



**MINISTRY OF TRANSPORTS AND  
INFRASTRUCTURE  
ROMANIAN RAILWAY AUTHORITY  
ROMANIAN RAILWAY SAFETY AUTHORITY**



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**The Annual Report of  
Romanian Railway Safety Authority  
-2010-**

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## **A. Report purpose**

Romanian Railway Safety Authority draws up this Annual Report, containing its activities from 2010, in order to be sent to European Railway Agency, according to the art. 18 from the Law no. 55/2006 concerning the railway safety, that transposes into the Romanian legislation the provisions of the Directive 2004/49/EC, as well as to be published in AFER Journal and on its site, part of the AFER site

The objects of this report are:

- to present the regulation framework, basis for the transposing of the Directive 2004/49/EC into the national legislation;
- to present Romanian Railways Network structure, according to the data supplied by Romanian Railway Company “CFR” S.A
- to present the relationships of Romanian Railway Safety Authority with other bodies from Romanian railway field;
- to present the qualitative and quantitative indicators on the significant railway accidents and incidents and their precursors;
- to present the licensed railway undertakings according to the provisions of the Directive 2001/14/CE and of the Directive 2004/49/EC and the railway infrastructure administrators/managers;
- to present the important changes of the specific railway regulations and national legislation.

## **B. Introduction**

### **1. Report preface. Generalities**

Romanian Railway Safety Authority – ASFR is an independent body of Romanian Railway Authority – AFER, being organized and functioning according to the Law no. 55/16.03.2006 on the railway safety and to Government Decision no. 626/1998 on the organization and functioning of Romanian Railway Authority – AFER, amended by the Government Decision no. 1561/01.11.2006.

Romanian Railway safety Authority started its activity on the 1<sup>st</sup> of March 2007 when AFER organization chart was approved by Minister of Transports Order no. 373/01.03.2007.

The annual report of Romanian Railway Safety Authority for 2010 consists in the information stipulated at the art. 18 of the Directive 2004/49/EC on:

- a) improvement of the railway safety, including an inventory of the common safety indicators;
- b) significant amendments at the railway safety legislation and regulations;
- c) results and experience got in the control of the railway administrators and undertakings.

The common safety indicators were drawn up based on the data of the safety reports, submitted to ASFR up to the 30 June by each public railway infrastructure administrator/manager and railway undertaking.

The concerned public of this report consists in the public railway infrastructure administrator/manager, the railway undertakings, as well as railway bodies and economic operators.

The main purpose of the transports field is to offer a proper developed infrastructure, modern and sustainable, adequately maintained, that facilitate a safety and efficient transport of the passengers and goods at national and European level and that have a positive and significant contribution to Romanian economic development.

The main objectives in the railway field, inclusively the above mentioned, for 2010, were the following:

- to modernize and to integrate the national transport network into the European one;
- to harmonize the railway regulation framework into the railway safety field, inclusively the safety national norms system, with the European one;

- to accelerate the infrastructure rehabilitation (with direct impact on the removal of the dangerous points and of the speed limits from the public railway infrastructure, on the increase of the technical and commercial speed and on the bringing of the railway safety at a optimal level operating);
- development of the railway transport by reorganizing the activity of the railway commercial societies.

According to the *Development strategy of the railway transport*, in the same time with the application of the politics and the principles for the transport field reorganization and the drawing up of the legislation for the reorganization of the commercial societies from the railway field, according to the European Union directives, one accelerated the rehabilitation and the modernization of the railway infrastructure, on the network TEN-T, especially on pan-European corridors IV and IX that cross Romania.

The principles for the railway field reorganization were defined in the document *Plan concerning the long term strategy of the railway field in order to reestablish the financial stability of the railway administrator and to modernize and renew the infrastructure*. The plan consists of measures for the *financial increase of the railway societies, costs optimization and the economic efficient operation*.

One continued to keep the infrastructure functional and drew up technical documentations, organized auctions, contracts and modernization works of the infrastructure with ensured finances, respectively one started the procedures in order to identify and to ensure finance for the works non-ensured from the finance point of view.

## **2. Information concerning the Romanian railway infrastructure**

The public railway infrastructure belongs to Romanian state and granted to Romanian Railway Company „CFR” S.A, on on charge free basis, during 49 years from its setting up (1998), upon contract concluded with the Ministry of Transports.

The parts of the public railway infrastructure are stipulated in the annex 2 of Romanian Government Decision no. 581/1998 concerning the setting up of Romanian Railways Company “CFR”- SA, with the later amendments .

As one stated in previous reports, from the interoperability point of view, the infrastructure is divided in interoperable and non-interoperable;

- interoperable railway infrastructure is part of the railway infrastructure, used for national and international traffic, administrated in accordance with the legislation provisions on free access of railway undertakings, which is developed in accordance with the technical norms for interoperability adopted at European level, taken into the Romanian legislation;
- non-interoperable railway infrastructure is part of the public or private railway infrastructure, used in the local traffic, connected or not to the interoperable railway infrastructure and it is managed and developed upon some internal specific regulations; the non-interoperable railway infrastructure consists mainly of tracks with low operation, for connection or dead-end one, of low importance and it can be rent by Romanian Railways Company “CFR” SA to other economic agents, that perform transports, hereinafter as non-interoperable infrastructure managers;
  - manager of the non-interoperable infrastructure is any legal person or group of legal persons registered in Romania, whose activity object in the railway field is to perform works for the maintenance and repair of the railway infrastructure, as well as to perform connected services for the railway transports, each of them authorized by AFER for activities performed on the running sections of the non-interoperable railway infrastructure, witch have their own staff, qualified and authorized by AFER, according to the regulations in force and witch engage to operate them in strictly accordance with the general and specific regulations for Romanian railway transports;

The conventional railway network in Romania (route measured on mile posts) is 10776 km and respectively 20218 km double track multiplied with 2, , from which 3239 km non-interoperable track sections.

In 2010 one continued the renting activity to the non-interoperable infrastructure managers, of the low used tracks, for connection or dead-end one, of small importance. Up to now one rented track sections with a total length of about 2362 km.

In 2010 the involved stakeholders have further acted for the achievement of the following priority directions:

- the achievement of the TEN railway network in Romania;
- the modernization of the trans-European corridors IV and IX;
- the modernization of the railway stations (Euro stations);
- interlocking system of the railway stations;
- the maintenance of the railway infrastructure elements in order to bring them to safety and operational parameters;
- railway norms

The list of the non-interoperable railway sections and of the economic agents that rent these running sections from Romanian Railway Company “CFR” SA is presented in the annex A.1.1.

One continued the rehabilitation and modernization works of the railway infrastructure *București-Constanța (track sections Bucuresti Banasea-Fundulea, Fundulea-Lehliu, Fetești-Constanța), Câmpina-Brașov, from the Corridor IV.*

Under *Modernization Program of the railway stations* one continued the rehabilitation and modernization works at the railway stations, for 19 railway stations one checked and signed (Arad, Alba Iulia, Sibiu, Sighișoara, Brașov, Ploiești Sud, Focșani, Galați, Tulcea, Oradea, Suceava, Bacău, Buzau, Drobeta Turnu Severin, Fetești with Credit Suisse First Boston funds and Cluj Napoca, Craiova, Constanta and Iași with BERD funds).

Also, for 15 railway stations (Zalău, Bistrița, Târgu Mureș, Reșița, Sfântu Gheorghe, Râmnicu Vâlcea, Pitești, Slatina, Giurgiu, Călărași, Slobozia, Brăila, Vaslui, Piatra Neamț, Botoșani) the funding contracts were signed and the procedures for the getting of the work contracts are ongoing.

One ended the interlocking system endowment of the next railway stations: Ploiesti Vest, Ploiesti Est, Ploiesti Triaj, Deva, Simeria, Alba Iulia, Sighisoara, Lugoj, Caransebes. There are ongoing the endowment with interlocking system of the next railway stations: Chitila, Focsani, Fetesti, Constanta.

Romanian railway network is presented in the **annex A.1.**

The list of the non-interoperable track sections and economic agents that rented these track sections from Romanian Railways Company “CFR” SA is presented in the annex A.1.1

### **3. Analysis of the safety certification development**

#### **3.1. Safety authorization of the railway infrastructure administrators**

In 2010 the safety authorization of Romanian railway infrastructure administrator/managers was done according to the next legal papers:

- Government Ordinance no. 12/1998 concerning Romanian railways transport;
- Government Decision no. 581/1998 concerning the setting up CNCF „CFR” SA;
- Government Ordinance no. 89/2003 concerning the assignment of the railway infrastructure capacities, tariffs for the railway infrastructure use and safety certification, approved with the amendments by the Law no. 8 from the 18th of February 2004;
- Government Decision no. 1696/2006 concerning the approval of the Regulations for the assignment of the railway infrastructure capacities;
- Government Decision no. 1409/2007 concerning the approval of the Conditions for the renting by CNCF „CFR” SA of some parts of the non-interoperable railway infrastructure, as well as their management;

- Minister of Transports Order no. 101 from the 29th of January 2008 concerning the granting of the safety authorizations to Romanian railway infrastructure administrator/managers (from the 9th of March 2008).

The list of the railway infrastructure administrator/managers is presented in the **annex 2.1**.

### **3.2. Safety certification of the railway factories (railway undertakings)**

The access of the railway undertakings on Romanian railway infrastructure, during 2010, was governed by the next legal documents:

- Government Ordinance no. 12/1998 concerning Romanian railway transport;
- Government Decision no. 581/1998 concerning the setting up CNCF „CFR” SA;
- Government Ordinance no. 89/2003 concerning the assignment of the railway infrastructure capacities, tariffs for the railway infrastructure use and safety certification, approved with the amendments by the Law no. 8 from the 18th of February 2004;
- Government Decision no. 1696/2006 concerning the approval of the Regulations for the assignment of the railway infrastructure capacities;
- Minister of Transports Order no. 535 from the 26th of June 2007 concerning the approval of the norms for the granting the railway licence and the safety certificates in order to perform railway transport services on the Romanian railway network (from the 25 th of August 2007).

The list of the railway undertakings is presented in the **annex A.2.2**.

As it was stipulated in the report for 2008, during the granting of the safety certificates, according to the Minister of Transports' Order no. 535 from the 26th of June 2007 concerning the approval of the norms for granting the railway licence and of the safety certificates in order to perform railway transport services on Romanian railway network (published in the Official Journal, part I no. 501/26.07.2007), Romanian Railway Safety Authority added to the data basis the parts requested by European Railway Agency – ERA, excepting the number of the coaches/wagons, that is not a request for granting the safety certificate.

### **4. Implementation of the Directive 2004/49/CE in the national legislation**

In order to harmonize Romanian regulation framework with this of EU members, one adopted the *Law no. 55 from the 16th of March 2006 concerning the railway safety*, that transposes into Romanian legislation the provisions of the law object is to ensure the development and the improvement of the safety on Romanian railway network and an improved access to the railway transports.

By the Government Decision no. 1561 from the 1st of November 2006 for the amendment of the *Government Decision no. 626/1998 concerning Romanian Railway Authority - AFER organization and functioning* (legal paper that came into force on the 21st of November 2006) was re-organized the Romanian Railway Authority – AFER.

In order to meet with the obligations resulting from the legal papers in force, in Romanian Railway Authority - AFER there are 4 independent bodies with permanent activity, stipulated in the *Law no. 55/2006* concerning the railway safety, *namely*:

- a) Romanian Railway Safety Authority - ASFR;
- b) Romanian Railway Notified Body - ONFR;
- c) Romanian Railway Investigating Body - OIFR;
- d) Romanian Railway Licensing Body - OLFR.

their tasks are established by the organization and functioning regulations, stipulated in the annexes at AFER organization and functioning regulation.



By this law, one amended the railway licences conditions, by the amendment of the Government Ordinance no. 89/2003 concerning the assignment of the railway infrastructure capacities, *tariffs for the use of the railway infrastructure and the safety certification* (published in Official Journal, part I, no. 623 from the 31st of August 2003), approved with amendments by the Law no. 8/2004 (published in Official Journal, part I, no. 178 from the 2nd of March 2004).

One transposed in the national legislation the provisions of the Directive 2004/49/CE, concerning the regulation of the activity for the safety certification of the railway undertakings and the activity for the safety authorization of the infrastructure administrators, in 2007 being approved the Minister of Transports Order no. 535 from the 26th June 2007 concerning the approval of the norms for the granting of the railway transport licences and of the safety certificates in order to perform railway transports on Romanian railway network, (legal paper that came into force on the 25th of August 2007) and respectively in 2008 *Minister of Transports Order no. 101 from the 29th of January 2008 concerning the granting of the safety authorizations to the administrator/manager of the railway infrastructure from Romania*, published in the Official Journal, part I, no. 102/08.02.2008 (legal paper that came into force on the 9th of March 2008).

One transposed in the national legislation the Directive 2009/149/CE, from the 27th of November 2009, for the amendment of the Directive 2004/49/CE, annex I of European Parliament and Council concerning the common safety indicators and the common methods for the calculation of the accidents costs, by Government Decision no. 644/07.07.2010 ( applicable starting with the 9th of August 2010), for the amendment of the annex no. 1 at the Law no. 55 concerning the railway safety.

As one stipulated in the report from 2009, the Regulations for the investigation of the railway accidents and incidents, for the development and improvement of the railway safety on Romanian railways was approved by the Government Decision no. 117/17.02.2010 ( published in Official Journal, part I, no. 138 from the 2<sup>nd</sup> of March 2010, applicable starting with the 1<sup>st</sup> of May 2010).

The drawing up of the *Regulations for the investigation of the railway accidents and incidents, for the development and improvement of the railway safety on Romanian railway network* aimed to transpose in the national legislation the Directive 2004/49/CE, respectively the *Law no. 55/2006 concerning the railway safety*, for the unitary application of their provisions by all economic agents that perform transports on Romanian railways.

One also transposed in the national legislation the Directive 2008/110/CE of the European Parliament and Council from the 16<sup>th</sup> of December 2008, for the amendment of the Directive 2004/49/EC on the community railway safety, by the Law no. 65/2011 (applicable starting with the 19<sup>th</sup> of May 2011), for the amendment of the Law no. 55/2006 on the railway safety.

## **C. Romanian Railway Safety Authority**

### **1. Presentation**

Romanian Railway Safety Authority is independent concerning the organization, legal structure and the decision process as against any railway undertakings, railway infrastructure administrator, applicant and procurement entity.

The executive management of Romanian Railway Safety Authority is ensured by a committee consisting of 5 persons, whose chairman is the director of Romanian Railway Safety Authority, appointed by Minister of Transports' Order.

The members of the director committee are specialists of the Ministry of Transports and Infrastructure, appointed and revoked by Minister of Transports' Order.

The director of Romanian Railway Safety Authority is also member of Romanian Railway Authority- AFER board of directors.

**The director of Romanian Railway Safety Authority** manages, organizes, coordinates and controls the whole activity of Romanian Railway Safety Authority.

**Chief inspector** is subordinated to Romanian Railway Safety Authority director and he takes the director's place, when he is missing. The chief inspector represents the subordinated departments

in the relationships with the other AFER departments. The chief inspector organizes, coordinates and controls the activity of the subordinated departments and of the Railway Safety Inspectorates 1-8.

**Concerning the hierarchy of the Romanian Railway Safety Authority departments, one can distinguish 2 structures in the Romanian Railway Safety Authority:**

**- the central structure consisting in 7 departments, with heads (1 of them having one office subordinated and another one a compartment) as follows:**

- **Department for the Regulations of the Traffic Safety**– is subordinated to Romanian Railway Safety Authority director. The department includes the Office for European Regulations Harmonization, subordinated to the head of the Department for Traffic Safety Regulations;
  - **Department for the Control of the Structural Subsystems and Railway Suppliers** – subordinated to Romanian Railway Safety Authority director.
  - **Department for Safety Certification and Authorization** is subordinated to Romanian Railway Safety Authority director;
  - **Department for the Authorization of the Putting into Service of the Structural Subsystems** - is subordinated to Romanian Railway Safety Authority director;
  - **Department for the Authorization of the Railway Stations and of Industrial Branches** – is subordinated to Romanian Railway Safety Authority director;
  - **Department for Control and Traffic Safety** – is subordinated to Romanian Railway Safety Authority chief inspector;
  - **Department for the Staff Authorization, Certification**– is subordinated to Romanian Railway Safety Authority Chief Inspector. The department includes the Compartment for the Certification of the Dangerous Goods Counsellors, compartment subordinated to the head of the Department for the Staff Authorization, Certification .
- The territorial structure represented by 8 Railway Safety Inspectorates, led by territorial chief inspectors, all subordinated to the chief inspector of Romanian Railway Safety Authority**

Romanian Railway Authority – AFER, hereinafter as AFER, is organized and function as a legal public institution, subordinated to the Ministry of Transports and Infrastructure and is financed entirely from own revenues.

Romanian Railway Authority – AFER was set up and function on the basis of the *Government Ordinance no. 95 from the 27<sup>th</sup> of August 1998 concerning the setting up of the public institutions subordinated to the Minister of Transports*, published in the Official Journal, Part I, no. 320 from the 30<sup>th</sup> of August 1998 approved by the law 3/2002 with later amendments, and on the basis of the *Government Decision no. 626 from the 24<sup>th</sup> of September 1998 on Romanian Railway Authority-AFER organization and functioning*, published in the Official Journal, Part I, no. 373 from the 1<sup>st</sup> of October 1998, amended by the *Government Decision no. 1561 from the 1<sup>st</sup> of November 2006*, published in the Official Journal, Part I, no. 940 from the 21<sup>st</sup> of November 2006.

AFER is the Ministry of Transport and Infrastructure specialized technical body from the railway, subway and urban rail field, appointed to ensure mainly the activities stipulated at the art. 1, paragraph (2) of the Government Decision 626/1998, amended by the Government Decision no. 1561/2006.

Within AFER, besides Romanian Railway Safety Authority, there are also 3 bodies with permanent activity, stipulated by the Law no. 55/2006 concerning the railway safety:

- Romanian Railway Notified Body;
- Romanian Railway Investigating Body;
- Romanian Railway Licensing Body.

The 4 bodies are represented in Court by AFER, and the consequences of the decisions made by the court, permanent, are directly in charge of the concerned body.



**The main tasks of the Romanian Railway Safety Authority, that result from the provisions of the Law no.55/16.03.2006 concerning the railway safety and of the Government Decision no.626/1998 concerning the organization and functioning of the Romanian Railway Authority – AFER, amended by the Government Decision no.1561/01.11.2006 were presented in the Annual Report of the Romanian Railway Safety Authority from 2006, and the main tasks of the departments from Romanian Railway Safety Authority, as they result from the Organization and Functioning Regulations of Romanian Railway Authority – AFER were presented in Romanian Railway Safety Authority annual report for 2007.**

These tasks are performed by 127 employees of Romanian Railway Safety Authority.

Compared to 2009, during 2010 there were no changes in organizational or functioning structure of Romanian Railway Safety Authority or its departments.

The organization chart of the Romanian Railway Safety Authority is presented in the **Annex B.1**

## **2. Organizational flow**

Romanian Railway Safety Authority organizational flow is presented in the **Annex B.2.**

### **D. Improvement of the railway safety**

#### **1. Initiatives for the improvement of the safety performances**

During 2010, up to the 30<sup>th</sup> of April 2010, the acts happened in the railway transport were classified according to the provisions of the *Instructions for the prevention and the investigation of the railway accidents and events – 003*, approved by Minister of Transports' Order no. 210/2000, as railway accidents or railway events, different from the classification and investigation way stipulated in the Directive 2004/49/EC.

Upon the *Instructions for the prevention and investigation of the railway accidents and events – 003*, approved by Minister of Transports' Order no. 210/2000, between the 1<sup>st</sup> of January 2010 and the 30<sup>th</sup> of April 2010, one did not record acts that can be categorized as railway accidents. During this time, the acts were categorized as railway events, and their investigation was performed by joint commissions consisting in representatives of the railway infrastructure administrator/manager and of railway undertaking. By the investigation files, the commissions established the necessary measures for the prevention of some similar railway events.

The Regulations for the investigation of the railway accidents and incidents, for the development and improvement of the Romanian railway safety, approved by Government Decision no. 117/17.02.1010, that transposes in the national legislation the Directive 2004/49/EC, that is the Law no. 55/2006 on the railway safety, for the uniform application of their provisions by all economic operators carrying out transports on Romanian railway network, came into force starting with the 1<sup>st</sup> of May 2010.

According to the regulations provisions, the investigation of the accidents and the serious accidents was performed by Romanian Railway Investigating Body – ONFR, and the incidents investigation was performed, according to the field occurrence, by commission consisting in representatives of OIFR and the involved economic operators that carry out transports on the railways, respectively only by the representatives of the involved economic operators that carry out transports on the railways. The investigation reports drawn up by OIFR consist in, besides the presentation of the performed investigations objectives, safety recommendations, if case.

In 2010, there were 71 train collisions, including collisions with obstacles inside the structure clearance, from which 3 collisions between trains that were categorized as accidents in accordance with the Regulations for the investigation of the railway accidents and incidents, for the development and improvement of the Romanian railway safety, and 68 were train collisions with obstacles inside the structure clearance (un-watched animals, cars stopped in the structure clearance, stones, trees, harnesses, etc.). Two collisions generated the injury of 8 persons (CFR employees) and 8 collisions

with obstacles (vehicles trespassing) inside the structure clearance generated 3 dead (unauthorized persons) and the injury of 6 persons (unauthorized persons).

From the total of 71 train collisions, including the collisions with obstacles inside the structure clearance, 4 of them generated derailments, that were not taken into account in the derailment situation for 2010, these resulted from the collision of trains with obstacles inside the structure clearance.

Following the collision of the trains with obstacles inside the structure clearance (un-watched animals, vehicles, deliberated acts of third individuals in order to disturb the railway transport or to damage material goods), the railway staff notifies the Railway Transports Police on their occurrence, and it together with other authorized state institutions proceed to the identification of the guilty persons, in order to recover the damages generated at the railway vehicles and infrastructure.

In 2010 occurred 15 train derailments, from which between the 1<sup>st</sup> of January 2010 and the 30<sup>th</sup> of April 2010 there were 6 derailments categorized as railway events in accordance with the provisions of the Instructions for the prevention and inquiry of the railway accidents and events – 003, approved by Minister of Transports Order no. 210/2000, repealed on the 30<sup>th</sup> of April 2010 by the Government Decision 117/17.02.2010 and their inquiry was performed by joint commission consisting in representatives of the railway infrastructure administrator/manager and of the railway undertakings, that established measures for the prevention of some similar situations. Between the 1<sup>st</sup> of May 2010 and the 31<sup>st</sup> of December 2010 9 derailments happened, being categorized as accidents in accordance with the provisions of the Regulations for the investigation of the railway accidents and incidents, for the development and improvement of the Romanian railway safety, approved by Government Decision no. 117/17.02.2010 and the investigation was made by OIFR, that issued safety recommendations, if case.

In 2010 there were 150 level crossing accidents (from which 58 significant accidents that generated 65 injured persons and 35 dead) and 190 cases of persons injured by the running rolling stock, excepting the suicide, that is not investigated. According to the provisions Regulations for the investigation of the railway accident and incident, for the development and improvement of the Romanian railway safety, it is not investigated, excepting the collisions between trains and road vehicles at the level crossing, following the non-closing of the barriers or non-working of the signalling equipment, generating dead or significant material damages.

During the analyzed period, there were also 7 fires at the rolling stock, 1 between the 1<sup>st</sup> of January 2010 and the 30<sup>th</sup> of April 2010 that initially was categorized as railway accident, and after the performed inquiries, it was included, according to the provisions of the art. 16, paragraph 1 of the Instructions for the prevention and inquiry of the railway accidents and events – 003, approved by Minister of Transports Order no. 210/2000, “possible deliberated deeds by third individuals, in order to disturb the railway transport or to damage material goods are not categorized as railway accident or events and were not recorded in the railway accidents and events statistics” and 6 cases were categorized as accidents in accordance with the provisions of the Regulations for the investigation of the railway accidents and incidents, for the development and improvement of the Romanian railway safety, and the investigation was performed by OIFR, that issued safety recommendations, if case.

From all the accidents occurred in 2010, one was categorized as serious accident, according to the Law no. 55 on the railway safety, that transposed the Directive 2004/49/EC, that is the accident occurred on the 9<sup>th</sup> of December 2010, in the branch of the Railway County Iasi, between the railway stations Valea Seaca and Bacau, consisting in the collision of the freight train no. 55101 (belonging to the national freight company SNTFM “CFR Marfa” SA) stopped on the running line and the service train no. 58911 (belonging to CNCF “CFR” SA) in running, generating the injury of 7 persons (CFR employees).

It is underlined that the information on the dead and serious injured persons in the accidents type collisions of the trains with obstacles inside the structure clearance (vehicles), collisions at the level crossing, respectively persons injured by the running rolling stock, excepting the suicide, is not the categorization of these cases in accordance with the provisions of the legal regulations, being only

information supplied by the railway staff present on the spot at the moment of the occurrence and not taking into account the further health of the victims, the railway staff having no tasks in this respect.

The safety recommendations issued by OIFR in the investigating reports are addressed to ASFR that analyzes these that can be followed, identifies measures that have to be taken and plans their implementation.

## 2. Detailed analysis of the data course

Following the coming into force of the legal framework to transpose in the national legislation the Directive 2004/49/EC, that is the Law no. 55/2006 on the railway safety, safety indicators were established in accordance with the provisions of the amended annex no. 1 of the Law no. 55/2006 on the railway safety (by the Government Decision no. 644/07.07.2010 that transposed in the national legislation the Directive 2009/149/EC).

For 2010 the safety indicators were established based on the records got by the railway infrastructure administrator/manager and by the railway undertakings.

The numerical data as well as the definitions used are presented in the annex C.

Tabel D.2.1 – Detailed analysis of the data course

No.	Significant accidents	2008	2009	2010
1	Train collisions, including collisions with obstacles inside the structure clearance	0	2	10
2	Train derailments	1	1	0
3	Level crossing accidents, including accidents in which are involved pedestrians	85	57	58
4	Injured persons (seriously injured and dead) by the running rolling stock, excepting the suicide	314	235	190
5	Rolling stock fires	0	0	2
6	Other accidents	10	9	11
Total		411	304	271

## 3. Results of the safety recommendations

The safety recommendations, issued by Romanian Railway Investigating Body – OIFR, were analyzed by Romanian Railway Authority ordered, finding the measures necessary to be taken into account for their implementation, for the accidents bellow mentioned

Table D.3.1 – Safety measures generated by accidents / precursors of accidents

Decided safety measures	Accidents / precursors that generated the measures		
	Date	Place	Event presentation
1. The running of the trains consisting in motor coaches type Z 6100 in conditions of outside temperatures under -20 <sup>0</sup> both in the routing railway station and in the further route was prohibited . 2. The running speed was restricted at 50 km/h on the running line and on the direct lines from the railway stations and at 15 km/h on the deflecting sections from the railway	The 25 <sup>th</sup> of January 2010	Branch of the Railway County Brasov Malnas Bai – Bicsadu Oltului railway station Km 54+862	In the running of the passenger train no. 4503, belonging to SNTFC “CFR” SA happened the derailment of the first bogie of the hauling wagon no. 111 ( the second in the running direction), in the composition of the motor coach no. 011, type Z 6100.

<p>stations for the situations where these motor coaches have to run in conditions of outside temperatures between <math>-5^{\circ}</math> and <math>-20^{\circ}</math>.</p> <ol style="list-style-type: none"> <li>1. The running of the trains consisting in motor coaches type Z 6100 in conditions of outside temperatures under <math>-20^{\circ}</math> both in the routing railway station and in the further route was prohibited</li> <li>2. The running speed was restricted at 50 km/h on the running line and on the direct lines from the railway stations and at 15 km/h on the deflecting sections from the railway stations for the situations where these motor coaches have to run in conditions of outside temperatures between <math>-5^{\circ}</math> and <math>-20^{\circ}</math>.</li> </ol>	<p>The 26<sup>th</sup> of January 2010</p>	<p>Branch of the Railway County Iasi Railway station Suceava</p>	<p>In the running of the passenger train no. 550, belonging to SNTFC “CFR” SA happened the derailment of both bogies of the hauling wagon no. 207 ( the third in the running direction), in the composition of the motor coach no. 007, type Z 6100</p>
<ol style="list-style-type: none"> <li>1. The running of the trains consisting in motor coaches type Z 6100 in conditions of outside temperatures under <math>-20^{\circ}</math> both in the routing railway station and in the further route was prohibited</li> <li>2. The running speed was restricted at 50 km/h on the running line and on the direct lines from the railway stations and at 15 km/h on the deflecting sections from the railway stations for the situations where these motor coaches have to run in conditions of outside temperatures between <math>-5^{\circ}</math> and <math>-20^{\circ}</math>.</li> </ol>	<p>The 26<sup>th</sup> of January 2010</p>	<p>Branch of the Railway County Brasov Tusnad Sat – Sansimion railway station Km 79+422</p>	<p>In the running of the passenger train no. 4506, belonging to SNTFC “CFR” SA happened the derailment of first bogie of the motor truck of the motor coach no. 010, type Z 6100</p> <p>The direct cause of those 3 accidents was the over-climbing of the inner side of the rail from the curve outside track by the first wheel of the first axle from the carrying bogies, followed by its fall outside the track.</p> <p>Over-climbing of the inner side of the rail from the outside track happened because the derailment safety limit was exceeded , in conditions of guiding force increase on the first wheel in the curve running.</p> <p>The increase of the guiding force (horizontal) occurred because of the limitation in the relative movement between the bogie and the body (inside the sliding point in the above mentioned elements)</p> <p>The limitation occurred because of the appeared ice. Finally, the relative movement was blocked.</p>

			<p>Another factor that could influence the increase of the guiding force but that could not be identified on spot, is the melting of the ice between the jacket of the pivot axis and the bearing casing from the bogie and the appearance of ice on the contact surfaces, it could lead, in the conditions of low temperatures ( between -16<sup>0</sup> and -29<sup>0</sup>) to the stop of the relative movement between them and implicitly the bogie turn round.</p>
<p>1. On the 16<sup>th</sup> of November 2010 the operation right of SC Grup Transport Feroviar SA for the running section Campia Turzii-Apahida-Dej Calatori-Beclean pe Somes-Salva-Ilva Mica-Floreni and return was suspended, by withdrawing this track section from the safety certificate part B, no. EU RO 1220100096, following the non-compliance with the specific regulations in force and with the requirements, based for its granting, especially art. 4(1) b) point 6 from the annex II of the Minister of Transports Order no. 535/2007 ( stipulating as compulsory requirement “to assure train inspection in the railway stations, at the composition, in transit, at the arrival point , with economic operators authorized as railway supplier by AFER for this type of service or with own staff, if the railway undertaking is authorized by AFER for this type of service”)</p> <p>2. ASFR performed inspections at the lisensed railway freight undertakings, when it checked the porganization and</p>	<p>The 18<sup>th</sup> of July 2010</p>	<p>Branch of the Railway County Brasov Aiud railway station</p>	<p>In the running of the freight train no. 60133-2 (belonging to the railway undertaking SC Grup Feroviar SA) happened the derailment of the wagon no. 84535451255-8, in the running direction (the 19<sup>th</sup> in the train composition), in the area of the switch no. 6 from the end Y of Aiud railway station.</p> <p>Direct cause of the accident was the displacement of the tyre of the wheel no. 6 on the rim, it leading to the derailment of the pair of wheels corresponding to the wheels 5-6 of the wagon no. 84535451255-8.</p> <p>Underlying cause of this accident is the non-compliance with the specific regulations in force on the performance of the technical inspection in transit in the railway station Campia Turzii as it was stipulated in the timetable of the freight train 2010.</p> <p>Root cause</p> <p>The railway undertaking did not meet with the requirements on the use in the technical inspection (formation and transit) the railway</p>



<p>performance of the freight train inspection. In order to remove the problems found during the state inspections, ASFR control gangs established removal measures.</p> <p>The found problems established as infringements, defined on this line by the legislation in force, punished</p>			<p>critical services, taht comply with the compulsory specific regulations on granting of the technical agreements by AFER.</p>
<p>1. According to the provisions of the art. 63 from the Regulations for the investigation of the railway accidents and incidents, for the development and improvement of Romanian railway and subway safety, approved by Government Decision no. 117/2010. On the request of the chief investigator, the heavy track vehicle driver authorization of the driver of the small capacity gang car DC no. 1350-73, up to the end of the preliminary disciplinary control.</p> <p>2. In December 2010, ASFR performed inspections at the units and branches of CNCF “CFR” SA, the railway undertakings and the economic agents owing and operating motorised tools and gang cars, for the construction and maintenance of the line and contact wire, concerning the compliance with the provisions of the specific railway regulations on the traffic and their working.</p> <p>In order to remove the problems found during the performed state inspections, ASFR control gangs established removal measures.</p> <p>The found problems, established as infringements, defined in this respect by the</p>	<p>The 9<sup>th</sup> of December 2010</p>	<p>Branch of the Railway County Iasi Valea Seaca-Bacau railway stations Km 296+750</p>	<p>Collision between the freight train no. 55101 (belonging to SNTFM “CFR Marfa“ SA) stoped on the running line and the service train no. 58911 (consisting in the small capacity gang DC no. 1350-73 and a running special trailer vehicle RDC, belonging to CNCF “CFR” SA), catching it up. Following the accident 7 railway employees, from the line intervention gang, from the cab of the gang car type DC no. 1350-73, from the forming of the service train no. 58911.</p> <p>Direct cause of the accident is that the small capacity gang car DC no. 1350-73 entry into the occupied block section of BL 13 on “red position” (STOP without passing the signal in stop position - the first block section is occupied) and running on without complying with the instruction provision, it leading to the catch up of the freight train no. 55101, stopped on the running line, and the collision between it and the last wagon of the freight train.</p>

<p>legislation in force were contravention punished.</p> <p>3. Taking into account that the accident was part of a series of accidents and incidents relevant for the whole system, having as contributing factors human mistakes in activities in direct connection with the traffic safety, Minister of Transports and Infrastructure issued the order no. 79 from the 28<sup>th</sup> of January 2011, establishing additional measures for the railway safety.</p> <p>So, between the 14<sup>th</sup> of February 2011 and the 14<sup>th</sup> of May 2011 there was the additional professional testing of the knowledge of the railway staff with responsibilities in the traffic safety, of the staff involved in the organization and management of the railway transports/shunting and traffic safety, as well as the additional professional testing that ensure the training, knowledge improvement and participates in the commission for the authorization of the staff with responsibilities in traffic safety, certified from the professional point of view by Romanian Railway Authority-AFER, according to the art. 15 of the Regulations for the railway technical operation no. 002, approved by Order of Minister of Public Works, Transports and Lodgings no. 1.186/2001;</p> <p>Romanian Railway Safety Authority-ASFR performed also state inspections through the railway safety inspectorates on:</p>			
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<ul style="list-style-type: none"> <li>- Compliance with the running way and the driving of the track vehicles and tools for the construction, modernization, maintenance and repair of the line and contact wire;</li> <li>- Compliance with the provisions of the Order of the Minister of Public Works , Transports and Lodging no. 447/2003 for the approval of the Instructions for the medical and psychological examination of the staff from the transports field with responsibilities in the traffic safety and navigation, as well as the organization, working and make-up of the medical and psychological commission for the traffic safety, with the later amendments, according to the art. 13 from the annex no. 1 of this order, for the engine/heavy track vehicle drivers, mentor coach drivers, drivers of motor truck that drives gang cars , track vehicles or other similar to them.</li> </ul>			
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### **E. Important changes in the regulations and legislation**

In order to harmonize the national legislation with the community one, as well as in order to assure the development of the railway traffic safety, transports security and public services quality in the railway and subway field, in 2010 the regulation activity was a priority activity for Romanian railway transport, a series of orders being approved a series of orders, as follows:

- Government Decision 877/18.08.2010 – on the interoperability of the railway system;
- Minister of Transports and Infrastructure Order no. 385/19.05.2010 for the amendment of “Instructions for the technical inspection and maintenance of the operated wagons” – no. 250/2005;
- Minister of Transports and Infrastructure Order no. 386/19.05.2010 – for the amendment of the “Regulations for the hauling and braking” – no. 006/2005
- Minister of Transports and Infrastructure Order no. 112/15.02.2010 on thee approval of the Operation regulations for the train running between Oradea Est – Baile Felix and return;

- Minister of Transports and Infrastructure Order no. 322/22.04.2010 – for the amendment of the „Regulations for the train running and shunting of the railway vehicles – no. 005”
- Minister of Transports and Infrastructure Order no. 346/30.04.2010 on the approval of the Operation regulations for the train running through the road passages Unguriu (km 26+997) and Nehoiu (km 71+162) situated on the non-interoperable track section Berca – Nehoiasu;
- Minister of Transports and Infrastructure Order no. 523/07.07.2010 on the approval of the Operation regulations for the train running between Oradea Est – Cordau;
- Minister of Transports and Infrastructure Order no. 534/09.07.2010 on the approval of the derogation of the art. 43, paragraph (3) from the “Regulations for the railway technical operation – no. 002” approved by Order of Minister of Public Works, Transports and Lodgings no. 1.186/2001;
- Minister of Transports and Infrastructure Order no. 1043/20.12.2010 on the approval of the Operation regulations for the train running between Marghita – Ramificatia Bogeu – Popesti Shunting Area and return;
- Minister of Transports and Infrastructure Order no. 550/15.07.2010 on the approval of the Railway technical norms : “Passenger railway vehicles. Outside and inside doors operated through electric and electro-pneumatic devices. Design requirements”;
- Minister of Transports and Infrastructure Order no. 443/11.06.2010 on the approval of the Railway technical norms:”Railway passenger vehicles. Lubricants for the axle boxes with roller bearings”;
- Minister of Transports and Infrastructure Order no. 36/19.01.2010 on the approval of the Railway technical norms: Railway passenger vehicles. Ventilation/heating/air conditioning equipments. Design requirements”;
- Minister of Transports and Infrastructure Order no. 37/19.01.2010 on the approval of the Railway technical norms: Railway passenger vehicles. Sound. General technical”;
- Minister of Transports and Infrastructure Order no. 393/20.05.2010 for the running of a special ordered train , operated by the railway undertaking SC TRANSFEROVIAR GRUP SA, on Romanian public railway infrastructure, between the 21<sup>st</sup> and the 25<sup>th</sup> of May 2010;
- Minister of Transports and Infrastructure Order no. 815/11.10.2010 for the approval of the Borms for the implementation and development of the system for the keeping of the professional competences of the staff with responsibilities in the traffic safety and for the staff categories that perform specific activities in the transports on Romanian railways and for the up-dating of the List containing the jobs with responsibilities in the traffic safety, trained, knowledge improved and tested periodically from the professional point of view by CENAFER;
- Government Decision no. 117/17.02.2010 for the approval of the Regulations for the investigation of the accidents and incidents, for the development and improvement of Romanian railway and subway safety;
- Government Decision no. 644/07.07.2010 for the amendment of the annex no. 1 of the Law no. 55/2006 on the railway safety;

In the annex D are presented the reason of the introduction, presentation of the orders and the date of the coming into force.

## **F. Development of the certification and safety authorization activities**

### **1. National legislation – starting date - availability**

1.1 The starting date for the safety certification according to the art. 10 of the Directive 2004/49/EC ( if necessary, difference between the part A and the part B):

- the 25th of August 2007
- 1.2 The starting date for the safety authorizations according to the art 11 of the Directive 2004/49/EC
- the 9th of March 2008
- 1.3 The availability of the national safety regulations or of other national relevant legislations concerning the railway enterprises and the infrastructure managers ( web site, written documentation on request, etc.)
- there are sites of Romanian Railway Authority ( [www.afer.ro](http://www.afer.ro)) and of Romanian Railway Safety Authority ( [www.afer.ro/rom/ASFR/Romana/](http://www.afer.ro/rom/ASFR/Romana/)) where are presented the relevant documents, guides and the legislation for the carried out activities.

## **2. Numeric data**

The elements concerning the safety certification and authorization are presented in the **annex E**.

## **3. Procedural issues**

### **3.1 Safety certification, part A**

3.1.1 Reasons to update/change the part A Certification ( ex. change of the services type, traffic increase, company size )

- Variation of the services type ( passengers, freight, railway shunting );
- Change of the legal conditions, change of the railway undertaking names, etc.

3.1.2 The main reasons if the main problem for the part A Certification ( limited to those mentioned in the annex E and after all the necessary information was got ) kept more than the 4 months stipulated at the art 12(1) of the safety Directive.

- None

3.1.3 Revision of the applications of other National Safety Authorities for checking/access to the information concerning the part A Certification of the railway enterprise that was certified in your country, but is applied to the part B Certification in other member states.

- None

3.1.4 The contents of the problems with the mutual acceptance of the Community of the part A Certification

- None

3.1.5 NSA fee for the part A Certification ( Yes/No – Cost )

- In accordance with the Minister of Transports, Constructions and Tourism's Order no. 137/2003 concerning the approval of the tariffs for the specific services performed by Romanian Railway Authority-AFER, with the subsequent amendments, respectively the Minister of Transports Order no. 791/2007.

3.1.6 The content of the problems generated by the harmonized forms using for the part A Certification, especially with reference to the sorts for the service type and its increase.

- None

3.1.7 The content of the common problems/difficulties for the NSA procedure in application for the part A Certification

- None

3.1.8 The content of the problems mentioned by the railway enterprises when they apply for the part A Certification

- None



### **3.2 Safety certification part B**

#### **3.2.1 Reasons to update/change the part B Certification:**

- variation of the services type ( passengers, freight, railway shunting);
- increase/decrease of the traffic – operated lines ( increase/decrease of the operated track sections );
- change of traction rolling stock fleet;
- change of the type of the hauled rolling stock;
- change of the legal conditions, change of the railway undertakings names, etc.

3.2.2 The main reasons if the main problems for the part B Certification ( limited to those mentioned at the annex E and after all the necessary information was got) kept more than those 4 months stipulated at the art. 12(1) of the safety Directive.

- None

#### **3.2.3 NSA fee for the part B Certification ( Yes/No / Cost)**

- according to the Minister of Transports, Constructions and Tourism' Order no. 137/2003 concerning the approval of the tariffs for the specific services performed by AFER, with the further amendments, respectively the Minister of Transports' Order no. 791/2007:

3.2.4 The content of the problems generated by the use of the harmonized forms for the part B Certification, especially with reference to the categories for the type and service increase.

- There were no problems in the use of the harmonized forms for the part B Certification.

3.2.5 The content of the common problems/difficulties for the NSA applied procedures for the part B Certification.

- There were no problems/difficulties concerning the applied procedures for the part B Certification

3.2.6 The content of the problems mentioned by the railway enterprises when they apply for the part B Certification

- There were no problems mentioned by the railway enterprises.

3.2.7 The feed/back procedure ( ex. questionnaires ) that allow the railway enterprises to express their opinion on the procedures/practices or on the complaint sheet.

- They were not stipulated in the national legislation.

### **3.3 Safety authorizations**

#### **3.3.1 Reasons to update/change the safety authorizations.**

- change of the number/length of the non-interoperable track sections that were hired by the non-interoperable railway infrastructure managers from Romanian Railway Company CNCF „CFR” S.A;
- change of the legal conditions, change of the railway undertakings names, etc.

3.3.2 The main reasons if the main problem for the safety authorizations (limited to those mentioned in the annex E and after getting the necessary information ) kept more than 4 months stipulated in the art. 12(1) of the safety Directive.

- None

3.3.3 The content of the common problems/difficulties for the applied procedures for the safety authorizations.

- There were no problems/difficulties concerning the applied procedures for „Safety Authorization”

- 3.3.4 The content of the problems mentioned by the railway enterprises when they apply for the safety authorization
- there were no problems mentioned by the railway enterprises when they applied for the „Safety Authorization”
- 3.3.5 The feed/back procedure ( ex. questionnaires ) that allows the railway enterprises to express their opinion on the procedures/practices or on the complaint sheets.
- They were not stipulated in the national legislation.
- 3.3.6 NSA fee for the safety authorizations ( Yes/No / Cost)
- according to the Minister of Transports, Constructions and Tourism Order no. 137/2003 concerning the approval of the tariffs for the specific services performed by AFER, with the further amendments, respectively the Minister of Transports Order no. 791/2007:

## **G Monitoring of the „Railway undertakings” and of the „Infrastructure Managers”**

### **1. Presentation of the monitoring of the railway undertakings and railway infrastructure administrator/non-interoperable railway infrastructure managers**

Romanian Railway Authority, according to the provisions of the Government Decision no. 626/1998 concerning the organization and the functioning of Romanian Railway Authority – AFER, amended by the Government Decision no. 1561/01.11.2006, as well as by the Minister of Transports Order no. 650/28.10.1998 for the organization and the control and state inspections in the railway and subway field and for some specific measures concerning the railway events investigation, performed inspections and state controls for monitoring the meeting with the railway and subway internal and international regulations, monitoring of the meeting of the regulations on the traffic safety, transports security and public services quality, in the railway and subway field.

Through the state controls and inspections, performed at the economic agents, involved in the railway and subway field, it is checked the meeting with the regulations specific to the traffic safety and transports security, public services quality, finding out of the failures and of the wrong working systems, as well as the establishment of the specific measures for their preventing, analyzing and removing.

The state control consists in the analysis of the whole activity of an economic agent from the railway field, for some period of time, concerning the traffic safety, transports security and railway and subway public services quality.

The state control is performed according to a quarterly programme consisting in: the name of the controlled economic agent, thematic, period of time and the control length. The programme is drawn up by the director of Romanian Railway Safety Authority and is approved by the Minister of Transports and Infrastructure.

In 2010, Romanian Railway Safety Authority performed 87 state controls at the railway infrastructure administrator, non-interoperable railway infrastructure managers and railway undertakings, as follows:

- head structure of National Railway Company CNCF „CFR” SA ( public railway infrastructure administrator)
- head structure of the National Railway Passenger Company SNTFC „CFR Calatori” SA;
- head structure of the National Railway Freight Company SNTFM „CFR Marfa” SA ;
- territorial structures of National Railway Company CNCF „CFR” SA ( railway counties from 1 to 8 )
- territorial structures of National Railway Passenger Company SNTFC „CFR Calatori” SA ( railway passenger counties from 1 to 8 );
- territorial structures of the National Railway Freight Company SNTFM „CFR Marfa” SA ( railway counties from 1 to 8);

- the private railway undertakings and non-interoperable track section managers: SC LOGISTIC SERVICES DANUBIUS SRL Timișoara, SC REGIOTRANS SRL Brașov, SC Rail Force SRL Brașov, SC RC-CF TRANS SRL Brașov, SC SOFTRANS SRL Craiova, SC TRANSFEROVIAR Grup SA Cluj Napoca, SC KAIROS SRL București, SC Constantin Grup SRL București, SC UNIFERTRANS SA București, SC Cargo Trans Vagon SA București, SC România EUROEST SA Constanța, SC Construcții Căii Ferate SA Sibiu, SC CF 33 ICIM SA Arad, SC ROMPETROL Logistics SA Ploiesti, SC SERVTRANS Invest SA București, SC Grup Feroviar Român SA București, SC RG Holz Company SRL Vișeu de Sus, SC TRANS Expedition Feroviar SRL București, SC VIA TERRA Spedition SRL Cluj Napoca, SC Dori Trans SRL Roman, SC REGIONAL SRL Cluj Napoca, SC TRANSBLUE SRL București, SC Porr Railwaz Transport SRL, SC Rail Cargo Romania SRL, SC Vest Trans Rail SRL, SC VFLI Romanian SRL Bucuresti, SC Mecano Serv SRL Deva, SC Comat Bihor SA Oradea, SC Electro Comp SRL Iasi, SC Unicom Tranzit SA Bucuresti, SC Amurco SRL Bacau, Producere a Energiei Electrice și Termice “Termoelectrica” SA Bucuresti, Filiala SC Reparatii și Servicii “Termoserv Doicești”, SC Mechel SA Târgoviște, Societatea națională a Sării SA București – Sucursala Exploatarea Minieră Râmnică Vâlcea, Uzinele Sodice Govora – Ciech Chemical Group SA Râmnicu Vâlcea, Astra Vagoane Călători SA Arad, SC Gosslin SRL Timișoara, Rematinvest SRL Cluj, TEK SRL Bacău, SC Oil Terminal Constanța, SC Conpet SA Ploiesti, Reparații și Servicii termoserv Craiova SA, Compania Locală de Termoficare Colterm SA Timișoara, SC Petrocart SA Piatra Neamț, SC Termoserv SA Brăila, SC Remat SA Călăreși, SC Oltchim SA Râmnicu Vâlcea, SC Remat București Sud SA, SC TMK SA Reșița, SC Via Terra Trans SRL Cluj Napoca, SC Cefmur SA Târgu Mureș, SC Carmensimi Grup SRL Ploiești, SC UCM reșița SA, SC Rail Operations SRL București, SC ISAF SA București, SC Bega reparații Vagoane SA Timișoara, Societatea Comercială de Reparații și Servicii “Termoserv Paroșeni” SA, SC Asicar SRL Zalău, SC FSR Railservice SRL Sebeș.

Following the state controls one found out a series of non-conformities that were recorded in the finding minutes and the controlled economic agents were informed in order to remove them, from which we mention;

**a) concerning the meeting with the mandatory specific regulations in the construction, modernization, operation, maintenance, repair and technical inspection of the public railway infrastructure:**

- it is found out a decrease of the trains running regularity both in routing and in running, the largest proportion having the delays during the route, following the speed restrictions;
- there are railway undertakings that carry out only shunting and have access on the lines from the railway stations, without having a contract for access on the public railway infrastructure, concluded with CNCF „CFR”SA, without meeting with the provisions of the Minister of Transports Order no. 535/2007
- the provisions of the Minister of Transports, Constructions and Tourism Order no. 2262-2005 on the authorization of the staff with responsibilities in the traffic safety that has to perform, on his own responsibility, specific railway activities, are not meet.
- there are railway stations that are not authorized from the technical point of view, in accordance with the provisions of the Minister of Transports Order no. 340/1999, amended of the Minister of Transports, Constructions and Tourism 2269/2004.
- there are arrears concerned
  - performance of maintenance, inspections and repairs at the lines and art works;
  - periodical repair with heavy track vehicles with the complete cleaning of the track bed (RPc);
  - checking of the tracks with the testing and recording car;

- checking of the interlocking system equipments.
- one did not schedule any full repair at all equipments with falling due at this type of repairs;
- most part of the interlocking system equipments, that were not submitted to full repairs, have the normal operation time exceeded;
- in the repair and maintenance of the public railway infrastructure, from the checking performed in order to comply with the Minister of Transports Order no. 290/2000 concerning the technical acceptance of the critical railway services, there were found out cases of non-compliance with the order provisions, that these economic agents do not have cumulatively valid railway supplier authorizations and railway technical agreements/technical homologation certificates ;
- there are some cases of managers of the non-interoperable public railway infrastructure there without approved program for the removal and decrease of the speed restrictions, according to the line instructions in force and to other contract provisions established at the taking over in management of the non-interoperable track section;
- there are some cases when the deadline for the complete removal of the rails with failures existing in the non-interoperable public infrastructure was exceeded, as against the provisions of the Instruction no. 302/1972.

**b) concerning the meeting with the mandatory specific regulations in the railway activities:**

- the problems found during the previous state controls were always removed;
- one found out some frequent irregularities concerning the executive staff, as follows:
  - inadequate performance of the train technical inspections and/or braking test;
  -
- there are some cases of non-compliance with the deadlines of the planed repairs at the locomotives and wagons;
- no all the employees involves in the safety og the dangerous goods transports graduated courses of safety counsellors, organized by Romanian Railway Authority – AFER and do not have „ Certificate concerning the trening of the safety counsellor for the dangerous goods transport”, as against the provisions of the Minister of Transports, Constructions and Tourism no. 1044/2003 on the approval of the Regulations for the appointment, trening and examination of the safety counsellors for the road, railway and waterway dangerous goods transport;
- all the companies did not draw up and approve in all cases either „Emergency plan for the occurrence of an accident in which were involved dangerous goos” or procedures concerning „procedures whose aim is the compliance with the rules for the identification of the transported dangerous goods”, „emergency procedures suitable for the possible accidents and incidents that can affect the security of the dangerous goods transport, loading and un-loading;
- not all the rolling stock is matriculated according to the provisions of the Ministrer of Transports, Constructions and Tourism’s Order no. 1193/30.06.2004 for the approval of the Norms concerning the matriculation and granting of the unified mark for the identification of the railway and subway vehicles;
- the railway undertakings purchased of a series of critical railway products/services from suppliers authorized by AFER, without meeting with the provisions of the Minister of Transports Order no. 290/2000 concerning the validity of the railway supplier authorizations or of the agreements/certifications for the railway technical homologation;
- there were found out some case of non-compliance with the provisions of the Minister of Transports no. 290/ 2000 concerning the technical acceptance of the critical railway products, that is the sub-units of the railway undertakings do not have cumulatively valid railway supplier authorizations and railway technical agreements;

- there were found out some cases of non-compliance with the provisions of the Minister of Transports Order no. 290/2000 in the purchase/supply of critical railway products/services, that is the railway supplier authorizations, respectively the railway technical certificates/agreements will exceed their deadlines during the contracts validity;
- in some cases the reading and the interpretation of the speed recorder registrations are not properly performed;
- the provisions of the Government Ordinance no. 60/2004, concerning the regulations on the construction, maintenance and operation of the railways, other than those administrated by CNCF „CFR” SA, that is they did not get operation authorizations for the industrial branches, detained and used by the railway undertakings.

In order to remove the non-conformities found out during the state controls, the control teams from Romanian Railway Safety Authority established measures to remove the non-conformities and disposed as, for the cases where the respective acts can be considered infractions of discipline, one perform an discipline investigation and punished the guilty staff.

The deficiencies found out that were contraventions defined in this respect in the legislation in force, were contravention punished. The penalties were applied to the individuals and legal persons, if case.

## **2. With reference to the fulfilment of the condition concerning the sending of all safety reports, according to the art 9(4) of the Safety Directive, drawn up by the infrastructure managers and the railway undertakings, up to the deadline.**

Through the Law no. 55/2006 on the railway safety, there was decided an annual report before the 30th of June. The railway infrastructure administrator, the non-interoperable railway infrastructure managers, the railway undertakings sent in due time these reports.

In 2009, Romanian Railway Safety Authority planed by *Control and State Inspection Monthly Programs* and performed state inspections, consisting in the control of some important specific activities, carried out by the economic agent, concerning the traffic safety, transports security, quality of the railway and subway public transport services. The state inspections wre carried out by random and without announcing it.

		Safety Certificates issued Part A	Safety Certificates issued Part B	Safety authorizations issued	Other activities ( to be mentioned )
3. Inspections number for RUs/IMs in 2009	Planed	1055	1055	452	456 – economic agents that supply critical services/products
	Performed	1055	1055	452	456 – economic agents that supply critical services/products

		Safety Certificates issued Part A	Safety Certificates issued Part B	Safety authorizations issued	Other activities ( to be mentioned )
4. Audits	Planed	0	0	0	0



number RUs/IMs 2009 (*)	for in	Performed	0	0	0	0
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(\*) Together with the drawing up of the norms concerning the application of the Law 55/2006 on the railway safety that transposed the Directive 2004/49/EC on the safety of the community railways, one will draw up documentations concerning the regulation of the performance of the audits at the railway infrastructure administrator/manager and at the railway undertakings.

**5. Concerning the brief presentation of the relevant measures/actions for the correction ( amendment, repeal, cancellation, important warning, etc. ) with reference to the safety issues. that followed to these audits/inspections**

None

**6,7 Complaints of IMs about RUs with reference to the conditions from the parts A/B of their certificates**

None

## **ROMANIAN RAILWAY SAFETY AUTHORITY**

**Director**

Marian Mihail CALIN