

Examination of requests for recommendation on Safety aspects submitted to the European Railway Agency

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The Art.1 of the EC Regulation 881/2004 establish the Agency and its objectives:

“The objective of the Agency shall be to contribute, on technical matters, to the implementation of the Community legislation aimed at improving the competitive position of the railway sector by enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system, in order to contribute to creating a European railway area without frontiers and guaranteeing a high level of safety.”

- The EC Regulation 881/2004 describes also the Agency tasks and its working methods, according to the implementation of the EU Railway Directives.
- The Agency' operational Units
 - ◆ Railway Safety
 - ◆ Interoperability
 - ◆ European Railway Traffic Management System (ERTMS)
 - ◆ Economic Evaluation
 - ◆ Cross Acceptance
- The Public Data Bases (PDBs)
- Contributions of external stakeholders
 - ◆ The Networks of Safety Authorities, and of Investigation Bodies,
 - ◆ Working Groups with stakeholders

- The Interoperability Directive (ID) introduces the Technical Specifications for Interoperability (TSIs) which is based on the 'state of the art' of safety.
 - ◆ see <http://ec.europa.eu/transport/rail/interoperability> to access information on the adopted TSIs
- The RSD defines the new safety approach of EU Railways, notably based on the following instruments:
 - ◆ Common Safety Indicators, Targets and Methods (CSI, CST, CSM)
 - ◆ Safety Management System, Safety Certification and Authorisation
 - ◆ Monitoring of Safety Performance
 - ◆ Establishment of National Safety Rules
 - ◆ Establishment of National Safety Authorities
 - ◆ Requirements for independent accident investigations

- The *Art 4* of the Railway Safety Directive (RSD) gives requirements on the “*Development and improvement of the Railway Safety*”

*“4.1. Member States shall ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Community legislation and technical and scientific progress and giving priority to the prevention of serious accidents.
Member States shall ensure that safety rules are laid down, applied and enforced in an open and non-discriminatory manner, fostering the development of a single European rail transport system.*”

“4.2. Member States shall ensure that measures to develop and improve railway safety take account of the need for a system based approach.”

- The Agency is responsible to examine the potential requests for change in the EU Railway System which could have an impact on its Safety.

Who can request for an examination, on which bases?

- According to the EU Railway Directives, the Agency Regulation, and the Co-operation agreement between EC, ERA and the RID Committee of Experts, the following stakeholders:
 - ◆ European Commission (Agency Reg.),
 - ◆ EU Committee on Railway Interoperability and Safety (Agency Reg.),
 - ◆ European Railway Agency (Agency Reg.),
 - ◆ National Safety Authorities (Art 17 – RSD),
 - ◆ National Investigation Bodies (Art 21 - RSD),
 - ◆ RID Committee of Experts (Art 2 - EC/ERA/RIDCE agreement).
- An Agency internal procedure describes the examination principles applicable to every requests.

What are the steps of the examination procedure?

Step 1 - Request receipt and pre-assessment of the rule efficiency

- ◆ 1-a: The request can be rejected in case the Agency is not the competent body,
- ◆ 1-b: The pre-assessment can directly lead to a positive or a negative recommendation (step 3),
- ◆ The pre-assessment lead to an Impact Assessment in case of positive or uncertain efficiency of the new rule (step 2).

Step 2 - Impact Assessment of the proposed safety rule

Step 3 - Recommendation to the European Commission

- ◆ 3-a: Written draft recommendation, completed if necessary with a consultation of social partners,
- ◆ 3-b: Transmission of the final recommendation to the Commission.

Step 1: Pre-assessment of the rule efficiency

- Requires, a written input from the request holder, explaining the rational of the proposed change with a justification of the need.
- The efficiency of the new Safety rule is examined in the light of:
 - ◆ EU Legislation,
 - ◆ Past accidents and CST achievements
 - ◆ TSIs requirements,
 - ◆ Rough costs and benefits analysis.
- The reference documents are:
 - ◆ EU regulations in force or in preparation (RSD -CSM, CST- ; ID – TSIs - ; TDG –RID-),
 - ◆ EC and ERA databases, including the Agency PDB on Railway accidents,
 - ◆ ERA Guidelines for economic evaluations.

Step 2: Impact Assessment (1/2)

- EC Impact Assessment Guidelines (SEC(2005)791 and revised annex)
- The Impact Assessment contains:
 - ◆ The assessment of the changes induced by the new Safety rule on the:
 - Risk level of the railway system,
 - TSI requirements,
 - Costs and benefits for the railway sector.
 - ◆ The presentation of studied policy options
 - ◆ The analysis of the policy options efficiency in the three dimensions
 - Social,
 - Environmental,
 - Economical

Step 2: Impact Assessment (2/2)

- The inputs are:

- ◆ The pre-assessment report,
- ◆ Specific consultations
 - to collect necessary external input data,
 - of relevant ERA Working Groups
- ◆ The main reference documents:
 - EC Impact Assessment Guidelines (SEC(2005)791 + annex)
 - Agency Recommendations on CSM, including for Risk Assessments,
 - EU norms and standards,
 - RID Committee Generic Guidelines for risk analysis (if TDG is concerned)
 - Other relevant available information.

Step 3: Recommendation to EC

- The Agency recommendation to EC is based on:
 - ◆ The written request for examination (step1),
 - ◆ The pre-assessment report (step1),
 - ◆ The Impact Assessment report (step 2, if applicable),
 - ◆ The Consultation of social partners (if necessary).
- The recommendation is sent to the EC who decides, eventually after consultation with the RISC committee, on the use of the recommendation, as well as on the potential consultations, before to prepare a decision.



Thank you for your attention!

