

**MINISTRY OF TRANSPORTS
ROMANIAN RAILWAY AUTHORITY – AFER**



**ROMANIAN RAILWAY SAFETY AUTHORITY
- ASFR**



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Annual report of Romanian Railway Safety Authority - 2012-

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A. Scope of the report

Romanian Railway Safety Authority - ASFR is the national safety authority set up on the basis of provisions of article 16 of Law no.55/2006 on railway safety with subsequent amendments, which transposed Directive 2004/49/EC into national law.

The Romanian Railway Safety fulfils the following tasks:

- a) Authorization of putting into function the structural subsystems of the railway system according to the provisions of article 15 of Directive on the railway system interoperability and verification of the observance of the essential requirements relevant to the operation and their maintenance;
- b) monitoring the compliance with the essential requirements with the interoperability constituents;
- c) authorization of putting into function and placing into service of a new rolling stock or substantially modified that is not yet covered by a TSI;
- d) issuing, renewal, modification and revocation of the relevant parts from the safety certificates and safety authorizations granted and verification of the compliance of conditions and requirements established by these and the fact that the railway infrastructure administrators and the railway undertakings are functioning according to the requirements of the Community or national law;
- e) monitoring, promotion and, if case, the application and developing the legal frame in the safety field, including the system of national safety norms;
- f) Surveillance of proper registration of vehicles in the National Register of Vehicles and the information contained in related to safety are accurate and updated.
- g) Certification of institutions in charge of maintenance for freight wagons in accordance with Regulation (EU) Nr. 445/2011 of the Commission.

The annual report is drawn up after the model sent by the European Railway Agency – ERA and contains the elements referred to in article 18 of Directive 2004/49/EC on European railway safety concerning:

- a) development of railway safety, including a Romanian national inventory of the common safety indicators (I.S.C);
- b) important changes in legislation and regulations on rail safety;
- c) development of safety certification and safety authorization;
- d) results and experiences on controlling the infrastructure managers and railway undertakings.

B. Introductory section

1. Introduction

The Romanian Railway Safety Authority – ASFR draws up the present annual report with its activities of 2012 in order to transmit it to the European Railway Agency – ERA until September 30, according to article 18 of Law 55/2006 on railway safety, which transposes in the Romanian legislation the provisions of the Directive 2004/49/EC and also the publication in AFER's bulletin and on the site of the Romanian Railway Authority- AFER.

The target audience of the present report is composed of the public railway infrastructure administrators/manager, railway undertakings and also other bodies and economic operators from the railway field.

2. Information on Romanian railway structure

The public railway infrastructure belongs to the Romanian state and is assigned to the National Company of Railways "CFR"- SA, without paying any taxes on a period of 49 years from the date of its foundation (1998), on the basis of a contract signed with the Ministry of Transports.

The Romanian railway conventional network (route measured on hectometer terminals) is of 10638 km, total length of the railway (double railway will be counted only once) is of 17168 Km. and respectively of 20077 Km. (double railway counted twice), from which 3268,2 km non-interoperable running sections.

The actual elements of the public railway infrastructure are defined in annex 2 to the Romanian Government Decision no.581/1998 concerning the foundation of the National Company of Railways "CFR"- SA, with subsequent modifications.

As has been stated in the previous reports, from the point of view of interoperability, the public railway infrastructure is classified in interoperable and non-interoperable.

The interoperable railway infrastructure is part of the railway infrastructure, afferent to the national and international traffic, managed according to the provisions of the legislation concerning free access of the railway undertakings that are developed according to the technical norms of interoperability adopted at European level, taken in the Romanian legislation.

The non-interoperable railway infrastructure is part of the public or private railway infrastructure of state, afferent to local traffic, connected or not to the interoperable railway infrastructure and that is managed and is developed on the basis of specific internal regulations. The non-interoperable railway infrastructure consists mainly of low usage lines, of connection or clogged, of minor importance and can be rented by the National Company of Railways "CFR"- SA to other economic agents that are performing transport operations, named administrators of the non-interoperable infrastructure.

Administrator of the non-interoperable railway infrastructure is any legal person or group of legal persons registered in Romania that has as object of activity the performance of the works of railway infrastructure maintaining and repair and also the performance of auxiliary services for railway transports, each authorized by AFER for the activities undertaken on the running sections of the non-interoperable railway infrastructure that have its own qualified personnel and authorized by AFER according to regulations in force and that is committed to operate them in strict accordance with general and specific regulations concerning transportation on Romanian railways.

During 2012, the renting activity was continued by the non-interoperable infrastructure administrators of lines with low usage, of connection or clogged, of minor importance. Until now were rented running sections with a total length of approximately 3268 kilometres.

In 2012, the involved factors continued to act in order to perform the activities afferent to the following directions:

- Realization of TEN railway network of Romania;
- Modernisation of the fourth transEuropean corridors;
- Modernisation of the railway stations (Eurostations);
- Centralizing electronic railway stations;
- Maintenance of the railway infrastructure elements in order to get them to operational and safety parameters;
- Railway norms .

Therefore, the works of rehabilitation and modernization of the railway infrastructure continued on: *Frontieră – Curtici – Arad, Frontieră - Curtici – Simeria, și Brașov –Simeria (secțiunile Coșlariu – Simeria și Coșlariu – Sighișoara)* situated on the fourth corridor.

Within the *Modernization program of the railway stations* were further performed rehabilitation and modernization works of railway stations, being received during 2012 a number of 4 railway stations (CFR Drobeta Turnu Severin, Fetești, Constanța and Iași). The works are in progress in the following railway stations: Slatina, Râmnicu Vâlcea, Reșița Sud, Bistrița Nord, Zalău, Giurgiu Oraș, Slobozia Veche, Călărași Sud, Sfântu Gheorghe, Pitești, Botoșani, Vaslui, Piatra Neamț și Brăila.

Also, during 2012 a number of 7 railway stations were in the preparing stages for rehabilitation and modernization (Târgu Mureș, Timișoara, Baia Mare, Miercurea Ciuc, Satu Mare, Târgu Jiu and Târgoviște).

Were completed electronic interlocking works by Rail project, in the following railway stations: Caransebeș, Lugoj, Chiajna, Constanța și Iași. Electronic interlocking works are in progress in the following railway stations: Golenți, Bufta, Periș, Crivina și Fetești.

The Romanian railway network map is presented in **Annex A.1.**

The list of the railway infrastructure manager/administrators is presented in **Annex A 2.1.**

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

3. Summary – Analysis on General Trend

In 2012, on the Romanian railway infrastructure occurred a total number of 215 of significant railway accidents. The number of significant railway accidents occurred in 2012 decreased in comparison with 2011 when it was registered a number of 217 of significant railway accidents.

Also compared to 2011 is a decrease in the number of people seriously injured from 151 to 131, an increase in the number of deaths from 100-126.

C. Romanian Railway Safety Authority

1. Presentation of the organization

The Romanian Railway Safety Authority – ASFR is an independent body that is functioning within the Romanian Railway Authority- AFER, being organized and functioning according to the provisions of *Law no.55 of March 16, 2006 on the railway safety* that transposed into Romanian legislation the provisions of Directive 2004/49/CE on the safety of European railways and of the *Romanian Government Decision no.626/1998 on the organization and functioning of the Romanian Railway Authority-AFER*, modified and completed by the *Romanian Government Decision no.1561 of November 1, 2006*.

Romanian Railway Safety Authority – ASFR became operational from March 1, 2007 when the organization chart of the Romanian Railway Authority-AFER was approved by the Order of the Ministry of Transports no.373 of March 1, 2007.

Romanian Railway Safety Authority – ASFR is independent as regards the organization, the legal structure and the decisional process from any railway undertaking, railway infrastructure manager, applicant and procurement entity.

The executive management of the Romanian Railway Safety Authority is performed by a director board composed of 5 persons, whose president is the director of the Romanian Railway Safety Authority named by the order of the minister of transports and infrastructure.

The members of the director board are specialists from the Ministry of Transports and Infrastructure, named and revoked by the order of the minister of transports.

Also, the Romanian Railway Safety Authority director is member in the management board of the Romanian Railway Romanian- AFER.

The Romanian Railway Safety Authority director leads, organizes, coordinates and controls the entire activity within the Romanian Railway Safety Authority.

The chief inspector is subordinated to the Romanian Railway Safety Authority director and is the Director's deputy when he's not in the office. The chief inspector represents the organizational structures from its suborder in relation with other organizational structures within AFER. The chief inspector organizes, coordinates and controls the activity of the services from suborder and of the Railway Safety Inspectorates 1-8.

The head of Department of Traffic Safety Regulations, relation with ERA and Safety Certification and Authorization is subordinated to the Romanian Railway Safety Authority director and represents the organizational structures from suborder in relation with other organizational structures within AFER. The head of department organizes, coordinates and controls the activity of the services from suborder.

From the point of view of hierarchy of departments within Romanian Railway Safety Authority two departments are functioning:

- Department of Traffic Safety Regulations, relation with ERA and Safety Certification and Authorization, managed by a Head of Department who has in charge of four services:

- **Service of Traffic Safety Regulations – includes the Bureau for Harmonization of European Regulations subordinated to the head of Department of Traffic Safety Regulations;**
- **Service of certifying the entities in charge with the maintenance and of Railway Suppliers surveillance;**
- **Service of Safety Certification and Authorization ;**
- **Service of Authorization Putting into Service of Structural Subsystems;**

- Department for Control, State Inspection, Staff Authorization and Certification Industrial Branches managed by a Chief Inspector who has in charge three services and eight railway safety inspectorates :

- **Service of Industrial Railway Tracks Authorization ;**
- **Service of Traffic Safety Control - includes the Bureau for the Railway Safety Audit;**
- **Service of Authorization, Staff Certification.**

The territorial structure is represented by 8 Railway Safety Inspectorates managed by territorial chief inspectors , all in the suborder of the Chief Inspector ;

The Romanian Railway Authority- AFER, hereinafter AFER is organized and is functioning as public institution with legal personality in the suborder of the Ministry of Transports and Infrastructure and is entirely financed from its own revenues.

The Romanian Railway Authority- AFER was set up and is functioning on the basis of the Ordinance of the Romanian Government no.95 of August 27, 1998 on setting up some public institutions in the suborder of the Ministry of Transports, published to the Official Journal Part I no.320 of August 30, 1998, approved by the Law no. 3/2002 with subsequent additions and modifications and on the basis of the *Romanian Government Decision no.626 of September 24, 1998 concerning the organization and the functioning of the Romanian Railway Authority- AFER* , published to the Official Journal Part I, no.373 of October 1,1998, modified and completed by the *Romanian Government Decision no.1561 of November 1, 2006*, published to the Official Journal, Part I, no.940 of November 21, 2006.

AFER is the technical specialized body of the Ministry of Transports and Infrastructure in the railway field , of subway and urban rail transport, designed to ensure mainly the activities foreseen by article 1, paragraph 2 of the Government Decision no.626/1998 modified and completed by the Romanian no.1561/2006.

Within AFER, beside the Romanian Railway Safety Authority is also functioning 3 independent bodies, with permanent activity, foreseen by the Law no.55/2006 on the railway safety:

- **Romanian Railway Notified Body - ONFR;**
- **Romanian Railway Investigating Body - OIFR;**
- **Romanian Railway Licensing Body - OLFR.**

The four bodies are represented by AFER in court , and the final consequences of the court decisions, shall be charged directly by the concerned body.

The main duties of the Romanian Railway Safety Authority – ASFR resulting from *the Law no.55/16.03.2006*, concerning railway safety with subsequent amendments and *the Government Decision no.626/1998 concerning the organization and functioning of the Romanian Railway Authority* - AFER, modified and completed by the *Government Decision no.1561/01.11 .2006*, were submitted in the Annual Report of Romanian Railway Safety Authority for the year 2006, and the main duties of the organizational structure of the Romanian Railway Safety Authority, as resulting from Regulation of organization and functioning of the Romanian Railway Authority- AFER were submitted in the Annual Report of Romanian Railway Safety Authority for the year 2007.

These tasks are performed by the 140 employees of the Romanian Railway Safety Authority – ASFR. Compared with 2011, during 2012 changes have occurred in the organizational structure of the Romanian Railway Safety Authority – ASFR, and the two departments were established.

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

2. Organizational flow

The organizational flow of the activities carried out by the Romanian Railway Safety Authority is presented in **Annex B.2**

D. Development of railway safety

1. Initiatives to maintain / improve safety performances

In 2012, the investigation activity of accidents and incidents took place in accordance with the provisions of the *Regulation to investigate railway accidents and incidents, development and improvement of the railway safety on the Romanian rails*, approved by Government Decision no.117/17.02.2010, regulation which transposed the Directive 2004/49/CE in the national legislation, respectively the Law no.55/2006 regarding the railway safety, for the purposes of uniform application of these provisions by all operators conducting railway operations on Romanian railways.

In accordance with the regulation provisions, the investigation of the accidents was performed by the Romanian Railway Investigating Body- OIFR, and the investigation of the accidents was performed, depending on the activity in which they occurred, the Commission consisting of OIFR representatives and economic operators performing transport operations on the involved railways, respectively only by representatives of economic operators performing transport operations on the involved railways. Investigative reports prepared by OIFR besides describing the performed investigation objectives, if any, and safety recommendations.

In 2012, there was a total number of **50 train collisions with obstacles within the gauge line** (animals unattended, cars parked in the structure clearance of the railway, rocks, trees, teams, and so on). No train collision with obstacles inside the gauge line, no personal in injury.

Following the occurrence to collisions with obstacles within the clearance gauge trains (unattended animals, vehicles, acts intentionally produced by third persons for the purpose of business disruption or destruction of railway material goods), the rail staff approves the authorities of Railway Transport Police regarding the occurrence of this, and the latter, together with other institutions of the State shall identify those responsible for the recovery value of damage to railway vehicles and railway infrastructure.

In 2012 there was a total of **23 train derailments** that have been classified as accidents in accordance with the provisions of the *Regulation of investigating accidents and railway incidents, development and improvement of railway safety on the railways in Romania*, approved by Government Decision no. 117/17.02.2010, and the investigation was performed by OIFR, which issued, as appropriate, safety recommendations. No derailment of trains, no one falls as significant accident.

In 2012 there was a total number of **177 accidents at level crossings (of a significant number of 59 accidents that resulted in 60 injuries and 41 deaths)** and **151 cases of people injured by rolling stock in motion**, except for that there has been suicide investigation that resulted in **injuries to 67 people and the death of 84 persons**. According to *the Regulation of investigating accidents and railway incidents, development and improvement of railway safety on the railways in Romania*, these are not investigated except in case the collisions of road vehicles at level crossings, due to no closing of the barrier or malfunction of the signaling system and after that resulted casualties or major damage.

Also, during the analysed period, a single fire occurred in rolling stock, classified as accident in accordance with provisions of *the Regulation of investigating accidents and railway incidents, development and improvement of railway safety on the railways in Romania*, and the investigation was performed by OIFR. This fire accident is not qualified as significant.

Note that the information on fatalities or seriously injured in accidents such as collisions with obstacles within the clearance gauge trains (vehicles), hits at level crossings, or persons injured by rolling stock in motion, except suicides, representing just provided information by the railway staff present on the site at the time of and regardless of subsequent health of victims,

Safety recommendations issued by OIFR in the investigations reports are submitted to ASFR which analyses them to be followed, and identifies the measures to be taken and plan implementation.

Table D.1.1 – Safety measures generated by accidents/ precursors to accidents.

Accidents/ precursors that generated the measures			Final safety measures
Date	Place	Event presentation	
02.09.2012	Barboși Triaj railway station	Passing the entry signal YG2 with the indication „red” by the DA 1566 locomotive hauling the freight train no.39547 (belonging to railway freight undertaking SC SERVTRANS INVEST SA Bucharest), entry on the avoiding line, hitting and damaging the buffer stops followed by the derailment of the locomotive and of the first two locomotive wagons.	<ul style="list-style-type: none"> - gradual replacement of the radiotelephones in operation, which are mostly owned by the CNCF „CFR” SA, with radiotelephones that comply with all provisions of specific legislation; - in the important railway stations or in locations with high activity and potential for events, radiotelephone equipments to be equipped with a voice recording conversations, with a minimum duration of 24 hours; - updating or development of a new Instruction no.322 on efficient use of the radiotelephone equipments; - periodical training, at 6 month or for a year for the working staff with radiotelephones, staff belonging to all group users ;

22.12.2012	Between movement halt Ruginoasa and railway station Târgu Frumos	In the running of the freight train no.61723-2 (belonging to railway freight undertaking SNTFM „CFR Marfă” - SA), between movement halt Ruginoasa and railway station Târgu Frumos, by exceeding speed limits set in the working timetable.	Common regulations will be drawn between CNCF „CFR” SA și SNTFM „CFR Marfă” SA, on the CSI transposed wagons running.

2. Detailed analysis of data trends

Following the entry into force a legal framework transposition into national legislation of the Directive 2004/49/CE, respectively the Law no. 55/2006 *regarding the safety railway*, safety indicators were drawn up in accordance with the provisions of the modified annex no.1 modified (through H.G no.644/07.07.2010 which transposed in national legislation the Directive 2009/149/CE) to Law no. 55/2006 *regarding the safety railway*.

For 2011, the safety indicators have been prepared on the basis of records kept by the manager / rail infrastructure managers and railway undertakings.

Detailed analysis of the evolution of numerical data on common safety indicators (CSI) and the definitions used are presented in Annex C.

3. Results of safety recommendations

Safety recommendations provided by Romanian Railway Investigating Body therefore of accident investigation were analyzed by the Romanian Railway Safety Authority, identifying the measures to be taken to implement, as follows:

- Following the railway accident occurred on 05.07.2012, on the range of activity in the Branch of Regional Center of Operation, Maintenance and Railway Repairs - București, in railway station I.L. Caragiale, by hitting the level crossing at km. 0+600 with a car in which were four persons, by a rake of wagons CM2 belonging to the railway freight undertaking SNTFM „CFR Marfă” – S.A., OIFR has issued five safety recommendations, as follows:

- *analysis of the opportunity to achieve the dependence between the position of the fixed derailler S1 and the position of the mechanical barrier from the level crossing km 0+600 interlocking system in the railway station I.L. Caragiale;*
- *updating the regulatory framework for the defining of branch line carrying feeder traffic;*
- *Supplement of the instruction for the operation of the interlocking system from the railway station I.L. Caragiale with the provisions concerning the working way when the fixed derailler is out of service;*
- *analysis of the opportunity to supplement the provisions of the Regulations for hauling and braking no. 006/2005 where to be mentioned the measures that the driver's assistant has to take when the driver is not in the locomotive or he is not able and the train, the train set or the light locomotive run away and can not be braked.*
- *analysis of the procedures for sending the dispositions and the register way between OPAD of SNTFM and CLSC Bucuresti in order to remove the ambiguities that can appear in the verbal communication of the dispositions.*

Safety recommendations were considered analyzed and identified steps to be followed.

So, CNCF „CFR” SA, has identified the situations in which the dependence is not done between the fixed derailleurs and the mechanical barriers which are covering the level crossings from railway units

(stations, movement halts) located on lines with access to the industrial lines or to branch line carrying feeder traffic;

Following the railway accident occurred on 02th of September 2012 in range of activity in the Regional centre for railway operation, maintenance and repairs Galați, in railway station Barboși Triaj, by passing the entry signal YG2 with indication „red” by the locomotive DA 1566 hauling the freight train no.39547 (belonging to railway freight undertaking SC SERVTRANS INVEST SA Bucharest), entry on the avoiding line, hitting and damaging the the fixed stopping device followed by the derailment of the locomotive and of the firts two wagons , OIFR has issued a single safety recommendation as follows: *since in well-defined circumstances in regulations and instructions used in running trains and shunting movements of train sets, communications by radiotelephone equipments constitutes orders or disposals which completes given orders through indication's signals used in signalisation to the romanian railway, the actualisation is recommended or, by case issuing specific reglementations applicable to communications of railway transport, to ensure the reglementation and uniform aplicability of principles and rules for using the networks in railway transport, repartition of frequencies and also of conditions for instruction and authorization of staff which operates fixed radiophones, mobile and portable, aplicable to entire participants of railway transports. (infrastructure manager , railway transport operator and railway provider.)*

Safety recommendations were considered, analyzed and identified steps to be followed.

- following the railway accident occurred on 22.12.2012, around 05:30 in range of activity in the Regional centre for railway operation, maintenance and repairs Iași, in the running of freight train no.61723-2 (belonging to railway freight undertaking SNTFM „CFR Marfă” - SA), between movement halt Ruginoasa and railway station Târgu Frumos, by exceeding speed limits set in the working timetable, OIFR has issued a single safety recommendation as follows: *Updating the order 25/A/206/1975 with provision regarding:*

a) *the way how to handle the exchangers “empty- loaded”, of transposed CSI wagons, loaded in which transposed bogies are equipped with non metallic blocks with progressive and automatic braking device of the load proportional to axle load type AUTOREGIM;*

b) *the way the braked weight is established for CSI wagons on bogies with non metallic transposed block by the neighbor railway administrations (Căi Ferate Moldovenești, Ucrainene, etc.)*

c) *type and characteristics of the automatic brake of the transposed CSI wagons.*

Safety recommendations were considered analyzed and identified steps to be followed.

E. Modifications of regulations and legislation

1. Implementation into national law of Directive 2004/49/EC

In order to harmonize the regulatory framework in Romania with those of other Member States of the European Union, passed the Law no. 55 of 16.03.2006 *on rail safety* transposing in the Romanian legislation the provisions of Directive 2004/49/EC, a law that ensures the development and improvement of the Romanian railway safety and improves access to the market for rail services.

By Government Decision no.1561 dated 01.11.2006 *amending and completing Government Decision no. 626/1998 regarding the organization and functioning of the Romanian Railway Authority - AFER (law which came into force on November 21, 2006)* Romanian Railway Authority - AFER was reorganized.

For carrying out tasks under the regulations in force , under the Romanian Railway Authority - AFER are functioning 4 independent bodies with permanent activity under Law no. 55/2006 on rail safety, namely: Railway Safety Authority- ASFR, Romanian Railway Notified Body - ONFR, Romanian Railway Investigating Body - OIFR, Romanian Railway Licensing Body - OLFR. Their

tasks are set by the organization and operation regulations set out in the Annexes to the Regulation of organization and functioning of the AFER.

Have been transposed into national law the provisions of Directive 2004/49/EC relating to the regulation of safety certification of railway undertakings and safety licensing and licensing safety activity for the infrastructure managers, being approved in 2007 the Order of the Minister of Transport no.535 from 26/6/2007 *regarding approval of the licensing of railway and safety certificates to carry out railway services from Romania* (with applicability from 25/08/2007) with subsequent amendments and that in 2008 the Order of the Minister of Transport no.101 from 29.01.2008 *on providing granting of safety authorizations for the administrator/ infrastructure managers from Romania*, published in The Romanian Official Journal part I , no.102/08.02.2008 (with applicability from 09/08/2010).

By Government Decision no. 644/07.07.2010 (with applicability from 09.08.2010) amending Annex. 1 of Law no. 55 on railway safety, has been transposed into national law Directive 2009/149/EC dated 27.11.2009, amending Annex I to Directive 2004/49/EC of the European Parliament and the Council, regarding safety common indicators and common methods to calculate accident costs.

By Government Decision no. 117/17.02.2010 (published in the romanian Official Journal, Part I, no. 138 from 02/03/2010, with applicability from 01/05/2010) was approved the *Regulation of investigating accidents and railway incidents, development and improvement of railway safety on the railways in Romania*. The development of the *Regulation of investigating accidents and railway incidents, development and improvement of railway safety on the railways in Romania*, had as a purpose the transposing into national legislation of the Directive 2004/49/CE, namely Law no. 55/2006 *on railway safety* in the unitary application of the provisions to all operators conducting railway operations in Romania.

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

2. Important changes in regulations and legislation

In 2012 the regulatory activity was a priority activity for Romanian railway transport, a series of orders being approved, as follows:

- Government Decision on the amendment of the Government Decision no. 39/2000 in order to establish and sanction the minor offences in the railway and subway transport's operations (Government Decision no. 3/25th of January 2012).
- Ministry of Transport's Order for establishing of the empowered staff in order to find the minor offences and to apply the sanctions provided in the Emergency Government Decision no. 31/2011 *concerning the prohibition of the purchase from natural person of the ferrous and nonferrous metals and their alloys used in the railway activity and to establish the form, model and content of the control authorization* (Ministry of Transports and Infrastructure's Order no. 238/21th of March 2012).
- Ministry of Transport's Order for amendment of the Regulation for train's running and shunting of the railway vehicle no. 005, *approved by the Ministry of Transports, Constructions and Tourism's Order no. 1816/2005, and of the Signalling Regulation no.004, approved by the Ministry of Transports, Constructions and Tourism's Order no. 1482/2006, as well as for the amendment of the Instruction for the activity of the locomotive's staff in the railway transport no. 201, approved by the Ministry of Transports, Constructions and Tourism's Order no. 2229/2006* (Ministry of Transports and Infrastructure's Order no. 1120/02th of July 2012).

- Ministry of Transport's Order *regarding the approval of the priority criteria for the allocation of the railway infrastructure capacity on the section with congested capacity, as well as to ensure the transparency* (Ministry of Transports and Infrastructure's Order no. 1165/10th of July 2012).
- Ministry of Transport's Order *concerning the approval of the General Ruls for railway vehicle's shunting with the slave locomotive on the industrial railway branches* (Ministry of Transports and Infrastructure's Order no. 1309/14th of August 2012).
- Ministry of Transport's Order *on the approval of the Specific Regulations of trains numbering on Romanian railway network* (Ministry of Transport and Infrastructure's Order no. 1584/30th of October 2012).
- Ministry of Transport's Order for Driving of the freight direct trains in one-man driver system (Ministry of Transports and Infrastructure's Order no. 1684/21th of November 2012).
- Ministry of Transport's Order on the amendament of the Ministry of Transport's Order *no. 535/2007 concerning the approval of the norms for granting of the railway transport licenses and of the safety certifications, in order to perform the railway transport services on Romanian railway network, with the amendaments in force no. 2179/29th of November 2012).*
- Ministry of Transport's Order on the approval of the Tarrifs for specific activities performed by Romanian Railway Authority – AFER (Ministry of Transports and Infrastructure's Order nr. 2180/29th of November 2012).
- Ministry of Transport's Order on the approval of the Operation Regulation for rake of wagon's running on the noninteroperable section *Baia Mare – Baia Mare Nord* - (Ministry of Transports and Infrastructure's Order nr. 2192/05th of December 2012).
- Ministry of Transport's Order on the approval of the Operation Regulation for train's running over the level crossing from the km 26+068, *situated on the traffic section Gălănești – Putna* - (Ministry of Transports and Infrastructure's Order no. 2224/12th of December 2012)
- Ministry of Transport's Order on the approval of the Operation Regulation for train's running over the level crossings from the *km 7+990, km 9+930, km 14+630, km 17+480, km 22+860 and km 27+650, situated on the noninteroperable traffic section Buda - Slănic* - (Ministry of Transports and Infrastructure's Order no. 2225/12th of December 2012).
- Ministry of Transport's Order on the approval of the Operation Regulation for the train's running on the traffic section *Jebel - Giera* - (Ministry of Transport and Infrastructure's Order no. 2226 / 12th of December 2012).

F. Development of the certification and safety authotization

In 2011, the safety authorization of Romanian railway infrastructure's administrator/ manager was performed in the basis of the following legal papers:

- Romanian Government Ordinance no. 12/1998 *regarding the transport on Romanian railways;*
- Romanian Government Decision no. 581/1998 *on setting up the National Company of Romanian Railways "CFR" SA;*
- Romanian Government Ordinance no. 89/2003 *on the allocation of the railway infrastructure capacities, charges for the use of the railway infrastructure and safety certification,* approved with amendaments through the Law no. 8/18th of February 2004
- Romanian Government Decision no. 1409/2007 *on the approval of the Renting conditions by the National Company of Romanian Railway „C.F.R.”- S.A. of some parts of the non-interoperable railway infrastructure, as well as their management;*
- Romanian Government Decision no. 1696/2006 *on the approval of the Regulation for the allocation of the railway infrastructure's capacities;*

- Ministry of Transports Order's no. 101/29th of January 2008 on granting the safety authorizations to Romanian infrastructure's administrator/ manager (from 09th of March 2008).

Railway undertakings access on the Romanian railway infrastructure, during 2011, was performed in the basis of the following legal papers:

- Romanian Government Ordinance no. 12/1998 *regarding the transport on Romanian railways*;
- Romanian Government Decision no. 581/1998 *on establishing the National Company of Romanian Railway "CFR" SA*;
- Romanian Government Ordinance no. 89/2003 *on the allocation of the railway infrastructure capacities, charges for the use of railway infrastructure and safety certification*, approved with modification by Law no. 8/18th of February 2004
- Romanian Government Decision no. 1696/2006 *on the approval of the Regulation for the allocation of the railway infrastructure capacities*;
- Ministry of Transport Order's no. 535 din 26th of June 2007 *on the approval of the norms for granting of the railway transports license and the safety certificates in order to carry out railway services on the Romanian Railways* (from 25th of August 2007) with further amendments.

As stipulated in the prior reports, due to the issuing of safety certificates in the basis of *Ministry of Transport Order's no. 535 from 26th of June 2007 on the approval of the norms for granting the railway transport license and the safety certificates in order to carry out railway services on the Romanian Railway* (published in the Romanian Official Journal, Part I no. 501 from 26th of July 2007), The Romanian Railway Safety Authority edited the data base with the data requested by the European Railway Agency, except the number of freight/passengers wagons, which is not a requirement for issuing the safety certificate.

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 article 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 WEB sites of Romanian Railway Authority (www.afer.ro) and of Romanian Railway Safety Authority (www.afer.ro/rom/ASFR/Romana/) where are presented the relevant documents, guides and the legislation for the carried out activities.

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)

- changes of initial identification data of applicant;
- introducing a new type of rail service;
- introduction of dangerous goods transport;
- transition to a category of transport volume bigger than the one mentioned referred to in the application or renewal of the safety certificate it holds at that time;

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 get) 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 Ministry 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 and starting with 11th of December 2012, according to the Ministry of Transports and Infrastructure's Order no. 2180/2012 regarding the approval of the tariffs for the specific activities carried out by Romanian Railway Authority – AFER.

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 one applies for the part A Certification

○ No case

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

- The possibility to appeal the Romanian Railway Safety Authority decisions was set by national legislation, Ministry of Transport Order's no. 535/2007 with further amendments and starting with 11th of December 2012, according to the Ministry of Transports and Infrastructure's Order no. 2180/2012 regarding the approval of the tariffs for the specific activities carried out by Romanian Railway Authority – AFER.

3.2 Safety certification part B

3.2.1 Reasons to update/change the part B Certification:

- changes of the initial identification data of the applicant;
- introduction of a new type of rail service;
- introduction of dangerous goods transport;
- transition to a category of transport volume bigger than the one mentioned referred to in the

- application or renewal of the safety certificate it holds at that time;
- introduction of the running sections in annex no. I at the safety certificate part B;
- introduction of the shunting areas in annex no. I at the safety certificate part B;
- introduction of the motorised railway vehicles in annex no. II at the safety certificate part B.

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 get) kept more than those 4 months stipulated at the article 12(1) of the Safety Directive.

- None

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

- according to the Ministry 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.

3.2.4 The contents of the problems generated by the use of the harmonized forms for the part B Certification, especially in connection with 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 contents 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 contents of the problems mentioned by the railway enterprises when one applies 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.

- The possibility to appeal Romanian Railway Safety Authority decisions was set by national legislation, Ministry of Transport Order's no. 535/2007 with further amendments.

3.3 Safety authorizations

3.3.1 Reasons to update/amend the safety authorizations.

- whenever there are substantial changes in the railway infrastructure, signalling, power supply or operation principles or its maintenance;
- if the administrator / infrastructure manager changes its status, location, name;
- in the noninteroperable infrastructure manager wants to extend its activities on other running sections or restricting its activity, giving up some running sections.

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 article 12(1) of the Safety Directive.

- None

3.3.3 The contents 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 contents of the problems mentioned by the railway enterprises when one applies for the safety authorization

○There were no problems mentioned by the railway enterprises when one applies for the „Safety Authorization”

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

○The possibility to appeal the Romanian Railway Safety Authority decisions was set by national legislation, Minister of Transport Order's no. 101/2008.

3.3.6. NSA fee for safety authorizations (Yes/No-Cost).

In accordance with the Ministry of Transports, Constructions and Tourism's Order no. 137/2003 concerning the approval of the tariffs for specific services performed by AFER, with further amendments and starting with 11th of December 2012, according to the Ministry of Transports and Infrastructure's Order no. 2180/2012 regarding the approval of the tariffs for the specific activities carried out by Romanian Railway Authority – AFER.

G. Surveillance of the "Railway Undertakings" and of the "Infrastructure Managers"

1. Description of the railway undertakings surveillance and of the railway infrastructure manager /non-interoperable railway infrastructure managers.

According to the provisions of the Government Decision 626 /1998 concerning the organization and functioning of the Romanian Railway Authority - AFER, amended by the Government Decision no 1561/01.11.2006 as well as by the Ministry of Transports' Order no. 650 of 28/10/1998 for the organization and the state control and inspection in the railway and subway field and for some specific measures regarding the railway events inquiry, Romanian Railway Authority – AFER has performed state inspections and controls for supervision of the activities compliance with the railway national and international regulations, monitoring of the compliance with the regulations on traffic safety, transports security and public services quality, in the railway field.

By state controls and inspections performed to railway economic companies, it is checked the compliance with the regulations specific to transport security and traffic safety, public services quality, failures and the wrong working systems, as well establishing specific measures for their prevention, analysis and removal.

The state control consists in the analysis of the whole activity of a railway economic company, during a certain 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 schedule which includes: name of the controlled economic agent, thematic, period of time and the control length. The program is established by the Director of Romanian Railway Safety Authority - ASFR and is approved by the Minister of Transports.

During 2012, the Romanian Railway Safety Authority - ASFR performed 68 state controls to the railway infrastructure manager, to non-interoperable railway infrastructure administrators and to railway undertakings, as follows:

- central structure of National Railway Company "CFR" SA (public railway infrastructure manager);
- central structure of the National Society of Passenger Railway Transport "CFR Calatori" SA;

- central structure of the National Society of Freight Railway Transport "CFR Marfa" SA;
- territorial structures of the National Railway Company "CFR" SA (Branches CREIR CF 1-8);
- territorial structures of the National Company of Railways "CFR" SA (branches CREIR CF 1-8);
- territorial structures of the National Society of Freight Railway Transport „CFR Marfa” SA (branches 1-4);
- The railway undertakings with private assets and/or the administrators of the non-interoperable sections SC Regiotrans SRL Braşov, SC Rail Force SRL Braşov, SC RC-CF Trans SRL Braşov, SC Softrans SRL Craiova, SC Transferoviar Grup SA Cluj Napoca, SC Transferoviar Călători SRL Bucureşti, SC Logistic Services Danubius SRL Timişoara, SC Kairos SRL Bucureşti, SC Constantin Grup SRL Bucureşti, SC Grup Transport Feroviar SA Bucureşti, SC Unifertrans SA, SC Vest Trans Rail SRL, SC Cargo Trans Vagon SA Bucureşti, SC România Euroest SA Constanţa, SC Construcţii Căii Ferate SA Sibiu, SC Servtrans Invest SA Bucureşti, SC Grup Feroviar Român SA Bucureşti, SC RG Holz Company SRL Vişeu de Sus, SC Trans Expedition Feroviar SRL Bucureşti, SC Via Terra Spedition SRL Cluj Napoca, SC Via Terra Trans SRL Cluj Napoca, SC Dori Trans SRL Roman, SC Regional SRL Cluj Napoca, SC Transblue SRL Bucureşti, SC Rail Operation SRL Bucureşti, SC DB Schenker Rail România SRL, SC Porr Railway Transport SRL Bucureşti, SC Rail Cargo România SRL, SC Mecano Serv SRL Deva, SC Electro Comp SRL Iaşi, SC Unicom Tranzit SA Bucureşti, SC Amurco SRL Bacău, SC Mechel SA Târgovişte, Societatea Naţională a Sării S.A. Bucureşti - Sucursala Exploatarea Minieră Râmnicu Vâlcea, Uzinele Sodice Govora - Ciech Chemical Group S.A. Râmnicu Vâlcea, SC Gosslin S.R.L. Timişoara, SC Oil Terminal S.A. Constanţa, Reparaţii şi Servicii Termoserv Craiova S.A., SC Remat S.A. Călăraşi, SC Olchim S.A. Râmnicu Vâlcea, SC Remat Bucureşti Sud SA, SC TMK SA Reşiţa, SC Cefmur SA Târgu Mureş, SC Carmensimi Grup SRL Ploieşti, SC UCM. Reşiţa SA, SC Asicar SRL Zalău, SC FSR Railservice SRL Sebeş, SC Servtrans Maintenance SA, SC Minprest Serv SA Rovinari, SC Apria SRL, SC Conpet SA Ploieşti, SC Compania de Producţie Feroviară SRL Buzău, SC Captrain România SRL Bucureşti, SC Trade Trans Rail Logistics SRL Arad.

Following the state controls and inspections were found out a series of non-conformities that were recorded in the finding minutes and the controlled economic companies were informed in order to remove them, as follows:

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

- There are cases of railway stations that from technical point of view, according to the provisions of the Order of the Minister of Transports no.340/1999 modified and completed with the Order of the Minister of Transports, Construction and Tourism no.2269/2004;
- There are cases remaining with:
 - performance of maintenance, inspections and repairs to the lines and art works;
 - periodical repair with heavy track vehicles with the complete cleaning of the track bed (RPe);
 - checking the path with the testing and recording cars;
 - checking the interlocking system equipments;
- there were not scheduled major overhaul to all overdue facilities to this type of repair;
- the majority of interlocking system equipments, that were not submitted to major overhaul, have exceeded the normal operation;

- in the repair and maintenance of the public railway infrastructure, from the checks performed in order to comply with the Ministry of Transports Order no. 290/2000 regarding the technical admission of the critical railway services, there were found cases of non-compliances with the provisions of this order, meaning that these economic companies do not hold cumulative valid railway supplier authorizations and technical agreements / technical homologation certificates;
- there are cases where at the level of the administrators of the public non-interoperable railway infrastructure there isn't a program drawn up and approved in order to raise and improve speed restrictions, according to the lines instructions in force and to contractual provisions established with the takeover in management of the non-interoperable department;
- there are cases when the term for final reparation of the rails with failures that exist in the non-interoperable public infrastructure was exceeded, contrary to the provisions of the Instruction no. 302/1972.

b) concerning the compliance with mandatory specific regulations in performing the railway transport activity:

- there were found some cases of employees with responsibilities in traffic safety that didn't carried out the medical and / or psychological examination to the scheduled data and they were used to activities specific to the job;
- there were not always respected the provisions of the Ministry of Transports, Constructions and Tourism's Order no. 2262/2005 concerning the authorization of the staff with responsibilities in the traffic safety, that is going to perform specific railway transport activities on its own account;
- there are some case when are registered exceeding of the maximum continuous activity accepted for the locomotive or the non-observance of the rest time to the end of section;
- there are cases of non-observance of the due dates for the planned repairs of the railway vehicles;
- not all rolling stock is matriculated according to the Ministry of Transports, Constructions and Tourism's Order no. 1193/30.06.2004 for the approval of the norms concerning the matriculation and granting the unified mark for the railway transport and subway vehicle identification.
- the railway undertakings purchased a series of railway critical products / services from suppliers authorized by AFER without meeting the provisions of the Ministry of Transports Order no.290/2000 regarding the validity of the railway supplier authorizations or of the agreements / certifications for the railway technical homologation;
- there were found some cases of non-compliance with the provisions of the Ministry of Transports Order no. 290/2000 regarding the technical acceptance of the critical railway services, meaning that the sub-units of the railway undertakings do not have cumulatively valid railway supplier authorizations and railway technical agreements;
- One did not comply with the provisions of the Government Ordinance no. 60/2004 concerning the regulations on the construction, maintenance and operation of the tracks, other than those managed by CNCF "CFR" SA, meaning that not all the operation authorizations for industrial branches held and used by the railway undertakings.

2. With reference to achieving the condition of sending all safety reports in accordance with Article 9 (4) of Safety Directive drawn up by infrastructure managers and railway undertakings, by the due date.

By the Law no. 55/2006 on the railway safety, it was established an annual report before the 30th of June. The railway infrastructure manager, the non-interoperable railway infrastructure administrators, the railway undertakings sent in due time these reports.

In 2012, the Romanian Railway Safety Authority - ASFR planned by Monthly Programs of State Control and Inspection and performed state inspections, consisting in checking some important specific activities, carried out by the economic company, concerning the traffic safety, transports security, public services quality in the railway field. The state inspections were carried out randomly and unannounced.

		issued Safety Certificates Part A	issued Safety Certificates Part B	issued Safety Authorizations	Other activities (to be mentioned)
3. Number of inspections for RUs/TMs in 2012	Planned	980	980	460	580 - economic agents that supply critical services/products: owners of industrial branches
	Performed	980	980	460	580 - economic agents that supply critical services/products: owners of industrial branches
		issued Safety Certificates Part A	issued Safety Certificates issued	issued Safety Authorizations	Other activities (to be mentioned)
4. Audits number for RUs/TMs in 2012 (*)	Planned	0	0	0	0
	Performed	0	0	0	0

(*) By the Ministry of Transports and Infrastructure Order no. 884/2011 (Published in the Official Journal, Part I no. 823 of 22.11.2011) for the amendment of the Ministry of Transports no. 535/2007 concerning the *approval of the norms for granting railway transport licence and safety certificates, in order to perform railway transport services on Romanian railways*, one covered how to conduct audits of railway safety at the level of railway infrastructure manager/administrators and railway undertakings. Considering the entry into force of the Ministry of Transports and Infrastructure Order no. 884/2011 provisions, the Romanian Railway Safety Authority - ASFR performs traffic safety audits starting with December, 2012, to the end of the year no audit being performed.

5. Concerning the summary of the relevant corrective measures / actions (amendment, revocation, suspension, important notice, etc.) related to the safety issues that followed these audits / inspections.

To remove the non-conformities found during state inspections and controls, the control teams within the Romanian Railway Safety Authority - ASFR have established measures to remove the nonconformities found and ordered that, for those cases where the respective facts can be classified as misconduct, to undertake disciplinary investigation and to punish the guilty personnel.

The found deficiencies that were established as contraventions, defined in this respect by the legislation in force, have been sanctioned. Sanctions were applied to natural or legal persons, as appropriate.

Also, in case of non-compliance with the requirements that were the basis of granting the safety certificate part B, the Romanian Railway Safety Authority - ASFR withdrew the certificate according to the provisions of chapter. V, art.11 of the *Norm for granting the safety certificates*, annex to the Ministry of Transports Order no. 535/2007.

6.7. Complaints from IMS about RUs related to the conditions of Parts A / B of their certificates.
None.

H. Alternative measures by derogations referring to ECM certification system (applicable from 2013)

Entities in charge with the maintenance of the freight wagons are authorized at national level according to notified national norm, that is the Ministry of Transport Order no. 290/2000.

The authorizations issued according to this order are equivalent to ERI certificates as it is stipulated in (EU) Regulation No. 445/2011, art. 12, paragraph 5, respectively "certificates issued for the maintenance workshops up to the 31-th of May 2014, based on national laws existing before the entry into force of the regulation and equivalent to the regulation being recognized as equivalent to certificates for the maintenance workshops that are taking over the function of maintenance, issued under the regulation for their initial validity period and up to May 31, 2017".

Note: Starting with May, 2013, ASFR began the ERI certification activity according to the provisions of (EU) Regulation no.445/2011, in this sense being issued 7 certificates to the following entities, responsible with the freight wagons maintenance : SNTFM "CFR Marfa" SA, SC GRUP FERROVIAR ROMAN SA Bucuresti, SC DB SCHENKER RAIL Romania, SC SERVTRANS INVEST SA Bucuresti, SC TRANSFEROVIAR GRUP SA Cluj Napoca, SC CONPET SA Ploiesti and SC Multimodal Service.

The other entities responsible with the freight wagons maintenance are authorized at national level, according to the notified national norm, respectively the Order of the Minister of Transports no.290/2000.

I. Conclusions on the reporting year - Priorities

During 2012, ASFR acted, in particular, for developing the regulatory framework for traffic safety by promoting a large number of regulations specific to railway transport, issuing safety certificates and authorizations, surveillance by state inspection and controls of the railway infrastructure manager / administrators and of the railway undertakings.

From the analysis of data concerning safety common indicators, compared to 2011, there was a decrease in the total number of significant accidents and the total number of people killed and injured.

For 2013, ASFR has established as priorities, the further harmonization of the regulatory framework for railway safety, including the system of national safety regulations, with the one adopted by the European Union, namely conducting surveillance activities to the railway infrastructure manager / administrators and railway undertakings, concerning compliance with the regulations in force, fulfilling the requirements that led to the granting or amendment of safety certificates and compliance with conditions that stood at the basis of granting safety authorizations.

J. Sources of information

- safety reports of the public infrastructure manager/administrators and of the railway undertakings;

- reports of investigating accidents and incidents;
- European and National legislation in the railway field;
- own sources: notes, reports, summaries, statistics.

K. Appendix

Romanian Railway Safety Authority - ASFR

Director
Mihaela CARABINEANU

