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NB-Rail Association

RECOMMENDATION FOR USE

NB-RAIL COORDINATION GROUP

Administrative Decision according to Interoperability Directive
(EU) 2016/797 art. 30.6



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RFU-STR-095

Issue 02
Date 23/06/2020

TITLE

Translation discrepancies in TSIs

ORIGINATOR

RAILCERT B.V.

SUBJECT RELATED TO

IOD 2008/57 and IOD 2016/797
ALL TSI

AMENDMENT RECORD: ISSUE 02, IOD REFERENCES UPDATE

DESCRIPTION AND BACKGROUND EXPLANATION

References

- [1] MOVE/B.2/IV/as D(2013) 34378, Letter of the European Commission to Chairman NB-Rail – Subject: Discrepancies between different TSI language versions, dated 10.01.2013
- [2] QC-STR-005, Discrepancies between different TSI language versions, Issue 01, dated 23/05/2012
- [3] 08/57 - DV22, version EN05, Draft Working Document, Guide for the application of Article 7 of Directive 2008/57/EC on the management of deficiencies in TSIs, dated 16.02.2011

Scope

In line with QC-STR-005 (ref. [2]) this RFU defines the procedure how to handle the different language versions of the TSI and how to handle the case of translation discrepancies in TSIs considering the letter of the European Commission (ref. [1]).

Introduction

From the legal point of view all different language versions of the TSIs shall be treated equally, as stated by the European Commission (ref. [1]).

Therefore, in principle, every language version of the TSI can be used by the stakeholders (Applicant and Notified Body).

Nevertheless the Notified Body is well advised to agree at the beginning of the project one language version to be used as main reference language. The suggestion is to use the English version as much as possible since this version has not been translated.

In the case that the agreed language of the TSI is not the English one, or in case one or both of the two different language versions of the TSI, which will be used, is not the English one, this RFU will describe the corresponding procedure to be followed if discrepancies between the different version arise during the project.



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RFU PROPOSAL

Every Notified Body shall systematically notify any translation discrepancies in TSIs to the Commission by means of sending an email to the functional email-address of DG MOVE: move-rail@ec.europa.eu). In line with DV22 (ref. [3]) the Commission and the Agency will proceed to amend the corresponding TSI and / or issue a Technical Opinion. Pending the correction of the TSI, the Agency Technical Opinion may be used after RISC endorsement as reference for conformity assessment. This Agency Technical Opinion shall be explicitly stated in the Technical File or on the Annex of the Certificate. The Chairman of NB-Rail and the NB-Rail subgroup of the relevant subsystem shall also be informed.

In the case one language version of the TSI contains discrepancies:

- this version may be used only if the discrepancy is not against the essential requirements of the TSIs or against the technical state of the art. In this case the NoBo shall mention in the Technical File or the technical documentation related to the certificate the language version (other than English) used (including the above mentioned Agency Technical Opinion).
- the English language version of the TSI shall be taken as reference for the sentence which contains the discrepancy.

THIS RFU WAS AGREED ON

PLENARY MEETING 059

THIS RFU ENTERS INTO FORCE ON

23/06/2020 (DATE OF PUBLICATION)

FROM THIS DATE ON THIS RFU CAN BE APPLIED INSTEAD OF THE PREVIOUS MANDATORY VERSION.

RFU APPLICATION IS MANDATORY STARTING FROM

23/06/2020

AT THIS DATE ANY PREVIOUS VERSIONS OF THIS RFU WILL BE WITHDRAWN.

RFUS SHALL BE APPLIED BY ALL NOBOS. PLEASE REFER TO RFU-STR-702, CHAPTER 3 OF THE SECTION "DESCRIPTION AND BACKGROUND EXPLANATION", FOR THE LEGAL BASIS SUPPORTING THIS OBLIGATION.

ERA COMMENTS

PLE 059 – 17/06/2020: NO COMMENTS