

Moving Europe towards a sustainable and safe railway system without frontiers.

DECISION n°315

of the Management Board of the European Union Agency for Railways amending Decision n° 258 establishing procedures for decision-making by the Executive Director in relation to authorisations for placing vehicles on the market, single safety certificates, and ERTMS track-side approvals -

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

Having regard to Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways (hereinafter referred to as “the Agency”) and repealing Regulation (EC) No 881/2004 (hereinafter referred to as “Regulation (EU) 2016/796”), and in particular, Articles 14, 20, 21, 22 and 51(1) (d) thereof,

Having regard to Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (hereinafter referred to as “Regulation (EU) 2018/545”), and in particular Articles 16(4) and 24(2) thereof,

Whereas:

Considering on one hand the need to ensure the best expertise and the highest level of responsibility in the decision-making process and on the other hand the requirement to ensure impartiality and objectivity of those taking these decisions,

Considering the relative low likelihood of situations where the second layer of order of delegations may be activated,

In view of clarifying the level of internal accountabilities and responsibilities for the VAs, SSC and ERTMS deliverables;

HAS DECIDED AS FOLLOWS:

Article 1

Article 1 of ‘Decision n°258 of the Management Board of the European Union Agency for Railways establishing procedures for decision-making by the Executive Director in relation to authorisations for placing vehicles on the market, single safety certificates, and ERTMS track-side approvals’ shall read as follows:

'Article 1- Delegations of Powers

1. When taking decisions regarding the delivery of authorisations, certifications and approvals in accordance with Articles 14, 20, 21, 22 of Regulation (EU) 2016/796, taking decisions and issuing opinions in accordance with Articles 16(4) and 24(2) of Regulation (EU) 2018/545, the Executive Director shall ensure that the appropriate measures on transparency, controls, and business continuity are respected.
2. The powers of the Executive Director with respect to the decisions referred to in paragraph 1 above, including any renewal, amendment, suspension or revocation thereof and including as well acts related to appeal or arbitration proceedings before the Board(s) of Appeal (hereinafter "Decisions"), may be delegated during an absence of the Executive Director or when other exceptional circumstances so require.
3. The Decisions shall be signed on behalf of the Executive Director, in the following order, by:
 - (i) the Head of Railway Systems Department, or in his/her absence
 - (ii) the Head of Executive Office and Communication Unit Unit,
 - (iii) or in absence of both under i) and ii),
 - iii) the Head of the Planning and Approvals Delivery Unit.
4. Where a conflict of interest, declared by a person with a delegation according to paragraph 3 of this Article, is affecting a Decision to be signed, the next person in the order set out in paragraph 3 of this Article shall sign.
5. The Team Coordinator of the conformity to type team in the Planning & Approvals Delivery Unit, the Coordinator in the Planning & Approvals Delivery Unit, the Team Leader for Vehicle Authorisations and the Team Leader for Single Safety Certificates within the Planning and Approvals Delivery Unit shall each be authorised to sign on behalf of the Executive Director respectively vehicle authorisations on the basis of conformity to an authorised vehicle type and purely administrative updates of Single Safety Certificates. In their absence, such Decisions shall be signed on behalf of the Executive Director by the Team Leader for Vehicle Authorisations or in his/her absence, by the Head of the Planning and Approvals Delivery Unit or in his./her absence, by the Head of Railway Systems Department.

6. The Executive Director remains solely responsible and accountable to the Management Board for any decision adopted by any delegate in accordance with paragraphs 3 to 5 above except that in the case of a long-term absence of the Executive Director, the persons having delegation of powers under such paragraphs shall be accountable to the Management Board.'

Article 2 – Entry into force

1. The present decision shall enter into force on the date following that of its adoption. It shall be published on the Agency's website.

For the Management Board

The Chairwoman
Clio Liégeois