



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

**Commission d'experts techniques
Fachausschuss für technische Fragen
Committee of Technical Experts**

TECH-23011-CTE15-8.1

17.04.2023

Original: EN

15TH SESSION

Progress report on the development of Annexes to the EST UR (Appendix H to COTIF)

1. INTRODUCTION

In September 2018, the 13th session of the General Assembly adopted¹ the EST Uniform Rules. According to Article 34 § 2 of COTIF, entry into force of the EST UR is pending approval by two-thirds of the OTIF Member States. Twelve months after this required approval is obtained, the provisions enter into force. However, the General Assembly recommended that the Committee of Technical Experts prepare proposals for annexes to the EST UR before the EST UR enter into force. The proposals could then be adopted by the Committee of Technical Experts without delay after the EST UR enter into force.

At its 14th session (Bern, 14-15 June 2022), the Committee of Technical Experts (CTE) requested WG TECH to draft proposals for the following future annexes to the EST UR:

- A harmonised procedure for issuing safety certificates in the scope of the EST UR;
- The necessary links between the EST UR and the Common Safety Method on risk evaluation and assessment, in particular by drafting proposals to modify UTP GEN-G.

This progress report summarises the work that has been carried out so far.

2. BACKGROUND

The EST UR set out uniform rules for the safe operation of trains in international traffic. They provide general principles and responsibilities for the cross-border operation of trains for OTIF Member States that already fully apply the APTU and ATMF UR, further referred to as Contracting States. The rules are compatible with the EU rules on safety of the railway system, albeit the former are less detailed.

The EST UR will require Contracting States to ensure that:

- Responsibilities for ensuring railway safety are clearly assigned;
- The safety and operational rules applicable to railway undertakings and to infrastructure manager(s) are public/available;
- There is a process for the safety certification of railway undertakings and all certified railway undertakings are publicly registered;
- All railway undertakings and the infrastructure manager(s) establish their safety management systems and monitor their correct implementation;
- They mutually accept assessment results from the Safety Certification Authorities of other Contracting States. As an option, they may also conclude agreements which provide for the mutual recognition of Safety Certificates;
- Railway undertakings and infrastructure managers cooperate to ensure the safe operation of trains on the Contracting State's territory.

3. SCOPE AND PROGRESS OF WORK

In accordance with Article 8 § 3 of the EST UR, in order to implement the requirements of the EST UR in a harmonised way, the annexes to be developed must include:

- A Common Safety Method for safety management system requirements to be applied by Safety Certification Authorities when issuing Safety Certificates and by railway undertakings and infrastructure managers when developing, implementing, maintaining and improving their safety management systems.

¹ <http://otif.org/fileadmin/new/2-Activities/2A-General-Assembly/2AcNotifications/NOT-18001-Ad2-fde-Appendix-H-EST.pdf>

The 14th session of the Committee of Technical Experts considered the draft CSM on SMS Requirements as set out in document TECH-22007, as modified at the session. After a future decision on its adoption, this draft will become Annex A to the EST UR;

- A Common Safety Method on monitoring to be applied by railway undertakings and infrastructure managers and entities in charge of maintenance.

The 14th session of the Committee of Technical Experts considered the draft CSM on Monitoring as set out in document TECH-22008. After a future decision on its adoption, this draft will become Annex B to the EST UR;

- The necessary links to the Common Safety Method on risk evaluation and assessment to be applied by the railway undertakings, infrastructure managers and entities in charge of maintenance when making any technical, operational or organisational change to the railway system.

This activity is to be reviewed at the 15th session of the CTE. The links referred to mean that UTP GEN-G concerning a Common Safety Method on risk evaluation and assessment will need to be revised. The objective of this revision would be to include requirements relating to the safety management system (SMS) in the scope of the EST UR. In this regard, the EU requirements for risk evaluation and assessments relating to the SMS should be taken over mutatis mutandis. Furthermore, the future Annexes to the EST UR should refer to UTP GEN-G in cases where risk assessment is required. Therefore, the combination of the revised UTP GEN-G and the future Annexes to the EST UR will form the ‘necessary links’ referred to in Article 8 § 3 of the EST UR. WG TECH considered a draft proposal for the revision of UTP GEN-G at its 47th and 48th sessions. TECH-23006-CTE15-6.2 is the working document for the 15th session of the CTE, which includes proposals for decision on this subject.

WG TECH considered that the adoption of modifications to UTP GEN-G should not be postponed until the entry into force of the EST UR. Instead, it suggested modifying UTP GEN-G without delay. This is further explained and justified in working document TECH-23006-CTE15-6.2;

- A Common Safety Method on supervision to be applied by Supervision Authorities.

This work has not yet started. It should become Annex D to the EST UR;

- Lastly, Article 8 § 3 of the EST UR requests the Committee of Technical Experts to consider including harmonised procedures for issuing Safety Certificates. It did so at the 14th session and requested WG TECH to develop proposals.

This activity is to be reviewed at the 15th session of the CTE. A draft proposal for Annex C to the EST UR was reviewed by WG TECH at the 46th and 47th sessions. WG TECH 47 was satisfied with the draft text in TECH-22022, version 2 of 9 August 2022 and agreed to submit it to the CTE for consideration. The final text is in the annex to this document.

PROPOSALS FOR DECISION

- The Committee of Technical Experts takes note of the progress report on the development of annexes to the EST UR, as described in working document TECH-23011-CTE15-8.1 of 17 April 2023;
- The Committee of Technical Experts considered the draft CSM on harmonised procedures for issuing safety certificates as set out in the annex to document TECH-23011-CTE15-8.1 of 17 April 2023[, as modified at the session], which, once it is adopted, will become Annex C to the EST UR;
- The Committee of Technical Experts requests the Secretary General to place the adoption of the CSM on harmonised procedures for issuing safety certificates (Annex C to the EST UR) on the agenda of a future session of the Committee of Technical Experts, as soon as the EST UR have entered into force.



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TECH-23011 Annex

EST Annex C

Safety Certification Procedure

Harmonised procedures for issuing Safety Certificates

Applicable from [Click here to enter a date.](#)

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EST Uniform Rules (Appendix H to COTIF 1999)

Annex C to the EST Uniform Rules **“Harmonised procedures for issuing Safety Certificates”**

(Safety Certification Procedure)

This safety certification procedure has been developed in accordance with COTIF 1999 in the version of 1 March 2019 and, in particular, in accordance with Article 8 of the EST Uniform Rules (Appendix H to COTIF).

Article 1 **Subject matter**


This safety certification procedure lays down the harmonised procedures to be applied by:

- a) Railway undertakings when submitting applications for a safety certificate, including renewals or updates, to a safety certification authority;
- b) Safety Certification Authorities when assessing applications relating to safety certificates.

Article 2 **Scope and aim**

- § 1 This safety certification procedure applies to applications for safety certificates in the scope of the EST UR.
- § 2 The aim of this safety certification procedure is to harmonise applications for safety certificates, the procedure for issuing safety certificates and the content of the safety certificates, in order to facilitate the mutual acceptance of conformity assessment results between safety certification authorities, in the meaning of Article 5 § 3 of the EST UR.
- § 3 This safety certification procedure may be used by Contracting States to facilitate the mutual recognition of Safety Certificates.

The mutual recognition of safety certificates shall be subject to additional agreements in accordance with Article 5 § 4 of the EST UR.

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Article 3 Definitions

The definitions in Article 2 of the EST UR (Appendix H to COTIF), Article 2 of the APTU UR (Appendix F to COTIF) and Article 2 of the ATMF UR (Appendix G to COTIF) shall apply.

In addition, for the purposes of this safety certification procedure, the following definition shall apply:

- ‘date of receipt of the application’ means: the first working day in the Contracting State concerned following the acknowledgement of receipt of the application file.

Article 4 Correlation with other international agreements

§ 1 This safety certification procedure is based on the provisions of 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, hereinafter referred to as the EU procedure.

§ 2 There are differences between the procedure described in this document and the EU procedure. These differences do not affect the requirements for the safety management system or compliance with them. The procedural differences have not therefore been highlighted in a two-column layout.

§ 3 Contracting States and regional organisations that apply the EU procedure shall not be required also to apply this safety certification procedure; they shall, however, accept documentary evidence obtained by application of this safety certification procedure for the scope and aim as defined in Article 2.

Documentary evidence obtained by application of the EU procedure, including single safety certificates, shall be accepted as documentary evidence when applying this safety certification procedure.


In particular, for the purpose of issuing safety certificates, the Safety Certification Authorities of all Contracting States shall accept the presentation and formatting of documentary evidence issued in accordance with:

- a) this Safety Certification Procedure, or
- b) the EU procedure.

Article 5 Content of the application file

§ 1 The application file shall be structured according to Annex I of this safety certification procedure and shall contain the information stipulated in Annex I.

§ 2 The documents listed in Annex II of this safety certification procedure shall be annexed to the application file.

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Article 6 Issuing of safety certificates

- § 1 The Safety Certification Authority shall evaluate whether the application file contains the required documentary evidence listed in Annex I. The Safety Certification Authority shall inform the applicant, without undue delay, and in any case no later than one month following the date of receipt of the application, whether the application is complete.
- § 2 The decision on issuing the safety certificate shall be taken no later than four months following the date on which the applicant is informed that the application is complete.
- § 3 If the applicant is informed that its file is not complete, the Safety Certification Authority shall request the necessary supplementary information promptly, including justifications and details of the timeframe for the applicant's response.
- § 4 The timeframe for providing supplementary information shall be reasonable and proportionate to the difficulty of providing the information requested, and shall be agreed with the applicant as soon as it is informed that its file is not complete. If the applicant does not provide the required information within the agreed timeframe, the Safety Certification Authority may decide to extend the timeframe for the applicant's response or to notify the applicant that its application is rejected.
- § 5 The decision on issuing a safety certificate shall be taken no later than four months following the date on which the requested supplementary information is submitted by the applicant.
- § 6 The content and structure of the safety certificate are set out in Annex III of this safety certification procedure.
- § 7 The safety certificate shall be valid for a period of five years. However, if a shorter period is necessary to ensure the effective control of risks affecting the safety of railway operations, the Safety Certification Authority may decide to issue the safety certificate for a period of less than five years. In this case, the Safety Certification Authority shall explain the reasons for its decision.


Article 7 Renewal, updating, revision and revocation of safety certificates

- § 1 Safety certificates shall be renewed upon application by the railway undertaking at intervals not exceeding five years.
- § 2 Safety certificates shall be wholly or partly updated whenever:
- a) the type of operation is substantially altered;
 - b) the extent of the operation is substantially altered;
 - c) the railway undertaking wishes to extend the area of operation.

It is therefore necessary to request an updated safety certificate. In addition, the holder of the safety certificate shall inform the Safety Certification Authority, without delay, of all major changes in the conditions for certification and whenever new categories of staff or new types of rolling stock are introduced.

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- § 3 When submitting an application to update or renew a safety certificate, the applicant shall provide the updated documents listed in Annex II of this safety certification procedure and describe the changes made since the current certificate was issued.
- § 4 The Safety Certification Authority may require the revision of safety certificates that it has issued if there are any substantial changes to the safety regulatory framework.
- § 5 If the Safety Certification Authority considers that the holder of the safety certificate no longer satisfies the conditions for certification which it has issued, it shall restrict or revoke the safety certificate, giving the reasons for its decision.

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Annex I

Content of an application for a safety certificate

1. Type of application:

- 1.1. New
- 1.2. Renewal
- 1.3. Update
- 1.4. EIN of the previous certificate (in case of application for renewal or update only)

2. Type of operation requested (select one or more):

- 2.1. Passenger transport including high-speed services
- 2.2. Passenger transport excluding high-speed services
- 2.3. Freight transport including dangerous goods services
- 2.4. Freight transport excluding dangerous goods services
- 2.5. Shunting only
- 2.6. Other (specify)

3. Rail transport operations:


- 3.1. Definition of the intended area of operation in the contracting state concerned (whole network or part thereof)
- 3.2. Extent of the railway operations (millions passenger-km or millions tonne-km per year or both)
- 3.3. Expected date of commencement of services/operations (optional)

4. Safety Certification Authority:

- 4.1. Name and address of Safety Certification Authority

5. Applicant's information:

- 5.1. Legal denomination
- 5.2. Acronym (optional)
- 5.3. Complete postal address
- 5.4. Phone (including international prefix)
- 5.5. Fax (optional)
- 5.6. Email
- 5.7. Website (optional)

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5.8. National registration number

5.9. VAT number

5.10. Other relevant information (optional)

6. Contact person information:

6.1. First name

6.2. Surname

6.3. Title or function


6.4. Complete postal address

6.5. Phone

6.6. Fax (optional)

6.7. Email


6.8. Language or languages spoken

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Annex II

Documents annexed to the application

1. The applicant shall annex to the application the file described in Article 8 § 2 of Annex A to the EST UR – (CSM on SMS Requirements).
2. Documents relating to the safety management system:
 - a) description of the safety management system and other documents demonstrating that it meets the requirements laid down in UTPs, CSMs and in other relevant legislation in order to control risks and provide transport services safely on the network; and
 - b) information cross-referencing the safety management system against Annex I of Annex A to the EST UR (CSM on SMS Requirements), including an indication of where in the safety management system documentation the relevant requirements of the applicable UTPs relating to the operation and traffic management subsystem are met.
3. Documents relating to national rules include:
 - a) description or other demonstration of how the safety management arrangements address the relevant national rules published in accordance with Article 3 § 4 of EST UR;
 - b) information cross-referencing the safety management system against the requirements laid down in the relevant national rules;
 - c) list of national rules applicable to all RUs:
 - rules relating to rolling stock;
 - rules relating to staff performing safety critical tasks;
 - operational rules;
 - signalling rules.
4. The applicant shall submit complete documentation on the different types of rolling stock of which it is a keeper, intended to be operated with the requested certificate, including evidence that the rolling stock meets the requirements of the national rules, where applicable (e.g. vehicles subject to Article 6 § 4 of the ATMF UR) and that the rolling stock has been duly admitted, registered and maintained.
5. The applicant shall submit a complete list of the different categories of staff employed or contracted for services intended to be operated with the requested certificate, including evidence that such staff meet the requirements of the national rules with regard to vocational training (knowledge of vehicles, infrastructure, operational and signalling rules) and medical fitness and that the staff have been duly certified.
6. The applicant shall provide evidence that its staff whose duties require them to communicate with staff of the infrastructure manager in connection with safety-critical matters, whether in normal, degraded or emergency situations, have a sufficient level of knowledge in the operational language of the infrastructure manager.
7. Operational rules include at least:
 - running trains or movement of vehicles in the different operating conditions (normal, degraded and emergency);
 - communication with signallers (written and verbal);
 - preparation of trains or vehicles before movement, including pre-departure checks;

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- train composition;
 - train braking;
 - train documents;
 - minimum train or shunting crew;
 - procedures in case of accidents and incidents, including those in the transport of dangerous goods.
8. The Safety Certification Authority may request additional information, documents and evidence.
 9. When a railway undertaking which already has a safety certificate issued in one Contracting State applies for a safety certificate in another Contracting State, it shall submit a copy of the first safety certificate in addition to the documents listed in points 1 – 8.

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Annex III

Content of Safety Certificate

The safety certificate confirming acceptance of the railway undertaking's safety management system, including the provisions adopted by the railway undertaking to meet specific requirements necessary for safe operation on the relevant network in conformity with Appendix H to COTIF (EST UR), and to comply with the applicable national legislation, shall contain the following information:

- 1. European Identification Number (EIN) of the safety certificate**


- 2. Identification of the railway undertaking:**
 - 2.1. Legal denomination
 - 2.2. National registration number
 - 2.3. VAT number

- 3. Identification of Safety Certification Authority:**
 - 3.1. Name and address of Safety Certification Authority

- 4. Certificate information:**
 - 4.1. New
 - 4.2. Renewal
 - 4.3. Update
 - 4.4. EIN of the previous certificate (in case of renewal or update only)
 - 4.5. Validity start and end dates
 - 4.6. Type of operation⁽¹⁾
 - 4.6.1. Passenger transport including high-speed services
 - 4.6.2. Passenger transport excluding high-speed services
 - 4.6.3. Freight transport including dangerous goods services
 - 4.6.4. Freight transport excluding dangerous goods services
 - 4.6.5. Shunting only
 - 4.6.6. Other operations⁽¹⁾

- 5. Applicable national legislation⁽¹⁾**

⁽¹⁾ For the Contracting State concerned with the intended area of operation

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6. Area of operation⁽¹⁾

7. Restrictions and conditions of use

8. Additional information

9. Issuing date and authorised signatory/stamp of Safety Certification Authority

⁽¹⁾ For the Contracting State concerned with the intended area of operation