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Groupe de travail TECH
Arbeitsgruppe TECH
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SAFETY CERTIFICATION PROCEDURE

Discussion document submitted by Serbia

1. INTRODUCTION

At the 44th WG TECH, Serbia offered to prepare a working document on safety certification procedure.

This document is submitted by Serbia¹ with the aim to facilitate a discussion on the subject and to suggest first proposals for provisions that could be included in an Annex to the EST UR.

The aim of this document is not to provide propose final wording, but to place the subject on the agenda, and to facilitate further analysis and discussion by providing draft proposals.

2. LEGAL BASIS

There is a legal base for an Annex to the EST UR concerning a safety certification procedure in EST UR Article 8 §3:

“The Committee of Technical Experts shall consider the inclusion of harmonised procedures for the issuing of Safety Certificates.”

3. SUBSTANCE OF THE PROPOSALS

The draft proposals are at annex. The draft proposals are mostly based on parts of European Union 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.

Provisions related to the compliance with national rules (Chapter II of the working document) are based on the relevant provisions of Commission Regulation (EC) No 653/2007 with some additional texts proposed by Serbia. It is done so because neither Regulation 2018/763 nor CSM on SMS Requirements explain the file related to national rules that has to be annexed to the application for a Safety Certificate.

Knowledge and application of national rules are very important for safe operation on the territories of other states, even more important than having established SMS, particularly for operation in non-EU states where national rules are numerous and differ from state to state.

These harmonised procedures should not be as comprehensive and detailed as in EU (Regulation 2018/763). Only minimum requirements necessary for Safety Certification Authorities and RUs of non-EU member states to understand and apply safety certification process. Details should be left to Contracting States.

¹ Layout and formatting with assistance of the Secretariat.

Annex to TECH-21035

SAFETY CERTIFICATION PROCEDURE

I. Content of the 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 renewal or update application 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 starting services/operations ^(°)

4. Safety Certification Authority:

- 4.1. Name and address of Safety Certification Authority

5. Applicant's information:

- 5.1. Legal denomination
- 5.2. Acronym ^(°)
- 5.3. Complete postal address
- 5.4. Phone (including international prefix)
- 5.5. Fax ^(°)
- 5.6. Email
- 5.7. Website ^(°)
- 5.8. National registration number
- 5.9. VAT number
- 5.10. Other relevant information ^(°)

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 ^(°)
- 6.7. Email
- 6.8. Language or languages spoken

^(°) This information is optional

II. Documents annexed to the application

1. The applicant shall annex to the application a file described in Article 7 § 2 of EST UR Annex A - CSM on SMS Requirements.
2. Documents related to the safety management system include:
 - 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 to EST Annex A - CSM on SMS Requirements, including an indication 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 related to the 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 related to rolling stock;
 - rules related to staff performing safety critical tasks;
 - operational rules;
 - signalling rules.
- 3.1. The applicant shall submit a 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 they meet requirements of the national rules where applicable (e.g. vehicles subject to Article 6 § 4 of ATMF) and that the rolling stock has been duly admitted, registered and maintained.
- 3.2. 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 they meet the requirements of the national rules in regard of vocational training (knowledge of vehicles, infrastructure, operational and signalling rules) and medical fitness and that the staff has been duly certified.

The applicant shall provide the 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, shall have a sufficient level of knowledge in the operating language of the infrastructure manager.
- 3.3. 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 forms);
 - preparation of trains or vehicles before movement, including pre-departure checks;
 - train composition;
 - train braking;
 - train documents;
 - minimum train or shunting crew;
 - procedures in case of accidents and incidents, including those in transport of dangerous goods.
- 3.4. Safety Certification Authority may request additional information, documents and evidence.

4. When railway undertaking which already has a Safety Certificate issued in one Contracting State applies for 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 – 3.4. of this chapter.

III. Issuance of safety certificate

1. Safety Certification Authority shall evaluate whether the application file contains the required documentary evidence listed in chapter I. 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 the issuing of 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, 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, proportionate to the difficulty of providing the information requested and 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, 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 the issuing of 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. 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, Safety Certification Authority may decide to grant the single safety certificate for a period of less than five years. In this case, Safety Certification Authority shall include the reasons for its decision.

IV. Content of Safety Certificate

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 EST UR and applicable national legislation shall contain the following information:

1. European Identification Number (EIN) of 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⁾**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****V. Renewal, updating, revision and revocation of Safety Certificate**

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

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

3. When submitting an application for the update or renewal of Safety Certificate, the applicant shall provide the information listed in Chapter II and describe changes made since the current certificate was issued.

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

4. Safety Certification Authority may require the revision of Safety Certificates that it has issued following substantial changes to the safety regulatory framework.
5. If Safety Certification Authority finds that the holder of the safety certificate no longer satisfies the conditions for a certification which it has issued, it shall restrict or revoke Safety Certificate, giving reasons for its decision.