



DOPRAVNÝ ÚRAD
TRANSPORT AUTHORITY

PROCEDURE OF THE TRANSPORT AUTHORITY FOR APPLICANTS SUBMITTING APPLICATION FOR ISSUING OF SAFETY CERTIFICATE

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1 ABBREVIATIONS AND USED TERMS

1.1 Abbreviations

SC	-	Safety certificate
SMS	-	Safety Management System
TSI	-	Technical specification of interoperability
RV	-	Railway vehicle
RID	-	Regulations concerning the International Carriage of Dangerous Goods by Rail

1.2 Used terms

- 1.2.1 **Railway undertaking** shall mean an entrepreneur, the principal business of which is to provide services for the transport of goods and passengers by rail, who provides also traction, or traction only.
- 1.2.2 **Railroad undertaking** shall mean an entrepreneur, the principal business of which is to provide transport services on railroad.
- 1.2.3 **Railway vehicle** shall mean a vehicle with or without traction guided by its movement on railroad, which is designated for movement of railway vehicles on railroad, transport of persons, animals and goods, execution of activities related to construction and maintenance of railroad or railroad operation.
- 1.2.4 For the purpose of **implementing gender equality** within conditions of the Transport Authority, the denomination of function in masculine gender shall also mean denomination of function in feminine gender, what shall, however, be without prejudice to persons of feminine gender.

2 GENERAL PROVISIONS

2.1 Purpose

- 2.1.1 This procedure is a detailed instruction and guide for applicants applying for

- a) issuance of new
- b) renewal or
- c) update of

safety certificate by the Transport Authority (hereinafter referred to as „authority“), stating and explaining all requirements related to safety certificate including a list of documents to be submitted along with the application. This procedure has been issued in sense of Art. 86 and 88, par. 2 of the Act No 513/2009 Coll. on the railroads and on amendments of some acts, as amended (hereinafter referred to as „act on the railroads“), taking regard of particular provisions of legally binding acts of the European Union, in particular

- a) Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways, as amended,
 - b) Commission regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates,
 - c) Commission regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents, as amended.
- 2.1.2 Railway undertaking shall apply for an update of safety certificate, whenever there is substantial change to the type or extend of its operation stated in the originally issued safety certificate.
- 2.1.3 Railway undertaking shall apply for renewal of safety certificate before the end of validity of the original safety certificate in case, that it is interested to continue operation of transport on railroad.
- 2.1.4 For definitions of terms and for matters not stated in this procedure, provisions of generally binding legal regulations and legally binding acts of the European Union, stated in provisions of point 2.2 of this procedure, apply.

2.2 Related legislation

- 2.2.1 Act No 513/2009 Coll. on the railroads.
- 2.2.2 Act No 514/2009 Coll. on the transport on railroads, as amended (hereinafter referred to as „act on the transport on railroads“).
- 2.2.3 Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways, as amended (hereinafter referred to as „directive 2004/49/EC“).
- 2.2.4 Commission regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (hereinafter referred to as „EU regulation No 1158/2010“).
- 2.2.5 Commission regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents, as amended (hereinafter referred to as „EC regulation No 653/2007“).
- 2.2.6 Ordinance of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic No 351/2010 Coll. setting the railroad transport order, as amended by the ordinance No 12/2012 Coll..
- 2.2.7 Ordinance of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic No 350/2010 Coll. setting the construction and technical order of railroads, as amended by the Ordinance No 502/2013 Coll..
- 2.2.8 Ordinance of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic No 245/2010 Coll. on the professional ability, health and psychological fitness of the persons in railroad operation and railroad transport operation, as amended by the Ordinance No 6/2012 Coll. and the Ordinance No 81/2014 Coll..
- 2.2.9 Ordinance of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic No 205/2010 Coll. on determined technical equipment and determined activities and activities on the determined technical equipment.

- 2.2.10 Act No 462/2007 Coll. on organisation of working time in transport and on amendment of Act No 125/2006 Coll. on labor inspection and on amendment of Act No 82/2005 Coll. on undeclared work and illegal employment and on amendments of some acts as amended by the Act No 309/2007 Coll., as amended.
- 2.2.11 Act No 145/1995 Coll. on administrative fees, as amended.
- 2.2.12 Commission regulation (EC) No 352/2009 of 24 April 2009 on the adoption of a common safety method on risk evaluation and assessment as referred to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council (hereinafter referred to as „regulation (EC) No 352/2009“).
- 2.2.13 Commission implementing regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009¹.
- 2.2.14 Commission regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007.
- 2.2.15 Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community.
- 2.2.16 Commission regulation (EU) No 1077/2012 of 16 November 2012 on a common safety method for supervision by national safety authorities after issuing a safety certificate or safety authorisation (hereinafter referred to as „regulation EU No 1077/2012“).

2.3 Related forms

DÚ/F001-D/v1/1-4	- Application for issuing of safety certificate
DÚ/F002-D/v1/1-1	- List of traction rail vehicles
DÚ/F003-D/v1/1-1	- List of special rail vehicles
DÚ/F004-D/v1/1-1	- List of wagons
DÚ/F005-D/v1/1-2	- List of employees
DÚ/F006-D/v1/1-1	- List of rules

3 ISSUING OF SAFETY CERTIFICATE

3.1 Safety certificate

- 3.1.1 Railway undertaking shall, in sense of Art. 86 of the Act on the railroads, be a holder of safety certificate to get access to railway network. Safety certificate can relate to the whole railway network, or to certain part of it.
- 3.1.2 Safety certificate is a decision of safety body declaring that railway undertaking has established a safety management system (safety certificate part A is being issued) and that it is capable to fulfill requirements stated in the technical specifications of interoperability and legal acts of the European Union, as well as national safety rules,

¹ Commission implementing regulation (EU) No 402/2013 has been applied since 21 May 2015 and regulation (EC) No 352/2009 has been cancelled with effect from 21 May 2015. References to cancelled regulation (EC) No 352/2009 shall be deemed to be references to Commission implementing regulation (EU) No 402/2013.

and thus it is able to control all the risks and ensure safe transport on the railway network (safety certificate part B is being issued).

3.1.3 Safety certificate shall consist of two parts and confirm the approval of:

- a) the safety management system of a railway undertaking according to Art. 84 and annex No 10 of the Act on the railroads, whereas this part shall be recognised in the whole European Union (part A), and
- b) measures adopted by railway undertaking with the aim to fulfill specific national requirements necessary for safe transport in particular railway network, which are based on documentation submitted by railway undertaking according to annex No 11 of the Act on the railroads (parts B).

3.2 Submission and content of an application for issuing of safety certificate

- 3.2.1 Applicant for issuing of new safety certificate, renewal or update of safety certificate (railway undertaking) shall submit the application for issuing of safety certificate on a form according to Annex III of regulation EC No 653/2007 and in line with the guideline for filling in the application form for issuing of safety certificate. The application form for issuing of safety certificate is stated in Annex No 1 of this procedure and the guideline for filling in the application is stated in Annex No 1a of this procedure.
- 3.2.2 Application shall be filled in legibly and in written form sent by post or submitted personally to the address: Dopravný úrad, Letisko M.R.Štefánika, Divízia dráh a dopravy na dráhach, 823 05 Bratislava.
- 3.2.3 Application shall be accompanied by annexes accompanied by a list of them, stated in the part of application form for issuing of safety certificate with title „Cover page of annexes to the application form for a safety certificate“. More detailed description of required annexes is stated in Annex No 1a of this procedure, or eventually in other points and annexes of this procedure.
- 3.2.4 Significant annex to the application for issuing of safety certificate part A is a description of the safety management system of railway undertaking drawn up according to Annex No 2 of this procedure taking regard of the evaluation criteria related to SC part A stated in Annex No 2a of this procedure.
- 3.2.5 Applicant shall draw up and submit documentation necessary for issuing of safety certificate part B according to Annex 2c of this procedure taking regard of the evaluation criteria related to SC part B stated in Annex 2b of this procedure. For the documentation necessary for issuing of safety certificate part B, which also forms a part of documentation necessary for issuing of safety certificate part A, it is not necessary to submit it twice.
- 3.2.6 Applicant, who holds safety certificate issued in other member state of the European Union and applies at the authority for issuing of additional safety certificate in sense of Art. 86, par. 5, point b) of the Act on the railroads (part B), shall submit documentation in sense of point 3.2.5 of this procedure. For the purpose of assessing this documentation, applicant shall also submit his current safety management system approved by safety body of the other member state of the European Union. The authority does not assess this document.

3.2.7 For the purpose of simplification and acceleration of the assessment process, applicant is recommended to submit the whole documentation, which will be subject of assessment, as one of the attachments to the application for issuing of safety certificate also in electronic form placed on a suitable media (CD, DVD).

3.2.8 When submitting application, applicant shall enclose to it a receipt of payment of administrative fee according to the Scale of administrative fees². The amount of administrative fees in sense of point 75 of the Scale of administrative fees is:

- a) for issuing or renewal of safety certificate.....99,50 eur,
- b) for amendment or revocation of safety certificate.....15,00 eur.

3.2.9 The process of processing an application can, in line with Art. 88 of the Act on the railroads, take up to 4 months since the day of receipt of application or adding all the required documents. Therefore it is necessary, that railway undertaking submits application for issuing of safety certificate or for prolongation of validity of safety certificate well in advance (cca. 6 months) of beginning of its activity or before expiration of its previous safety certificate.

3.3 Assessment of application for issuing of safety certificate

3.3.1 The authority shall assess submitted application for issuing of safety certificate and related documents in sense of regulation No 1158/2010 with application of procedures according to Annex I of this regulation.

3.3.2 The applicants for issuing of safety certificate part A shall, in sense of point 7.1 of the application for issuing of safety certificate, submit „Summary of safety management system guide according to Art. 9 and Annex III of directive 2004/49/EC“ – Safety Management System of railway undertaking. The authority shall assess this document according to the criteria for assessing conformity with the requirements for obtaining of safety certificates (criteria for part A of safety certificate) stated in Annex No 2a of this procedure.

3.3.3 The authority shall assess documentation necessary for issuing of safety certificate part B, submitted in sense of point 3.2.5 or 3.2.6 of this procedure, according to the criteria for assessing of conformity with the requirements for obtaining of safety certificates stated in Annex No 2b of this procedure (criteria for safety certificate part B).

3.3.4 If the authority finds out, that application for issuing of safety certificate with annexes is not complete (it does not contain prescribed particulars), it shall help the party to remedy these insufficiencies, or eventually ask the party to remedy them in defined period; the authority shall, at the same time, inform the party, that otherwise it will stop the proceeding. In the case, when applicant does not complete submitted application in the defined period, the authority shall issue a decision on termination of the proceeding.

3.4 Issuance and content of safety certificate

3.4.1 If an application for issuing of safety certificate and its annexes are complete and related documents fulfill the criteria for assessment of conformity with requirements for

² Act No 145/1995 Coll. on administrative fees, as amended.

obtaining of safety certificates, the authority shall, in line with the subject of application, issue:

- a) decision on issuing of safety certificate,
- b) national safety certificate,
- c) international safety certificate part A,
- d) international safety certificate part B.

3.4.2 The document on issuing of safety certificate is consisted of two parts, marked as part A and part B:

- a) part A contains approval of the safety management system of railway undertaking,
- b) part B contains approval of measures adopted by railway undertaking to fulfill specific requirements necessary for safe transport in the network – it includes implementation of technical specifications of interoperability and national safety rules, approval of certificates of staff in operation and authorisation for putting railway vehicles, used by the railway undertaking, into operation.

3.5 Time limits for decision of the Authority

3.5.1 The authority shall decide on the application for issuing of safety certificate without any delay. In a case, when authority requires submitting additional documents, the time limit for decision is up to 4 months since the day, when all required documents and all supplementary information have been submitted.

3.5.2 If the authority requires submitting supplementary information, applicant shall provide them without any delay.

3.6 Validity of safety certificate

3.6.1 The authority shall issue safety certificate for a period of maximum five years.

3.6.2 Safety certificate part A issued by particular authority of other member state of the European Union is valid also in the Slovak Republic.

3.6.3 Safety certificate part B issued by the authority is valid only at the territory of the Slovak Republic.

3.6.4 Safety certificate part B issued to the safety certificate part A issued by particular authority of other member state of the European Union shall be valid until the conditions, under which it has been issued, change, but maximum till the end of validity of safety certificate part A.

3.7 Changes during the period of validity of safety certificate

3.7.1 Railway undertaking, which is a holder of safety certificate, shall without any delay inform authority of:

- a) substantial changes to conditions of some part of the safety certificate,
- b) establishment of new categories of staff in operation,
- c) including new types of rail vehicles into the rolling stock,

3.7.2 The authority shall assess the extent of changes and inform the holder of safety certificate by:

- a) a letter – if factual matters related to conditions, under which the safety certificate has been issued, did not change substantially,
- b) a decision – if there were substantial changes of factual matters vis-a-vis the conditions, under which the safety certificate has been issued.

3.8 Revocation of safety certificate

3.8.1 If a holder of safety certificate does not fulfill conditions, under which the safety certificate has been granted to him, the authority shall start a proceeding regarding revocation of a part of safety certificate and in a form of decision:

- a) revoke safety certificate in full extend,
- b) revoke particular part of safety certificate.

3.8.2 The authority shall also revoke safety certificate in full extend, when it finds out, that the holder did not use it in intended way within a year from its granting.

3.9 Performance of supervision after issuing of safety certificate

3.9.1 The authority shall, for the purpose of controlling the achievement of results stated in the application for safety certificate during the operation and continuous fulfillment of all necessary requirements, carry out state professional supervision in sense of Art. 106 of the Act on the railroads and regulation EU No. 1077/2012.

3.9.2 If the authority finds out, that railway undertaking operates transport without valid safety certificate or carries out transport in contradiction with the conditions in the issued safety certificate and commits delinquencies or other administrative offences defined in the Act on the railroads and the Act on the transport on railroads, it shall start proceeding on imposing a penalty to the railway undertaking in line with the provisions of these acts.

3.10 Evidence of safety certificates

3.10.1 Recording of issued safety certificates is carried out by the Safety and Interoperability Section, Safety Department of the Division of Railways and Other Guided Transport of the Transport Authority.

3.10.2 The content of the register of safety certificates:

- a) evidence number of safety certificate – in a form as stated in the decision on granting of safety certificate,
- b) date of issue of safety certificate,
- c) railway undertaking (applicant) – here, its business name, registered business number, address of the seat and contact information is stated,
- d) period of validity of safety certificate,
- e) extend of validity of safety certificate,
- f) remark.

3.10.3 The recording of issued safety certificates in the pdf format has been published at the website of the authority www.nsat.sk and it contains a list of issued safety certificates

and data in the extend according to provision 3.10.2 of this procedure, broken down by individual years.

4. FINAL PROVISIONS

4.1 Contacts for clarification

Ing. Pavol Mihálik tel.: 02/502 55 285, e-mail: pavol.mihalik@nsat.sk

Ing. Vratislav Vingálik tel.: 02/502 55 235, e-mail: vratislav.vingalik@nsat.sk .

4.2 Annexes and their use

4.2.1 Annexes No 1 till 7 form an integral part of this procedure.

4.2.2 Annexes No 1, 4, 4a, 5, 6 and 7 have been published at the website of the authority www.nsat.sk also in form of modifiable documents.

4.3 Validity and effectivity

4.3.1 This procedure shall become valid on 25.6.2014 and enter into force on 1.7.2014.

4.3.2 By issuing this procedure, „Order of the chairman of Railway Regulatory Authority No 5/2009 from 15 November 2012 on issuing of safety certificates for carriers with seat at the territory of the Slovak Republic“ and „Order of the chairman of Railway Regulatory Authority No 6/2009 from 15 November 2012 on issuing of safety certificates for foreign carriers“ shall be revoked.

5. ANNEXES

Annex No 1	Application for issuing of safety certificate – form No DÚ/F001-D/v1/1-4
Annex No 1a	Explanatory notes to the application for issuing of safety certificate
Annex No 2	Recommended template of the safety management system
Annex No 2a	Criteria of conformity for obtaining safety certificate part A
Annex No 2b	Criteria of conformity for obtaining safety certificate part B
Annex No 2c	Documentation for part B of safety certificate
Annex No 3	Template for procedures and methods of risk assessment
Annex No 4	List of traction rail vehicles – form No DÚ/F002-D/v1/1-1
Annex No 4a	List of special rail vehicles – form No DÚ/F003-D/v1/1-1
Annex No 5	List of wagons – form No DÚ/F004-D/v1/1-1
Annex No 6	List of employees – form No DÚ/F005-D/v1/1-2
Annex No 7	List of rules – form No DÚ/F006-D/v1/1-1

ANNEX NO 1
APPLICATION FOR ISSUING OF SAFETY CERTIFICATE

DÚ/F001-D/v1/1-4



**APPLICATION FOR ISSUING OF SAFETY
CERTIFICATE**

Application for issuing of safety certificate confirming approval of the Safety Management System of railway undertaking – safety certificate (part A) – and/or confirming approval of the provisions adopted by railway undertaking in order to fulfill defined requirements necessary for the safe operation on particular network – safety certificate (part B) – in line with the Act No 513/2009 Coll. on the railroads and on amendments of some acts, as amended

Reference number of safety body

CONTACT DATA OF SAFETY ORGANISATION/SAFETY BODY

- 1.1 Safety organisation/safety body, to which an application is dedicated _____
- 1.2 Full address (street, postal code, municipality, state) _____
- 2.1 **THIS IS AN APPLICATION FOR CERTIFICATE PART**
- 2.2 New certificate 2.4 Updated/amended certificate
- 2.3 Renewed certificate 2.5 EU identification number of the previous certificate part A _____

Required type of service (services) (choose one or more) and estimate of the whole volume of goods/passengers

- | | | | | |
|-----------------------------|---|--------------------------|--|--------------------------|
| Passenger transport | 2.6 Including high-speed transport | <input type="checkbox"/> | 2.8 Less than 200 millions passenger-km per year | <input type="checkbox"/> |
| | 2.7 Excluding high-speed transport | <input type="checkbox"/> | 2.9 200 millions and more passenger-km per year | <input type="checkbox"/> |
| Freight transport | 2.10 Including transport of dangerous goods | <input type="checkbox"/> | 2.12 Less than 500 millions tone-km per year | <input type="checkbox"/> |
| | 2.11 Excluding transport of dangerous goods | <input type="checkbox"/> | 2.13 500 millions and more tone-km per year | <input type="checkbox"/> |
| 2.14 Shunting only | <input type="checkbox"/> | | | |
| 2.15 Service provided since | _____ | | | |

Applying railway undertaking belongs, as regards the approximate number of employees, to this category of undertakings:

- 2.16 Micro enterprise 2.18 Medium sized enterprise
- 2.17 Small enterprise 2.19 Large enterprise
- 3.1 **THIS IS AN APPLICATION FOR PART B CERTIFICATE**
- 3.2 New certificate 3.4 Updated/amended certificate
- 3.3 Renewed certificate 3.5 EU identification number of the previous certificate part B _____

Required type of service (services) and estimated volume of goods/passengers on network, to which part B will relate (choose one or more options)

Passenger transport	3.6	Including high-speed transport	<input type="checkbox"/>	3.8	Less than 200 millions passenger-km per year	<input type="checkbox"/>
	3.7	Excluding high-speed transport	<input type="checkbox"/>	3.9	200 millions and more passenger-km per year	<input type="checkbox"/>
Freight transport	3.10	Including transport of dangerous goods	<input type="checkbox"/>	3.12	Less than 500 millions tone-km per year	<input type="checkbox"/>
	3.11	Excluding transport of dangerous goods	<input type="checkbox"/>	3.13	500 millions and more tone-km per year	<input type="checkbox"/>
3.14	Shunting only	<input type="checkbox"/>				
3.15	Service provided since					
3.16	Lines intended to use for the operation					

If applicant is already a holder of valid safety certificate part A (approval of the Safety Management System), he shall state this data:

3.17 EU identification number of safety certificate part A _____

3.18 State issuing part A of safety certificate _____

IF APPLICANT IS ALREADY A HOLDER OF AT LEAST ONE VALID SAFETY CERTIFICATE(-S) PART B, HE SHALL STATE THIS INFORMATION:

4.1 EU identification number (numbers) of issued part (parts) of safety certificate part B _____

IF APPLICANT IS A HOLDER OF LICENCE AND APPLIES FOR PART A AND/OR PART B OF SAFETY CERTIFICATE(-S), HE SHALL PROVIDE THIS INFORMATION:

4.2 EU number of notification of licence _____

4.3 State which issued the licence _____

DATA ON APPLICANT

5.1 Legal denomination _____

5.2 Name of railway undertaking _____

5.3 VKM abbreviation _____

5.4 Full address (street, postal code, municipality, state) _____

5.5 Telephone number _____ 5.6 Fax number _____

5.7 E-mail address _____ 5.8 Website _____

5.9 National registration number _____ 5.10 VAT _____

5.11 Other information _____

Data on contact person

- 6.1 Surname and name _____
- 6.2 Full address (street, postal code, municipality, state) _____
- 6.3 Telephone number _____ 6.4 Fax number _____
- 6.5 E-mail address _____
-

Organisation stamp _____ Applicant _____
 (name, surname and function of authorised representative)

Date _____ Signature _____

Internal reference number _____ Date when application was received _____

PLACE RESERVED FOR AUTHORITY,
 TO WHICH AN APPLICATION IS AD-
 DRESSED



COVER PAGE OF ANNEXES TO THE FORM OF APPLICATION FOR SAFETY CERTIFICATE

DOCUMENTS SUBMITTED FOR

PART A

- 7.1 Summary of guide to the Safety Management System according to Art. 9 and Annex III to the directive 2004/49/EC
- 7.2 Copy of licence (if necessary)
- 7.3 Does not apply

PART B

- 8.1 Copy of safety certificate part A
- 8.2 Copy of licence (if necessary)
- 8.3 Does not apply
- 8.4 Copy of document on insurance or financial cover of liability, which forms an annex to the licence
- 8.5 List of required rules and TSIs with reference to processes within the Safety Management System and documents relating to the method of their implementation
- 8.6 List of various categories of employees/workers in contractual relationship or employees/workers of suppliers in contractual relationship
- 8.7 Description of processes of the Safety Management System relating to workers, which are required by national rules or TSIs and, eventually, reference to particular national certificates
- 8.8 List of different types of rail vehicles
- 8.9 Description of processes within the Safety Management System relating to rail vehicles, which are required by national rules or TSIs and, eventually, reference to particular national certificates
- 8.10 Other (specify)

Internal reference number

Date when application was
received

PLACE RESERVED FOR AUTHORITY,
TO WHICH AN APPLICATION IS ADDRESSED

ANNEX NO 1a
EXPLANATORY NOTES TO THE APPLICATION FOR ISSUING OF SAFETY
CERTIFICATE

INTRODUCTION

- (1) This form shall be used by railway undertakings (hereinafter referred to as „applicant“), which apply for part A and/or part B of safety certificate (Art. 10 par. 1 of directive 2004/49/EC). References used in this document relate to articles of directive 2004/49/EC, unless otherwise stated.
- (2) Railway undertaking applying for one or both of the mentioned certificates can use this form for submitting its application to particular issuing safety body (Transport Authority). Its use will enable given body to process application without unnecessary delay, and in case when it is necessary to ask for additional documents, to process it in time limits laid down in Art. 88 par. 1 of the Act on the railroads.
- (3) Railway undertaking should fill in all the fields in the form and provide all particular data.

Article 1

Part A and part B of safety certificates

- (1) This document enables railway undertaking to ask for part A and also part B of safety certificate at the same time on one form, or for only one of them; it can be used while submitting application for new, renewed or updated/amended part A and/or part B of safety certificate (as defined in Art. 10 par. 5 of directive 2004/49/EC).
- (2) An application for new part A of certificate can be submitted, and later for first part B of certificate through a second application.
- (3) If a railway undertaking applies only for part B of safety certificate, it shall be a holder of valid part A of safety certificate.

Article 2

Type and extend of railway operations

- (1) Safety certificate shall, according to Art. 10 par. 5, be fully or partially updated whenever the type or extend of operation has been substantially changed, and holder of certificate is obliged to inform without any delay safety body of all important changes to conditions of particular part of safety certificate. Therefore it is important that railway undertaking sets the „type“ and „extend“ of railway services and that the safety body is informed of them.
- (2) „Type“ and „Extend“ form the basis of validity of part A of safety certificate in the Community and they can be referred to while defining the „equivalent operations of railway transport“ (Art. 10 par. 3) in the whole Community.

- (3) „Type“ of service shall mean passenger transport including or excluding the services of high-speed transport, freight transport including or excluding the transport of dangerous goods, and shunting only.
- (4) „Extend“ of service and railway undertaking shall mean the number of passengers/volume of goods and the estimate of size of railway undertaking according to the number of employees working in the field of railways (micro enterprise, small enterprise, medium sized enterprise, large enterprise).
- (5) „Type“ and „Extend“ of services for all parts B of certificates carried out globally by the same railway undertaking in one state or more states shall be contained in the „type“ and „extend“ of services according to part A of certificate.
- (6) All data contained in fields [2.6] till [2.19] and [3.6] till [3.16] are necessary for determination, whether the services, provision of which is intended on the basis of safety certificate being applied for, are or are not equivalent with other sorts of operation of railway transport, which are already provided by the applicant on the basis of previous valid certificate (previous valid certificates) which he holds.

Article 3 Additional information

- (1) Page 4 of the application form contains a list of documents, which shall be attached to each application. It is used as reference list for applicant as well as the issuing organisation/issuing body, and thus it shall be used as cover page of annexes to the application form (each column shall be marked according to specific situation).
- (2) For simplification, each column is marked with number and its meaning is explained on the following pages.
- (3) The document, which is submitted to safety organisation/safety body, shall be signed on marked area by a person authorised to approve application submitted on particular form. The name of person which provides signature shall be also stated in clearly readable form.

Article 4

Explanatory notes and procedures for the use of application for issuing of safety certificate

- 1.1-1.2 Name and address of safety body/safety organisation, to which application is sent.
- 2.1 In this column it is further specified, whether the submitted application relates to part A of safety certificate. In that case further data specifying type and extend of services of railway undertaking shall be stated by ticking of the following columns.
- 2.2 Applicant shall tick this column in these cases:
 - A) If he applies for the first time for part A of safety certificate;
 - B) If previous safety certificate for the same type and extend of services has been withdrawn;
 - C) In all other cases, for which following columns [2.3] and [2.4] do not apply.

- 2.3 Safety certificate shall be renewed based on an application of railway undertaking, always after five years at the latest.
- 2.4 Whenever the type or extend of operation of railway undertaking is changed substantially, safety certificate shall be fully or partially updated, and hence it is necessary to apply for updated/amended certificate; safety certificate holder shall also inform without any delay particular authority of all important changes of particular part of safety certificate and, besides of this, of implementation of new categories of staff or new types of railway vehicles.
- 2.5 Eventually, full EU identification number of previous part A safety certificate, to which application submitted to safety body/safety organisation stated in fields [1.1] and [1.2] relate, shall be stated.
- 2.6-2.7 If application relates also/only to passenger transport, it is necessary to state, whether operation will or will not include services of high-speed transport by ticking particular box; only one option can be chosen. However, also all other types of passenger transport (that is regional transport, transport for short, medium and long distance) belong to services stated by chosen option [2.6 or 2.7], as well as all other services necessary for provision of passenger transport services (e.g. shunting), to which application relates. As regards the definitions of high-speed transport services, see annex I to directive 96/48/EC.
- 2.8-2.9 If application relates to passenger transport [2.6 or 2.7], it is necessary to state an estimate of present or planned volume of services by ticking particular box, expressed in passenger-kilometers per year. Only one option can be chosen. Considered categories are in line with regulation (EC) No 1192/2003 on rail transport statistics.
- 2.10-2.11 If application relates also/only to freight transport, it is necessary to state, whether operation will or will not include transport of dangerous goods by ticking particular box; only one option can be chosen. However, also all other types of freight transport, which are not particularly mentioned, belong to services stated by chosen option [2.10 or 2.11], as well as all other services necessary for provision of freight transport services (shunting etc.), to which application relates. As regards the definitions of dangerous goods, see directive 96/94/EC and its annexes.
- It is considered, that economic operators, who provide rail transport services for internal needs of railway, belong to the category of freight transport (e.g. companies carrying out track maintenance, carrying work machines from one locality to the other, or companies operating measurement trains).
- 2.12-2.13 If application relates to freight transport [2.10 or 2.11], it is necessary to state an estimate of present or planned volume of services by ticking particular box, expressed in tonne-kilometres per year. Only one option can be chosen. Considered categories are in line with regulation (EC) No 1192/2003 on rail transport statistics.
- 2.14 This box shall be ticked, if an applicant plans to provide only shunting services without passenger or freight transport.
- 2.15 Scheduled date of beginning of provision of service (passenger transport, freight transport, shunting), to which an application relates, shall be stated, or in case of renewed or updated/amended certificate date at which certificate shall become valid and replace the previous one.

- 2.16 If the number of employees working in railway sector or involved in railway operation and related activities, including the persons in contractual relationship, is between 0 (the only employee is entrepreneur himself) and 9, the option „micro enterprise“ shall be chosen. From the offered options only one shall be chosen [2.16 - 2.17 - 2.18 - 2.19].
- 2.17 If the number of employees working in railway sector or involved in railway operation and related activities, including the persons in contractual relationship, is between 10 and 49, the option „small enterprise“ shall be chosen. From the offered options only one shall be chosen [2.16 - 2.17 - 2.18 - 2.19].
- 2.18 If the number of employees working in railway sector or involved in railway operation and related activities, including the persons in contractual relationship, is between 50 and 249, the option „medium sized enterprise“ shall be chosen. From the offered options only one shall be chosen [2.16 - 2.17 - 2.18 - 2.19].
- 2.19 If the number of employees working in railway sector or involved in railway operation and related activities, including the persons in contractual relationship, is 250 or more, the option „large enterprise“ shall be chosen. From the offered options only one shall be chosen [2.16 - 2.17 - 2.18 - 2.19].
- 3.1 In this field it shall be specified, whether submitted application concerns part B of safety certificate. In that case, further data indicating type and extend of services of railway undertaking shall be stated by ticking following boxes.
- 3.2 An applicant shall tick this box in following cases:
- A) if he/she applies for the first or further new part B of safety certificate;
 - B) if the previous safety certificate for the same type and extend of services has been withdrawn;
 - C) in all other cases, to which following boxes 3.3 and 3.4 do not refer.
- 3.3 Safety certificate shall always be renewed after five years at the latest based on application of railway undertaking.
- 3.4 Whenever the type or extend of operation of railway undertaking is being substantially changed, safety certificate updates partially or fully, and thus it is necessary to apply for updated/amended certificate; moreover, the holder of safety certificate informs particular body without any delay of all important changes to the conditions of particular part of safety certificate and also of establishing new categories of employees or new types of rail vehicles.
- 3.5 Eventually, state the full EU identification number of previous part B of safety certificate, to which the application submitted to safety body/safety organisation stated in fields [1.1] and [1.2] relates.
- 3.6-3.7 Same as [2.6] - [2.7] (see above).
- 3.8-3.9 Same as [2.8] - [2.9] (see above).
- 3.10-3.11 Same as [2.10] - [2.11] (see above).
- 3.12-3.13 Same as [2.12] - [2.13] (see above).
- 3.14 Same as [2.14] (see above).
- 3.15 Same as [2.15] (see above).

- 3.16 Part B of safety certificate can relate to whole railway network of a member state or only to particular part of it, therefore it is necessary to clearly state all the lines, on which services are intended to be provided (passenger transport, freight transport or shunting only). Indication/name of lines corresponds to the indication/name stated in the „network statement“ (see Art. 3 of directive 2001/14/EC and annex I to this directive): railway undertakings shall use these indications/names for determination of lines. If the space provided is not sufficient, applicant shall provide attachments to the form, which he shall mention in this field.
- 3.17 This data shall be stated only in case, when applicant applies for new, renewed, updated or amended part B of safety certificate and he is already a holder of valid part A of safety certificate. EU identification number shall be issued by each issuing body/organisation according to the fixed rules of coding, which will be at disposal via the European Railway Agency. Stating of this data does not relieve applicant of his obligation to attach a copy of the part A of safety certificate to the application [8.1]. If EU identification number is not at disposal so far, „DOES NOT APPLY“ shall be written to the field.
- 3.18 Here the state issuing part A of safety certificate shall be specified (i.e. state of the issuing body/issuing organisation). Stating of this data does not relieve applicant of his obligation to attach a copy of the part A of safety certificate to the application [8.1].
- 4.1 This data shall be stated only in a case, when applicant already holds at least one valid part B of safety certificate. Eventually, EU identification numbers of already issued parts B of safety certificates shall be stated, divided by a slash („/“). Applicant does not need to attach copies of parts B of safety certificates to the application.
- 4.2 This data shall be stated only in case, when it relates to application for part A and/or part B of safety certificate and railway undertaking already has a valid licence (Commission directive 95/18/EC amended by directive 2001/13/EC). Stating of this data does not relieve applicant of his obligation to attach a copy of licence [7.2 and 8.2].
- REMARK: railway undertaking shall, according to a provision in directive 2001/14/EC, hold a licence in line with particular rules of the Community, however, railway undertaking according to a provision in directive 2004/49/EC does not always need to hold a licence.
- 4.3 In this place the state issuing a licence shall be stated (i.e. state of issuing body/issuing organisation). Stating of this data does not relieve applicant of his obligation to attach a copy of licence [7.2 and 8.2].
- 5.1 If „Legal denomination of undertaking“ and „Name of railway undertaking“ differ, both shall be stated.
- 5.2-5.8 Each applicant shall provide data necessary for the issuing entity to make contact with railway undertaking (if possible, telephone number of headquarters and not of a person responsible for certification shall be stated; telephone and fax numbers shall be stated together with number of international country code for given country; e-mail address shall be the address of general electronic mailbox of railway undertaking). Contact data of railway undertaking shall include general address, but without references to particular person, because this information can be stated in points [6.1] till [6.5]. Stating the address of website [5.8] is not obligatory.

- 5.9-5.10 If, according to national legal rules, several registration numbers have been assigned to railway undertaking, to which the application relates, VAT number [5.10] and second registration number [5.9] (e.g. identification number according to business register) can be stated.
- 5.11 Other data which are not specifically required in other fields can be added, when necessary.
- 6.1-6.5 Contact person is the contact point between the railway undertaking submitting an application and issuing organisation/body during the whole process of certification. This person provides possible support, advising, information or clarification and represents a point of reference for issuing entity, which deals with the application. Telephone and fax numbers shall be stated together with the number of international country code/area code; e-mail address.
- 7.1 This document shall be attached to application for part A of safety certificate (new, renewed, updated/amended certificate); „summary of safety management system guide“ shall mean a document, which represents an overview of the safety management system of railway undertaking and highlights its basic elements. There shall be a detailed description of various processes or internal standards/rules of the company, which have been implemented (or are in a phase of implementation) and it shall also state supporting information and documents, whereby it also contains cross references or it refers to items according to Art. 9 and annex III. (Annex No 2 to this procedure)
- 7.2 According to definition in directive 2001/14/EC, railway undertaking shall be a holder of licence in line with relevant regulations of the Community; however, according to definition in directive 2004/49/EC, railway undertaking does not need to have a licence, but it is required, that he submits a copy of valid licence only in a case, when it is, in given case, necessary. In opposite case, an option „Does not apply“ shall be ticked [7.3 and/or 8.3].
- 7.3 See [7.2].
- 8.1 If this application form relates only to part B of safety certificate (new, renewed, updated/amended certificate), but not at the same time to part A of safety certificate, a copy of valid part A of safety certificate shall be attached.
- 8.2 Same as [7.2] (see above).
- 8.3 Same as [7.3] (see above).
- 8.4 According to Art. 9 of directive 95/18/EC railway undertaking shall be adequately insured or shall adopt equivalent measures (e.g. financial collateral) to cover its own responsibility in case of accidents, and this in line with national or international legislation. Document proving that railway undertaking, which holds a licence, meets national requirements related to insurance, or that it has adopted equivalent measures to cover own responsibility, shall be attached to licence (Commission recommendation 2004/358/EC). A copy of document on insurance or on financial cover of liability, which are attached to licence, shall be attached to application.
- 8.5 Applicant shall state in a list or submit documentation related to TSI or parts of TSI and, eventually, to national safety regulations and other regulations related to employees, rail vehicles and generally to services, provision of which is intended based on required safety certificate. A reference to processes and documents for

which TSI are applicable, as well as where they are introduced, shall be clearly stated. With a view to avoid duplicity of work and decrease the amount of information, only summary documentation related to elements, which meet the requirements of TSI and other requirements of directives 96/48/EC and 2001/16/EC (Annex No 7 to this procedure), shall be submitted.

- 8.6 Applicant shall submit full list of various CATEGORIES OF EMPLOYEES (Annex No 6 to this procedure), which are in contractual relationship with applicant or with a supplier of applicant in relation to services, provision of which is intended based on the required certificate. The list of CATEGORIES OF EMPLOYEES shall meet national regulations and rules specific for network, which are applicable for including employees into categories.
- 8.7 Applicant shall submit description or documents related to those processes within the safety management system, which are related to EMPLOYEES, including documents proving that the processes comply with the requirements of national regulations and/or particular TSI and that employees possess relevant official certificates (Annex No 6 to this procedure).
- 8.8 Applicant shall submit a list (Annexes No 4, 4a and 5 to this procedure) and complete documentation on various TYPES OF RAIL VEHICLES, which he intends to operate based on required certificate. TYPES OF RAIL VEHICLES shall meet national regulations and rules specific for network, which are applicable for including of these vehicles into categories.
- 8.9 Applicant shall submit description or documents related to those processes within the safety management system, which are related to the RAIL VEHICLES, including the documents proving that processes comply to requirements of national regulations and/or particular TSI and that these rail vehicles have been duly officially certified (Annexes No 4, 4a and 5 to this procedure).
- 8.10 A place to state further documents submitted along with application. State the number and type of documents together with short description of their content.

ANNEX NO 2

RECOMMENDED TEMPLATE OF THE SAFETY MANAGEMENT SYSTEM

INTRODUCTION

- (1) Railroad operator or carrier (railway undertaking), who apply for issuance of safety authorisation or safety certificate, shall submit in sense of point 7.1. of an Application for Issuing of Safety Certificate a „Summary of Safety Management System Guide“ according to Art. 84 and Annex 10 of the Act on the railroads. This is understood as a **document, which represents an overview of the safety management system of railway undertaking** and highlights its main elements. It shall contain various processes described in detail or internal standards and rules of company (see point 4. of this annex), which have been introduced (or are in the phase of introduction) and supporting information and documents, whereas it also contains cross references or links to items stated in this procedure.
- (2) Document can refer to internal rules and directives of railway undertaking with stating of their particular articles and chapters, but also to attached copies of contracts in case of activities, which will be carried out contractually (via suppliers). In case that contracts are not yet concluded it is necessary to state basic rules and parameters of these contracts.
- (3) The authority shall assess this document from applicants for issuance of safety certificate in sense of point 3. of annex I to EU regulation No 1158/2010.
- (4) Safety management system shall be in line with the national safety rules (Art. 83 of the Act on the railroads), meet safety requirements of TSI and contain minimum safety targets and basic elements stated in annex No 10 of the Act on the railroads with adjustment to the type, extend and other requirements related to activities carried out in the existing railway system.

Article 1

Requirements for the safety management system

- (1) All important elements of safety management system shall be documented and in particular the assignment of responsibility within the organisation of railroad operator or carrier shall be described.
- (2) The system shall describe, in what way the company management ensures reliable operational control and supervision over performed activities in various areas, involvement of employees and their deputies on all levels and how gradual improvement of the safety management system is being ensured.

Article 2

1.1 Parts of the safety management system

1. Content
2. Introduction
 - 2.1. Scope
 - 2.2. References
 - 2.3. Definitions

2.4 Abbreviations

3. Basic elements of the safety management system

Basic elements of the safety management system are:

3.1. Safety policy approved by director and communicated to all employees of the company:

- safety policy shall be approved by the director of company and communicated to all employees in a demonstrable way,
- with regard to safety of railways it expresses and reflects a liability, responsibility and outlook into the future of the organisation,
- it reflects overall course and objectives of the safety management system,
- it defines main principles, according to which organisation and employees work,
- all dependences of the process have to be reflected in the organisation structure of the company.

3.2. Qualitative and quantitative objectives of a company for maintenance and increasing of safety and plans and procedures for achievement of these objectives. The procedures shall describe processes (recommended is via the form of internal standards, directives of railway undertaking) in these areas:

- Transport of persons and goods
 - o Carrier shall, according to the type of his activity, provide for safety transport of persons, goods, or eventually transport of dangerous goods according to RID,
 - o the way of performing transport according to specific possibilities of carrier shall be described with stating the targeted responsibilities related to work positions involved in the process
- Operation, maintenance of rail vehicles and operation of devices
 - o There shall be authorisation for putting rail vehicle into service issued for rail vehicles,
 - o Rail vehicles shall meet conditions for safe operation on railway infrastructure,
 - o parameters of individual stages of maintenance, repairs, renewal and putting out of service of rail vehicles and the way of carrying out technical checks and technical controls shall be described
 - o work positions involved in the process and their responsibilities shall be stated specifically
- Competence, education and training of employees
 - o see point 3.5. of this annex
- Management of operation and solving of accident and extraordinary events
 - o see points 3.6. till 3.9. of this annex
- Evaluation of risks connected with the activity of railway undertaking
 - o see point 3.4. of this annex
- Control activities, internal audit
 - o see point 3.10. of this annex
- Operation and maintenance of railway infrastructure (when applying for safety authorisation)

- the rules of operation of railway infrastructure and the system of control and signalling of trains shall be described in a way, that safety of operation, taking regard of the activity of carriers, is ensured,
 - provision of maintenance works and supplies of material for the safe operation of infrastructure shall be described,
- 3.3. Procedures for observance of existing, new and amended technical and operational standards or other conditions laid down in TSI, national safety rules, other rules and in decisions of the safety body
- railway undertaking shall provide for safety of interoperability subsystems,
 - all procedures and processes of the safety management system related to safety shall be:
 - drafted in a way, that any changes or completions are taken into regard,
 - consistent with the type and extend of services provided by the carrier,
 - consistent with particular organisational changes.
 - railway undertaking shall introduce a procedure for updating and their implementation. Implementation means the application of documents (e.g. TSI) of related standards, rules etc.
- 3.4. Procedures and methods for evaluation of risks and for implementation of risk control measures, whenever new risks for railway infrastructure or for operation on it arise from a change of operational conditions or from a new material:
- there shall be a system for control of changes, new projects and for management of related risks (even those connected to occupational safety) introduced in railway undertaking,
 - the changes mainly concern: the area of technology, operational procedures, directives and standards and organisational structure,
 - according to Art. 84 of the Act on the railroads it is required, that each railway undertaking and infrastructure manager introduces a safety management system in a way, that the railway system can achieve at least the common safety targets (hereinafter referred to as „CST“),
 - safety management system contains, in line with point 2 letter d) of Annex 10 of the Act on the railroads, procedures and methods of performing risk evaluation and implementing the risk control measures, whenever new risks for infrastructure or operation arise from the change of operational conditions or new material,
 - this issue is described in more detail in regulation (EC) No 352/2009 of 24 April 2009 on the adoption of a common safety method on risk evaluation and assessment as referred to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council,
 - more detailed information is stated in annex No 3 to this procedure – procedures and methods of risk evaluation
- 3.5. Educational programs for staff and systems, which ensure maintenance of staff competence and appropriate execution of tasks. Railway undertaking shall ensure, that all competent employees can carry out their tasks responsibly and that their capabilities and skills are maintained permanently. System includes:
- Principles of selection,
 - Introductory training,
 - On-going training,
 - Checks of professional competence,
 - Measures in case of long-term absence from work,

- Special training.
- 3.6. Measures to ensure sufficient flow of information concerning safety and setting of control procedure providing for configuration of critical information on safety:
- railway undertaking shall define a procedure for control of documents and data based on existing management systems, documents shall be easily available for review and verification,
 - Carrier and infrastructure manager, which operate on the same network system, shall have measures to ensure correct exchange of all information on safety. They shall draw up or support usage of standardized protocols for communication related to operation.
- 3.7. Procedures and formats for documentation of information on safety and determination of control procedure ensuring configuration of critical safety information:
- exchange of particular information on safety is important within organisations and between each other,
 - it is necessary to ensure, that information is provided to assigned person in understandable manner,
 - it is necessary to duly monitor all information connected to safety, document them and have them available based on request.
- 3.8. Procedures to ensure that accidents, extraordinary events, incidents and other dangerous events are notified, investigated and analysed and that preventive measures are carried out:
- railway undertaking shall rely on system of monitoring and process of management decision-making,
 - these procedures shall ensure announcing of errors, dangerous events, incidents, including events when employees made mistakes, or did not follow the right safety procedures.
- 3.9. Preparation of plans of deployment of alarm and information plans after agreement with relevant bodies:
- railway undertaking shall draw up emergency plan, in which it identifies and specifies various types and levels of emergency situations, which may occur,
 - it is necessary to regularly update the plan.
 - The plan identifies:
 - each party involved in the emergency plan,
 - processes and procedures connected to emergency situations,
 - references to activities and interventions related to emergency situation.
- 3.10. Provisions concerning regular internal audits of the safety management system:
- the system serves to examine and verify, whether the safety management system is still effective, and whether the procedures contained in it meet particular requirements. It contains also these parts:
 - analysing and evaluating the results of audits,
 - submitting recommendations for subsequent provisions,
 - follow-up monitoring of effectiveness of provisions,
 - documenting the performance of audits and the results of audits.
 - shall determine the interval of internal audits,
 - employees mandated to carry out internal audits shall be competent and carry out the audit impartially and independently.

4. Recommended areas for internal standards of railway undertaking related to the safety management system:
- competence, education and training of employees,
 - operation, maintenance of rail vehicles and operation of devices, responsibilities of employees,
 - transport of persons and goods – performance of transport on railroads, responsibilities of employees,
 - control of operation and solving of accident events,
 - evaluation of risks connected with the activity of railway undertaking,
 - solving of accidents and extraordinary events,
 - control activities, internal audit.

ANNEX NO 2a
CRITERIA OF CONFORMITY FOR OBTAINING SAFETY CERTIFICATE PART A

INTRODUCTION

- (1) Applicants for **safety certificate part A** submit in line with point 7.1 of the Application for issuing of safety certificate „Summary of Safety Management System Guide“ according to Art. 84 and Annex 10 of the Act on the railroads – Safety Management System of Railway Undertaking.
- (2) The Authority shall assess this document according to criteria listed in annex II of Commission regulation (EU) No 1158/2010 with following explanations:

A. MEASURES FOR CONTROL OF RISKS FOR ALL RISKS CONNECTED WITH ACTIVITY OF RAILWAY UNDERTAKING

- A.1 Procedures are introduced to determine risks connected with railway operation including risks, which arise directly from work activities, work position or work load and from activities of other organisations/persons.
- A.2 Procedures are established for drawing up and introduction of measures for risk control.
- A.3 Procedures are established to monitor the effectivity of risk control measures and to exert changes, if they are required.
- A.4 Procedures are introduced to acknowledge, if appropriate, the need of cooperation with other entities (e.g. with infrastructure managers, railway undertakings, manufacturer, supplier of maintenance works, entity in charge of maintenance, owner of rail vehicles, suppliers of services and procuring entities) in the areas of common interfaces, which probably have effect on introduction of appropriate risk control measures in line with Art. 4 par. 3 of directive 2004/49/EC.
- A.5 Procedures are introduced relating to approved documentation and communication with particular entities including the assignment of tasks and obligations of each involved organisation and accurate information related to information exchange.
- A.6 Procedures are introduced to monitor effectiveness of these measures and to exert changes, if they are required.

Recommendation of the Authority:

Railway undertaking shall identify all risks related to its activities while carrying out the transport on railroads and adopt effective measures for their elimination or minimisation. Annex No 3 to this procedure contains a guideline how to proceed with evaluation and assessment of risks, which are related to safety in the area of technology of transport operation on railroads. We recommend to draw up own internal directive concerning this process – evaluation of risks related to the activity of railway undertaking, which should in particular contain:

- *analysis and evaluation of risks for all the professions taking part in transport operation on railroads,*
- *specific listing of risks, which may occur while carrying out required type of transport,*
- *ways of monitoring, evaluating and specifying responsibility for the updates of the list of risks based on new gained experience (accidents and so on),*

- *Procedures for cooperation with other entities influencing the performance of transport by the railway undertaking (specifying responsibilities of these entities reflected into contractual relationships, monitoring of contractual activities).*

B. CONTROL OF RISKS IN RELATION TO PROVISION OF MAINTENANCE WORKS AND SUPPLY OF MATERIAL

- B.1 Procedures exist to define requirements/standards/procedures in the area of maintenance based on safety data and assignment of rail vehicles.
- B.2 Procedures exist to adjust maintenance intervals according to the type and extend of performed service and/or the data on rail vehicles.
- B.3 Procedures exist to ensure clear allocation of responsibility for maintenance, specifying of competences required for maintenance sites and allocation of appropriate levels of responsibility.
- B.4 Procedures exist to collect information on malfunctions and deficiencies arising from daily operation and for their notification to entities in charge of maintenance.
- B.5 Procedures exist to identify risks arising from deficiencies and from noncompliance or malfunction of construction during the whole life cycle and for their notification to interested parties.
- B.6 Procedures exist for verification and check of performance of maintenance and its results to ensure compliance with the standards of undertaking.

Recommendations of the Authority:

Railway undertaking shall have specifically defined ranges of maintenance (maintenance order) for all rail vehicles it uses while carrying out transport on railroads. Maintenance order shall accept the documentation of manufacturer and current provisions of laws and standards. Responsibility of employees while carrying out maintenance interventions and obligations while handing vehicles over for maintenance and after maintenance shall be defined. In case of freight wagons maintenance, it is necessary to proceed in line with Commission regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007. We recommend to draw up own internal directive relating to this process – operation and maintenance of rail vehicles and operation of devices, which shall, besides the above mentioned procedures carried out by own employees, define also procedures in case of carrying out activities by other entities (supplier way).

C. CONTROL OF RISKS IN RELATION TO USAGE OF SUBCONTRACTORS AND CONTROL OF SUPPLIERS

- C.1 Procedures exist to verify competence of subcontractors and suppliers.
- C.2 Procedures exist to verify and check performance in the area of safety and results of all services and products, for which contracts have been concluded and which were provided by subcontractor or supplier with the aim to provide for their compliance with the requirements stated in the contract.

- C.3 Obligations and tasks related to the matters of railway safety are clearly determined, known and allocated between contractual partners and between all other interested parties.
- C.4 Procedures exist to ensure traceability of documents and contracts related to safety.
- C.5 Procedures exist to ensure, that subcontractors and suppliers fulfill safety tasks including exchange of information related to safety, and this according to particular requirements laid down in the contract.

Recommendations of the Authority:

Railway undertaking shall, in case of performing activities via other entities (supplier way), specifically define within contractual relationships the ranges of all services provided by supplier, determine the documentation related to these services, define the way of apprising the supplier of this documentation (eventually also with related internal rules), define the way of taking over and handing over services, define the allocation of responsibilities between railway undertaking and supplier of services and determine the method of monitoring the observance of all parameters of contractual relationship.

We recommend incorporating the rules of carrying out activities by other entities as a part in other points of mentioned own internal directives.

D. RISKS ARISING FROM ACTIVITIES OF OTHER PARTIES OUTSIDE OF RAILWAY SYSTEM

- D.1 Procedures exist to determine potential risks arising from activities of parties outside of the railway system, when it is necessary and appropriate.
- D.2 Procedures exist to introduce control measures for mitigation of risks laid down in point D.1, when it comes to the obligations of applicant.
- D.3 Procedures exist to monitor the effectivity of measures laid down in point D.2 and to undertake potential changes.

Recommendations of the Authority:

Impact of non-railway entities (e.g. movement of passengers or unknown persons close to the track facility, crossing of rail path and roads) shall be taken into consideration within the safety management system of railway undertaking (further see point E.) and measures shall be determined to minimise risks in this respect.

E. DOCUMENTATION ON THE SAFETY MANAGEMENT SYSTEM

- E.1 Description of activity exists, in which the type, extend and risk of operation is clarified.
- E.2 Description of safety management system structure exists including the allocation of tasks and responsibilities.
- E.3 Description of the procedures of safety management system, which are required in Art. 9 and annex III of directive 2004/49/EC and which are in compliance with the type and extend of operated services, exists.
- E.4 Procedures and tasks, which are critical from the safety point of view and which relate to the type of activity/service, are listed together with brief description.

Recommendations of the Authority:

Safety Management System shall be drawn up with regard to the extend and type of transport foreseen or performed by the applicant in a way as stated in points 2.1 – 2.19 of the Application for Issuing of Safety Certificate. Safety Management System shall be drawn up and contain elements in compliance with annex No 2 to this procedure.

F. ALLOCATION OF RESPONSIBILITY

- F.1 Description exist regarding how coordination of activities of the safety management system in organisation is ensured based on demonstrated knowledge and main responsibility on the level of management.
- F.2 Procedures exist to ensure that employees with delegated obligations within organisation have the power, competence and appropriate resources for fulfillment of their obligations.
- F.3 The areas of responsibility related to safety and allocation of tasks to specific functions connected with them, together with their interfaces, are clearly defined.
- F.4 Procedure exists to ensure that safety tasks are clearly defined and delegated to employees with particular competence.

Recommendations of the Authority:

Responsibility of employees of railway undertaking - carrier while carrying out individual tasks shall be unambiguously defined and limits of this responsibility shall be determined in all materials submitted along with the application for issuing of safety certificate. Allocation of employees stems from the organisation structure, their obligations and activities from employment relationships and job contents. It is necessary to submit corresponding documentation for assessing of these relationships along with the application for issuing of safety certificate.

In case of performing activities by other entities (via suppliers), this responsibility shall be specifically defined within the contractual relationships in a way, that the allocation of responsibility between railway undertaking, supplier and other entity is unambiguous.

G. PROVIDING FOR CONTROL THROUGH MANAGEMENT ON DIFFERENT LEVELS

- G.1 Description exists regarding how obligations are allocated in the whole organisation for each procedure related to safety.
- G.2 Procedure exists for regular monitoring of fulfillment of tasks, which is ensured via a chain of hierarchically ordered management, which shall intervene if tasks are not duly fulfilled.
- G.3 Procedures exist to set and manage the impact of further activities in the area of management on the safety management system.
- G.4 Procedures exist to ensure that those, who fulfill a task in safety management, take responsibility for fulfillment of their tasks.
- G.5 Procedures exist to allocate resources for fulfillment of tasks within the safety management system.

Recommendations of the Authority:

Permanent control of fulfillment of tasks on all levels of management of railway undertaking in form of internal audits, evaluation of audits, adoption of measures and following control of these measures form a part of the safety management system.

In case of performing activities via other entities (via suppliers), railway undertaking shall provide for control of activities performed by supplier.

We recommend to draw up own internal directive for this process – control activities, internal audit, which shall specifically define work positions which perform control, periods of con-

trol, a way of keeping of documentation and solutions regarding control of activities carried out by suppliers.

H. INVOLVEMENT OF EMPLOYEES AND THEIR DEPUTIES ON ALL LEVELS

H.1 Procedures exist to ensure that employees and their deputies are adequately represented while determining, suggesting, examining and developing safety aspects of operational procedures, into which they can be involved, and that they are adequately consulted.

H.2 Measures related to involvement of employees and consultations shall be documented.

I. PROVIDING FOR CONTINUOUS IMPROVEMENT

Procedures are introduced to provide for continuous improvement of safety management system in a case, when it is appropriately possible. They include:

- a) procedures for regular review of safety management system, when it is found that it is necessary;
- b) procedures for description of measures for monitoring and analysing of particular safety data;
- c) procedures to describe the way how identified deficiencies were remedied;
- d) procedures to describe performance of new rules of safety management based on development and gain experience;
- e) procedures to describe, how findings of internal audit are used for improvement of safety management system.

Recommendations of the Authority:

Railway undertaking shall constantly update the safety management system in relation to development of technics, changing legislation and findings resulting from performance of control and internal audits.

J. SAFETY POLICY APPROVED BY EXECUTIVE DIRECTOR OF ORGANISATION AND COMMUNICATED TO ALL EMPLOYEES

A document describing safety policy shall exist and shall be:

- a) communicated and made available to all employees, for instance via organisational intranet;
- b) appropriate to the type and extend of service;
- c) approved by executive director of organisation.

Recommendations of the Authority:

It is necessary to describe, in what way all employees will be informed of the document and where the related agenda will be kept.

K. QUALITATIVE AND QUANTITATIVE OBJECTIVES OF ORGANISATION RELATED TO MAINTAINING AND INCREASING OF SAFETY AND PROCEDURES TO ACHIEVE THESE OBJECTIVES

K.1 Procedures exist to determine particular safety objectives in line with legislative framework and a document exists, where these objectives are stated.

K.2 Procedures exist to determine particular safety objectives, which are in line with the type and extend of particular railway operation and related risks.

K.3 Procedures exist to regularly evaluate the overall performance in the safety area, when it comes to safety objectives of organisation and objectives set on the level of member state.

K.4 Procedures are introduced for regular monitoring and examination of operational measures through:

- a) collecting particular safety data in order to determine trends in performance in the safety area and to assess the compliance with objectives;
- b) interpreting particular data and undertaking necessary changes.

K.5 Railway undertaking has introduced procedures to draw up plans and procedures to achieve its objectives.

Recommendations of the Authority:

Railway undertaking shall define safety objectives, determine procedures and safety indicators in a way, that it can, in sense of Art. 85 of the Act on the railroads, submit to the Authority each year till 30 June an annual safety report for the preceding calendar year, which shall contain:

1. data on fulfilling of the safety objectives and results of fulfillment of safety plans;
2. Information on development of safety indicators listed in annex No 8 of the Act on the railroads;
3. results of internal safety audits and
4. data on identified deficiencies, malfunctions and other events in the operation of railway transport and on railway infrastructure, which could be relevant for safety body.

Annual safety report shall be drawn up in sense of procedure placed on the websites of the Authority.

L. PROCEDURES TO OBSERVE EXISTING, NEW AND UPDATED TECHNICAL AND OPERATIONAL STANDARDS OR OTHER PRESCRIPTIVE CONDITIONS

L.1 As regards requirements concerning safety related to type and extend of operation, procedures exist to:

- a) set these requirements and update particular procedures to reflect undertaken changes (management of change control);
- b) carry them out;
- c) monitor the compliance with them;
- d) adopt measures in case of identifying discrepancy.

L.2 Procedures are introduced to ensure that appropriate employees, procedures, special documents, equipment and rail vehicles are used for intended purpose.

L.3 Procedures are introduced within the safety management system which ensure, that maintenance is carried out according to particular requirements.

Recommendations of the Authority:

Railway undertaking shall draw up a system of monitoring of legal regulations, technical and operational standards in a way, that regular update of documents related to safety management system is ensured.

M. PROCEDURES AND METHODS TO CARRY OUT RISK EVALUATION AND TO IMPLEMENT RISK CONTROL MEASURES, WHENEVER NEW RISKS

FOR INFRASTRUCTURE OR OPERATION ARISE FROM THE CHANGE OF OPERATIONAL CONDITIONS OR NEW MATERIAL

- M.1 Control procedures exist for changes related to equipment, procedures, organisation, employees or interfaces.
- M.2 Risk assessment procedures exist for potential management of changes and implementation of common safety method for risk evaluation and assessment, which has been laid down by regulation (EC) No 352/2009.
- M.3 Railway undertaking shall introduce procedures to include results of risk assessment into following procedures within organisation and for making them available to particular employees.

Recommendations of the Authority:

In case of substantial changes of operational activities, railway undertaking shall provide for reevaluation of risks related to operation of transport even before these changes are introduced. All concerned employees shall be demonstrably informed of these changes. Procedures relating to these changes shall be incorporated in the internal standard – risk evaluation, drawing up of which is recommended in point A. of this annex.

N. PROVIDING FOR TRAINING PROGRAMS AND SYSTEMS FOR EMPLOYEES ENSURING THE MAINTENANCE OF EMPLOYEES'S COMPETENCE AND PROPER PERFORMANCE OF TASKS

N.1 Competence management system exists, which shall include at least:

- a) identification of knowledge and skills, which are required for fulfillment of tasks related to safety;
- b) selection principles (required basic educational level, mental and physical conditions);
- c) initial professional preparation and certification of gained competence and skills;
- d) ongoing professional preparation and regular improvement of existing knowledge and skills;
- e) regular checks of competence, when necessary;
- f) special measures in case of accidents/incidents or long absence from work, when it is necessary;
- g) special professional preparation focused at safety management system for employees, who are directly involved in providing for the functioning of the safety management system.

N.2 Procedures shall exist within the competence management system, which ensure:

- a) determination of work positions, within which safety tasks are carried out;
- b) determination of work positions, where responsibility for making operative decisions within the safety management system exists;
- c) that employees possess necessary knowledge, skills and conditions (medical and psychological) appropriate to their tasks and that they participate in regular trainings;
- d) employees with appropriate competence are assigned to fulfillment of particular tasks;
- e) monitoring of fulfillment of tasks and, when necessary, implementation of corrective measures.

Recommendations of the Authority:

Railway undertaking shall, in the area of staff taking part in the performance of transport, specifically define work positions, which carry out these activities with their placement within

the organisation structure of the undertaking, it shall determine professional, qualification, medical and psychological conditions for these positions, range of knowledge of particular regulations for individual work positions, it shall determine the extent of examinations, trainings and their frequency. As a part of its safety management system, it shall also, in sense of Art. 29 par. 1 of the Act on the transport on railroads, elaborate its own procedures for issuing of harmonised complementary certificates and updating of issued certificates for its employees, as well as a procedure and rules for examination of its own decisions. Specific responsibility of employees providing for this process shall be determined.

We recommend to draw up own internal directive regarding this process – competence, training and education of employees, which shall, besides of above mentioned procedures carried out by own employees, define also procedures in case of performing activities by other entities (supplier way).

O. MEASURES PROVIDING FOR SUFFICIENT INFORMATION FLOW WITHIN ORGANISATION AND EVENTUALLY BETWEEN ORGANISATIONS, WHICH USE THE SAME INFRASTRUCTURE

O.1 Procedures shall exist, which ensure, that:

- a) employees have knowledge of the safety management system and that information is easily available and
- b) appropriate documentation on safety management system is provided to particular safety workers.

O.2 Procedures shall exist, which ensure, that:

- a) key operative information is relevant and valid,
- b) employees are informed of its existence before it is implemented,
- c) given information is available to employees and that copies are formally provided to them when required.

O.3 Measures shall be in place for exchange of information between railway companies.

Recommendations of the Authority:

Safety management system shall describe, how employees are familiarised with new rules, important documents and extraordinary events in operation and specific responsibility in this area shall be defined. Similarly, the method of ensuring the meet and transfer of information between the railway undertaking, infrastructure manager and other carriers in case of stand-ard operation and extraordinary events shall be specifically described.

P. PROCEDURES AND FORMATS OF DOCUMENTATION OF INFORMATION ON SAFETY AND SETTING OF CONTROL PROCEDURE PROVIDING FOR CONFIGURATION OF CRITICAL SAFETY INFORMATION

P.1 Procedures shall exist which ensure, that all relevant information on safety is accurate, complete, appropriate, easily understandable, adequately updated and duly documented.

P.2 Procedures shall exist to:

- a) structure, set up, extend and manage the control of changes of all relevant safety documents,
- b) gain, collect and store all relevant documents/information in paper form or through other registration systems.

P.3 Control procedure shall exist for configuration of important safety information.

Recommendations of the Authority:

Safety management system must specifically define the way in which safety information is created, updated, where they are stored and who is responsible for this process.

Q. PROCEDURES ENSURING THAT ACCIDENTS, INCIDENTS, ACCIDENTS AVOIDED ONLY IN LAST MOMENT AND OTHER DANGEROUS EVENTS ARE NOTIFIED, INVESTIGATED AND ANALYSED AND THAT NECESSARY PREVENTIVE MEASURES ARE TAKEN

Q.1 Procedures shall exist which ensure that accidents, incidents, accidents avoided only in the last moment and other dangerous events are:

- a) notified, recorded, investigated and analysed,
- b) notified to national bodies, if it is required by particular legal regulations.

Q.2 Procedures shall exist which ensure that:

- a) recommendations of national safety body and national investigation body and recommendations stemming from sector/internal investigations are evaluated and acted upon, if it is suitable and imposed,
- b) particular reports/information from other railway undertakings, infrastructure managers, entities in charge of maintenance and owners of rail vehicles are assessed and taken into consideration.

Q.3 Procedures shall exist to use particular information related to investigation and causes of accidents, incidents, accidents avoided only in last moment and other dangerous events for learning lessons and that preventive measures are adopted when necessary.

Recommendations of the Authority:

See point R.

R. PREPARATION OF DEPLOYMENT PLANS, ALERT AND INFORMATION PLANS IN EMERGENCY SITUATION AFTER AGREEMENT WITH PARTICULAR PUBLIC BODIES

R.1 There are all kinds of emergency situations defined in the document including degraded operation and procedures to determine new kinds are established.

R.2 Procedures shall be in place which ensure that in every defined kind of emergency situation:

- a) it is possible to promptly approach emergency services,
- b) all relevant information has been provided to emergency services in advance for them to prepare for reaction in emergency situation, as well as at the time of occurrence of emergency situation.

R.3 Tasks and obligations of all parties shall be defined and stated in the document.

R.4 Deployment plans, alert and information plans shall exist, which contain:

- a) procedures to warn all employees, who are responsible for managing emergency situations,
- b) procedures to notify all parties of these procedures including the procedures for passengers in case of emergency situation,

- c) procedures for immediate contacting of particular workers, so that they can make required decision of any kind.

R.5 Document shall exist in which the way of distribution of resources and means and method of determining the requirements for professional preparation is described.

R.6 Procedures shall be in place for the earliest possible renewal of standard operational conditions.

R.7 Procedures shall exist to test emergency plans in cooperation with other parties with the aim to train employees, test procedures, determine weak sides and verify, how potential emergency situations are managed.

R.8 Procedures shall exist which ensure, that infrastructure manager can easily and without any delay contact particular employees in charge (mainly as regards services of transport of dangerous goods) with adequate language abilities.

R.9 Procedure shall exist to contact entity in charge of maintenance or owner of rail vehicle in case of emergency situation.

Recommendations of the Authority:

Both to points Q and R: railway undertaking must implement particular provisions of acts No. 513/2009 on the railroads and No. 514/2009 on the transport on railroads into processes in the area of accidents and extraordinary events within the safety management system. It is also necessary to accept national railway rule ŽSR Z (D) 17 – Accidents and extraordinary events. We recommend to draw up own internal directive regarding this process – accidents and extraordinary events, which defines unambiguous procedures from the side of railway undertaking at the occurrence of accident and extraordinary event and also at occurrence of emergency situations, specific responsibilities of employees, ways of informing concerned employees and concerned other parties.

Specific contact information (telephone numbers, e-mails) and the way of finding causes of accident events and of informing employees of the causes and adopted measures to prevent their occurrence shall be stated, as well.

S. PROVISIONS ON REGULAR INTERNAL AUDITS OF THE SAFETY MANAGEMENT SYSTEM

S.1 A system of internal audit, which is independent and impartial and functions in a transparent way, shall exist.

S.2 A schedule of planned internal audits exists, which can be amended in relation to results of preceding audits and performance monitoring.

S.3 Procedures shall be in place to appoint and select suitable qualified auditors.

S.4 Procedures shall be in place to:

- a) analyse and evaluate the results of audits,
- b) submit recommendations for following measures,
- c) follow-up monitoring of the effectiveness of measures,
- d) document performance of audits and results of audits.

- S.5 Procedures shall exist which ensure that higher levels of management are informed of the results of audits and take the overall responsibility for undertaking changes in the safety management system.
- S.6 A document shall exist showing the way of planning of audits as regards common measures relating to monitoring to ensure compliance with internal procedures and standards.

Recommendations of the Authority:

Railway undertaking shall draw up a system of internal control of performed activities and risks related to these activities. All managing employees responsible for managing particular section shall be included in the system. Frequency of performance of controls, their focus, the way of evaluating found inconsistencies and the way of controlling adopted measures, definition of adopted documentation and method of its storage shall be determined.

In case of carrying out activities by other subjects (supplier way) railway undertaking must also provide for control of activities carried out by supplier. We recommend to draw up own internal directive regarding this process – control activities, internal audit, which should specifically define work positions carrying out the above mentioned processes and positions responsible for managing these processes.

ANNEX NO 2b
CRITERIA OF CONFORMITY FOR OBTAINING SAFETY CERTIFICATE PART B

INTRODUCTION

- (1) Applicants for issuing **safety certificate part B**:
 - state the type of service, in case of which application for part B certificate is submitted,
 - submit measures adopted by railway undertaking to fulfill specific requirements necessary for safe transport in the railway network, in case of which application for part B is submitted (implementation of technical specifications of interoperability, national safety rules, certificates of operation staff and authorisations for putting in service of used rail vehicles),
- (2) Documentation required for issuing of safety certificate part B (according to annex No 2c of this procedure) is from prevailing part also documentation related to issuing of safety certificate part A. If an applicant applies also for issuing of safety certificate part A, it is not necessary to submit this documentation in a duplicative way.
- (3) Applicant, who holds safety certificate issued in other EU member state and applies only for issuing of additional safety certificate in sense of Art. 86 par. 5 point b) of the Act on the railroads, shall, for the purpose of assessing documentation for issuing part B safety certificate, submit also his/hers actual safety management system approved by safety body of the other EU member state. The Authority does not assess this document.
- (4) The Authority shall assess these documents according to criteria stated in annex III of the Commission regulation No 1158/2010 with following explanations:

A. CONFORMITY WITH NETWORK SPECIFIC RULES

- A.1 Documents shall exist which contain results with the aim to demonstrate, that specific rules and specific risks connected with operation of network, for which application for part B is being submitted, are assessed, and with the aim to demonstrate that railway undertaking is able to comply with all rules specific for network and all exceptions or deviations from these rules.
- A.2 Network interfaces with other parties involved in railway operation on particular network shall be determined.
- A.3 Documents shall exist which demonstrate, how mutual interaction of railway undertaking and network infrastructure manager and other railway undertakings operating services on the network is going to take place, including details on the way of common usage of information.
- A.4 Documents shall exist which show how railway undertaking is going to deal with emergency situations including coordination with infrastructure manager and related public bodies.

A.5 Documents shall exist which lay down any specific rules for investigation of accidents/incidents and which show, that applicant is able to comply with them.

Recommendations of the Authority:

Railway undertaking submits, in relation to the possibility of assessing above mentioned criteria, a description of transport operation on railroad with regard to the type and extend of services stated in the application for issuing of safety certificate. In this description (e.g. in a form of own internal directive – transport of persons or goods) it shall state references to all rules (national safety rules, rules of the infrastructure manager and also own internal) according to which the process of transport operation by railway undertaking is handled. It shall state particular rules in a list according to annex No 7 of this procedure.

Railway undertaking shall implement into the processes of managing in the area of accidents and extraordinary events of the safety management system (e.g. in a form of own internal directive – accidents and extraordinary events) particular provisions of the Act on the railroads and the Act on the transport on railroads. It is also necessary to accept national railway rule ŽSR Z (D) 17 – Accidents and extraordinary events. Clear procedures from the side of railway undertaking in case of occurrence of accident and extraordinary event and also in case of occurrence of emergency situations, particular responsibility of employees, ways of informing involved employees and involved other parties shall be determined. Particular contact information (telephone numbers, e-mails), the way of finding the causes of accidents and the way of informing employees of the causes and measures adopted to prevent from their occurrence shall be stated, as well.

B. CONFORMITY WITH THE NETWORK SPECIFIC REQUIREMENTS ON EMPLOYEES' COMPETENCE

B.1 It shall be demonstrated in the documentation, that the safety management system of an applicant contains the system of managing competence in order to:

- a) determine the categories of employees (employees of undertaking or contractual employees), who are involved in provision of service, and
- b) provide for competent employees for particular network, in particular for employees, from which performance of various tasks is required, and, when necessary, in order to provide for certification.

B.2 Within the documentation it shall be demonstrated, that measures have been introduced to provide for daily work of employees, to provide for performance of tasks related to safety and that suitable employees are being assigned to particular tasks.

B.3 It shall be demonstrated within the documentation, that applicant is able to draw up documents to be used for professional preparation of particular employees, and that he is able to ensure, that these documents are accurate, updated and drawn up in such a language and with terminology, which is understandable for employees, who have to use them.

Recommendations of the Authority:

Railway undertaking shall, in the area of staff taking part in performance of transport, specifically define work positions, which carry out these activities with their positioning within the organisation structure of the company, it shall determine professional, qualification, medical and psychological conditions for these positions, ranges of knowledge of particular rules for individual work positions, the extend of examinations, trainings and the frequency. As a part of its safety management system, it shall also, in sense of Art. 29 par. 1 of the Act on the transport on railroads, draw up own procedures for issuing harmonised complementary cer-

tificates and updating of issued certificates for its employees, as well as procedure and rules of examination of its own decisions. Specific responsibility of employees providing for this process shall be determined. It shall submit a list of these activities (employees) according to annex No 6 of this procedure, and it shall submit documentation along with the list confirming the data stated in it.

We recommend to draw up own internal directive related to this process – competence, training and education of employees, which must, besides of above mentioned procedures carried out by own employees, define also procedures in case of carrying out activities by other entities (supplier way).

C. CONFORMITY WITH THE NETWORK SPECIFIC REQUIREMENTS FOR DRIVING OF RAIL VEHICLES

C.1 Types of rail vehicles to be used on specific network and type of activities to be carried out shall be clearly stated in the documentation.

C.2 It shall be stated in the documentation, how railway undertaking complies with any operational restrictions related to the type of rail vehicle used on the network.

C.3 Any further requirements on maintenance related to particular network shall be stated in the documentation and particular measures related to maintenance shall be introduced.

C.4 Any further requirements on managing incidents related to rail vehicles on particular network shall be stated in the documentation and particular measures shall be introduced.

Recommendations of the Authority:

Railway undertaking shall submit lists of rail vehicles (or eventually their types) according to annex No 4, No 4a and No 5, and it shall submit documentation confirming data stated in the list along with it.

Railway undertaking shall specifically define the extends of maintenance (maintenance order) for all rail vehicles it uses for the performance of transport on the railroad. The maintenance order shall accept documentation of manufacturer and current provisions of laws and standards. Responsibility of employees while carrying out maintenance interventions and obligations while handing vehicles for maintenance and after maintenance shall be determined.

In case of maintenance of freight wagons it is necessary to follow Commission regulation (EU) No 445/2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007.

We recommend to draw up own internal directive related to this process – operation and maintenance of rail vehicles and operation of devices, which should, besides of above mentioned procedures carried out by own employees, define also procedures in case of carrying out activities by other entities (supplier way).

ANNEX NO 2c
DOCUMENTATION FOR PART B OF SAFETY CERTIFICATE

INTRODUCTION

- (1) Railway undertaking, which applies for issuing of part B of safety certificate, shall submit documentation related to measures it has adopted with the aim to fulfill specific national requirements necessary for safe transport on particular railway network in line with annex No. 11 of the Act on the railroads.
- (2) The authority shall assess this documentation in sense of annex I of regulation EU No. 1158/2010 with the use of criteria stated in annex No 2b of this procedure.

Article 1

Declarations for specific part of safety certificate related to railway line

- (1) For safety authority to draw up specific part of safety certificate related to railway line (part B of safety certificate), railway undertaking has to provide it with these documents:
 - a) documentation of railway undertaking on technical specifications of interoperability or on its parts, national safety rules and rules, which relate to operation, staff and rolling stock of rail vehicles, as well as documentation on how the quality management system implemented in the railway undertaking contributes to their observance,
 - b) documentation of railway undertaking on various categories of its employees or employees of suppliers involved in operation, including the documents on how employees fulfill requirements of the technical specifications of interoperability or national safety rules and that they have been duly examined,
 - c) documentation of railway undertaking on the types of rail vehicles in use, including document that they fulfill requirements of the technical specifications of interoperability or national safety rules and that they have been duly examined.
- (2) In order to avoid duplicity of work and to decrease number of information, only summary documentation related to elements, which are in compliance with the technical specifications of interoperability and fulfill also other requirements on interoperability of railway system, can be submitted to the safety body.

ANNEX NO 3
TEMPLATE FOR PROCEDURES AND METHODS OF RISK ASSESSMENT

Article 1
Procedures and methods of risk assessment

- (1) Regulation (EC) No 352/2009 following directive 2004/49/EC sets how to proceed with evaluation and assessment of risks, which relate to safety in the area of technology of transport operation on railroads.
- (2) The set of common safety methods (CSM) with indication ERA-REC-02-007-SAF of 6.12.2007 has been published by the European Railway Agency (ERA) with the aim to unify procedures of railway undertakings – carriers and infrastructure managers - in individual EU member states related to identification and analysis of risks, evaluation of impact of risks on the safety of railway operation in order to prevent from occurrence of accidents, incidents and extraordinary events.

Article 2
Specification and definition of terms

<i>Safety:</i>	absence of unacceptable risk of harm
<i>Safety measures:</i>	Set of actions to achieve decrease of the rate of occurrence of hazard or to mitigate its consequences with the aim to achieve or maintain acceptable risk level
<i>Requirements on safety:</i>	Necessary safety characteristics of a system and of its operation for the purposes of meeting the objectives of safety
<i>Safety assessment report:</i>	Document containing conclusions of an assessment of a body specified to assess the situation in the system under assessment
<i>Hazard:</i>	Circumstance which could lead to an accident
<i>Hazard identification:</i>	A process of finding, logging and characterisation of hazards
<i>Hazard log:</i>	A document in which hazards are logged and which contains references to found hazards, measures related to them, their origin and a reference to organisation, which is obliged to control them
<i>Safety acceptance:</i>	Status assigned to a change by proposer based on the safety assessment report issued by the assessing body

<i>Risk:</i>	Rate of occurrence of accidents and incidents, which result in harm and the degree of severity of this harm
<i>Risk analysis:</i>	Systematic usage of all available information for identification of hazard and estimate of risk
<i>Risk evaluation:</i>	Procedure based on risk analysis with the aim to determine acceptable risk
<i>Risk assessment:</i>	Process containing risk analysis and risk evaluation regarding specific activity of railway undertaking - carrier
<i>Risk control:</i>	Systematic application of carrier's policy, procedures and practice of management to tasks related to analysis, evaluation and control of risks
<i>Interfaces:</i>	All sides, which are involved in the transport process on railway line, either directly or based on contractual relationships with common objective to control risks
<i>Risk acceptance criteria:</i>	Reference framework, in which acceptance of specific risk is being assessed. These criteria are used to determine the risk level, which results in the necessity of immediate action to decrease the risk.
<i>Assessing body:</i>	Independent and competent person, organisation or entity, which examines with the aim to arrive at evidentiary assessment of the ability of a system to fulfill its requirements on safety.
<i>Risk acceptance principle:</i>	Rules used with the aim to arrive at a conclusion, whether a risk related to one or more specific hazards is or is not acceptable.
<i>Risk estimate:</i>	Process used to measure the level of analysed risks. It consists of following steps: frequency estimate, analysis of consequences and their incorporation.
<i>Reference system:</i>	System which shows acceptable level of safety and compared to it it is possible to evaluate the risk of the system under assessment.
<i>Technical system:</i>	Product or set of products including documentation, without influence of human operators and their activities.
<i>Code of practice:</i>	Written set of rules, which can be, when correctly applied, used to control one or more specific hazards.

Article 3
Principles and obligations in the risk control process

- (1) Procedures within the risk control process contain activities:
- Process of assessing risks, in which hazards, risks, related safety measures and requirements on system safety resulting from it are identified,
 - Compliance of a system with identified requirements,
 - Control of all identified hazards and related safety measures.
- (2) In relation to this activity railway undertaking has to draw up own procedure of finding and evaluating risks of operation activities. Identification and evaluation of risks contains practical procedures of this activity as well as provision for systematic approach when repeating the assessment of basic safety risks.

Article 4
Basic safety risks in operation

- Access roads
- Movement of employees on rail yard
- Rail vehicles
- Electrical machines and devices
- Contact line system
- Extraordinary events
- Behavior and activity of employee within work process
- Risk of attacking employee by other person/animal

Article 5
Proceeding while finding and evaluating risks

- (1) Finding and evaluation of risks in railway operation is carried out in a form of table, which shall contain:
- selection and assessing of object,
 - source of risks,
 - identification of hazard,
 - risk evaluation (origin, consequences and probability),
 - severity of distress,
 - safety measures.
- (2) Hazard identification is based on assessing selected objects of operation needs, while it relates to the influence of machines and devices in the areas where operation activity takes place and it relates to the threat of employees.

- (3) Hazard identification relates to these principal questions:
- Existing source of hazard,
 - Who can be harmed and which activity can be negatively affected,
 - In what way the damage can happen.
- (4) The estimate of probability that the event is going to happen, which has to be taken into account, shall be defined according to a score from 1 to 5, where lower number stands for lower risk. For the purpose of risk assessment and evaluation, the evaluation of risks with letter indication shall be used, where:

P – probability (accidental, not probable, probable, highly probable, permanent)

N – possible consequences (injury without sick-leave, injury with sick-leave, serious injury with hospitalization, serious injury with permanent consequences, fatality),

R – risk,

H – Evaluation and opinion of evaluator (negligible influence on safety and distress, low influence on safety and distress, higher influence on distress and hazard, significant influence on the rate of distress and hazard, more influences significant for severity and the consequences of distress).

Article 6 Evaluation of risk in operation

- (1) **Evaluation of risk in operation** $R = P \times N \times H$
- (2) The score of risk is the higher, the higher number of points it gets while being evaluated, where points:
- | | |
|----------|---|
| 1 – 4 | risk can be accepted, |
| 5 – 9 | low risk, |
| 10 – 49 | risk has to be decreased by adopted measures, |
| 50 – 100 | high risk, safety measures have to be carried out immediately, |
| 100 < | very high risk, the activity needs to be stopped or re-evaluated. |
- (3) Higher score, sum of points expresses the urgency to solve the situation to decrease the risk and increase safety.

Article 7 Handling the risk assessment

- (1) The documentation with evaluation of risk factors and endangering of occupational health and safety which is processed by carrier serves as an important document while processing the work procedures and internal rules.
- (2) It is very important to monitor changes in particular regulations, ordinances, as well as changes of work conditions, environment and work equipment. The carrier shall execute according to an elaborated plan of checks the necessity to carry out

regular and extraordinary checks of work places with the defined aim to find potential sources of risks.

Article 8 **Measures to eliminate and decrease risk**

- (1) Establishing of procedures to eliminate and decrease risks:
- Minimisation of the risk source,
 - Elimination of the risk source,
 - Partial cover of the risk source,
 - Decreasing the probability of activity of risk source,
 - Eliminating the access of employee to the area of dangerous space or to the source of injury,
 - Highlighting of the risk source (safety notice),
 - Orientation of preventive measures towards risk decrease,
 - Ensuring the protection of employees against the sources of risk,
 - Adapting employees' work to their physical possibilities,
 - Selection, education and training of employees,
 - Verification of knowledge during education and training of employee,
 - Improving the care related to work safety,
 - Responsible preparation of preventive maintenance of machines and devices,
 - Provide for decrease of risks to the lowest possible level,
 - Combination of all types of measures.

Article 9 **Qualitative and quantitative objectives**

- (1) When operating transport on ŽSR lines, each carrier is aware of the necessity to provide for minimisation of extraordinary events and endangering of safety of railway transport, as well as handling particular safety risks.
- (2) Approved set of safety indicators serves for the evaluation of qualitative and quantitative objectives of carrier. The basis of the set represents the effort to decrease number of extraordinary events. The system of preventive training as well as the methodology of learning sheets will serve in connection with specific operational events.
- (3) The carrier shall provide for due attention related to correct and reliable maintenance of rail vehicles by his employees, and thus contribute to better professional preparedness of his employees. By ensuring these measures it can be contributed to the elimination of insufficiencies while operating transport.

Article 10 **Safety targets and indicators**

Indicator	Target
Extraordinary events	Decrease accident rate by increase of preventive checks

Derailment of rail vehicles	Elimination of mistakes of operational employees in the transport process.
Collisions of rail vehicles	Regular training of employees and analysis of accident causes by other carriers.
Meets of rail vehicles on level crossings	Stressing individual critical places on the lines of infrastructure manager.
Malfunctions of rail vehicles	Maintaining serviceability of rail vehicles via technical controls and providing for regular maintenance.
Fires of rail vehicles	Thorough control and maintenance of technical condition of operated rail vehicles in cooperation with repairers, operation of above standard fire signalisation (EPS)
Serious and fatal injuries	Holding of trainings and observance of Health and Occupational Safety and use of personal protective equipment + controls
Axle and wheel breakages	Providing for the quality of maintenance and repairs by certified repairer + regular checks
Extraordinary events – reporting	Incorporating into safety management system and further internal rules, training of employees and performance of control.

Article 11

Providing for dissemination of information - organisation structure

- (1) Infrastructure manager shall lay down in the contract on access to rail path all the procedures and steps, which are necessary for reliable and fast exchange of information on the activity of employees of carrier while operating transport on rail-road.
- (2) The carrier, while operating transport, has to provide for all procedures and activities stated in the access contract of the infrastructure manager and that particular carrier.
- (3) Radiofication of railway operation, using of mobile telephones for interaction of dispatcher with employees in a train is the basis of good and early information exchange and successful cooperation between carrier and infrastructure manager while dealing with situations in the railway transport.

- (4) Records of train run, numbers and types of used transport means and records of work of train drivers represent the necessary basis for documenting activity of carrier as well as in the case of occurrence of extraordinary event.
- (5) Important telephone contacts with GR ŽSR (General Directorate of the Railways of the Slovak Republic) and lower units of management:
 - control dispatchers of OR Trnava and Košice and work sites Žilina and Zvolen, (state valid telephone numbers),
 - Plant of Railway Fire Protection (state valid telephone numbers)
 - the Authority of Civil Defense of the Ministry of Interior of the Slovak Republic and Operation Centers of Civil Defense in particular regions (state valid telephone numbers).
- (6) Railway undertaking shall nominate responsible employees, who are, in case of extraordinary events, immediately informed by the dispatcher in duty. This employee provides for information sharing from employees towards management or, eventually, vice-versa.
- (7) The use of e-mails for immediate informing about the state of operation of transport is also important. Information from the infrastructure manager on the condition of lines, cancellations and extraordinary events, which are sent from the Railways of the Slovak Republic (ŽSR), where there is also possibility of their ongoing archiving.


Article 12

Internal audits – provision and realisation

- (1) Each management system requires thorough and regular control in form of performing an audit. Internal audit but mainly its conclusions serve in particular for improving the efficiency of the whole management system.
- (2) The definition of internal audit shows systematic and independent examination of results of the activity of management of the company of carrier taking regard of the planned purposes.
- (3) The foreseen basis is the annual plan of audits drawn up for the whole calendar year. It is good to break the plan down for individual areas of the system.
- (4) The audit programme shall contain:
 - Date, time and objective of the check,
 - Focus and extend,
 - Unit and functions of examined employees,
 - List of examined documents,
 - Distribution list of the records from performed audit.


- (5) Proceeding with audit:
- Informing employees of date and extend of audit,
 - Handing over the programme of audit,
 - Collecting necessary evidence and documents,
 - Preparation of the set of forms and questions to fill in.
- (6) The process of audit and its performance:
- Explanation and interview with questions regarding the issue,
 - Comparing the activity and signatures in the documentation,
 - Check of records relating to examined activities,
 - Check of the course of activities,
 - Check of fulfillment of preceding measures from the audit performed earlier.
- (7) Assessment of audit results:
- Consulting the results with interested employees,
 - Statement about results and findings,
 - Pointing out possible risks stemming from the findings,
 - Evaluation and proposal of measures to eliminate the deficiencies.
- (8) The head of the group carrying out audit writes down a record on performed internal audit, which shall be signed by all interested employees. In the conclusion of the record there are proposals for measures to eliminate found deficiencies.
- (9) The records from performed internal audits form important evidence for drawing up safety report, which shall be submitted each year by 30 June to the Authority by carrier.

ANNEX NO 4
LIST OF TRACTION RAIL VEHICLES

	DOPRAVNÝ ÚRAD TRANSPORT AUTHORITY	DÚ/F002-D/v1/1-1
Name of railway undertaking:	LIST OF TRACTION RAIL VEHICLES (TRV)	Stamp of railway undertaking:
Valid as of:	(Point 8.8 of the application for issuing of safety certificate)	Name, surname, function, signature:
Letter No.:		


No	No of TRV	Type	Year of manufacture	Manufacturer	No of technical licence	Technical check (TC) carried out on	TC valid until	Owner	Document on TRV capability for ŽSR tracks

ANNEX NO 4a
LIST OF SPECIAL RAIL VEHICLES

	DOPRAVNÝ ÚRAD TRANSPORT AUTHORITY		DÚ/F003-D/v1/1-1
Name of railway undertaking:	LIST OF SPECIAL RAIL VEHICLES (SRV) (Point 8.8 of the application for issuing of safety certificate)		
Stamp of railway undertaking:			
Valid as of:	Name, surname, function, signature:		
Letter No.:			

No	No of SRV	Type	Year of manufacture	Manufacturer	No of technical license	Technical review (TR) carried out on	TR valid until	Owner	Document on SRV capability for ŽSR tracks


**ANNEX NO 5
LIST OF WAGONS**

	DOPRAVNÝ ÚRAD TRANSPORT AUTHORITY		DÚ/F004-D/v1/1-1
Name of railway undertaking: Valid as of: Letter No.:		LIST OF WAGONS (Point 8.8 of the application for issuing of safety certificate)	Stamp of railway undertaking: Name, surname, function, signature:

No	No of wagon	Type	Year of manufacture	Technical li- cense	Technical review (TR) carried out on	TR valid until	Owner	Document on wagon capabil- ity for ŽSR tracks

**ANNEX NO 6
LIST OF EMPLOYEES**

1st page of the form


	DOPRAVNÝ ÚRAD TRANSPORT AUTHORITY		DÚ/F005-D/v/1-2
Name of railway undertaking:	LIST OF EMPLOYEES AND CATEGORIES OF EMPLOYEES		Stamp of railway undertaking:
Valid as of:	(Point 8.6 and 8.7 of the application for issuing of safety certificate)		Name, surname, function, signature:
Letter No.:			

No	Name and surname	Type of employment, internal employee, external employee	Date of birth	Work assignment (function)	Professional competence	
					Performed on	Valid until
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2nd page of the form

No	Sensory group	Medical fitness		Psychological fitness		Note
		Date performed	Period of validity	Date performed	Place where performed	
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**ANNEX NO 7
LIST OF RULES**

	DOPRAVNÝ ÚRAD TRANSPORT AUTHORITY	DÚ/F006Dv1/1-1
Name of railway undertaking: Valid as of: Letter No.:	<p style="text-align: center;">LIST OF RULES</p> (Point 8.8 of the application for issuing of safety certificate)	Stamp of railway undertaking: Name, surname, function, signature:

No.	Abbreviation of rule	Name of rule	Effective since