
Subject: ITEM 8 – Information from the European Railway Agency

Introduction

1. Following a request of the European Commission (see CE/2009/INF.10) at the 47th session of the RID Committee of Experts, it was decided (see report OTIF/RID/CE/2009-A, paragraph 110) to add a permanent new item “Information from the European Railway Agency” to subsequent agendas.

2. In this document, the Agency provides information of general interest to the RID Committee of Experts and/or having the potential to facilitate the identification of relevant work at EU level. The following points are reported:

   • Commission request to the Agency concerning freight train derailments,
   • Commission requests to the Agency for Technical Opinions and Advice,
   • Study on methods for drafting Agency positions on safety-related issues of EU railways,
   • List of accident investigations notified to the Agency by National Investigation Bodies,
   • Reports on progress of Safety and Interoperability in EU,
   • Texts adopted on EU railways (non exhaustive).

Information points

Commission request to the Agency concerning freight train derailments

3. The Agency has been requested by the Commission to undertake studies listed in an annex to informal document INF.9 of the 47th session in Sofia. The studies on the decision-making process in the context of safety/interoperability directives and RID, and on the feasibility study of harmonising risk acceptability will be carried out by the Commission services.

For reasons of cost, only a limited number of copies of this document have been made. Delegates are asked to bring their own copies of documents to meetings. OTIF only has a small number of copies available.
4. With regard to the studies carried out by the Agency, three phases have been organised, as follows:

- A call for tender has been published in the OJE for a “Study on assessment of existing technical and operational measures against freight train derailments on European Union’s railways”. For more information please consult the link http://www.era.europa.eu/The-Agency/Procurement/Pages/ERA-2010-SAF-OP-01.aspx.

- The future contractor (after completion of the selection process) should start the corresponding tasks in July 2010.

- The results of the study will be used as inputs by the Agency, which will carry out an impact assessment of the most promising measures for the prevention and mitigation of freight train derailments, in the short and medium term.

- Taking into account these results, the Agency will update and complement its recommendation on freight train derailment by the end of 2011.

5. It should be noted that the informal Joint Meeting working group on BLEVE will also be informed about progress on this topic, as the results will contain a detailed analysis of derailment prevention measures which could serve the general objective of this working group.

Commission requests to the Agency for Technical Opinions and Advice

6. In accordance with the EU legal framework, the Agency can be requested either by the Commission, regulatory bodies or by DERC (Development of European Railways Committee) to issue technical opinions or advice.

7. These tasks have the following general objectives:

- to ensure that new or amended national safety or technical rules comply with relevant EU legislation,
- to facilitate the development of interoperable, safe and competitive EU railways,
- to ensure that the decision-making applied to new or draft rules follows the relevant procedures,
- to allow gradual harmonisation of rules applicable to EU railways.

8. To date, the Agency has provided several opinions to the Commission, either on interoperability or containing safety aspects. Some requests are in progress.

Study on methods for drafting Agency positions on safety-related issues of EU railways


10. The study contains the following steps:

- A set of targeted interviews of safety assessors and decision-makers for the railway sector, chemical industry and transport of dangerous goods.
- The definition of two methods, on the one hand for safety assessment and on the other hand for decision-making on safety-related issues.
11. The results will be used, with other sources of information, to further develop the Agency’s practices for analyses of safety-related issues of the EU railways, as a background for drafting Agency positions.

**List of accident investigations notified to the Agency by National Investigation Bodies**

12. In accordance with article 19.1 of the Railway Safety Directive (RSD) the National Investigation Bodies (NIBs) are required to notify the Agency of each serious accident, to carry out an investigation and to provide the Agency with an investigation report within one year. In accordance with article 19.2 of RSD the NIBs may also decide to investigate other railway accidents or incidents of particular interest.

13. In 2009 the National Investigation Bodies (NIBs) notified the Agency of 146 railway accidents that occurred during 2009. The Agency also received 210 investigation reports during 2009 covering accidents dating from 2006 and onwards.

14. By the end of March 2010, the European Railway Agency had received thirteen notifications where a dangerous goods train, a dangerous goods wagon, or the substance itself was involved. These notifications concern accidents which occurred from 2006 to 2010. To date five investigation reports have been received by the Agency, for more information please consult the link [http://pdb.era.europa.eu/safety_docs/naib/default.aspx](http://pdb.era.europa.eu/safety_docs/naib/default.aspx).

**Reports on progress of Safety and Interoperability in EU**

15. The Agency produces progress reports on Safety and Interoperability.

16. With regard to Safety:

   The annual report on the safety performance of EU railways gives analyses of significant accidents and risks, including suicides on railway premises. The report also contains updates on the following activities of the Agency:

   - Changes in legislation and regulation concerning railway safety,
   - The development of safety certification,
   - Common Safety Targets,
   - National investigation body reporting,
   - Common Safety Indicators.

17. The 2009 report ([http://www.era.europa.eu/Document-Register/Documents/railway_safety_performance_in_the_european_union_2009.pdf](http://www.era.europa.eu/Document-Register/Documents/railway_safety_performance_in_the_european_union_2009.pdf)) shows that EU railways remain a safe form of transport. Even though both the number of accidents and the total number of fatalities fell compared to 2007, a substantial number of unauthorised persons and level crossing users are still killed and the total reported number of fatalities was higher than in 2006.

18. The issuing of certificates according to the Railway Safety Directive is not proceeding as expected. A review of the annual reports from the National Safety Authorities (NSAs) shows that a number of countries have not yet issued any certificates and some use a combination of the new and old legislation. The use of dual or old legislation will not be possible as from 1 January 2011, when all Railway Undertakings (RUs) are required to have a certificate issued according to the Railway Safety Directive.

19. The Agency has concerns as to whether all pending applications for safety certificates will be processed in time before the deadline of 1 January 2011. Up until now, over 300 certificates have been issued. However, there are 3 Member States that have not yet issued any part A certificates and that have a large number of pending applications.
20. With regard to Interoperability:

The 2009 report (http://www.era.europa.eu/Document-Register/Pages/Interoperabilitybiennialexport.aspx) on progress with interoperability in the EU examines a set of interoperability indicators and outlines the achievements and problems in the interoperability area. The indicators are structured into three groups evaluating institutional developments, legal aspects and introduction of interoperable constituents and subsystems on the market.

21. This report also looks into the effects of the introduction of the interoperability regime on the market. This part of the report is based mainly on feedback from the sector.

22. More information on tasks and documents issued by the Agency in the field of Interoperability can be found on the Agency’s website under the web pages on Interoperability.

**Texts adopted on EU railways (non exhaustive)**

23. The following texts may be of some relevance to the RID Committee.

24. With regard to Safety:

- **Common Safety Methods (CSM)**

  Commission Regulation 352/2009/EC on Common Safety Methods on risk evaluation and assessments. This CSM will enter into force gradually in order to assess any change of the railway system in a Member State. From 19 July 2010 it will be applied: to all significant technical changes affecting vehicles as defined in Art. 2(c) of Directive 2008/57/EC; to all significant changes concerning structural sub-systems, where required by Art. 15 (1) of Directive 2008/57 or by a TSI. Until 1 July 2012 the CSM Regulation remains voluntary with respect to operational or organisational changes.

- **Common Safety Targets (CST)**

  EC Decision 2009/460/EC of 5 June 2009 establishes the common methodology for calculating and assessing achievement of CSTs as referred to in Article 7 of the Railway Safety Directive. According to this methodology, the Agency recommended (http://www.era.europa.eu/Document-Register/Documents/recommendation-on-the-1st-set-of-CSTs.pdf) to the Commission the adoption of National Reference Values (NRVs), representing the current level of observed risk in EU railways, and the adoption of CSTs, representing – de facto – the maximum tolerable value of railway risk within the EU. NRVs and CSTs should soon be endorsed by the European Commission.

- **Common Safety Indicators (CSI)**

  Commission Directive 2009/149/EC amends the Railway Safety Directive as regards Common Safety Indicators (CSIs) and common methods for calculating accident costs. The amending Directive lays down CSIs as well as common definitions for each indicator and common methods to calculate the economic impact of accidents. By 18 June 2010 at the latest, Member States must adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. The CSIs also cover indicators related to the transport of dangerous goods.
25. With regard to Interoperability, the Agency has made different recommendations to the EC, among others on:

- Limited revision of TSI Noise
- Updating of NVR (decision 2007/756/EC)
- Amendments of TSI OPE CR and HS
- Amendment of the CR TSI Wagons, related to cross-authorisation (decision 1009/107/EC)
- Adoption of CR TSI INF, ENE and LOC&PAS (currently under the Commission’s procedure)

26. These recommendations can be found on the Agency website. Work is still in progress on the full revision of the CR TSI WAG.

**Conclusion**

27. The above mentioned information has been selected by the Agency in the light of potential links between the development of EU railway law and provisions on the transport of dangerous goods. For the next “Information from the European Railway Agency” at the 49th session, delegates are invited to propose topics of interest via the OTIF secretariat.