

INF.8

4c – Operation and maintenance safety responsibilities

ITEM 8: Safety responsibilities of the actors as defined in Directive 2008/68/EC and Chapter 1.4 of RID, in relation to new Safety Directive (EU) 2016/798

Information from European Union Agency for Railways

Railway legislation applicable to TDG and roles (not exhaustive)

JCGE #5

6 September 2022 – Bern (hybrid meeting)

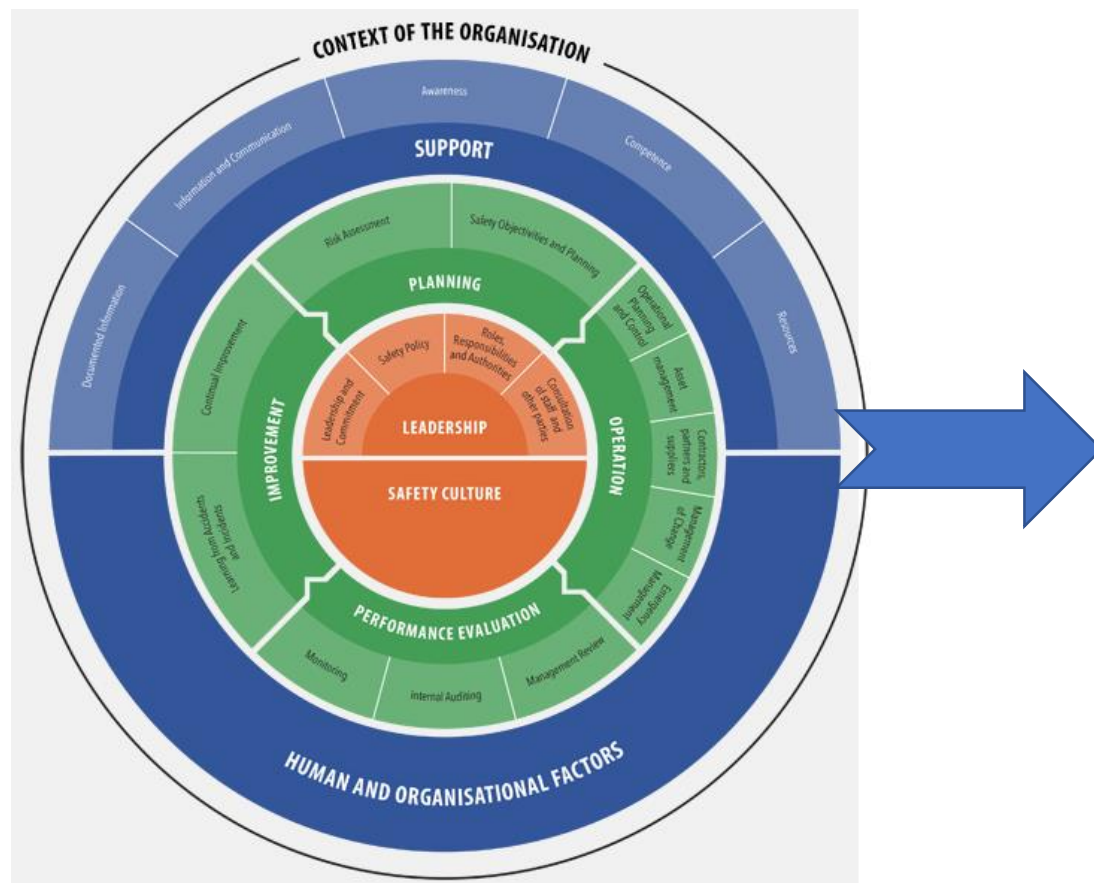


Overview of roles and interfaces per topic (not exhaustive)

1. Risk evaluation and assessment
2. Safety Management Systems
3. Safety authorisation of the infrastructure manager
4. Safety certification of a railway undertaking
5. Monitoring of SMS functioning
6. Assessment of operators' safety (inc. new CSM ASLP)
 7. Supervision of SMS implementation
 8. Emergency situation management (planning)
 9. Reporting of occurrences (inc. new CSM ASLP)
 10. Investigation of occurrences
 11. National rules
 12. Certification of tanks
13. Vehicle authorisation of tank-wagons
 14. Registration of tank-wagons
 15. Maintenance of tank-wagons

Administrative actor	Responsible actor	Applicant (subject) actor	Contributing actor (or service providers)	Informed actor (sharing of information)
AsBo	IM RU ECM		SAFETY ADVISOR	
	IM RU ECM		SAFETY ADVISOR	
	NSA	IM	SAFETY ADVISOR	TDG CA
	ERA NSA	RU	SAFETY ADVISOR	TDG CA
	IM RU ECM SAFETY ADVISOR			
	ERA	IM RU	NSA SAFETY ADVISOR TDG CA	NSA NIB TDG CA
	NSA	IM RU	SAFETY ADVISOR TDG CA	
	IM RU		NSA SAFETY ADVISOR TDG CA Emergency services	
ERA	IM RU ECM		NSA SAFETY ADVISOR TDG CA NIB	TDG CA
ERA	NIB		IM RU SAFETY ADVISOR + other as needed	EU-MS OTIF
EC ERA	EU-MS		TDG CA	
TDG CA	TDG CA InsBo	APPLICANT	MANUFACTURER	
ERA	ERA NSA	APPLICANT	NoBo	TDG CA
ERA	NSA	APPLICANT	RU KEEPER	TDG CA
AccBo RecBo NSA	ECM		RU KEEPER SAFETY ADVISOR InsBo	TDG CA

Safety Management System | ERA (europa.eu)



Interactions with dangerous goods legislation

facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.

Role of the adviser

- *monitoring compliance with the requirements governing the carriage of dangerous goods;*
- *advising his undertaking on the carriage of dangerous goods;*
- *preparing an annual report on the activities in the carriage of dangerous goods.*

1) Risk evaluation and assessment

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 6(1)(a) is requiring the establishment of the risk evaluation and assessment methods;

This method is provided by the

COMMISSION IMPLEMENTING REGULATION (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009 ([EUR-Lex - 32013R0402 - EN - EUR-Lex](#))

*It is applicable to **manage risks and any change made to the railway system in order to control the related risks** (technical/operational/organizational)*

It is supplemented by

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1136 of 13 July 2015 amending Implementing Regulation (EU) No 402/2013 on the common safety method for risk evaluation and assessment ([EUR-Lex - 32015R1136 - EN - EUR-Lex](#))

providing some additional definitions and applicable risk level

Interactions with dangerous goods legislation

RID 1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to **facilitate the conduct of those activities** in accordance with the requirements applicable and **in the safest possible way**.

With regard to the undertaking's activities, the adviser has the following duties in particular:

- monitoring compliance with the requirements governing the carriage of dangerous goods;
- **advising his undertaking on the carriage of dangerous goods;**
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request

The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

.../

- the **implementation of appropriate measures** to avoid the recurrence of accidents, incidents or serious infringements;

AsBo

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ECM

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ADVISOR

2) Safety Management Systems (SMS)

Directive (EU) 2016/798 (EUR-Lex - 32016L0798 - EN - EUR-Lex)

Article 9(3) The safety management system shall contain the following basic elements:

- (a) a safety policy approved by the organisation's chief executive and communicated to all staff;
- (b) qualitative and quantitative targets of the organisation for the maintenance and enhancement of safety, and plans and procedures for reaching these targets;
- (c) procedures to meet existing, new and altered technical and operational standards or other prescriptive conditions as laid down in TSIs, national rules referred to in Article 8 and Annex II, other relevant rules or authority decisions;
- (d) procedures to assure compliance with the standards and other prescriptive conditions throughout the life cycle of equipment and operations;
- (e) procedures and methods for identifying risks, carrying out risk evaluation and implementing risk-control measures whenever a change of operating conditions or the introduction of new material imposes new risks on the infrastructure or the man-machine-organisation interface;
- (f) the provision of programmes for the training of staff and systems to ensure that the staff's competence is maintained and that tasks are carried out accordingly, including arrangements with regard to physical and psychological fitness;
- (g) arrangements for the provision of sufficient information within the organisation and, where appropriate, between organisations of the railway system;
- (h) procedures and formats for the documentation of safety information and designation of procedure for the configuration control of vital safety information;
- (i) procedures to ensure that accidents, incidents, near misses and other dangerous occurrences are reported, investigated and analysed and that necessary preventive measures are taken;
- (j) the provision of actions plans, alerts and information in the event of an emergency, agreed upon with the appropriate public authorities; and
- (k) provisions for recurrent internal auditing of the safety management system.

Infrastructure managers and railway undertakings shall include any other element necessary to cover safety risks, in accordance with the assessment of risks arising from their own activity.

Detailed requirements are established by

COMMISSION DELEGATED REGULATION (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements

(EUR-Lex - 32018R0762 - EN - EUR-Lex)

And by

COMMISSION IMPLEMENTING REGULATION (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU

(EUR-Lex - 32019R0773 - EN - EUR-Lex)



Interactions with dangerous goods legislation

RID 1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to **facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.**

With regard to the undertaking's activities, the adviser has the following duties in particular:

- monitoring compliance with the requirements governing the carriage of dangerous goods;
- advising his undertaking on the carriage of dangerous goods;
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request

The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

- the procedures for compliance with the requirements governing the identification of dangerous goods being transported;
- the undertaking's practice in taking account, when purchasing means of transport, of any special requirements in connection with the dangerous goods being transported;
- the procedures for checking the equipment used in connection with the carriage, packing, filling, loading or unloading of dangerous goods;
- the proper training of the undertaking's employees, including on the changes to the regulations, and the maintenance of records of such training;
- the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the carriage, packing, filling, loading or unloading of dangerous goods;
- investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during the carriage, packing, filling, loading or unloading of dangerous goods;
- the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements;
- the account taken of the legal prescriptions and special requirements associated with the carriage of dangerous goods in the choice and use of sub-contractors or third parties;
- verification that employees involved in the consigning, carriage, packing, filling, loading or unloading of dangerous goods have detailed operational procedures and instructions,
- the introduction of measures to increase awareness of the risks inherent in the carriage, packing, filling, loading and unloading of dangerous goods;
- the implementation of verification procedures to ensure the presence on board means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations;
- the implementation of verification procedures to ensure compliance with the requirements governing packing, filling, loading and unloading;
- the existence of the security plan indicated in 1.10.3.2.

3) Safety authorisation of the infrastructure manager

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 12(1)

*In order to be allowed to **manage and operate a rail infrastructure**, the infrastructure manager shall obtain a **safety authorisation from the national safety authority** in the Member State where the rail infrastructure is located.*

*The safety authorisation shall comprise an authorisation confirming **acceptance of the infrastructure manager's safety management system** as provided for in Article 9, and shall include the procedures and provisions fulfilling the requirements necessary for the safe design, maintenance and operation of the railway infrastructure, including, where appropriate, the maintenance and operation of the traffic control and signalling system.*

*The **national safety authority shall explain the requirements for the safety authorisations and the documents required**, where appropriate in the form of an application guidance document.*

Article 6(1)(b) is requiring the establishment of the methods for assessing conformity with requirements in safety certificates and safety authorisations issued in accordance with Articles 10 and 12.

This method is provided by

COMMISSION RECOMMENDATION (EU) 2019/780 of 16 May 2019 on practical arrangements for issuing safety authorisations to infrastructure managers

[\(COMMISSION RECOMMENDATION \(EU\) 2019/ 780 - of 16 May 2019 - on practical arrangements for issuing safety authorisations to infrastructure managers \(europa.eu\)\)](#)



Interactions with dangerous goods legislation

Safety Authorisation of the Infrastructure Manager is not covered - as such - in RID

However, RID is providing requirements for the SMS content, sometimes it is duplicating already existing requirements of EU Railway legislation that are conditions for being authorised

RID 1.4.3.6

In the context of 1.4.1, the railway infrastructure manager has in particular the following obligations. The railway infrastructure manager

(a) shall ensure that internal emergency plans for marshalling yards are prepared in accordance with Chapter 1.11;

(b) shall ensure that he has rapid and unrestricted access to the following information at any time during carriage:

.../...

This information shall only be disclosed to those parties that require it for safety, security or emergency response purposes.



4) Safety certification of a railway undertaking

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 10(1)

Without prejudice to paragraph 9, access to the railway infrastructure shall be granted only to **railway undertakings** which **hold the single safety certificate issued by the Agency** in accordance with paragraphs 5 to 7 **or by a national safety authority** in accordance with paragraph 8.

The purpose of the single safety certificate is to provide evidence that the railway undertaking concerned **has established its safety management system** and that it is **able to operate safely** in the intended **area of operation**.

Article 6(1)(b) is requiring the establishment of the methods for assessing conformity with requirements in safety certificates and safety authorisations issued in accordance with Articles 10 and 12.

This method is provided by

COMMISSION IMPLEMENTING REGULATION (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007

([EUR-Lex - 32018R0763 - EN - EUR-Lex](#))

Interactions with dangerous goods legislation

Safety Certification of the Railway Undertaking is not covered – as such - in RID

However, RID is providing requirements for the SMS content, sometimes it is duplicating already existing requirements of EU Railway legislation that are conditions for being Certified

.../

RID 1.4.2.2

.../ see RID /...

Note: This section contains requirement which may be directly covered or partly covered by the EU railway legislation for operations taking place within the EU, for example:

- RID 1.4.2.1.1 a, c, d, e, f, g) -> link with SMS requirement 9(3)(c, d)
- RID 1.4.2.1.1 b) -> link with SMS requirement 9(3)(g)

RID 1.4.3.5

In the context of 1.4.1, the tank-wagon operator shall in particular:

- ensure compliance with the requirements for construction, equipment, inspections and tests and marking;
- have an exceptional check made when the safety of the shell or its equipment is liable to be impaired by a repair, an alteration or an accident;
- ensure that the results of the activities as required in (a) and (b) are recorded in the tank record;
- ensure that the entity in charge of maintenance (ECM) assigned to the tank-wagon holds a valid certificate covering tank-wagons for dangerous goods;
- ensure that the information made available to the ECM as defined in Article 15 § 3 of Appendix G to COTIF (ATMF) and in Annex A to ATMF also covers the tank and its equipment.

.../

Note :

In the context of RID, the responsibilities of the Railway Undertaking in accordance with Directive (EU) 2016/798 are covered both by sections 1.4.2.2 and 1.4.3.5.

5) Monitoring of SMS functioning

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 6(1)(c) is requiring the establishment of (c) the methods for supervision to be applied by national safety authorities and the methods for **monitoring** to be applied by railway undertakings, infrastructure managers and entities in charge of maintenance;

The method for monitoring is provided by

COMMISSION REGULATION (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance

([EUR-Lex - 32012R1078 - EN - EUR-Lex](#))

Note: the scope of application of this regulation is not fully matching with the scope of activities of safety advisors and does not cover security plans in accordance with RID.

In particular, it is applicable to the monitoring of activities for which the railway undertaking, railway infrastructure manager, entity in charge of maintenance are responsible.

Interactions with dangerous goods legislation

RID 1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.

With regard to the undertaking's activities, the adviser has the following duties in particular:

- **monitoring compliance with the requirements** governing the carriage of dangerous goods;
- advising his undertaking on the carriage of dangerous goods;
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request.

The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

- the procedures for compliance with the requirements governing the identification of dangerous goods being transported;
- the undertaking's practice in taking account, when purchasing means of transport, of any special requirements in connection with the dangerous goods being transported;
- the procedures for checking the equipment used in connection with the carriage, packing, filling, loading or unloading of dangerous goods;
- the proper training of the undertaking's employees, including on the changes to the regulations, and the maintenance of records of such training;
- the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the carriage, packing, filling, loading or unloading of dangerous goods;
- investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during the carriage, packing, filling, loading or unloading of dangerous goods;
- the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements;
- the account taken of the legal prescriptions and special requirements associated with the carriage of dangerous goods in the choice and use of sub-contractors or third parties;
- verification that employees involved in the consigning, carriage, packing, filling, loading or unloading of dangerous goods have detailed operational procedures and instructions,
- the introduction of measures to increase awareness of the risks inherent in the carriage, packing, filling, loading and unloading of dangerous goods;
- the implementation of verification procedures to ensure the presence on board means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations;
- the implementation of verification procedures to ensure compliance with the requirements governing packing, filling, loading and unloading;
- the existence of the security plan indicated in 1.10.3.2.

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6) Assessment of operators (inc. new CSM ASLP)

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 6(1)(d) is requiring the establishment of (d) the methods for assessing the safety level and the safety performance of railway operators at national and Union level;

This method is currently under adoption process by the European Commission as a Commission Delegated Regulation, based on the Agency recommendation of 18 May 2021,

It will notably provide methods for:

- ***Assessing safety levels of the operators***
- ***Assessing safety performance of the operators***
- ***Publishing related National and EU safety indicators***

Interactions with dangerous goods legislation

(Not covered in RID)
(Not covered in RID)
(Not covered in RID)

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 6(1)(c) is requiring the establishment of (c) the methods for **supervision** to be applied by national safety authorities and the methods for monitoring to be applied by railway undertakings, infrastructure managers and entities in charge of maintenance;

The method for supervision is provided by

Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 ([EUR-Lex - 32018R0761 - EN - EUR-Lex](#))

NSA

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7) Supervision of SMS implementation

Interactions with dangerous goods legislation

RID is not requiring supervision of operators, as such, in accordance with Directive (EU) 2018/798

However, TDG CA may provide relevant inputs from their administrative controls (RID 1.8.1) to the supervising NSA, or based on relevant parts of the DGSA annual report or other relevant inputs it may hold.

RID 1.8.1 Administrative controls of dangerous goods

1.8.1.1 The competent authorities of the RID Contracting States may, on their national territory, at any time, conduct spot checks to verify whether the requirements concerning the carriage of dangerous goods have been met including, in accordance with 1.10.1.5, those concerning security measures.

These checks shall, however, be made without endangering persons, property or the environment and without major disruption of rail services.

RID 1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.

With regard to the undertaking's activities, the adviser has the following duties in particular:

.../...

– preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such **annual reports** shall be preserved for five years and **made available to the national authorities at their request**

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8) Emergency situation management

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 9(3)

The safety management system shall contain the following basic elements:

.../

(j) the provision of actions plans, alerts and information in the event of an emergency, agreed upon with the appropriate public authorities;

/...

Detailed requirements are established by

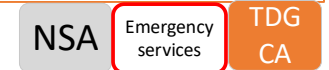
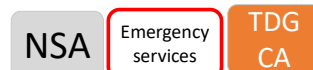
COMMISSION DELEGATED REGULATION (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements

([EUR-Lex - 32018R0762 - EN - EUR-Lex](#))

And by

COMMISSION IMPLEMENTING REGULATION (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU

([EUR-Lex - 32019R0773 - EN - EUR-Lex](#))



Interactions with dangerous goods legislation

RID 1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.

With regard to the undertaking's activities, the adviser has the following duties in particular:

- **monitoring compliance with the requirements** governing the carriage of dangerous goods;
- advising his undertaking on the carriage of dangerous goods;
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request.

The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

.../

- the **implementation of proper emergency procedures** in the event of any accident or incident that may affect safety during the carriage, packing, filling, loading or unloading of dangerous goods;

.../

- verification that employees involved in the consigning, carriage, packing, filling, loading or unloading of dangerous goods have detailed operational procedures and instructions,
- the implementation of verification procedures to ensure the presence on board means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations;

/...

RID 1.11 Internal emergency plans for marshalling yards

Internal emergency plans shall be drawn up for the carriage of dangerous goods in marshalling yards.

The aim of emergency plans shall be that in the event of an accident or incident in marshalling yards, all those involved shall co-operate in a coordinated way and the consequences of the accident or incident for human life or for the environment shall be minimised to the greatest possible extent.

The requirements of this Chapter are considered to have been complied with if IRS 20201 (Carriage of dangerous goods – Emergency planning guidance for rail marshalling yards) published by UIC is applied.

Note: IRS 20201 is referring to EU legislation concerning the preparation of the Safety Management System, including the preparation of emergency plans.

9) Reporting of occurrences, analyses and risk control measures (inc. new CSM ASLP)

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 6(1)(d) is requiring the establishment of (d) the methods for assessing the safety level and the safety performance of railway operators at national and Union level;

This method is currently under adoption process by the European Commission as a Commission Delegated Regulation, based on the Agency recommendation of 18 May 2021,

It will notably provide methods for:

- **Setting the applicable reporting taxonomy**
- **Collecting incident and accident reports**
- **Analysing occurrence scenarios and risk control measures**
- **Establishing the EU safety information sharing system (ISS)**

Interactions with dangerous goods legislation

RID 1.8.5.1

If a serious accident or incident takes place during loading, filling, carriage or unloading of dangerous goods on the territory of an RID Contracting State, the loader, filler, carrier, unloader, consignee or if the case may be the railway infrastructure manager, respectively, shall ascertain that a report conforming to the model prescribed in 1.8.5.4 is made to the competent authority of the RID Contracting State concerned at the latest one month after the occurrence.

RID 1.8.3.3

.../

The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

../

- **investigating and, where appropriate, preparing reports** on serious accidents, incidents or serious infringements recorded during the carriage, packing, filling, loading or unloading of dangerous goods;
- the implementation of appropriate **measures to avoid the recurrence** of accidents, incidents or serious infringements;

/...

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Chapter V

Article 20 Obligation to investigate

Article 21 Status of investigation

Article 22 Investigating body

Article 23 Investigation procedure

Article 24 Reports

Article 25 Information to be sent to the Agency

Article 26 Safety recommendations

Detailed requirements are established by

COMMISSION IMPLEMENTING REGULATION (EU) 2020/572 of 24 April 2020 on the reporting structure to be followed for railway accident and incident investigation reports

([EUR-Lex - 32020R0572 - EN - EUR-Lex](#))

Interactions with dangerous goods legislation

There is no requirement for independent investigation in RID, however the report of the safety advisor may be used, as input, by the National Investigation Body in accordance with Directive (EU) 2016/798 in the context of its independent investigation

RID 1.8.3.6

Whenever an accident affects persons, property or the environment or results in damage to property or the environment during carriage, packing, filling, loading or unloading carried out by the undertaking concerned, the **adviser shall, after collecting all the relevant information, prepare an accident report** to the management of the undertaking or to a local public authority, as appropriate. That report shall not replace any report by the management of the undertaking which might be required under any other international or national legislation.

RID 1.8.5.2

The RID Contracting State shall in turn, if necessary, make a report to the Secretariat of OTIF with a view to informing the other RID Contracting States

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 1

(c) developing common safety targets ('CSTs') and common safety methods ('CSMs') with a view to gradually removing the need for national rules;

Article 3

.../...

(8) 'national rules' means all binding rules adopted in a Member State, irrespective of the body issuing them, which contain railway safety or technical requirements, other than those laid down by Union or international rules, and which are applicable within that Member State to railway undertakings, infrastructure managers or third parties;

Article 8

4. Member States shall submit the draft of a new national rule to the Agency and the Commission for consideration in due time and within the deadlines referred to in Article 25(1) of Regulation (EU) 2016/796, before the expected introduction into the national legal system of the proposed new rule, providing justification for its introduction, through the appropriate IT system in accordance with Article 27 of Regulation (EU) 2016/796. Member States shall ensure that the draft is sufficiently developed to allow the Agency to carry out its examination in accordance with Article 25(2) of Regulation (EU) 2016/796.

.../...

7. Member States shall notify to the Agency and to the Commission the national rules adopted. They shall use the appropriate IT system in accordance with Article 27 of Regulation (EU) 2016/796. Member States shall ensure that existing national rules are easily accessible, in the public domain and formulated in terminology that all interested parties can understand. Member States may be requested to provide additional information on their national rules.

8. Member States may decide not to notify rules and restrictions of a strictly local nature. In such cases, Member States shall mention those rules and restrictions in the registers of infrastructure referred to in Article 49 of Directive (EU) 2016/797 or indicate in the network statement referred to in Article 27 of Directive 2012/34/EU where those rules and restrictions are published.

9. National rules notified in accordance with this Article shall not be subject to the notification procedure provided for by Directive (EU) 2015/1535 of the European Parliament and the Council

10. Draft national rules and existing national rules shall be examined by the Agency in accordance with the procedures laid down in Articles 25 and 26 of Regulation (EU) 2016/796.

11. Without prejudice to paragraph 8, national rules not notified in accordance with this Article shall not apply for the purposes of this Directive.

Interactions with dangerous goods legislation

RID 1.9 Restrictions on carriage imposed by the competent authorities

/...

RID 1.9.1

An RID Contracting State may apply to the international carriage of dangerous goods by rail on its territory certain additional provisions not included in RID, provided that these additional provisions

- are in accordance with 1.9.2,
- do not conflict with the provisions of 1.1.2.1 (b),
- are contained in the RID Contracting State's domestic legislation applying equally to the domestic carriage of dangerous goods by rail on the territory of that RID Contracting State,
- do not result in the prohibition of carriage by rail of the dangerous goods covered by these provisions in the whole territory of the RID Contracting State

RID 1.9.2

The additional provisions referred to in 1.9.1 are:

(a) additional safety requirements or restrictions on carriage

- using certain structures such as bridges or tunnels,
- using combined transport installations such as transhipment installations, or
- where the transport operation begins or ends in ports, railway stations or other transport terminals.

(b) provisions according to which the carriage of certain dangerous goods on sections with special and local risks is prohibited, such as sections in residential areas, environmentally sensitive areas, economic centres or industrial zones containing hazardous installations, or to which special conditions, e.g. operational measures (reduced speed, specified journey times, prohibition on trains meeting each other, etc.) apply.

Where possible, the competent authorities shall establish alternative routes which may be used for each prohibited route or each route subject to special provisions.

(c) exceptional provisions specifying the excluded or prescribed routeing or provisions to be observed for temporary storage resulting from extreme weather conditions, earthquake, accident, demonstrations, civil disorder or military hostilities

RID 1.9.3 Application of the additional provisions in accordance with 1.9.2 (a) and (b) presupposes that the competent authority provides evidence of the need for measures

-> Note: [Inland TDG Risk Management Framework](#) provides possible methods for preparing evidence of the need of safety measures

EU-MS

EC

ERA

TDG
CA

*The Certification of tanks is not covered by EU railway legislation. However, the **tank** certificate issued by the inspection body in accordance with RID is used by ERA/NSA in the process of the authorisation for placing on the market of the **tank-wagons**.*

Interactions with dangerous goods legislation

6.8.2.3 Type approval

6.8.2.3.1 The competent authority or a body designated by that authority shall issue in respect of each new type of tank-wagon, demountable tank, tank-container, tank swap body, battery-wagon or MEGC a **certificate attesting that the type**, including fastenings, which it has inspected is **suitable for the purpose** for which it is intended and **meets the construction requirements** of 6.8.2.1, the **equipment requirements** of 6.8.2.2 and the **special conditions** for the classes of substances carried.

.../...

The substances referred to in the certificate or the groups of substances approved according to the rationalized approach shall, in general, be compatible with the characteristics of the tank. A reservation shall be included in the certificate if it was not possible to investigate this compatibility exhaustively when the type approval was issued. A copy of the certificate shall be attached to the **tank record** of each tank, battery-wagon or MEGC constructed (see 4.3.2.1.7). The competent authority or a body designated by that authority shall, at the request of the applicant, carry out a separate type approval of service equipment for which a standard is listed in the table in 6.8.2.6.1, in accordance with that standard. This separate type approval shall be taken into account when issuing the certificate for the tank, if the test results are presented and the service equipment is fit for the intended use

[RID 2023]

6.8.1.5.2 *Type approval certificate issue according to 1.8.7.2.2*

Only the competent authority that approved or recognized the inspection body that performed the type examination shall issue the type approval certificate.

However, when an inspection body is designated by the competent authority to issue the type approval certificate the type examination shall be performed by that inspection body.

Tank certificate

Tank record

TDG
CA

InsBo

13) Authorisation for placing on the market of a tank-wagon

Directive (EU) 2016/797 ([EUR-Lex - 32016L0797 - EN - EUR-Lex](#))

Article 21 Vehicle authorisation for placing on the market

1. The applicant shall place a vehicle on the market only after having received the vehicle authorisation for placing on the market issued by the Agency in accordance with paragraphs 5 to 7 or by the national safety authority in accordance with paragraph 8.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council

([EUR-Lex - 32018R0545 - EN - EUR-Lex](#))

Supporting documents concerning EU Railways legislation for placing vehicle on the market:
 - Joint Meeting RID/ADR/ADN (WP.15/AC.1) (19-29 September 2017)
 Informal document 26 : [PDF](#)
 - RID Standing Group (November 2020) : RID_CE_GTP_2020-[INF.5](#)

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ERA NSA

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Interactions with dangerous goods legislation

Authorisation for placing on the market is not regulated by RID, only the certification and inspection of tanks are.

Once authorized in accordance with Directive (EU) 2016/797, taking into account the tank certificate, tank inspections of the tank-wagons can be operated in accordance with both railway legislation and RID operating requirements.

1.8.7.2.2.3 In the case of a **modification** of a product with a valid, expired or withdrawn type approval, the relevant type examination, testing, inspection and approval are limited to the parts of the product that have been modified.

The modification shall meet the provisions of RID applicable at the time of the modification. For all parts of the product not affected by the modification, the documentation of the initial type approval remains valid.

A **modification** may apply to one or more product(s) covered by the same type approval.

Where the modified product satisfies all applicable provisions, a supplementary approval certificate for the **modification** shall be issued to the owner or operator by the competent authority or inspection body of any RID Contracting State in conformity with Chapters 6.2 and 6.8. For tanks, battery-wagons or MEGCs, a copy shall be kept as part of the tank record.

RID 2023 edition establish a new concept of occasional 'entry in service verification' which is out of the scope of the authorisation but, if it is exercised, it should be in case of strong presumption of non-conformity to type.

As this verification would intervene after the tank-wagon authorization has been issued, it may lead to corrective actions (in case of negative results) affecting the authorization status.

1.8.7.5 Entry into service verification

1.8.7.5.1 If an entry into service verification is required by the competent authority under 6.8.1.5.5, the owner or operator shall engage a single inspection body to perform the entry into service verification and shall provide it with the type approval certificate and the technical documentation specified in 1.8.7.8.4.

The inspection body in charge of the entry into service verification shall, without delay, inform its competent authority of any refusal.²⁷

²⁷ In such a case the competent authority shall also inform the national safety authority (NSA) of the RID Contracting State concerned, which is also a Member State of the European Union, with the aim of evaluating the follow-up actions to be applied by the NSA in accordance with Article 26 of Directive (EU) 2016/797 on the "non-compliance of vehicles or vehicle types with essential requirements" and Article 7(4) of Implementing Regulation (EU) 2018/545 on the "sharing of information related to technical and operational matters relevant for the issuing of a vehicle type authorisation and/or vehicle authorisation for placing on the market".

In RID Contracting States which are also ATMF Contracting States but not Member States of the European Union, the competent authority shall also inform the competent authority in the meaning of Article 5 of the ATMF Uniform Rules, with the aim of evaluating the need for follow-up actions, in particular in accordance with Article 10a of the ATMF Uniform Rules concerning the non-compliance of vehicle or vehicle types and, where relevant, in accordance with Article 8a of the APTU Uniform Rules if deficiencies in the UTP are expected.

Tank certificate
Tank record

14) Registration of tank-wagons

Directive (EU) 2016/797 ([EUR-Lex - 32016L0797 - EN - EUR-Lex](#))

Article 22 Registration of vehicles authorised to be placed on the market

1. Before a vehicle is used for the first time, and after the authorisation to be placed on the market in accordance with Article 21 is granted, it shall be registered in a vehicle register as referred to in Article 47 at the request of the keeper.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/545

Article 50 Registration in ERATV and ERADIS

1. The ERATV shall be completed by the authorising entity using the information provided by the applicant as part of the vehicle type authorisation application. The applicant shall be responsible for the integrity of the data provided to the authorising entity. The authorising entity shall be responsible for checking the consistency of the data provided by the applicant and making the ERATV entry available to the public.

2. The authorising entity shall ensure that the European Railway Agency Database of Interoperability and Safety ('ERADIS') has been updated as appropriate before delivering a vehicle type authorisation and/or vehicle authorisation for placing on the market

3. For modifications pursuant to Article 15(1)(c) and 15(3), the authorising entity shall register in ERATV the new version of a vehicle type or the new version of a vehicle type variant, using the information provided by the holder of the vehicle type authorisation. The holder of the vehicle type authorisation is responsible for the integrity of the data provided to the authorising entity. The authorising entity shall be responsible for checking the consistency of the data provided by the holder of the vehicle type authorisation and making the ERATV entry available to the public.

Pending the registration of the new version of a vehicle type or the new version of a vehicle type variant, the vehicles modified to be conforming to the new version may already be operated without delay.

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ERA NSA

APPLICANT KEEPER

Interactions with dangerous goods legislation

The registration of tank-wagons is not regulated by RID.

However, the country of registration is mentioned for occasional tasks.

6.8.1.5.5 *Entry into service verification according to 1.8.7.5*

The competent authority of the country of first registration may require, on an occasional basis, an entry into service verification of the tank to verify conformity with the applicable requirements.¹

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When the country of registration of a tank-wagon is changed, the competent authority of the RID Contracting State to which the tank-wagon is transferred may require, on an occasional basis, an entry into service verification of the tank.

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¹ For those tank-wagons that have received a vehicle authorization from the European Union Agency for Railways (ERA) in accordance with Article 21 of Directive (EU) 2016/797 and Commission Implementing Regulation (EU) 2018/545, this authorization shall be sufficient and no entry into service verification shall be required to confirm the conformity of the tank for the purpose of registering the tank-wagon in the National Vehicle Register (NVR).

Tank certificate
Tank record

15) Maintenance of tank-wagons

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 14

1. Each vehicle, before it is being used on the network, shall have an entity in charge of maintenance assigned to it and this entity shall be registered in the vehicle register in accordance with Article 47 of Directive (EU) 2016/797.
2. Without prejudice to the responsibility of the railway undertakings and infrastructure managers for the safe operation of a train as provided for in Article 4, the entity in charge of maintenance shall ensure that the vehicles for the maintenance of which it is in charge are in a safe state of running. To that end, the entity in charge of maintenance shall establish a maintenance system for those vehicles and shall by means of that system:
4. In the case of freight wagons, and after the adoption of the implementing acts referred to in point (b) of paragraph 8 in the case of other vehicles, each entity in charge of maintenance shall be certified and be awarded an entity in charge of maintenance certificate (ECM certificate) by an accredited or recognised body or by a national safety authority in accordance with the following conditions:

COMMISSION IMPLEMENTING REGULATION (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 ([EUR-Lex - 32019R0779 - EN - EUR-Lex](#))

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RID does not define maintenance requirements, but the applicable tanks design requirements **Once operated, taking into account the results of the tank inspections and checks, tank-wagons are maintained in accordance with Directive (EU) 2016/798 and Regulation (EU) 2019/779 (ECM Regulation)**

In such case, the Entities in Charge of Maintenance (ECM) shall be certified for the maintenance of vehicles specialized for the carriage of dangerous goods.

6.8.2.4.5 The tests, inspections and checks in accordance with 6.8.2.4.1 to 6.8.2.4.4 shall be carried out by the expert approved by the competent authority. **Certificates shall be issued showing the results of these operations, even in the case of negative results.** These certificates shall refer to the list of the substances permitted for carriage in this tank or to the tank code and the alphanumeric codes of special provisions in accordance with 6.8.2.3. **A copy of these certificates shall be attached to the tank record of each tank, battery-wagon or MEGC tested (see 4.3.2.1.7).**

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6.8.2.4.5 Amend the first sub-paragraph to read as follows:

"Certificates shall be issued by the inspection body referred to in 6.8.1.5.4 or 6.8.1.5.6 and shall show the results of the inspections in accordance with 6.8.2.4.1 to 6.8.2.4.4, even in the case of negative results. These certificates shall refer to the list of the substances permitted for carriage in this tank or to the tank code and the alphanumeric codes of special provisions in accordance with 6.8.2.3.2."

Tank certificate
Tank record

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