

Proposed amendment to Appendix 7 to the GCU

Record of amendments

Amended by	Date	Paragraph	Amendment
Roman Sklenar	16/05/2023	App7 Form H ^R page 2	First draft of proposal
Roman Sklenar	12/12/2023	App7 Form H ^R page 2	Redrafted
WG MNT decision	09-10/04/2024	App7 Form H ^R page 2	Validated by the WG
WU SG decision	14/05/2024	App7 Form H ^R page 2	Approved by WU SG
GCU JC decision	04/06/2024	App7 Form H ^R page 2	Approved by GCU JC

Title	Agreement of the keeper according to the Article 19 GCU when issuing Form H ^R Appendix 7 GCU
Proposed amendment made by RU/keeper/other:	ZSSK CARGO
Proposed amendment to:	<input checked="" type="checkbox"/> GCU Appendix 7
Proposer:	R. Sklenar
Location, date:	Bratislava, 12/12/2023
Concise description:	The consent of the keeper over threshold indicated in the Article 19 GCU must also be ensured in the management of spare parts.

1. Starting point (current situation):

1.1. Introduction
<p>For the repair costs over 850 EUR the keeper must be contacted, see Article 19 GCU. If a wheelset(s) should be repaired or exchanged, the keeper responds to the Form H^R by giving consent to repair.</p> <p>These two answers are not connected in the GCU and in practice are managed by two departments.</p> <p>Consent to offer 3.1 or 3.2 in the Form H^R GCU does not mean consent to a repair over 850 EUR. Offer 3.1/3.2 in the form H^R GCU does not say how much will the repair cost but only which workshop will carry out the exchange (3.1) or repair (3.2).</p>
1.2. Mode of operation
Using this procedure does not affect the current obligations.
1.3. Anomaly/description of problem
<p>Keeper's answer to the Form H^R is only the approval of which option will be used. If the repair costs of the user RU are higher as stated in the article 19 GCU then the keeper's consent is also required according to this article.</p> <p>There is a discrepancy when consent according to the Form H^R GCU is considered also as the consent to the repair over 850 EUR. This has an impact on claims for wagon repair.</p>
1.4. Does this concern a recognised code of practice* (e.g. ISO, EN)?
<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (state which):</p> <p>* "a written set of rules that, when correctly applied, can be used to control one or more specific hazards." (Source: Regulation (source: Regulation EC 402/2013, Article 3)</p> <p>"Technical provisions laid down in writing or conveyed verbally and pertaining to procedures, equipment and modes of operation which are generally agreed by the populations concerned (specialists, users, consumer and public authorities) to be suitable for achieving the objective prescribed by law, and which have either proven their worth in practice or, it is generally agreed, are likely to within a reasonable period of time". (Source: BMJ Handbuch der Rechtsförmlichkeit – guide published by German Ministry of Justice)</p>

2. Target situation

2.1. Elimination of anomaly/problem (solution sought)
It is enough to state in the remarque of the Form H ^R GCU that consent to the repair over 850 EUR must be requested according to the article 19 GCU too while issuing Form H ^R GCU.

3. Additional text (relates only to proposed amendments to GCU Appendix 7)

Colour codes for amendment proposals:

Black: Currently applicable text; provides information and remains unchanged

Red: New text

Blue: (may be crossed out): Text to be deleted

Remarks:	<p>1. Agreement of the keeper must be sought as per Article 19.1 GCU</p> <p>2. Track occupancy costs as per Appendix 7 point 1.2.</p>	
To be completed by the keeper		
Reply:	<p>We hereby accept your quote no. _____</p> <p>and will send you the requested wheelsets by _____</p>	(point 3.1 only)
Addresses:	The damaged wheelsets should be returned to the address indicated below:	(point 3.1 only)

Remarques :	<p>1.L'accord du détenteur doit être demandé conformément à l'article 19.1 du CUU.</p> <p>2. Frais d'occupation des voies selon annexe 7 point 1.2</p>	
A remplir par le détenteur		
Réponse :	<p>Nous acceptons l'offre N° _____</p> <p>et nous vous livrons les essieux demandés pour le : _____</p>	(uniquement point 3.1)
Adresses :	Les essieux avariés sont à retourner à l'adresse suivante :	(uniquement point 3.1)

Anmerkungen :	<p>1. Die Zustimmung des Halters ist gemäß Artikel 19.1 AVV einzuholen</p> <p>2. Gleisbelegungskosten nach Anlage 7 Pt. 1.2</p>	
Vom Halter auszufüllen		
Antwort:	<p>Wir nehmen das Angebot Nr. _____ an</p> <p>und senden Ihnen bis am _____ die geforderten Radsätze</p>	(nur bei Punkt 3.1)
Adressen:	Die beschädigten Radsätze sind an untenstehenden Adresse zu senden.	(nur bei Punkt 3.1)

4. Reason:

Staff in the company that ensures the delivery of spare parts may not have the same competences and responsibilities as the staff in the management of damaged wagons. Form H^R GCU with the option 3.2 (repair) allows non-compliance with Article 19 of the GCU.

5. Assess potential positive/negative impacts

Assess the possible positive and negative effects (operations, costs, administration, interoperability, safety, competitiveness, etc.) on a scale of 1 (very low) to 5 (very high):
Reasoning behind amendment:

No negative impact, only positive as compliance with Article 19 GCU.
Operations (Value +1)
Costs (Value +1)
Administration (Value +3)
Interoperability (Value +1)
Safety (Value +1)
Competitiveness (Value +3)

6. Safety appraisal of proposed amendment

Description of actual/target system, and scope of change to be made (see points 1 and 2).

Performance of risk analysis is unnecessary where only recognised standards are implemented.

Risk analysis conducted by:

6.1. Does the change have an impact on safety?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Reason:	
6.2. Is the change significant?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Reason:	
6.3. Determining and classifying risk	<input checked="" type="checkbox"/> N/A
6.3.1. Effect of change in normal operation:	
6.3.2. Effect of change in the event of disruption/deviation from normal operation:	
6.3.3. Potential misuse of system:	
<input type="checkbox"/> No	
<input type="checkbox"/> Yes (describe possible misuse):	
6.4. Have safety measures been applied?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
For each type of risk, one of the following risk acceptance criteria is to be selected:	
<ul style="list-style-type: none"> • Code of practice • Use of reference system • Explicit risk assessment 	
6.5. Has a risk analysis been submitted to the assessment body?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Assessment body:	
Attach the verdict reached by the assessment body	[Appendix]