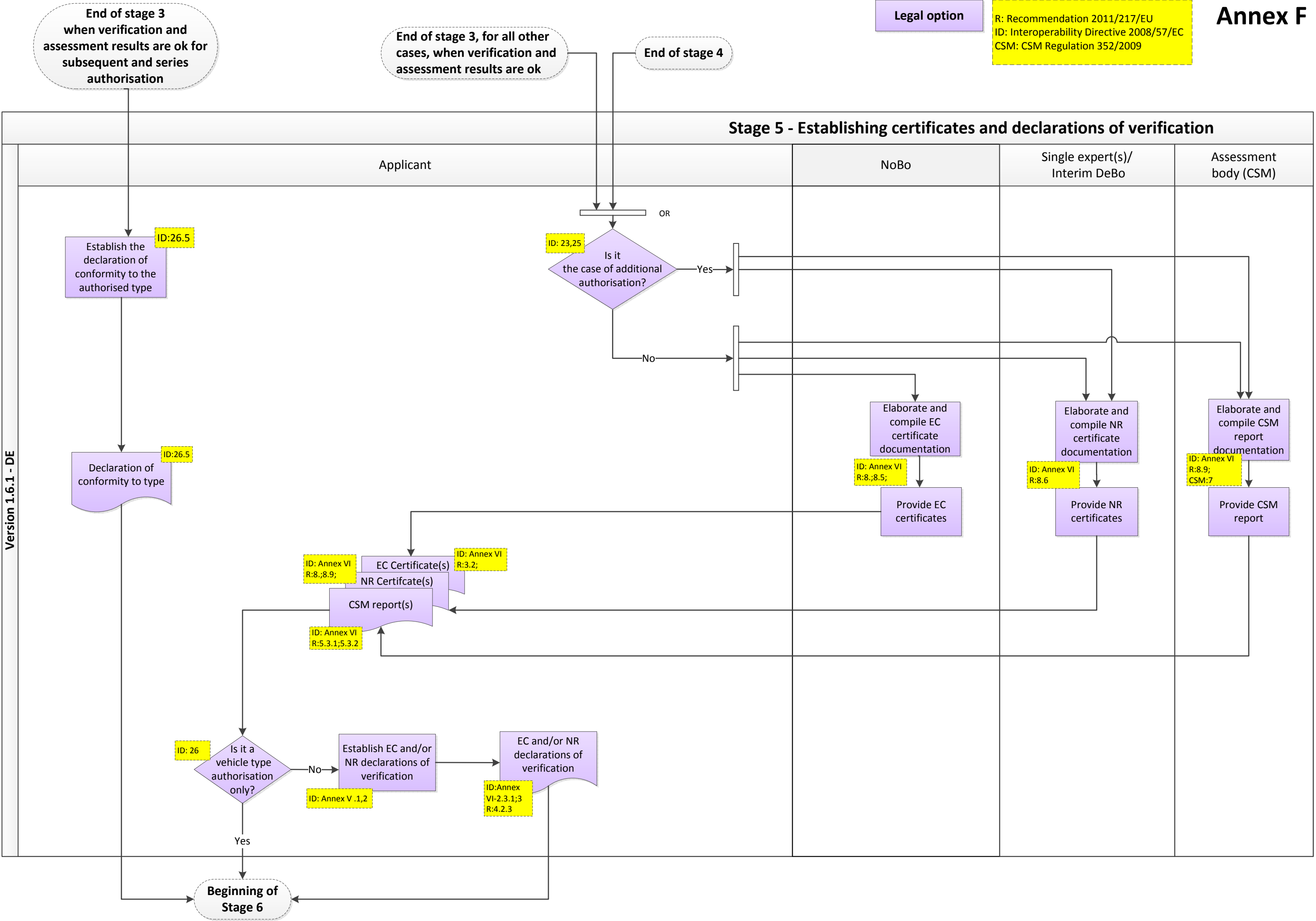
R: Recommendation 2011/217/EU  
ID: Interoperability Directive 2008/57/EC  
CSM: CSM Regulation 352/2009

Legal option  
Non mandatory/  
Common practice

Stage 3 - Assessment







End of stage 5

Legal option

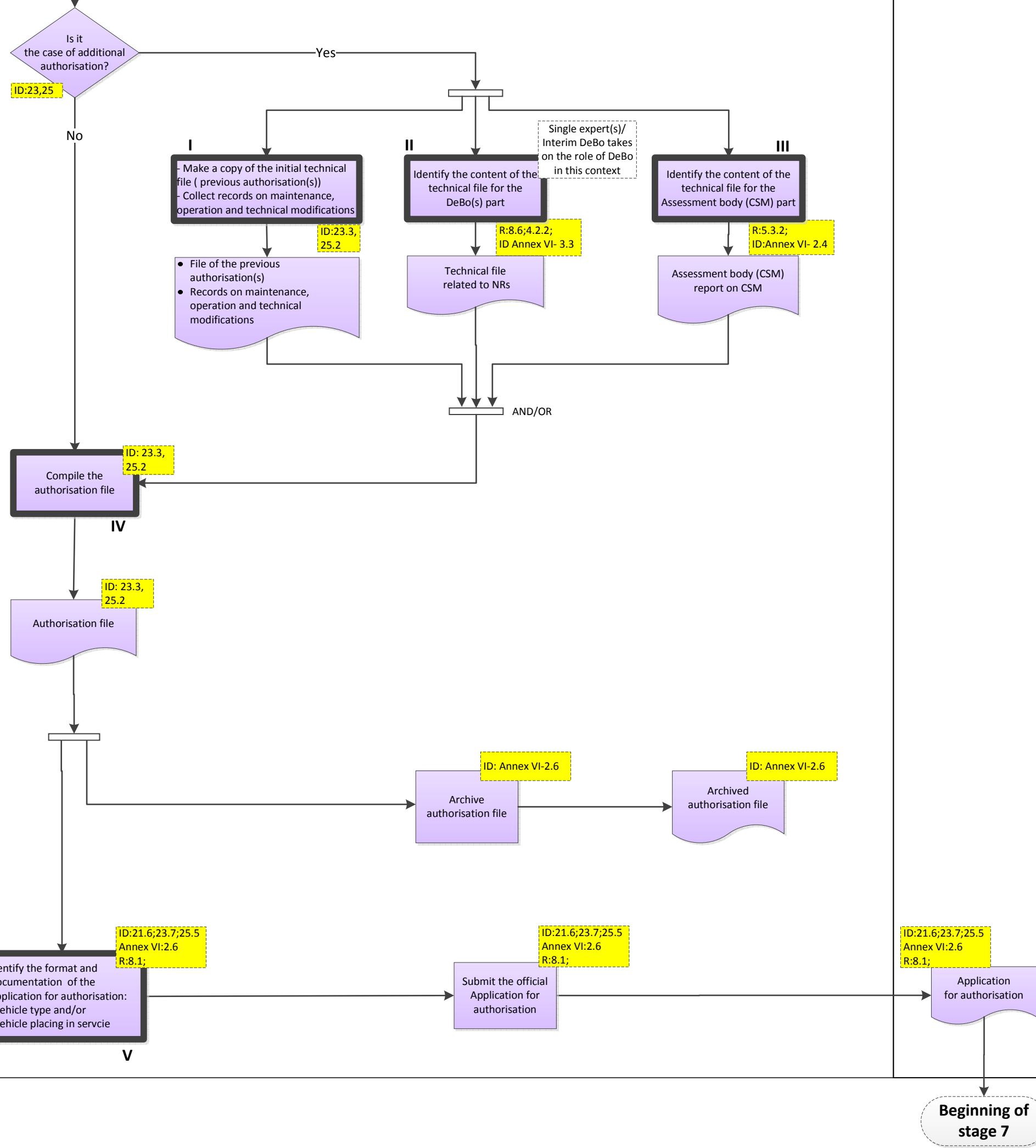
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ID: Interoperability Directive 2008/57/EC

Annex G

Stage 6 - Compiling the authorisation file and submitting the application

Applicant

NSA/LSA



Legal option

Non mandatory/  
Common practice

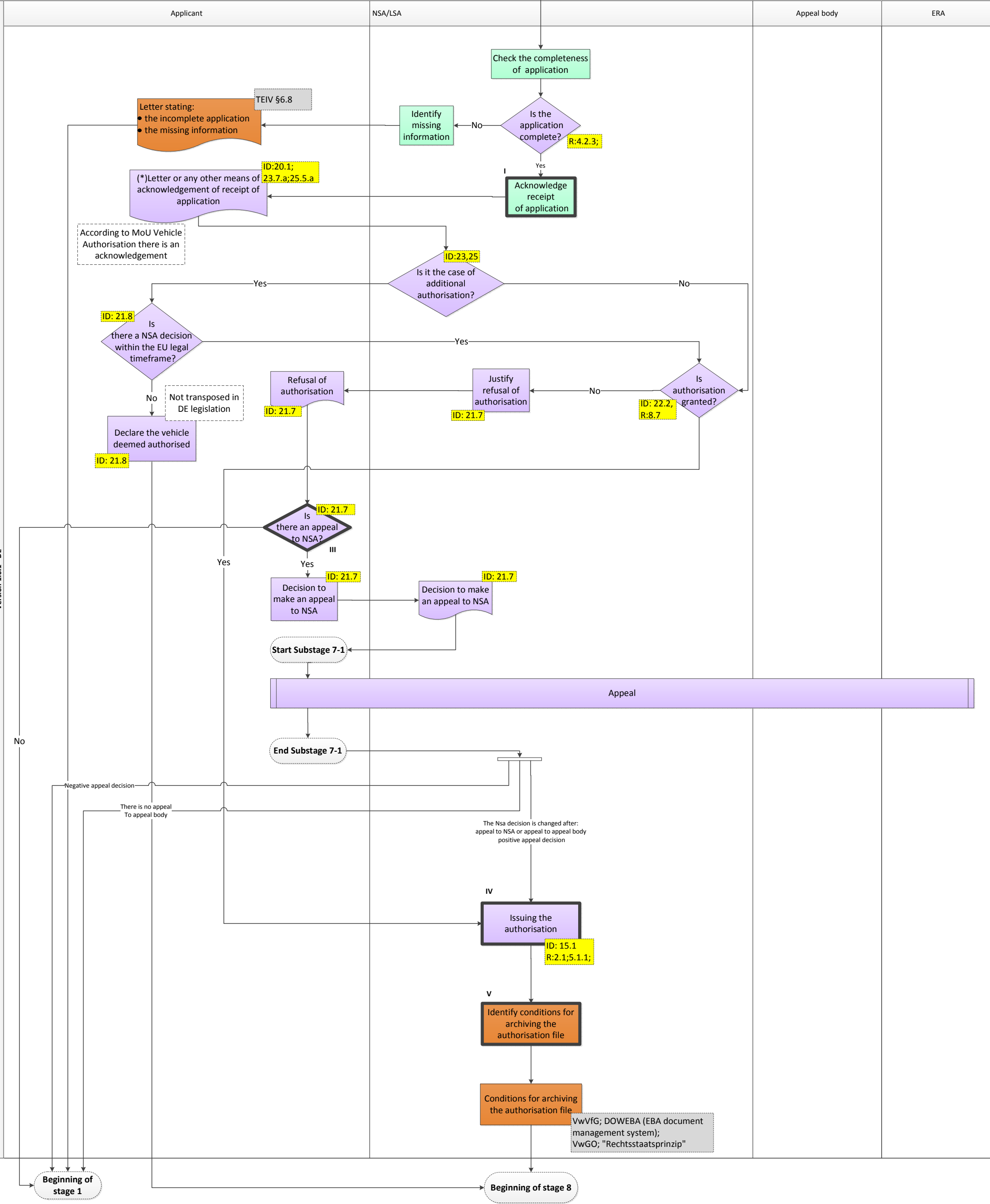
DE Legal option

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

VwVfG: Verwaltungsverfahrensgesetz

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

Stage 7 - Processing the application for authorisation



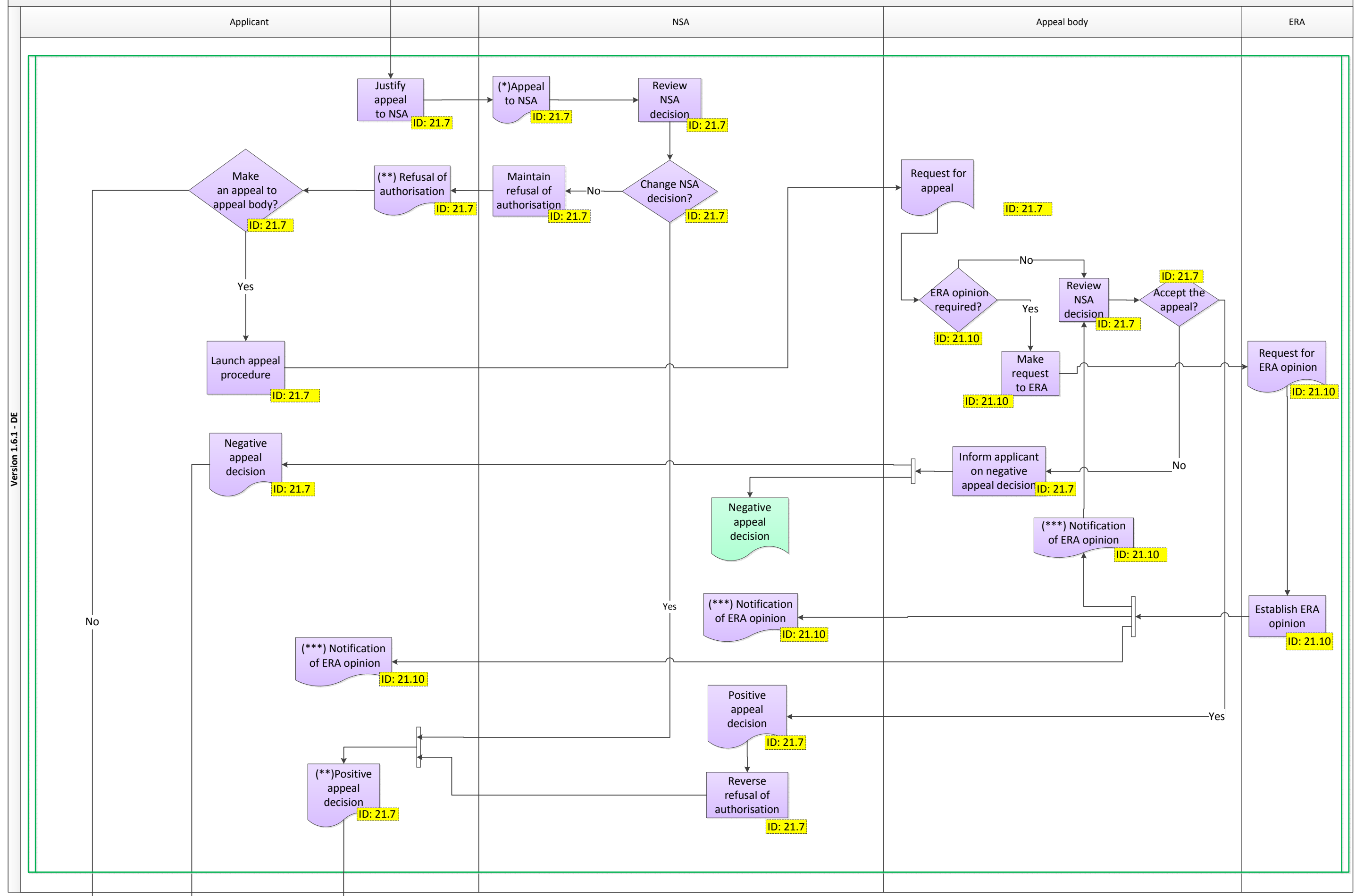
(\*) Timeline starts from the moment the NSA has refused the authorisation  
(\*\*) Timeline starts from the receipt of the appeal from the applicant  
(\*\*\*) Timeline starts from the request of the appeal body to ERA for an opinion

Legal option  
Non mandatory/  
Common practice

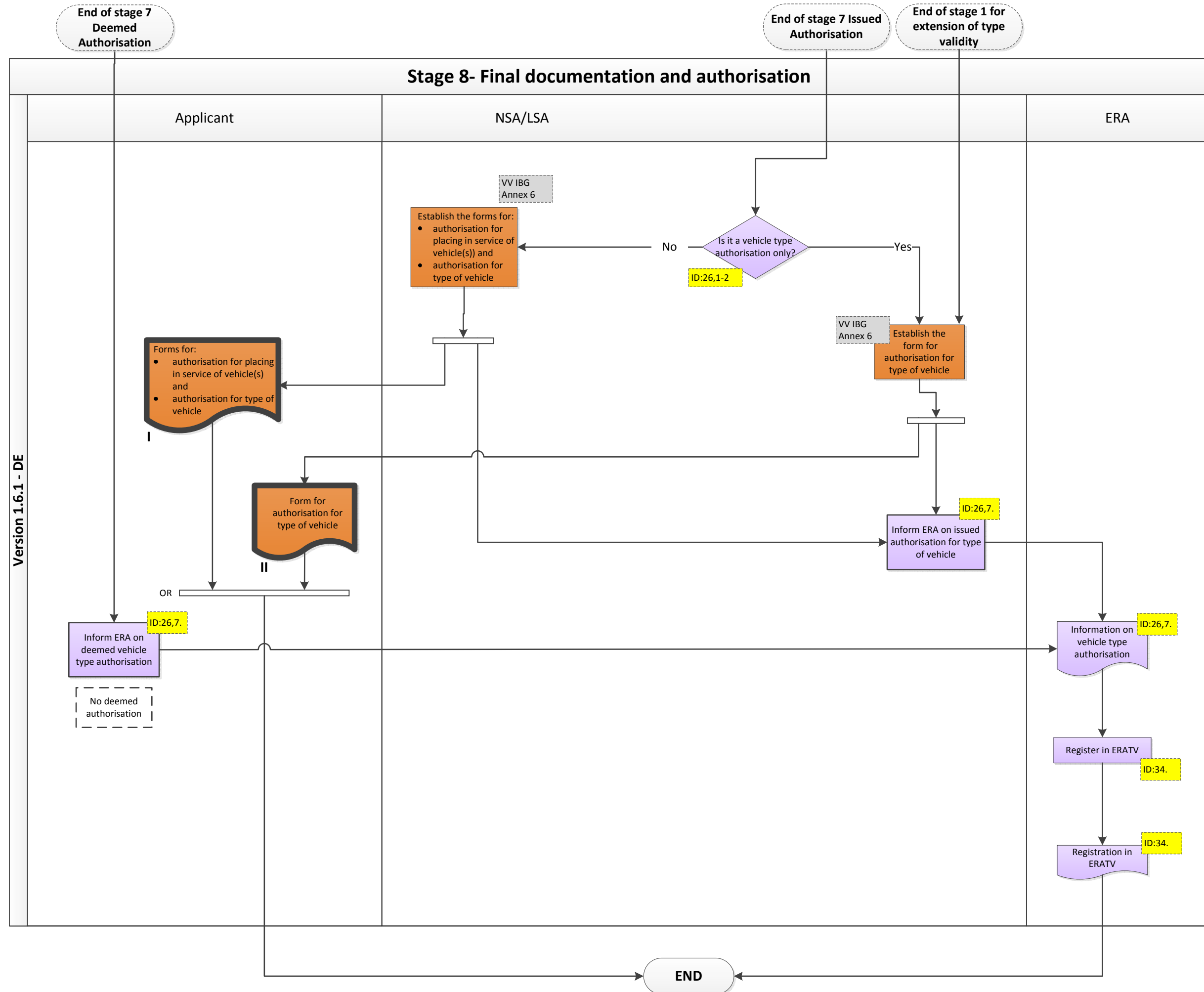
ID: Interoperability Directive 2008/57/EC

Annex H

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







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

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