



Organisation intergouvernementale pour les transports internationaux ferroviaires

Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr


Intergovernmental Organisation for International Carriage by Rail

## **EST Annex C**

### **Safety Certification Procedure**


### **Harmonised procedures for issuing Safety Certificates**

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 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>			EST Annex C Page 2 of 12
	Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN

Amendment table:

Reference	Date	Description and comments
<i>TECH-22022</i>  <i>Version 1</i>	<i>18.5.2022</i>	<p><i>Draft prepared for WG TECH 46 (June 2022).</i></p> <p><i>Based on document TECH-21035 for WG TECH 45, as prepared by RS.</i></p> <p><i>The structure has changed compared to TECH-21035, as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Former part I has become Annex I</i></li> <li>• <i>Former part II has become Annex II</i></li> <li>• <i>Former part III has been moved to Article 6</i></li> <li>• <i>Former part IV has become Annex III</i></li> <li>• <i>Former part V has been moved to Article 7</i></li> </ul> <p><i>The aim of this restructuring was to include the procedures in the main Articles and to list the required document structures and document contents in the Annexes.</i></p>

 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>		EST Annex C Page 3 of 12
	Status: <b>DRAFT</b>	Version 1	TECH-22022

## 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.

 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>			EST Annex C
	Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN
				Date: 18.5.2022

### **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 definitions shall apply:


- a) '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;
- b) 'pre-engagement' means a procedural stage preceding the submission of an application, in the course of which the applicant may request additional information on the following stages of the safety assessment process from the Safety Certification Authority concerned;
- c) 'residual concern' means a minor issue identified during the assessment of an application for a safety certificate which does not prevent its being issued and which can be deferred for later consideration.

### **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. As these differences do not affect the requirements for the safety management system or compliance with these requirements, the procedural differences have not been highlighted in a two-column layout.
- § 3 For the purpose of issuing safety certificates, the Safety Certification Authorities of all Contracting States shall mutually 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.

 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>			EST Annex C	
	Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN	Page 5 of 12
				Original: EN	Date: 18.5.2022

## **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 single 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.

 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>			EST Annex C Page 6 of 12
Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN	Date: 18.5.2022

- § 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.

 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>		EST Annex C
			Page 7 of 12
Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN
			Date: 18.5.2022

## 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)

 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>			EST Annex C Page 8 of 12
Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN	Date: 18.5.2022

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




 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>		EST Annex C Page 9 of 12
	Status: <b>DRAFT</b>	Version 1	TECH-22022

## 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 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 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.
  - 3.1. 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.
  - 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 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.

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.


 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>			EST Annex C Page 10 of 12
Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN	Date: 18.5.2022

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);
- 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 the transport of dangerous goods.

3.4. The Safety Certification Authority may request additional information, documents and evidence.

4. 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 – 3.4.

 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>			EST Annex C
	Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN
				Date: 18.5.2022


## 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<sup>(1)</sup>
    - 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<sup>(1)</sup>
  
- 5. Applicable national legislation<sup>(1)</sup>**

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<sup>(1)</sup> For the Contracting State concerned with the intended area of operation

 <b>OTIF</b>	<b>Harmonised procedures for the issuing of Safety Certificates</b>			EST Annex C Page 12 of 12
Status: <b>DRAFT</b>	Version 1	TECH-22022	Original: EN	Date: 18.5.2022

**6. Area of operation<sup>(1)</sup>**

**7. Restrictions and conditions of use**

**8. Additional information**

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

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<sup>(1)</sup> For the Contracting State concerned with the intended area of operation