

# Terms of Use

## *Single Rules Database*

Pursuant to Article 27 of Regulation (EU) 2016/796<sup>1</sup>, the Agency shall manage a dedicated IT system containing national rules as referred to in Articles 25 and 26 and acceptable national means of compliance referred to in point 34 of Article 2 of Directive (EU) 2016/797.

These Terms of Use of such Single Rules Database (SRD) are without prejudice to the above mentioned provisions.

These Terms of Use are binding for any user of SRD. By logging in/ signing up and using it, you accept automatically and irrevocably these Terms of Use. Please read them carefully before the first use of SRD.

The European Union Agency for Railways (hereinafter ERA) reserves its right to amend these Terms of Use from time to time following an exchange of views with the relevant authorities and stakeholders without prior notice. Users have the responsibility to check them regularly and will be bound by the amended terms.

### **1. SRD functionalities**

The SRD is an information and communications system providing users with the following functionalities:

- a) National (existing and draft) rules registration and notification by EU Member States, Switzerland and Norway, examination by the Agency and validation by EC/EFTA.
- b) Making Published National rules accessible to the public.

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<sup>1</sup> *Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1).*

In order to access the functions of the SRD, you need to have:

- A stable internet service
- An updated Google Chrome or Mozilla Firefox browser. Using other internet browsers might result in poor performance or errors.

Accessing SRD as non-public (authenticated) user:

In order to access SRD to perform actions that create or update records in SRD (e.g. to notify a rule, to assess a rule, to validate a rule), you need a personal user account provided by the Agency. To improve the security of the system, the account shall be MFA-enabled (Multi-Factor Authentication), in line with the provisions in [Regulation \(EU, Euratom\) 2023/2841 of the European Parliament and of the Council of 13 December 2023 laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union.](#)

## 2. Users and their roles

| User  | Who is   | Can   |
|---|--|---|
| Public user   | Any public user can access the SRD application without providing a login name and a password   | <ul style="list-style-type: none"> <li>• browse published national rule, without altering any aspect of the data in the system</li> </ul>   |
| Notifying countries (EU Member States, Norway, Switzerland) | A user from EU Member States, Norway and Switzerland who needs to access certain functionalities of SRD with credentials (username and password) | <ul style="list-style-type: none"> <li>• register legal and supporting documents in SRD</li> <li>• register and edit new national rules in SRD</li> <li>• notify national rules and draft national rules in SRD</li> <li>• act on assessment results submitted by ERA in SRD</li> <li>• communicate with the Agency and EC/EFTA concerning a specific national rule in SRD</li> </ul> |

|   |  |  |
|---|--|--|
| European Union Agency for Railways Internal users | Any ERA staff member who needs to perform certain functionalities in SRD with credentials (username and password)  | <ul style="list-style-type: none"> <li>• assign or re-assign national rules for examination to ERA SRD users</li> <li>• manage examination and assessment results of national rules in SRD</li> <li>• communicate with the notifying countries concerning a specific national rule in SRD</li> <li>• manage SRD users and reference data in SRD</li> </ul> |
| European Commission (EC)                          | Any EC staff member or authorized user who acts on behalf of EC and who needs to perform certain functionalities in SRD with credentials (username and password) | <ul style="list-style-type: none"> <li>• manage the validation of national rules of EU Member States and Switzerland in SRD</li> <li>• communicate with the notifying countries in SRD</li> </ul>  |
| European Free Trade Association (EFTA)            | A EFTA staff member or a user who acts on behalf of EC and who needs credentials (username and password) to perform certain functionalities in SRD               | <ul style="list-style-type: none"> <li>• manage the validation of national rules of Norway in SRD</li> <li>• communicate with the notifying countries in SRD</li> </ul>  |

In case of fraud or other similar abuses of the SRD, ERA reserves the right to file a complaint with competent national authorities or to proceed before competent national courts. In such cases, the user(s) concerned shall indemnify ERA for and keep it harmless from any adverse consequences resulting from their wrong doings.

### 3. Disclaimer

As a user, by using the SRD, you agree and accept without any reservation not to:

- 1) Upload, publish, distribute or disseminate any inappropriate, profane, defamatory, infringing, obscene, indecent or unlawful information;
- 2) Upload files that contain software or other material protected by intellectual property laws (or by rights of privacy or publicity) unless you own or control the rights thereto or have received all necessary consents;
- 3) Upload files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of the system.

ERA accepts no responsibility or liability whatsoever with regard to the information submitted in SRD.

#### **4. Intellectual property rights and confidentiality**

By legislation, ERA has to make SRD publicly available and as such it facilitates the publication of the national rules.

All information is submitted under the sole responsibility of the authorized user. In that respect, ERA has no ownership rights over the original information or their copies or the content of this information. SRD is solely hosting these copies. Any submitted information including electronic copies, are intellectual property of the entity that registered it in SRD. However, all submitted information will remain unchanged and archived by ERA in accordance with applicable legislation. To the extent permitted by their respective applicable legal framework, in particular on public access to information, all users undertake to treat in the strictest confidence and not to divulge to third parties any sensitive information and content of available information.

ERA is subject to the requirements of [Regulation \(EC\) No 1049/2001](#) of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission information and to the [Arrangements to be applied for public access to documents” - Annex to MB Decision n°145 of 29 November 2016](#).

National authorities are subject to their obligations stemming from their national law on access to information.

#### **5. Protection of personal data submitted in the SRD**

ERA is committed to user privacy. Our [privacy notice](#) sets out the details about the way ERA processes personal data that we collect from and about you and how we may use your information in accordance with the [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

#### **6. Availability of SRD**

ERA aims to minimize disruption of the SRD caused by technical failures or other unforeseen circumstances. However, ERA cannot guarantee that the SRD will not be interrupted or otherwise affected by any technical problem or other circumstances. ERA will bear no liability with regard to such problems if caused by

force majeure<sup>2</sup>.

## 7. Applicable law and competent court

These Terms of Use shall be governed by the European Union law supplemented, where necessary by the national substantive laws of France. Any claim against ERA, which could not be first resolved amicably between the parties, must be addressed to:

### The General Court of the European Union

<http://curia.europa.eu/>

It is also possible to complain against ERA to the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the Decision of the European Parliament of 9 March 1994 on the regulations and the general conditions governing the performance of the Ombudsman's duties<sup>3</sup>:

### European Ombudsman

1, Avenue du Président Robert Schuman –CS 30403

**FR-67001 Strasbourg Cedex**

<http://www.ombudsman.europa.eu>

## 8. Contact details

In case of questions and technical issues related to SRD, use the [“Contact us”](#) form in ERA website or send an email to [servicedesk@era.europa.eu](mailto:servicedesk@era.europa.eu).

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<sup>2</sup> Force majeure shall mean any unforeseeable and exceptional situation or event beyond the control of ERA which prevents or delays either of the parties from performing any of their obligations related SRD, which was not due to error or negligence of ERA, and which could not have been avoided by the exercise of due diligence.

<sup>3</sup> Official Journal of the European Union, L 113 of 4 May 1994.