



**TEHNILISE JÄRELEVALVE AMET**  
ESTONIAN TECHNICAL SURVEILLANCE AUTHORITY



## **ANNUAL REPORT OF THE NATIONAL SAFETY AUTHORITY OF ESTONIA 2008**

## **A. Summary**

The Annual Report gives an overview of the developments in the Estonian railway sector in 2008. The focus of the report is on implementing the Safety Directive, issuing of safety certificates and surveillance activities. The structure and position of the Estonian Technical Surveillance Authority (National Safety Authority – NSA) among the institutions of the railway sector is also presented.

All numerical tables (ANNEX) in the report are presented bilingually.

The number of accidents and the number of casualties have decreased compared to 2008. One of the reasons behind this development is that in 2008 the Infrastructure Managers invested in raising the safety levels of their infrastructure – signalling systems were installed on railway level crossings, railway stations were encircled by fences. The volume of freight traffic also decreased compared to previous years.

## **B. Introduction**

### **B.1 General**

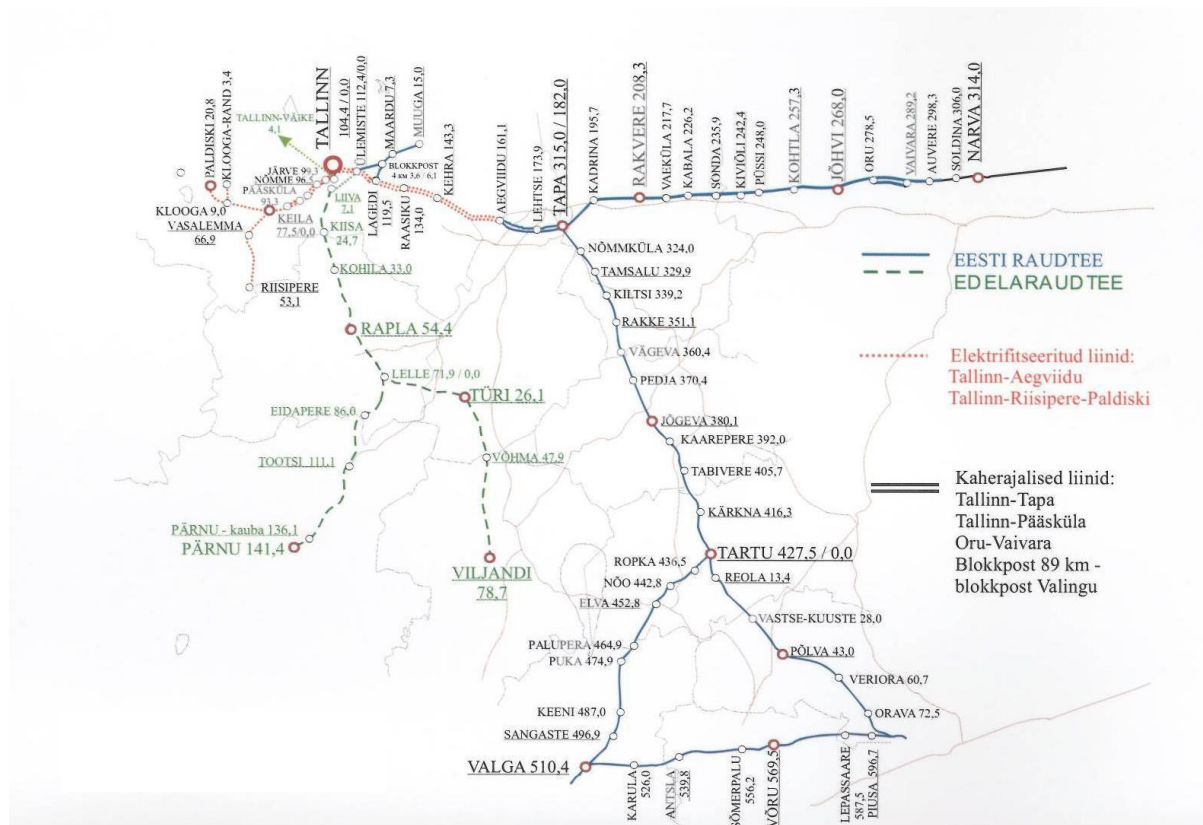
The Estonian Technical Surveillance Authority has been the National Safety Authority for railways since 1 January 2008 and the responsible unit is the Railway Division. The Technical Surveillance Authority is the legal successor of the Railway Inspectorate and therefore the annual safety report for 2008 is its third report (previous – 2006 and 2007).

The report gives an overview of the situation in the railway sector in Estonia, focussing primarily on the implementation of the Safety Directive. Various information about railway undertakings and an overview of the Estonian Technical Surveillance Authority and railway safety activities in Estonia (legislative drafting, statistics, and development trends) have been included.

The report does not contain a more detailed analysis of the trends because the statistics of the respective field have only been systematised for the last 3 to 4 years. Nevertheless, we have been able to evaluate some trends below.

## B.2 Railways in Estonia

### Railway map ANNEX A.1



EESTI RAUDTEE	EESTI RAUDTEE (Estonian Railways Ltd.)
EDELARAUDTEE	EDELARAUDTEE (railway company)
Elektrifitseeritud liinid	Electrified lines
Kaherajalised liinid	Double-track lines
Blokkpost 89 km - blokkpost Valingu	Blocking post 89 km – Valingu blocking post
PÄRNU - kauba 136,1	PÄRNU - cargo 136.1

According to the national railway traffic register, there are 140 railway infrastructure undertakings and owners in Estonia, including one State undertaking, AS Eesti Raudtee (the Estonian State is the owner of 100% of the shares).

The total length of Estonian railways in 2008 was 2 133 km, of which 1 541.8 km were public. Public railways are managed by AS Eesti Raudtee and Edelaraudtee Infrastruktuuri AS.

### ANNEX A.2.1

<b>Public Railway Infrastructure Manager</b> Avaliku raudteeinfrastruktuuri majandajad	
<b>1. AS Eesti Raudtee</b>	
<b>2. Edelaraudtee Infrastruktuuri AS</b>	

### ANNEX A.2.2

<b>Railway Undertaking (cargo)</b> Avalikul raudteel 2008. aastal kaubaveoga tegelevad/tegelenud raudtee-ettevõtted	
<b>1. AS Spacecom</b>	<b>until May 2008</b> tegutses kuni 2008. a liiklusgraafiku perioodi lõpuni
<b>2. Westgate Transport OÜ</b>	
<b>3. AS E.R.S</b>	<b>started in January 2008</b> alustas tegutsemist alates 01.01.2008. a
<b>4. AS Eesti Raudtee</b>	
<b>Railway Undertaking (passenger)</b> Reisijateveoga tegelevad raudtee-ettevõtted Eestis	
<b>1. Edelaraudtee AS</b>	<b>diesel engine trains all over Estonia</b> diislrongiveod üle Eesti
<b>2. AS GoRail</b>	<b>international train Tallinn-Moscow-Tallinn</b> rahvusvaheline rong Tallinn-Moskva-Tallinn
<b>3. Elektriraudtee AS</b>	<b>on electrified tracks in Tallinn and Harjumaa county</b> elektrifitseeritud piirkonnas Tallinnas ja Harjumaal

Edelaraudtee AS and AS Eesti Raudtee are vertically integrated railway undertakings that are engaged in the management of the railway infrastructure as well as the provision of railway carriage services.

### B.3 Safety Directive – current status of implementation, national legal basis

The first Railways Act was adopted in Estonia in 1995 and the obligation to apply for a safety certificate was established in the Railways Act adopted in 1999, which remained in force until 2004.

As of 2004 a new Railways Act entered into force, and amendments made in 2007 introduced the requirements for the safety certificates of the safety management system arising from the EU Safety Directive.

The introduction of the safety management system has been addressed in Estonia since 2006 and has been mandatory for railway undertakings since 1 January 2009.

By 31 July 2008 all railway undertakings were obliged to have a safety certificate and to have submitted applications for a safety certificate of the safety management system (part A). Once a safety certificate of the safety management system had been granted to an undertaking, it was entitled to submit an application for an operational safety certificate (part B).

Twelve railway freight services certificates and three passenger transport services safety certificates (parts A and B) and two railway infrastructure management safety certificates (parts A and B) were granted in 2008.

The entire legislative drafting process in Estonia can be viewed online on the following websites: [www.riigiteataja.ee](http://www.riigiteataja.ee); [www.ametlikudteadaanded.ee](http://www.ametlikudteadaanded.ee); <http://eoigus.just.ee/> and [www.tja.ee](http://www.tja.ee). All railway undertakings have the opportunity to directly view the legislation that is being approved and participate in legislative drafting.

## **C. Organisation**

### **C.1 Estonian Technical Surveillance Authority**

The Estonian Technical Surveillance Authority is a State authority that comes under the auspices of the Ministry of Economic Affairs and Communications. The authority was established on 1 January 2008 and comprises the Electronic Communication Division, the Industrial Safety Division, and the Railway Division.

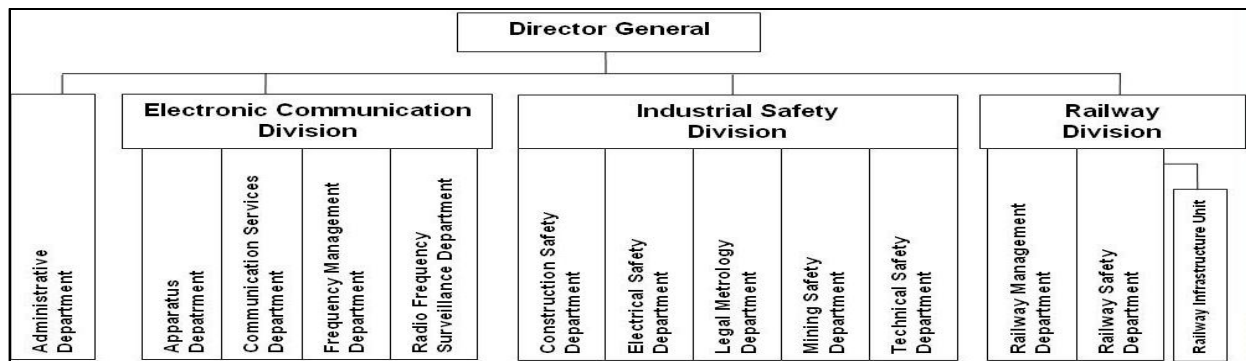
According to the Railways Act, the Railway Division of the Estonian Technical Surveillance Authority is responsible for the following: granting safety certificates and making decisions on the extension thereof; inspecting the compliance of rolling stock, railway infrastructure and railway traffic management with the requirements for implementation; granting locomotive driver's licences; coordinating detailed plans or design conditions of railway structures and State surveillance of railway construction; granting building and occupancy permits; allocating the capacity of the railway infrastructure; ensuring the performance of the obligations of technical surveillance of railways of the Republic of Estonia arising from international agreements and, where necessary, representing the Republic of Estonia in international railway organisations; and performing other functions as required by law.

Based on the aforementioned, the Estonian Technical Surveillance Authority ensures the secure and safe development of the Estonian railway network through continuous surveillance in accordance with national legislation and European law. Additionally, the Estonian Technical Surveillance Authority harmonises and updates the legal basis of the field in Estonia jointly with the Ministry of Economic Affairs and Communications.

The Railway Division is divided into the Railway Safety Department and the Railway Management Department. In 2008 the Railway Division employed a total of 12 people, 10 of whom were engaged in exercising State surveillance of railway safety. One person was engaged in the development of the railway field and EU structural assistance and one person in railway infrastructure usage fees and allocation of capacity.

## Organisation structure

### ANNEX B.1



## C.2 Division of responsibilities between organisations

The Ministry of Economic Affairs and Communications has a Road and Railways Department that drafts road network, freight and passenger transport, railway infrastructure, railway transport logistics, and railway passenger and freight transport development plans, and performs supervision in these fields. Furthermore, the department is responsible for drafting national development plans in fields related to motor vehicles, rolling stock, road and railway traffic, and respective traffic and environmental safety, and for implementation of these development plans.

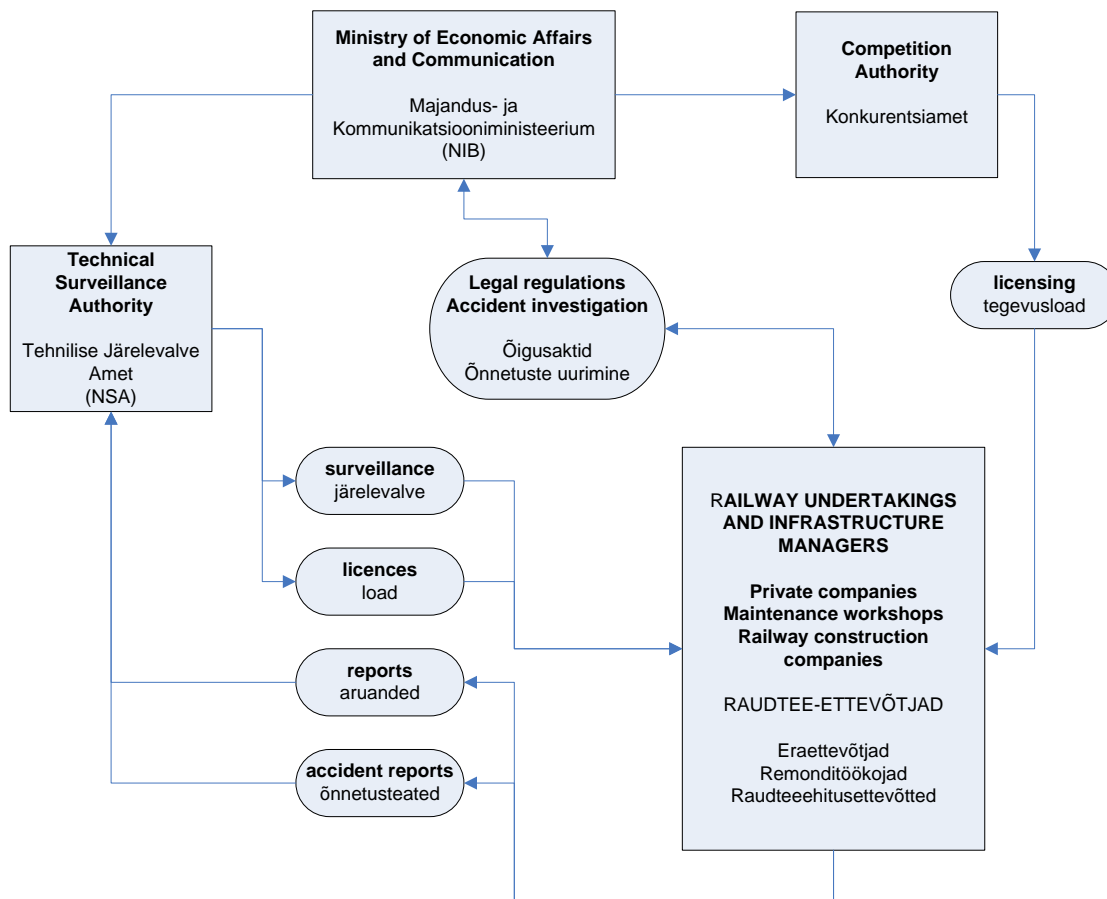
The department also prepares draft legislation regulating the field. As a National Investigation Body (NIB) the ministry also investigates railway accidents and prepares transportation risk analyses.

As a National Safety Authority (NSA) the Estonian Technical Surveillance Authority exercises State surveillance to the extent of the functions provided for by law and exercises the enforcement powers of the State on the basis of and to the extent provided for by law. Additionally, the Railway Division grants railway structure building and occupancy permits and safety certificates to railway undertakings.

Estonian railway undertakings are obligated to ensure the compliance of their activities with the requirements provided for by law regarding management of the railway infrastructure, provision of freight and passenger transport services, repairs of rolling stock, and construction of railway structures.

## Connection of the organisation to other undertakings and authorities of the railway business

## ANNEX B.2



## D. Development of railway safety

### D.1 Initiatives for increasing railway safety

No events leading to specific amendments to legislation aimed at improving the level of railway safety occurred in 2008. The overall level was improved by the transposition of the requirements of the Safety Directive - the main feature of which was the introduction of the obligation for railway undertakings to submit applications for safety certificates. In the course thereof the safety management systems of railway undertakings were assessed.

### D.2 More detailed analysis of data

The input of the Estonian Technical Surveillance Authority to the table of the Common Safety Indicators (CSI) in 2008 has been attached as a separate file.

## ANNEX C (attached separately)

The main safety indicators in comparison with 2006 and 2007 have been given below.



Year aasta	Accident raudteeõnnetus	Fatalities surmajuhtumid	Injuries vigastatud
<b>2006</b>	<b>47</b>	<b>16</b>	<b>21</b>
<b>2007</b>	<b>47</b>	<b>13</b>	<b>19</b>
<b>2008</b>	<b>25</b>	<b>9</b>	<b>5</b>

In comparison with previous years, the number of accidents and the number of people killed in railway accidents decreased in 2008. This can be attributed, above all, to two reasons. In 2008 railway infrastructure undertakings made investments in raising the level of safety of their infrastructure: traffic light systems were installed at level crossings and fences were constructed at larger freight stations and on railway sections in densely populated areas. Also, in 2008 freight transport volumes declined substantially in comparison with the previous year.

In the CSI table for 2007, certain positions have not been noted with regard to incidents. This is because the gathering of data on them began only in 2008. The trends relating to these incidents have not therefore been included in this analysis.

### D.3 Summary of safety recommendations

As a National Investigation Body the Ministry of Economic Affairs and Communications submitted its proposals for improvement of railway traffic safety in the annual report of railway traffic accidents for 2007. On the basis of the railway traffic accidents report for 2007, the Estonian Technical Surveillance Authority continued a surveillance procedure to increase the safety of two level crossings (Toila and Paldiski) in 2008 (by the time of writing the respective level crossings have been equipped with a traffic lights system). Also, the Estonian Technical Surveillance Authority has taken into account the proposals made in the NIB's annual report for updating legislation.

## **E. Major amendments to legislation**

Major amendments to legislation are indicated in the table below.

### **ANNEX D**

<b>Legal reference</b> Õigusakti nimi ja väljaandja	<b>Date legislation comes into force</b> Jõustumise kuupäev	<b>Reason for introduction</b> Alus kehtestamiseks	<b>Description</b> Kirjeldus
<b>Decree of the Minister of Economic Affairs and Communications of 25.06.2007 No 56 „Fire-safety requirements“</b>	<b>Came into force 01.01.2008. a</b>  Jõustus 01.01.2008. a	<b>Rescue Act § 21 subsection 2</b>  Päästeseaduse § 21 lõige 2	<b>Obligations concerning the cleanliness of railway safety areas and limitations to storage of wooden sleepers</b>



Majandus- ja kommunikatsiooniministri 25.06.2007. a määrus nr 56 „Raudteetranspordi tuleohutusnõuded“			Kohustused raudteemaa puhtusele ning piirangud puitliiprite ladustamisele
<b>Railway Act</b>  Raudteeseadus	<b>Last amendment came into force 01.07.2008</b>  Viimane muudatus jõustus 01.07.2008. a	<b>The amendment was caused by the implementation of the Safety Directive in Estonia</b>  Muudatuse tingis ohutusdirektiivi rakendamine Eestis	<b>The amendment concerned mostly the procedures of applying for, processing the applications and issuing of safety certificates. Significant addition was introduction of SMS</b>  Põhiline osa muudatuste paketist moodustas ohutustunnistuse taotlemise, menetlemise ja väljastamisega seonduvad protseduurid. Olulise muudatusena oli raudtee-ettevõtja ohutusjuhtimissüsteemi kehtestamine
<b>Decree of the Minister of Economic Affairs and Communications of 25.02.2008 No 9 “Requirements for SMS and its implementation”</b>  Majandus- ja kommunikatsiooniministri 25. jaanuari 2008. a määrus nr 9 „Raudtee-ettevõtja ohutusjuhtimise süsteemile ja selle rakendamisele esitatavad nõuded“	<b>Came into force 01.01.2008</b>  Jõustus 01.01.2008. a	<b>Railway Act § 34<sup>1</sup> subsection 4</b>  Raudteeseaduse § 34 <sup>1</sup> lõige 4	<b>Requirements for the implementation of SMS for Railway Undertakings and Infrastructure Managers</b>  Raudtee-ettevõtja ohutusjuhtimise süsteemi rakendamise nõuded
<b>Decree of the Minister of Economic Affairs and Communications of 21.01.2008 No 6 “Requirements for issuing, amending and extending</b>	<b>Came into force 01.01.2008</b>  Jõustus 01.01.2008. a	<b>Railway Act § 22 subsection 7</b>  Raudteeseaduse § 22 lõige 7	<b>Safety certificate formats</b>  Ohutustunnistuste vormid

<b>safety certificates”</b>  Majandus- ja kommunikatsiooniministri 21. jaanuari 2008. a määrus nr 6 „Ohutustunnistuse väljaandmise, muutmise ja kehtivuse pikendamise kord ning ohutustunnistuse vormid“			
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## **F. Development and authorisation of the safety certificate**

### F.1 National legal space, start of validity, availability

The entire legislative drafting process in Estonia can be viewed online on the following websites: [www.riigiteataja.ee](http://www.riigiteataja.ee); [www.ametlikudteadaanded.ee](http://www.ametlikudteadaanded.ee); <http://eoigus.just.ee/> and [www.tja.ee](http://www.tja.ee). All railway undertakings have the opportunity to directly view the railway legislation that is being approved and participate in legislative drafting.

Railway undertakings are involved in drafting railway legislation and they can always provide their input. In 2008 the safety management system was introduced for railway undertakings and, where necessary, the latter were advised separately.

Pursuant to the procedure provided for in the Railways Act, Estonian railway undertakings are obligated to establish a safety management system on the basis of which the Estonian Technical Surveillance Authority issues a safety certificate (part A) and an operational safety certificate (part B) to the undertaking. The last date when railway undertakings could submit applications for approval of their safety management system was 31 July 2008. By the end of 2008 both the safety certificate (part A) as well as the operational safety certificate (part B) had been issued to all applicants.

## F.2 Table of safety certificate holders

### **ANNEX E**

EE1120080001	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	AS Põlevkivi Raudtee
EE1120080002	Railway Infrastructure Manager	Safety certificate of the safety management system (part A)	1.10.2008	AS Eesti Raudtee
EE1120080003	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	AS Eesti Raudtee
EE1120080004	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	Westgate Transport OÜ
EE1120080005	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	KS Stivideerimise AS
EE1120080006	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	OÜ Dekoil
EE1120080007	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	AS Sillamäe Sadam
EE1120080008	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	Maardu Raudtee AS
EE1120080009	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	AS Railservis
EE1120080010	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	AS E.R.S.
EE1120080011	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	AS GoRail

EE1120080012	Railway Undertaking	Safety certificate of the safety management system (part A)	1.10.2008	Elektriraudtee AS
EE1220080021	Railway Undertaking	Part B	9.12.2008	0
EE1220080022	Railway Undertaking	Part B	9.12.2008	AS Railservis
EE1220080023	Railway Undertaking	Part B	9.12.2008	KS Stivideerimise AS
EE1220080024	Railway Undertaking	Part B	9.12.2008	Westgate Transport OÜ
EE1220080025	Railway Undertaking	Part B	9.12.2008	OÜ Dekoil
EE1220080026	Railway Undertaking	Part B	9.12.2008	AS E.R.S.
EE1220080027	Railway Undertaking	Part B	9.12.2008	Edelaraudtee AS
EE1220080028	Railway Undertaking	Part B	9.12.2008	Elektriraudtee AS
EE1120080029	Railway Undertaking	Safety certificate of the safety management system (part A)	23.12.2008	AS Kunda Trans
EE1220080030	Railway Undertaking	Part B	23.12.2008	AS Kunda Trans
EE1220080031	Railway Infrastructure Manager	Part B	23.12.2008	Edelaraudtee Infrastruktuuri AS
EE1220080032	Railway Undertaking	Part B	23.12.2008	AS GoRail
EE1220080033	Railway Undertaking	Part B	23.12.2008	Eurodek Synergy OÜ
EE1220080034	Railway Infrastructure Manager	Part B	29.12.2008	AS Eesti Raudtee
EE1120080013	Railway Undertaking	Safety certificate of the safety management system (part A)	10.11.2008	Edelaraudtee AS
EE1120080014	Railway Undertaking	Safety certificate of the safety management system (part A)	10.11.2008	Edelaraudtee AS
EE1120080015	Railway Infrastructure Manager	Safety certificate of the safety management system (part A)	10.11.2008	Edelaraudtee Infrastruktuuri AS
EE1120080016	Railway Undertaking	Safety certificate of the safety management system (part A)	9.12.2008	Eurodek Synergy OÜ
EE1220080017	Railway Undertaking	Part B	9.12.2008	AS Eesti Raudtee
EE1220080018	Railway Undertaking	Part B	9.12.2008	AS Põlevkivi Raudtee
EE1220080019	Railway Undertaking	Part B	9.12.2008	AS Sillamäe

				Sadam
EE1220080020	Railway Undertaking	Part B	9.12.2008	Maardu Raudtee AS
EE1220080021	Railway Undertaking	Part B	9.12.2008	Edelaraudtee AS
EE1220080022	Railway Undertaking	Part B	9.12.2008	AS Railservis
EE1220080023	Railway Undertaking	Part B	9.12.2008	KS Stivideerimise AS
EE1220080024	Railway Undertaking	Part B	9.12.2008	Westgate Transport OÜ
EE1220080025	Railway Undertaking	Part B	9.12.2008	OÜ Dekoil
EE1220080026	Railway Undertaking	Part B	9.12.2008	AS E.R.S.
EE1220080027	Railway Undertaking	Part B	9.12.2008	Edelaraudtee AS
EE1220080028	Railway Undertaking	Part B	9.12.2008	Elektriraudtee AS
EE1120080029	Railway Undertaking	Safety certificate of the safety management system (part A)	23.12.2008	AS Kunda Trans
EE1220080030	Railway Undertaking	Part B	23.12.2008	AS Kunda Trans
EE1220080031	Railway Infrastructure Manager	Part B	23.12.2008	Edelaraudtee Infrastruktuuri AS
EE1220080032	Railway Undertaking	Part B	23.12.2008	AS GoRail
EE1220080033	Railway Undertaking	Part B	23.12.2008	Eurodek Synergy OÜ
EE1220080034	Railway Infrastructure Manager	Part B	29.12.2008	AS Eesti Raudtee
		Part B		
EE1220080026	Railway Undertaking	Part B	9.12.2008	AS E.R.S.
EE1220080027	Railway Undertaking	Part B	9.12.2008	Edelaraudtee AS
EE1220080028	Railway Undertaking	Part B	9.12.2008	Elektriraudtee AS
EE1120080029	Railway Undertaking	Safety certificate of the safety management system (part A)	23.12.2008	AS Kunda Trans
EE1220080030	Railway Undertaking	Part B	23.12.2008	AS Kunda Trans
EE1220080031	Railway Infrastructure Manager	Part B	23.12.2008	Edelaraudtee Infrastruktuuri AS
EE1220080032	Railway Undertaking	Part B	23.12.2008	AS GoRail
EE1220080033	Railway Undertaking	Part B	23.12.2008	Eurodek Synergy OÜ
EE1220080034	Railway Infrastructure Manager	Part B	29.12.2008	AS Eesti Raudtee

### F.3 Safety certificates

Representatives of larger railway transportation undertakings and railway infrastructure undertakings were involved in the final phase of drafting legislation. The process of harmonisation with the Safety Directive has begun in Estonia and all interested undertakings have been able to access the draft legislation and submit their proposals. The Estonian Technical Surveillance Authority carried out training introducing the guidelines of the safety management system to all railway undertakings.

The mandatory nature of the safety certificates (parts A and B) in 2008 arose from the Safety Directive. There have been no major problems with submitting or processing the applications. The form laid down in the Safety Directive was used for parts A and B of the safety certificate forms for railway undertakings and the form established in Estonia was used as the form for safety certificates for railway infrastructure managers.

Depending on the type of certificate, the following State fees have been established by law for review of safety certificates (both safety management system and operational safety certificates):

1. EEK 30 000 for management of the public railway infrastructure (approximately EUR 1 917);
2. EEK 10 000 for provision of railway transport services (approximately EUR 639).

### **G. Surveillance of railway undertakings**

In 2008 the Estonian Technical Surveillance Authority carried out 83 planned surveillance operations in the course of which the traffic management of railway undertakings, work of rolling stock managers, maintenance of rolling stock, transportation of dangerous goods, maintenance of the railway infrastructure, and fire safety of railway transport were inspected.

All the surveillance operations were carried out together with the representative of the railway undertaking.

The Railway Division accounts for 10% of the entire staff of the Estonian Technical Surveillance Authority and only one person from the Railway Division is not engaged in surveillance activities.

No surveillance operations were carried out in the field of safety management systems in 2008, but surveillance was carried out while processing safety certificate applications.

No complaints from any railway undertakings regarding the activities of the Estonian Technical Surveillance Authority were received in 2008.

## **H. Implementation of the Common Safety Method (CSM) Regulation**

In 2008 the CSM Regulation had not yet been implemented, and therefore we will not give a description of its implementation. The transposition of the CSM is organised in cooperation with the Ministry of Economic Affairs and Communications.

## **I. Summary, conclusions, priorities**

2008 was the first year of implementation of the Safety Directive for railway undertakings as well as the Estonian Technical Surveillance Authority.

Undertakings submitted applications for safety certificates for their safety management systems and upon processing the applications the description of the safety management system and actual implementation of the system was inspected, and part A of the safety certificate was issued. After recognition of the safety management system, operational safety certificates (part B) were issued to railway undertakings.

Railway undertakings have had difficulties involving the Estonian Technical Surveillance Authority in the process of updating and improving the safety management system. In the coming years, one of the priorities of State surveillance will be the inspection of the application of safety management systems in railway undertakings.

## **J. Original sources of information**

Information gathered by the Railway Division of the Estonian Technical Surveillance Authority.