Amendments and additions to the GCU (March 2011)

Article 11

1.- Expose the problem (with examples and, if possible, figures allowing to measure the scope of the problem)
   - The PEG was tasked to clarify whether safety reasons could override GCU rules.
   - National / international (railway) rules, including the safety certificates of a RU, are always above the GCU contractual rules.
   - New or latest findings must be respected, for example changed loading rules due to recent incidents.

2.- Show why and where the GCU is lacking in this respect
   - Chapter III of the GCU obliges a RU to accept a wagon when no concrete reasons oppose it.
   - Article 11 mentions these reasons, but recent evolutions having a direct impact on the safety are not sufficiently taken into consideration.

3.- Explain why the described problem can only be solved through the GCU contract
   - Although it is impossible to establish an exhaustive list of all possible reasons for refusal, a harmonized comprehension of the reasons for refusal of a wagon by a RU has to be guaranteed.
   - Article 11 foresees already different reasons for refusal.
   - The proposed addition guarantees that recent evolutions justifying the refusal of a wagon for safety reasons are immediately taken into consideration.

4.- Outline why solve the problem like it is envisaged in the proposed amendment/addition
   - The proposed addition stresses once more that the RU have always to ensure the safe operation of wagons.

5.- Describe how the proposed amendment or addition will help to solve the problem
   - The proposed addition will cover a wider range of reasons for refusal.
   - To avoid any arbitrary use of the new rule, the RU have to notify to the keeper the substantial reason put forward to refuse a wagon.

6.- Evaluate the possible positive and negative impacts (operational, costs, administrative, interoperability, safety, competitiveness,....), using a scale from 1 (very low) to 5 (very high)
   - Operational: 4 - high (arbitrary use has to be discouraged)
   - Safety: 5 - very high
7.- Text proposal (Modification in blue)

Article 11 : Refusal of wagons

A RU may refuse wagons if
- their acceptance is prohibited by a competent authority,
- it is temporarily impossible to accept them for operating reasons specific to the RU concerned,
- there are exceptional circumstances beyond the control of the RU (cases of force majeure in particular) that temporarily prevent the wagons being accepted,
- the condition of the wagon does not meet technical and maintenance regulations or conform to current loading guidelines,
- there are other substantial reasons which might affect the safe operation of the wagon; such reasons must be notified to the keeper.

A RU may not refuse its own wagons when they are empty and in running order.