

From: david BARNEY [mailto:davidbarney@rail.fslife.co.uk]
Sent: 31 May 2010 21:40
To: Valentino, Stefano
Cc: Charles Paget
Subject: Railways and Guided Transport (Miscellaneous Amendments) Regulations 2010

Dear Sir

Thank you for the opportunity to comment on these proposed regulations. We have some comments to make on the proposals and these relate to your question 8.

We believe it to be inappropriate for the Regulations to contain a calendar date by which a the ECM assigned to vehicle being used domestically must be identified and registered in the NVR for the following two reasons:

1. Although entry of the ECM may appear to be in essence a simple task it will require to be done for tens of thousands of vehicles. We fear that the organisation responsible for completing this large task by the proposed date of 9th November 2010 may be overwhelmed, thus risking train operators refusing to operate vehicles for which the ECM has not been entered as presumably to do so would be illegal. This would result in unnecessary disruption of services to customers and serious loss of revenue to vehicle suppliers such as ourselves.

2. Perusal of the proposed draft EU Directive covering the certification of entities in charge of maintenance for freight wagons shows that this document contains significant detail as to the expected requirements for an ECM. Although relating specifically to freight wagons, presumably these will effectively form minimum 'best practice' requirements for ECMs of locomotives and passenger railway vehicles as well. In some cases there will be a choice as to which of several companies involved with a particular rail vehicle fleet could be declared as the ECM (e.g for leased vehicles it could be the leasing company or the train operator). As there may be staffing and organisational issues involved in meeting the ECM requirements we believe that it would be most helpful if the final date for registering an ECM for all vehicles postdated the publication of the EU Directive referred to above.

Thank you again for including our Company as a consultee to the proposals.

Yours faithfully

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