



INF. 9

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(English only)

RID: 5th Session of the RID Committee of Experts' standing working group
(Zagreb, 23 - 27 November 2015)

Information from the European Railway Agency

Introduction

1. Following a request by 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 item "Information from the European Railway Agency" to each agenda. The Agency was invited by OTIF to continue providing information in the framework of the RID Committee of Experts' standing working group.
2. In this document the Agency reports information which has the potential to facilitate the coordination of tasks performed at EU and RID Committee of Experts level. The selected information is as follows:
 - Roadmap on risk management in the context of Inland Transport of Dangerous Goods,
 - Safety culture,
 - Occurrence reporting and safety alerts,
 - Certification of maintenance workshops and state of play of ECM Regulation,
 - Safety critical components – Preliminary information,
 - List of accidents notified to ERA,
 - New texts concerning EU railway legislation.

Information points

Roadmap on risk management in the context of Inland Transport of Dangerous Goods

3. Since the first discussions on the TDG Roadmap, initiated by the Agency in 2013, tangible results have been achieved both on the common understanding of the recurring issues that are negatively affecting risk management and decision-making in the inland transport of dangerous goods and on the common understanding of solutions that need to be put in place.

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. After four (4) workshops an important milestone has been reached. Participants in the Roadmap have agreed on the development of three guides describing harmonised approaches to:
 - Risk assessment practices,
 - Risk management and decision-making,
 - Data management and reporting regimes (enabling the implementation of the two other guides).
5. During the 5th workshop participants started detailed discussions on drafting the guides in three dedicated working groups. They have also committed themselves to carrying out drafting tasks which will be reviewed during the next workshop on 16-18 February 2016.
6. In of its capacity of facilitator of the Roadmap, the Agency has systematically reported and will continue to report the progress of the work to the RID/ADR/ADN Joint Meeting. During its autumn 2015 meeting, the Joint Meeting suggested increasing its synergy with the Roadmap.
7. RID Committee representatives will continue to be regularly informed of the progress of the Roadmap by the Agency and are invited to contact its representative for any questions relating to this activity.

Safety culture

8. Rail businesses and reputations are highly sensitive to accidents (more so than other transport modes) and strong Safety Management Systems are highly dependent on a positive organisational safety culture.
9. Beginning in 2016, the Agency is considering how it can best promote, support and require this positive culture within European rail companies, working with our partners and stakeholders.
10. As a positive safety culture and comprehensive, good quality occurrence reporting are interdependent, the Agency will in particular focus on developing the necessary “*Just Culture*” as a pillar of safety and reporting cultures.

Occurrence reporting and safety alerts

11. Gathering, sharing and analysing the right data is a key element of the Safety Management System.
12. It supports better risk management and both drives and relies on a positive organisational and regulatory safety culture. In national systems, where it is fully developed, it shows a positive cost-benefit result.
13. Despite the international nature of manufacturing, maintenance and operation in rail there is no occurrence reporting regime at European level. In response to a request from the Commissioner for Transport of the European Commission, Ms Violeta Bulc, the Agency will address this gap in two steps.
14. The first step is a temporary system that will allow the sharing of time critical safety information across the sector. This system will be available by end 2015/early 2016.
15. The second step will support the development of predictive risk models based on a new occurrence reporting system.

16. In preparation of these developments, the Agency has already launched 3 studies in 2015 aimed at understanding what systems already exist within rail and elsewhere, as well as the requirements and concerns of the European rail sector. These studies will all conclude by January 2016.
17. Throughout 2016, we intend to build further on these studies to test the complex issues of roles and responsibilities, language, liability, reporting culture, legislation and phasing of a European system. The Agency fully intends to work closely with its stakeholders on these issues. The outcomes will allow us in 2017 - 2018 to develop a system of occurrence reporting, including safety alerts, for rail at European level, that builds on the experience in aviation and maritime transport.

Certification of maintenance workshops and state of play of ECM Regulation

18. In 2015, ERA drafted and published a report assessing implementation of the ECM certification, as mentioned in Article 14a (7) of the Railway Safety Directive. Based on this report, on 30 June 2015 the European Commission mandated ERA for the revision of Commission Regulation (EU) No 445/2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Commission Regulation (EC) No 653/2007 (on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates "delivered" (issued) under Directive 2001/14/EC).
19. On 1 November 2015, the numbers of Entities in Charge of Maintenance (ECM) and maintenance workshops certified were:

ECM certificates:

 - › ECM established in EU: 317;
 - › ECM established in OTIF non EU contracting states (Norway, Switzerland, Serbia, Bosnia and Turkey): 27.

Certificates of maintenance workshops (MW):

 - › MW established in the EU: 240;
 - › MW established in other countries of OTIF (Norway, Switzerland, Serbia and Turkey): 34.
20. No ECM certificates or certificates of maintenance workshops have been revoked owing to an ECM or maintenance workshop being inadequate to the task.

Safety critical components – Preliminary information

21. The following information concerns ERA's intention on future actions. By the end of 2016 and subject to the approval of ERA's Administrative Board and Management, ERA is planning to issue a report and address it to the European Commission containing proposals related to:
 - Definition of a "safety critical component",
 - Differentiation of components and functions,
 - Practical definition of "safety criticality",
 - Impact on TSIs and ECM Regulation,
 - Requirements for assuring traceability,
 - Requirements for maintenance,
 - Feasibility of having "ECMs" for safety critical components,
 - Application of "design authority" approach.
22. ERA's Safety Unit is managing the project, with the active participation/consultation of the Interoperability Unit.

23. The project milestones are as follows:

- Terms of Reference and project plan by January 2016,
- Draft for consultation (EU National Safety Authorities and Representative Bodies) by July 2016,
- Final report by December 2016.

24. Depending on the results of the consultation, ERA might organise a workshop in autumn 2016.

List of accidents notified to ERA

25. 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.

26. All investigation notifications and reports submitted by the NIBs to the Agency are publically available in the E-RAIL database: <http://erail.era.europa.eu/investigations.aspx>.

27. Between 1 November 2014 and 30 October 2015 the NIBs sent the Agency:

- 230 investigation notifications and
- 173 investigation reports.

28. These notifications and reports concerned accidents and incidents which occurred from 2009 onwards.

29. By 30 October 2015, the European Railway Agency had received a total of 44 notifications or reports in which dangerous goods or tank-wagons were involved; two of these events occurred in 2015.

Date	Country	Type of event, Location	Link in E-RAIL
06/03/2015	Netherlands	SPAD, Tilburg, NL	NL-4737
30/06/2015	UK	Train derailment, Langworth, Lincoln, UK	UK-4839

New texts concerning EU railways legislation (non-exhaustive)

30. The following texts may have some relevance to the RID Committee of Experts. These texts have been published or have received a favourable opinion from the Railway Interoperability and Safety Committee (RISC).

With regard to safety:

(Adopted texts)

- 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.

With regard to interoperability:

(Adopted texts)

- Commission Regulation amending Regulation (EU) No 321/2013 concerning the technical specification for interoperability relating to the "rolling stock – freight wagons" subsystem of the rail system in the European Union (WAG TSI) – (Rgt (EU) 2015/924 OJ L 150, 17.6.2015),
- Commission Regulation amending Decision 2012/757/EU concerning the technical specification for interoperability relating to the "operation and traffic management" subsystem of the rail system in the European Union (OPE TSI)- (Rgt (EU) 2015/995 OJ L 165, 30.6.2015).

(Favourable opinions)

- Draft Commission Decision amending Decision 2009/965/EC as regards an updated list of parameters to be used for classifying national rules.

Corresponding recommendations from the Agency concerning these texts can be found on the Agency's website.

Conclusion

31. The above information has been selected by the Agency with a view to the potential links between the development of EU railway law and provisions on the transport of dangerous goods. Delegates are invited to propose topics of interest for the next document setting out "Information from the European Railway Agency".
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