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Clarification note

Definition of the area of operation in the application for a single safety certificate

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Document History

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The purpose of this document is to foster an harmonised EU approach to the safety certification process. Those concerned with this clarification note are encouraged to voluntarily apply it.

The present document is a non-legally binding guidance of the European Union Agency for Railways. It is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.

1. Description of the issue

The railway undertaking that applies for a single safety certificate in the one-stop shop must specify its intended area of operation.

The area of operation can be defined in different ways: by network or networks, lines or even sections of a line.

It has been questioned what is the right approach, knowing that the definition of area of operation by line will require an update of the single safety certificate in case of new or extended routes (beyond the originally defined area of operation).

2. Clarification

The purpose of the single safety certificate is to provide evidence that the railway undertaking concerned has established its safety management system and that it is able to operate safely in the intended area of operation, by complying with the relevant safety standards and rules.

If it can be acknowledged that the train route(s) forming part of the intended area of operation follows the same safety standards and rules, there would be no objection to refer to network(s), type(s) of line or even specific route (e.g. from A to B) for which the same safety standards and rules apply in the same area of operation. When the applicant intends to extend its area of operation to a network or line not yet covered by its single safety certificate and when there are no specific notified rules for the “new” area of operation, the safety certification body should update the single safety certificate following a proportionate approach.

Moreover, the railway undertaking must have a process in its safety management system to ensure that all vehicles it uses are authorised, registered and compatible with the intended route(s). By means of the route compatibility process, and other safety management system processes (such as risk management, the monitoring and the identification and maintenance of applicable rules), the safety management system should provide sufficient evidence that the railway undertaking is able to control the risks relating to the route compatibility without further need to define in details the area of operation.

3. Legal background

a) Directive (EU) 2016/768

- Article 3. Definitions

“[...]”

(33) ‘area of operation’ means a network or networks within one or more Member States where a railway undertaking intends to operate.”

- Recitals.

“[...]”

(20) All railway undertakings should be subject to the same safety requirements in order to ensure a high level of railway safety and equal conditions. A railway undertaking should hold a safety certificate as a condition of being allowed to obtain access to the railway infrastructure. The safety certificate should provide evidence that the railway undertaking has established its safety management system and that it is able to comply with the relevant safety standards and rules for the relevant area of operation.

[...]”

- Article 10. Single safety certificate

“1. Without prejudice to paragraph 9, access to the railway infrastructure shall be granted only to railway undertakings which hold the single safety certificate issued by the Agency in accordance with paragraphs 5 to 7 or by a national safety authority in accordance with paragraph 8.

The purpose of the single safety certificate is to provide evidence that the railway undertaking concerned has established its safety management system and that it is able to operate safely in the intended area of operation.

[...]”

b) Regulation (EU) 2019/773

- Annex 4.2.2.5.1. Route compatibility

(A) The railway undertaking is responsible for ensuring that all vehicles composing its train are compatible with the intended route(s).

The railway undertaking shall have a process in its SMS to ensure that all vehicles it uses are authorised, registered and compatible with the intended route(s) including the requirements to be followed by its staff.

The route compatibility process shall not duplicate processes performed as part of the vehicle authorisation under Commission Implementing Regulation (EU) 2018/545 (6) to ensure technical compatibility between the vehicle and the network(s). Parameters of Appendix D1 already verified and checked during vehicle authorisation or other similar processes shall not be reassessed in the framework of route compatibility check.

[...]”