

Document Review – Comment Sheet

Document commented: Common Safety Methods on the assessment of Safety Level and Safety Performance of railway operators at national and Union level (CSM ASLP)

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<i>Deadline for submitting comments:</i>	17 March 2021

	<i>Reviewer 1</i>	<i>Reviewer 2</i>	<i>Reviewer 3</i>	<i>Reviewer 4</i>	<i>Reviewer 5</i>
<i>Date:</i>	17 March 2021				
<i>Name:</i>					
<i>Organisation:</i>	Lithuanian Transport Safety Administration				
<i>Email:</i>					

Document History

<i>Version</i>	<i>Date</i>	<i>Comments</i>
0.1		
0.2		
0.3		

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Conventions:

<i>Type of Comment</i>		<i>Reply by requestor</i>	
<i>G</i>	General	<i>R</i>	Rejected
<i>M</i>	Mistake	<i>A</i>	Accepted
<i>U</i>	Understanding	<i>D</i>	Discussion necessary
<i>P</i>	Proposal	<i>NWC</i>	Noted without need to change

Review Comments <if necessary add extra lines in the table>

<i>N°</i>	<i>Reference (e.g. Art, §)</i>	<i>Type</i>	<i>Reviewer</i>	<i>Reviewer's Comments, Questions, Proposals</i>	<i>Reply</i>	<i>Proposal for the correction or justification for the rejection</i>
1.		G		NSA and Lithuanian RU would like to draw your attention to the complexity of the draft text of CSM ASLP. The text is mostly drafted as an IT tool technical specification that is why it is hard to understand the text and it does not give clear point of view of the responsibilities of railway operators and national authorities (e.g., some of the responsibilities for railway operators are mentioned just in annexes). So, the complex text read without impact assessment would be detrimental for the smaller railway operators. To sum up what is mentioned above it would be better if the functions and responsibilities of railway operators and NSAs would be clearly defined in the main text and not in the annexes.	A	<p>The Agency has restructured and simplified the text also in accordance with other similar comments received.</p> <p>In the restructured text the requests to operators and the implementations phases are directly visible from the core CSM text.</p> <p>It includes the functions and responsibilities established by the CSM ASLP, and does not affect roles and responsibilities already allocated by EU legislation.</p> <p>The impact assessment undertaken at both disaggregated level (per element of CSM ASLP) and as a whole shows that benefits are likely to outweigh costs considering the phased approach with limited scope in the transition phase together with a fully controlled process for amendments justified by cost-benefit analysis.</p>

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
2.	Preamble (21)	G		<The development time required for defining this inter-connected common information sharing system with pre-existing national systems would justify a gradual introduction of different application phase of this Regulation, taking into account the development of the system, its testing and implementation>. It states that there will be gradual introduction of different application stages of this Regulation, however from the draft text it is not clear what are the phases and what is appropriate duration period for their application. Also, it is not clear from the draft text what requirements are for railway operators and NSAs in each implementation phase.	A	The phasing of ICT solutions, including the ISS, is clearly indicated in the redrafted Article 11. Responsibilities are clearly established.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
3.	Article 2 (2)	G		Is this Regulation applicable to railways operators who have valid safety certificate however operates just in the private infrastructure?	U	<p>It applies to RUs having a safety certificate and IMs having a safety authorisation in accordance with RSD.</p> <p>The scope of application of the CSM shall be the same as the one required by the Railway Safety Directive. Therefore, in this case, it will depend on the MS's situation, if it excluded those infrastructures or not.</p> <p>"Member States may exclude from the scope of the measures implementing this Directive:</p> <p>(a) privately owned railway infrastructure, including sidings, used by the owner or by an operator for the purpose of their respective freight activities or for the transport of persons for non-commercial purposes, and vehicles used exclusively on such infrastructure;</p> <p>By default, it is included if it has not been excluded by the transposition into National legislation.</p>

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4.	Full impact assessment of CSM ASLP Page 49	G		<p><Other ongoing costs – check of application of CSM ASLP (National Safety Authorities) NSAs would be required as part of their tasks viz-a-viz to check the application of the CSM ASLP by operators (similar to the case for the CSM RA, CSM SMS and CSM MON) and take appropriate enforcement actions as required.></p> <p>It is clear from the impact assessment that there is responsibility of NSA to take appropriate enforcement actions as required, however there is no such provision in the Regulation itself. If it is legally binding this provision should be clearly stated in Regulation text.</p>	NWC	<p>The CSM ASLP, being a secondary law, it is not necessary to duplicate what is already established by the Railway Safety Directive.</p> <p>On the tasks of the NSAs, Article 16(2)(i) of RSD reads “The national safety authority shall be entrusted with at least the following tasks: .../... monitoring, promoting, and, where appropriate, enforcing and updating the safety regulatory framework including the system of national rules;”</p>

Note: This table could be changed according to the requestor's needs

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