

**Consultation on FIVE-YEAR REVIEW of
Rail Industry Standard**

To be returned by 25/03/2021



Please pass the attached document and questionnaire to persons with the appropriate competence and authority within your organisation for review / comment.

Please ensure that this questionnaire and all comments (including 'Not applicable') are returned to arrive at RSSB on or before 25/03/2021

Doc No: RIS-2708-RST

Issue: 1

Document Title: Rail Industry Standard Freight Technical Committee Audit Protocol

CONSULTATION QUESTIONNAIRE – FIVE-YEAR REVIEW

The **Rolling Stock** Standards Committee has carried out a five-year fitness for purpose review of this document. The committee is seeking your comments on its findings, and if you are aware of any issues that you would like the committee to consider, please take this opportunity to bring it to the committee's attention.

Please tick the relevant response to the questions below:

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does your organisation find the content of this document useful? If not, please give comments
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does your organisation support the findings of the review? If not, please give comments
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does your organisation have any known issues they would like the committee to consider? If yes, please provide information
<input type="checkbox"/>		I am not representing the views of any organisation but would like to provide comments
<input type="checkbox"/>		The content of the document is not applicable to my organisation

Would all individuals returning this form please provide the following information:

Name and, if applicable, organisation and job title:

Email address:

Date:

Email your response to: **consultation@rssb.co.uk**

DOC No: RIS-2708-RST
 Email: steve@railwagon.org
 Date: 25/3/21

From: Steve Taylor, General Manager, Rail Wagon Association

Use a separate box for each comment / add boxes or pages as necessary

Page	Section	Comments	Proposed revised text
<p>The Rail Wagon Association represents the interests of owners, keepers, users, designers, manufacturers, hirers, ECMs, consultants, maintainers and operators involved in rail freight wagons based in the UK. We welcome the opportunity to comment on this RIS – 2708 - RST.</p> <p>Within RWA there is a range of views from those who consider that the document was useful in the early days of the ECM regime but it has run its course, to those who think it remains a useful guide.</p> <p>Those who think that the document is no longer relevant, point out that each ECM must determine its own protocol for the audit of its suppliers which may or may not be based on the RIS. Similarly, those auditing an ECM must do so against the requirements of the relevant legislation which is now more complex than in the early days of EU Reg 445/2011. Moreover, there are alleged incidents of the Protocol being used inappropriately by unqualified parties.</p> <p>By contrast, there are views that the document is a useful, comprehensive reference and guide and it would be a mistake to lose it. In its absence, each party would have to start from scratch to compile its own protocol from the applicable legislation. Those who advocate retaining the RIS point out that it is only guidance and an ECM or auditor can choose to ignore it or select one or more of the 14 Protocols when preparing its approach to an audit.</p> <p>On balance, the RWA agrees with the outcome of the RSSB Review Paper that the document should be updated. This should not however entail excessive cost or effort. The main requirement is to update references to EU Legislation to the post-Brexit UK equivalents or replacements and to make the document useful to any party in the wider industry (eg passenger ECM) undertaking voluntary compliance with the ECM Regulations. For example, all references to <i>'freight wagon'</i> should be replaced by <i>'vehicle'</i>.</p> <p>It would also be helpful if the references to the 'pick and choose' nature of the document were to be made clearer, possibly by having separate Parts or Sections delineating between an audit of the four ECM functions and other audit types.</p> <p>Lastly, the document needs to be clearer on the importance of its correct use by appropriately qualified persons. In particular, the expressions in Clause 2.2.1 <i>'The auditor shall be suitably qualified, independent and experienced'</i> should be expanded to ensure it is clear what this looks like in practice. The list of relevant qualifications and how much experience, and of what type, should be compiled by a working group of FTC experts.</p>			
4	1.1.2	'wagon Entities in Charge...'	Delete wagon Remove reference to 445/2011

Page	Section	Comments	Proposed revised text
4	1.2.2	Is this clause needed?	
2	2.1.3	As defined in EU Regulation 445/2011	<p>This and other references to 445/2011 need to be amended to reflect the present situation where ECMs maybe operating under ROGS, or under ROGS and EU 2019/779.</p> <p>Similarly, all references to TSIs will need to be replaced with NTSNs but caveated if the EU TSI is relevant to an ECM working to EU 2019/779</p> <p>We suggest that this situation is described once and further references are simplified to, for example, 'applicable Legislation'</p>
5	2.1.3	...ECMs for freight wagons.	<p>Delete 'for freight wagons'</p> <p>And in remainder of document replace 'freight wagons' with 'vehicles'.</p>
6	G 2.2.4.1	The auditor may need to consider whether using the SAIT system is also required	
8	Table	The top row of the Tables in each Protocol will need to be amended to reflect the content of the Annex III now being in Schedule 10 of ROGS or Annex II of Regulation EU 2019/779	ROGS Schedule 10 / EU 2019/779 Annex II Requirement
9	2.3	Rewrite to reference updated legislation re CSMs	
26	5.1	amend to reflect the content of Annex III now being in Schedule 10 of ROGS or Annex II of Regulation EU 2019/779	

Page	Section	Comments	Proposed revised text
33	8.2	Amend to show the bodies involved post Brexit eg NOBOs now Approved Bodies under NTSNs	

Rail Safety and Standards Board Limited will use the information you supply on this form to collate and respond to consultation comments. We will disclose your information to our members, service providers, agents and others who have commented for this purpose. Additionally, we will publish this information on our website (www.consultation.rssb.co.uk) unless you expressly request your name and job title remain confidential.