4. Rautatiepaketti – mikä muuttuu?

2.5.2019

Ohjelma

8.30-9.00   Aamukahvi

9.00-9.10   **Opening of the Seminar**
Railway Director Yrjö Mäkelä, Traficom

9.10-9.30   **The Implementation of the Technical Pillar of the 4th Railway Package**
Executive Director Josef Doppelbauer, European Union Agency for Railways (ERA)

9.30-9.40   **Signing of the Cooperation Agreement for ERA and Traficom**
Executive Director Josef Doppelbauer, ERA and Railway Director Yrjö Mäkelä, Traficom

9.40-10.20   **Safety certification Part 1 – SSC Legal framework and One stop shop**
Project Officer Stijn Michiels, Railway Systems Unit, ERA

10.20-11.00 Safety certification Part 2 – SMS and assessment process
Project Officer Karen Davies, Railway Systems Unit, ERA

11.00-11.15 An overview on the latest developments in the railway policy and legislation
Senior ministerial advisor Risto Saari, Ministry of Transport and Communications

11.15-11.30 Questions and answers

11.30-12.30 Lounas

12.30-12.40 Uusi sääntelykehys ja ohjeistus
Kehittämispäällikkö Kaisa Sainio, Liikenteen toimijat -toimiala, Traficom

12.40-13.10 Turvallisuustodistuksen hakeminen
Tarkastaja Antti Kesälahti, Raideliikenteen toimijat -yksikkö, Traficom

13.10-13.30 Turvallisuustodistushakemuksen arviointi
Johtava asiantuntija Kirsi Pajunen, Raideliikenteen esikunta, Traficom

13.30-13.45 Turvallisuustodistuksen hinta ja muutoksenhakumahdollisuudet
Kehityspäällikkö Kaisa Sainio, Liikenteen toimijat -toimiala, Traficom

13.45-14.15 Turvallisuustodistuksen ylläpito – turvallisuustodistuksen haltijan oikeudet vastuut ja velvollisuudet
Osastopäällikkö Heidi Niemimuukko, Organisaatiopalvelut -osasto, Traficom

14.15-14.30 Kysymyksiä ja vastauksia

14.30-14.45   Kahvi

14.45-16.15 Keskitetyn palvelupisteen (One Stop Shop) käyttöopastus esimerkein
Tarkastaja Antti Kesälahti ja tarkastaja Pia Sotavalta, Raideliikenteen toimijat -yksikkö, Traficom

The Tracks Ahead …
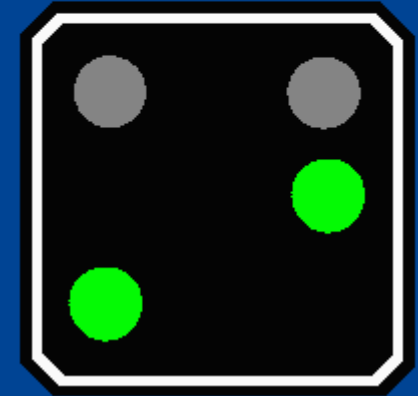
4th Railway Package Seminar, Helsinki, 2 May 2019
Josef Doppelbauer, Executive Director

EUROPEAN
UNION
AGENCY
FOR RAILWAYS

The Technical Pillar of the 4th Railway Package

Entry into Force:
15 June 2016

Key Elements of the Technical Pillar

After a **three year transition period***, the Agency will issue single **EU-wide vehicle authorisations** and **safety certificates** to train manufacturers and railway undertakings
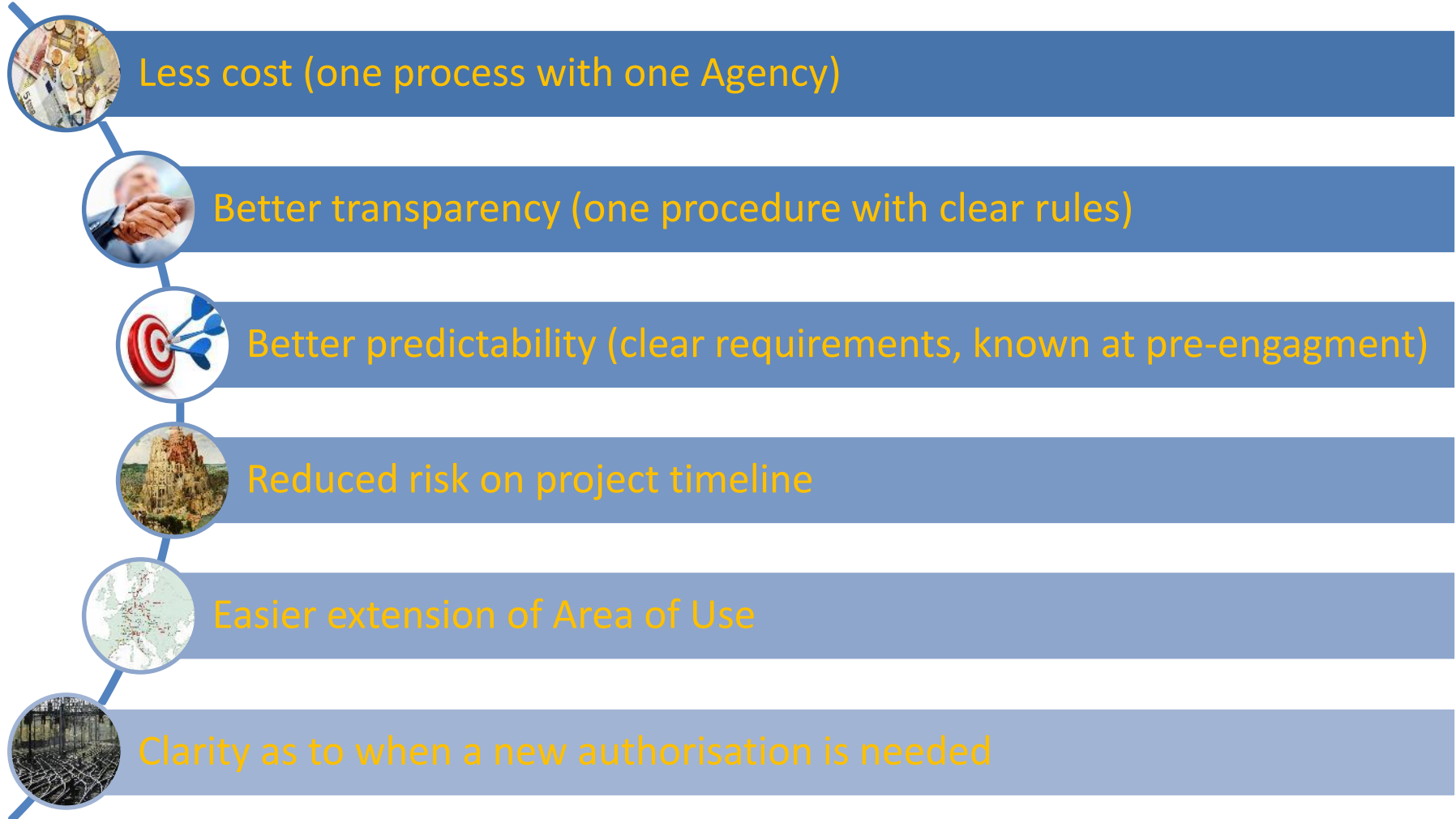
The Agency will be in a position to issue an **approval required for the NSA authorisation of ERTMS trackside projects** (a binding opinion on ERTMS trackside specifications)
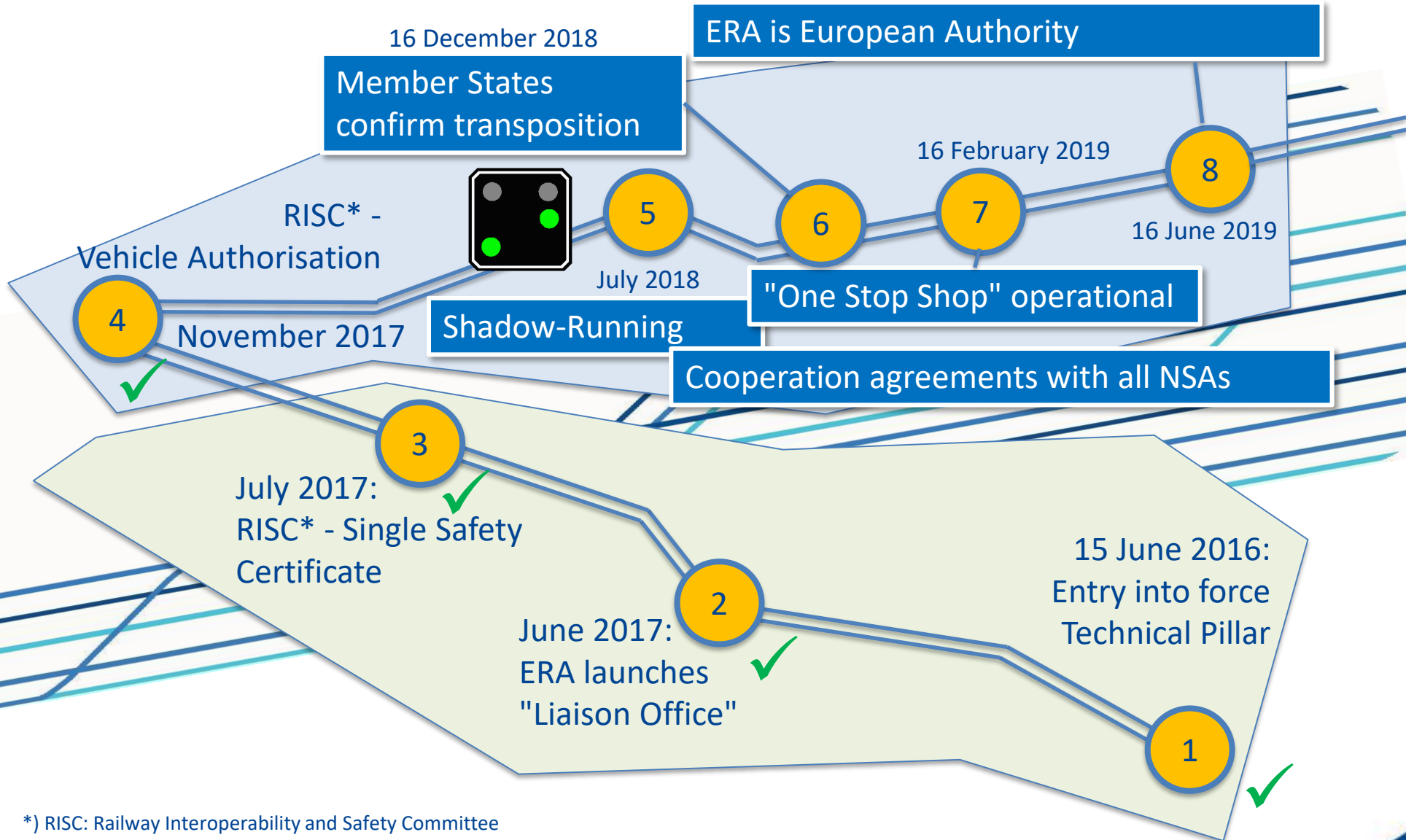
In order to support the above processes, the Agency will develop the so-called **One-Stop-Shop**

- Covering applications at the Agency, but all national applications for Safety Certification, Vehicle Authorisation, and trackside/infrastructure authorisation as well
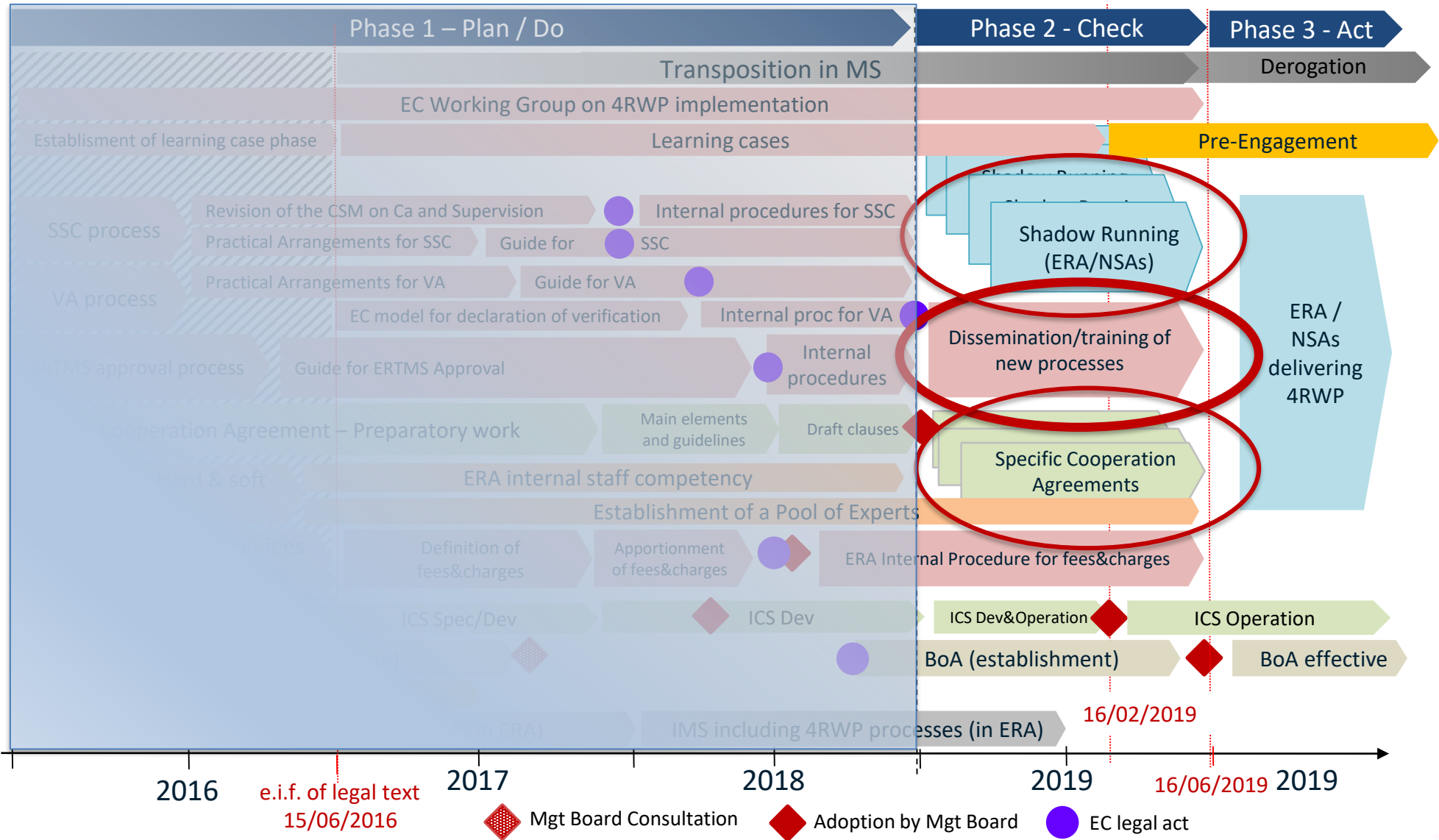
*) member states could opt for four years

Less cost (one process with one Agency)

Better transparency (one procedure with clear rules)

Better predictability (clear requirements, known at pre-engagment)

Reduced risk on project timeline

Easier extension of Area of Use

Clarity as to when a new authorisation is needed

EUROPEAN UNION AGENCY FOR RAILWAYS

ERA is European Authority

16 December 2018

Member States confirm transposition

16 February 2019

8

5

RISC* - Vehicle Authorisation

6

7

16 June 2019

July 2018

"One Stop Shop" operational

4

Shadow-Running

November 2017

Cooperation agreements with all NSAs

3

July 2017:
RISC* - Single Safety Certificate

2

15 June 2016:
Entry into force Technical Pillar

June 2017:
ERA launches "Liaison Office"

1

*) RISC: Railway Interoperability and Safety Committee

ERA Preparation Programme

Reduction of National Rules for Vehicle Authorisation
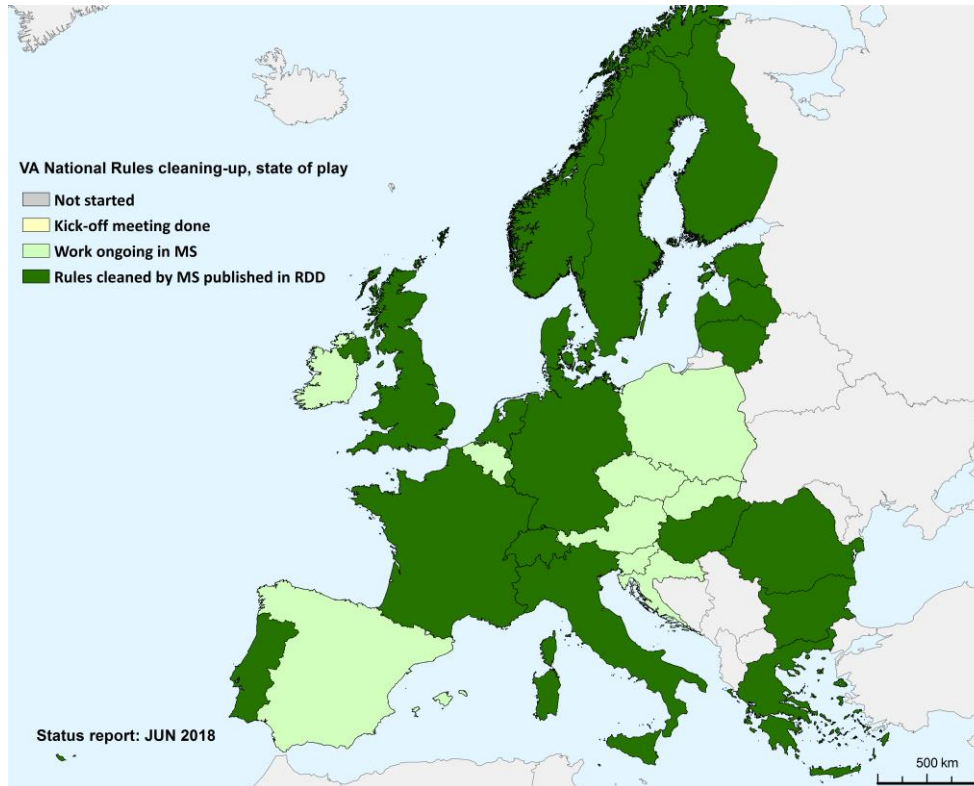
Starting point: 14.000 in 01/2016

~ 900

VA National Rules cleaning-up, state of play
- Not started
- Kick-off meeting done
- Work ongoing in MS
- Rules cleaned by MS published in RDD

Status report: JUN 2018

500 km
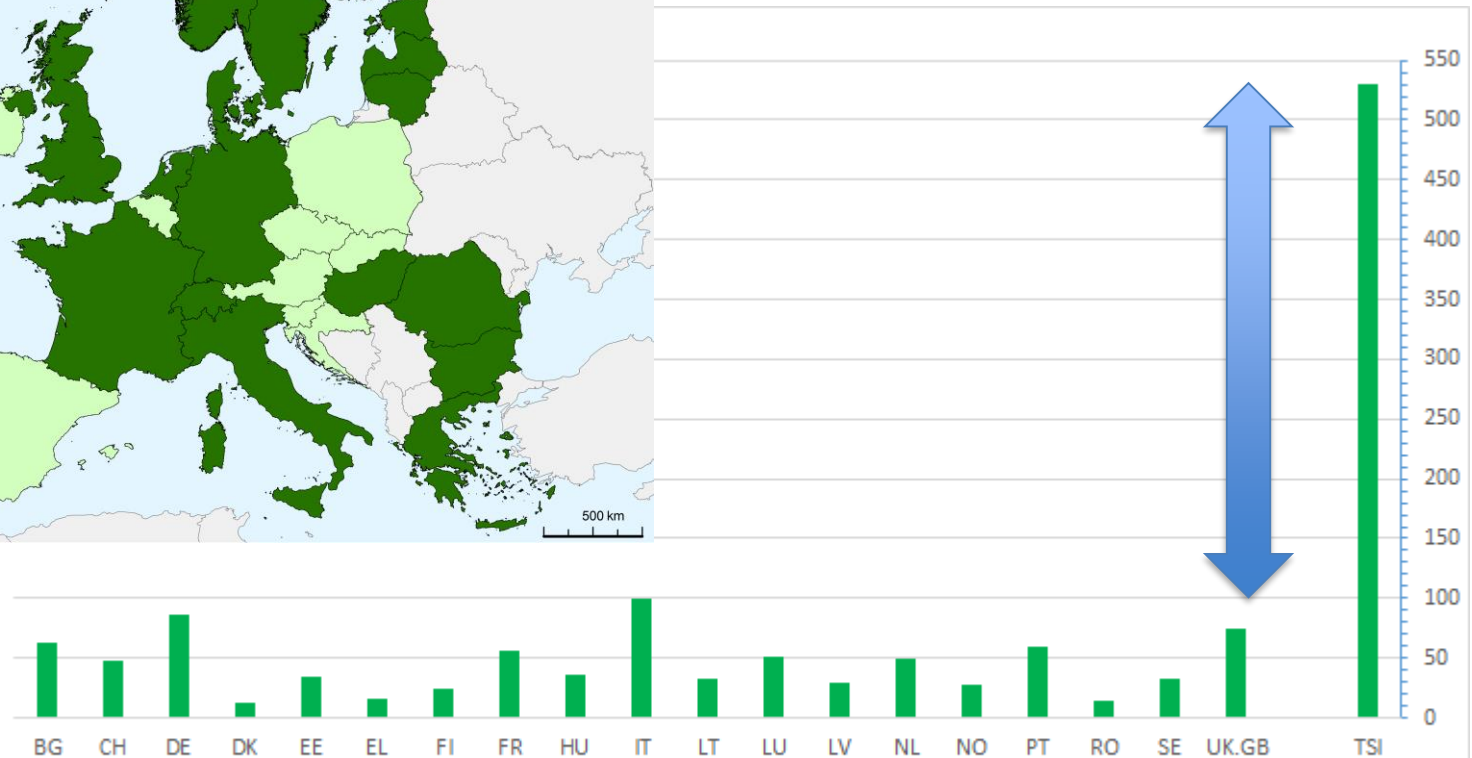
TSI requirements (right) and national rules for vehicle authorisation (for vehicles subject to TSIs) for 19 Member States

Transposition of the Technical Pillar in the Member States*

Transposition Deadline

- 16 June 2019
- 16 June 2020
- In 2 steps: 1st – 16 June 2019 for vehicle authorisation and safety certification; 2nd – 16 June 2020.
- N/A
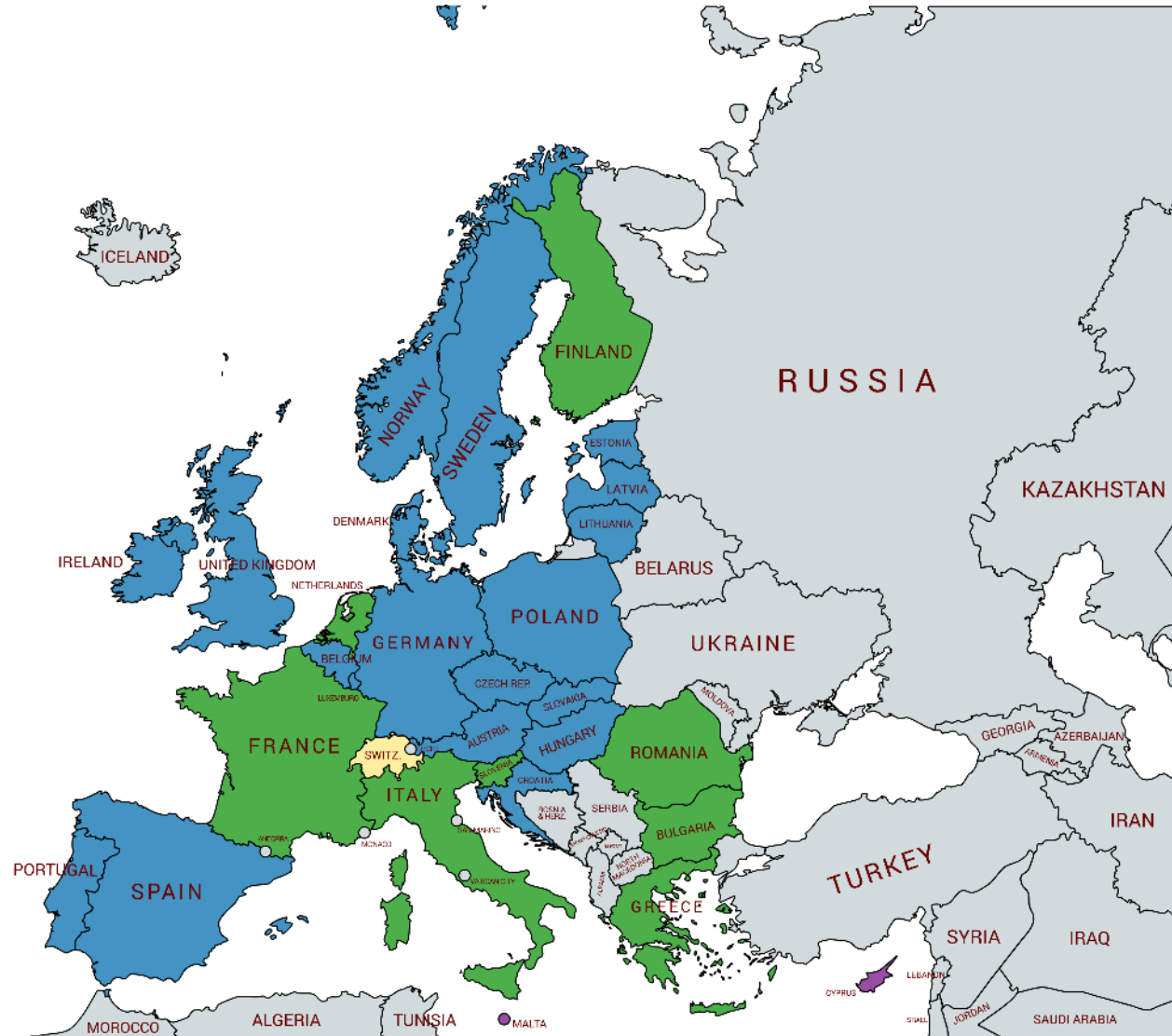
* Declaration by 16 December 2018

Vehicle Authorisation in the Fourth Railway Package

Applicant applies for APM in One-Stop-Shop (operated by ERA)

- Definiton of Area of Use for Rolling Stock
- Submission of relevant documentation

ERA/NSA issues autorisation (APM)

(or communicates negative decision)

- Within 4 months upon reception of complete documentation
- According to detailed procedure of Implementing Act

Vehicle Registration (Holder application)

On basis of SMS, railway undertaking checks:

- Route compatibility
- Integration of vehicle into train composition

APM = Authorisation for Placing on the Market (According to Article 20 of Interoperability Directive (EU) 2016/797)

⇒ No further authorisation required if vehicle remains in area of use (same conditions and restrictions apply)

Scenarios for applicants from the second half of 2019 until 16/06/2020

Area of use		Scenario	
MS 1 **06/2019** (1)	**MS 2** **06/2019**	ERA	issues VA (2016/797 & 2018/545)
MS 1 **06/2019** (2)	**MS 2** 06/2020	ERA MS 2	issues VA (2016/797 & 2018/545) issues Additional Authorisation (2008/57)
MS 1 06/2020 (3)	**MS 2** 06/2020	MS 1 (or 2) MS 2 (or 1)	First Authorisation (2008/57) Additional Authorisation (2008/57)

Scenarios for the Transition Phase/SSC

Possible constellations for applications for safety certificates for international traffic, 6/2019 to 06/2020

(1)	**MS 1** (PART A) 06/2019	**MS 2 (**PART B) 06/2019	**ERA** - Single Safety Certificate
(2)	**MS 1** (PART A) 06/2019	**MS 2** (PART B) 06/2020	**ERA** - Single Safety Certificate **MS 2** - Part B
(3)	**MS 1** (PART A) 06/2020	**MS 2** (PART B) 06/2019	**MS 1** – Part A and Part B **ERA** - SSC forMS 2 (+Δ CSM SMS old/new)
(4)	**MS 1** (PART A) 06/2020	**MS 2** (PART B) 06/2020	**MS 1** – Part A and Part B **MS 2** – Part B **ERA** - involved as of 06/2020

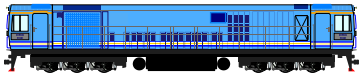| Stage 1	Preparation of the application
Stage 2	Pre-engagement
Stage 3	Conformity assessment
Stage 4	Submitting the application
Stage 5	Processing the application
Stage 6	Final documentation
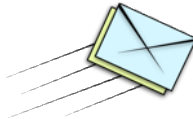
Suspension, revocation or amendment of an issued authorisation

EU HARMONISED PROCESS
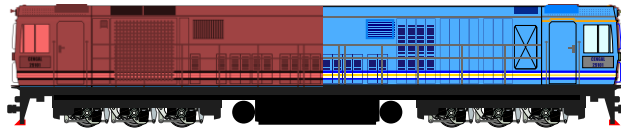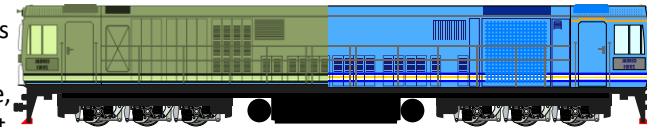
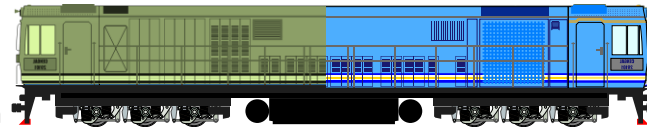**Vehicle type = concept identified in ERATV**
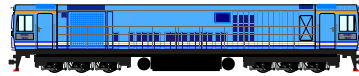
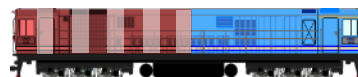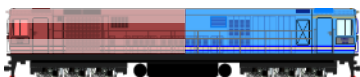| Vehicle variant A	Vehicle variant B

Vehicle 'type variant' is an option for a configuration of a type, established during first authorisation, or changes of an existing type that require a new authorisation
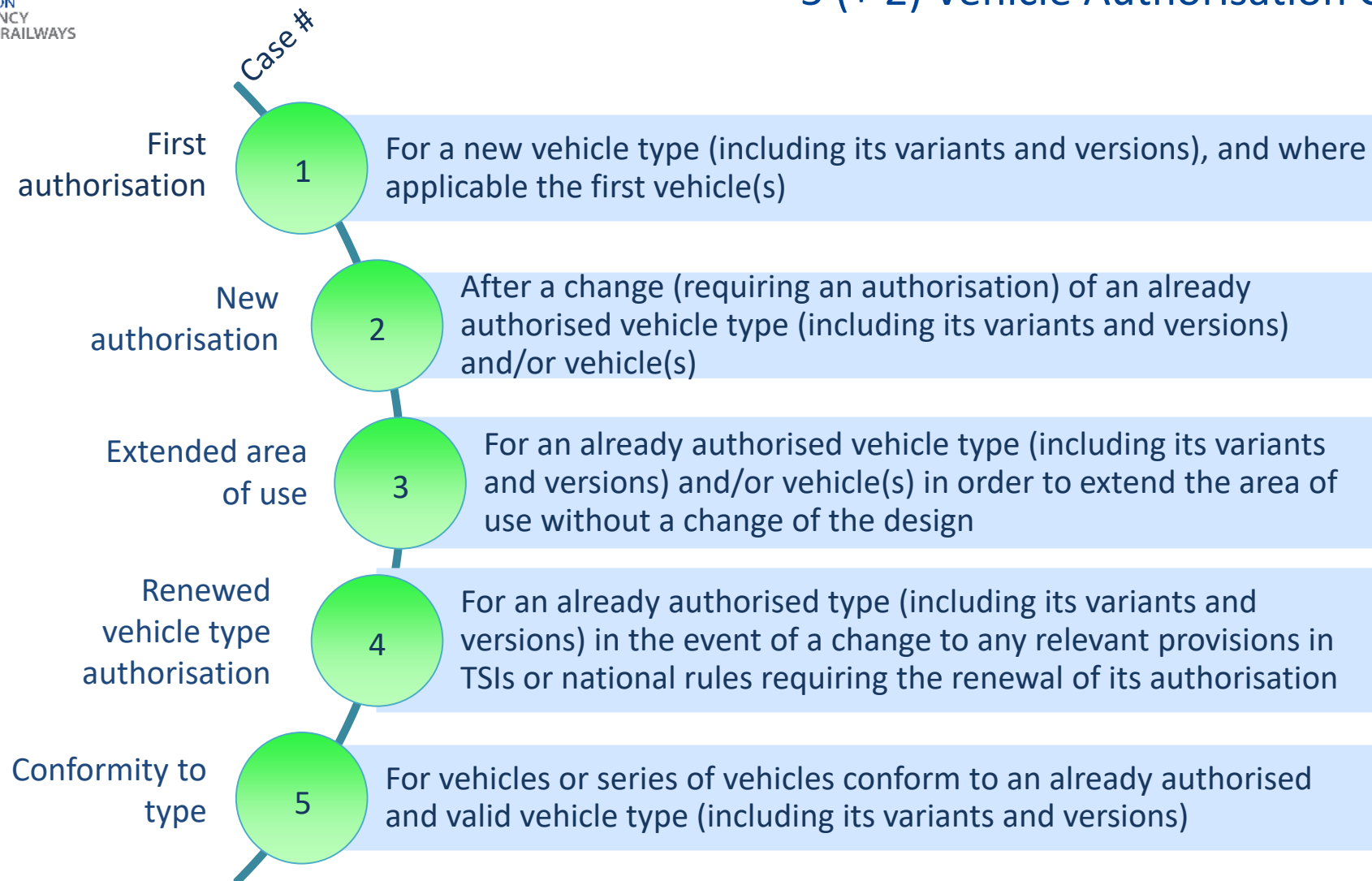
Vehicle variant A version 1	Vehicle variant A version 2

Vehicle 'type version' is an option for the configuration of a type, following changes in the basic design characteristics that do not require a new authorisation

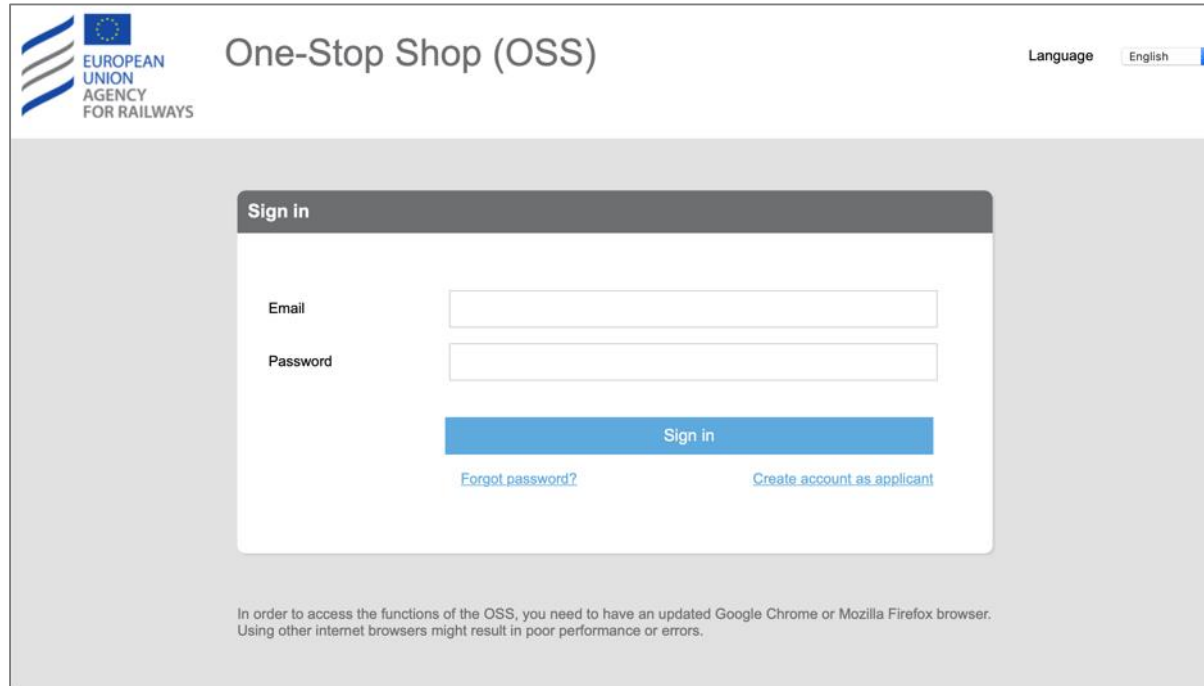All the vehicles conform to the same type

5 (+ 2) Vehicle Authorisation Cases

Case #

First authorisation

1 — For a new vehicle type (including its variants and versions), and where applicable the first vehicle(s)

New authorisation

2 — After a change (requiring an authorisation) of an already authorised vehicle type (including its variants and versions) and/or vehicle(s)

Extended area of use

3 — For an already authorised vehicle type (including its variants and versions) and/or vehicle(s) in order to extend the area of use without a change of the design

Renewed vehicle type authorisation

4 — For an already authorised type (including its variants and versions) in the event of a change to any relevant provisions in TSIs or national rules requiring the renewal of its authorisation

Conformity to type

5 — For vehicles or series of vehicles conform to an already authorised and valid vehicle type (including its variants and versions)

Or combinations:
6. 'First authorisation + Conformity to type', or
7. 'New authorisation + Extension of area of use'

The one-stop-shop (OSS) is the IT system designed, developed and managed by the Agency through which all applications for single safety certificates, vehicle authorisations and vehicle type authorisations shall be submitted either to the relevant National Safety Authority or to the Agency.

Fees and Charges payable to the Agency are ruled by the Regulation (EU) 2018/764

- The fees and charges should be equal or lower than the current average
- For applications submitted to the NSAs their national charging principles apply
- For applications submitted to the Agency, principles set by the regulation on fees and charges payable to the EU Agency for Railways apply
  - The fee should consist of the fee for the assessment made by the Agency and the fee for the assessment made by the relevant NSAs;
  - The part of the fee for the Agency assessment shall be based on hourly rate and the one for the NSA assessment shall be based on national principles
  - The hourly rate for ERA is 130 €
- Upon request of the applicant the Agency together with relevant NSA shall issue a non-binding estimate of the amount of fees and charges to be paid
- The Agency together with relevant NSAs shall monitor their costs and inform the applicant when the cost risks exceeding the estimate by more than 15%
- Payment of fees and charges shall be denominated in Euro
- The invoice shall be issued through the one-stop-shop

The functioning of the Board of Appeal is regulated by Regulation (EU) 2018/867

- Key elements
  - The Board of Appeal is the arena of last resort
  - Appeals against decisions made by the Agency should be rare
  - This is because they will only be used where the Agency declines to issue or restricts a Single Safety Certificate giving its reasons for doing so and the applicant wishes to appeal this decision
- In practice use of the Board of Appeal would mean that all other attempts to resolve the matter through the assessment process have failed to reach a satisfactory resolution.
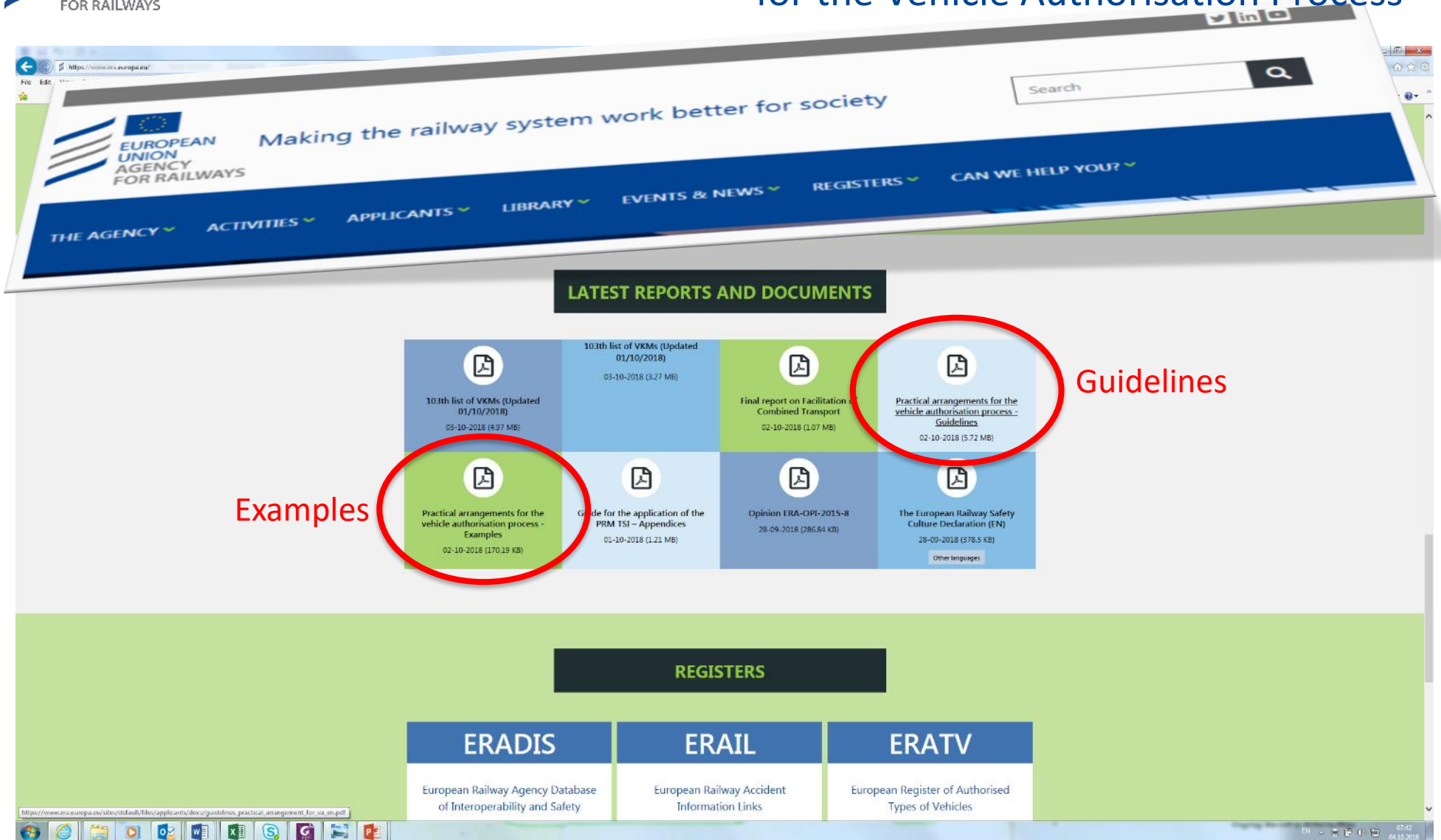
DIRECTIVE (EU) 2016/797
on the interoperability of the
rail system within the European Union

Article 23

Checks before the use of authorised vehicles

1. Before a railway undertaking uses a vehicle in the area of use specified in its authorisation for placing on the market, it shall check:

(a) that the vehicle has been authorised for placing on the market in accordance with Article 21 and is duly registered;

(b) that the vehicle is compatible with the route on the basis of the infrastructure register, the relevant TSIs or any relevant information to be provided by the infrastructure manager free of charge and within a reasonable period of time, where such a register does not exist or is incomplete; and

(c) that the vehicle is properly integrated in the composition of the train where it is intended to operate, taking into account the safety management system set out in Article 9 of Directive (EU) 2016/798 and the TSI on operation and traffic management.

2. For the purposes of paragraph 1, the railway undertaking may carry out tests in cooperation with the infrastructure manager.

The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests take place within three months of receipt of the applicant's request.

Guidelines for the Practical Arrangements for the Vehicle Authorisation Process*

Guidelines

Examples

* to be found on era.europa.eu

Questions?

Making the railway system work better for society.

Follow us on ![Twitter] ERA_railways

Discover our job opportunities on **era.europa.eu**

ISO 9001:2015
BUREAU VERITAS
Certification

Directives

2016/797 - Interoperability directive
2016/798 - Safety directive

Regulations

2016/796 - Agency regulation
2018/545 - Practical arrangements for the VA process
402/2013 - CSM for risk evaluation and assessment
250/2019 - EC declaration of verification
Draft - Classification of National Rules (2nd half 2019)

Guidance

ERA-PRG-005/02_361 - Practical arrangements - VA process
ERA-PRG-005/02_374 - Catalogue of examples

Agreements

Cooperation agreements between the Agency and the NSA

The Regulation 2018/545 defines 4 categories of changes:

- Art 15(1)(a): the change does not introduce a deviation in the technical files accompanying the EC declaration(s) of verification

  no changes in the design

- Art 15(1)(b): change that introduces a deviation in the technical files but does not impact basic design characteristics nor triggers article 21(12) of Directive (EU) 2016/797:

  change in the design that does not require a new authorisation

- Art 15(1)(c): change that impacts basic design characteristics but does not trigger article 21(12) of Directive (EU) 2016/797 and does not require a new authorisation

  change that needs to be reflected in ERATV, no need for a new authorisation

- Art 15(1)(d): change that triggers article 21(12) and requires a new authorisation

  change in the design that requires a new authorisation

The entity managing the change does not have to be the holder of the vehicle type authorisation, hereafter the possible scenarios:

– **The holder** of the vehicle type authorisation is the entity managing the change :

  – Change according to 15(1)(a) or (b)   *no new authorisation*

  – Change according to 15(1)(c)   *no new authorisation (version)*

  – Change according to 15(1)(d)   *new authorisation (variant <u>or</u> type)*

– If the entity managing the change **it is not the holder** of the vehicle type authorisation :

  – Changes according to 15(1)(b),(c) or (d)   *new authorisation (type)*

– Only the elements of the design that are changed and their interfaces with the unmodified parts need to be assessed

Presentation on SSC in the framework of the 4th RP

Karen DAVIES, Stijn MICHIELS
Helsinki, 2 May 2019

- What is new?
- EU legal framework
- Transition period
- How to apply for a single safety certificate?
- Outline of the safety assessment process
- Update and renewal of the certificate

What is new?

June 2019

Area of operation in more than one Member State or in one Member State if the applicant so requests

One-stop shop

OR

NSA

Area of operation limited to one Member State if the applicant so requests

Single safety certificate

Before	After
Safety certificate part A issued by the relevant NSA	Single safety certificate issued by a safety certification body: either the NSA or the Agency
One or more safety certificates part B issued by the relevant NSAs	
Applications managed in accordance with national arrangements	All applications managed through the one-stop shop IT tool in accordance with arrangements set out in EU law
Assessment process defined by each NSA in accordance with its own rules	Harmonised assessment process set out in EU law
Assessment based on EU criteria (to be applied by NSAs) and national rules	Homogeneous safety management system requirements (aligned with ISO management system standards, to be applied by both the authorities and the applicants) and cleaning up of national rules
No obligation from authorities to pre-engage with the applicant	Authorities must pre-engage on request of the applicant

EU legal framework

Directive

2016/798 – Railway Safety Directive

Regulations

2018/762 – Common safety methods on safety management system requirements

2018/763 – Practical arrangements for issuing single safety certificates to railway undertakings

2015/995 – Technical specification for interoperability relating to the 'operation and traffic management' subsystem

2019/xxx – Technical specification for interoperability relating to the 'operation and traffic management' subsystem

402/2013 – Common safety method for risk evaluation and assessment

1078/2012 – Common safety method for monitoring

2018/761 – Common safety method for supervision

eur-lex.europa.eu

Directives

2016/797 – Interoperability Directive

2007/59 – Train Drivers Directive

Regulations

445/2011 – Certification of entities in charge of maintenance

2016/796 – Agency (ERA) Regulation

2018/764 – Fees and charges payable to the Agency (ERA) and their conditions of payment

2018/867 – Rules of procedure of the Board(s) of Appeal of the Agency (ERA)

Regulation concerning the International Carriage of Dangerous Goods by Rail (RID)

Technical specifications for interoperability relating to the structural subsystems (ETCS, wagons, etc.)

eur-lex.europa.eu

- New set of guidance to support the implementation of the new EU safety regulatory framework

- ERA website

ERA > Applicants > Applications for single safety certificates

ERA > Activities > Common Safety Methods

⬆ **Common Safety Methods on safety management system requirements**

⬆ **Common Safety Methods on supervision**

ERA > Can we help you? > FAQ

era.europa.eu

Transition period

- As of 16 of June 2019, ERA is responsible for issuing single safety certificates **when the area of operation entails at least one Member State** that has transposed Directive (EU) 2016/798 by that date

- The national safety authorities of the Member States that postponed the transposition of the new legal framework by one year continue to issue safety certificates in accordance with Directive 2004/49/EC until 16 June 2020

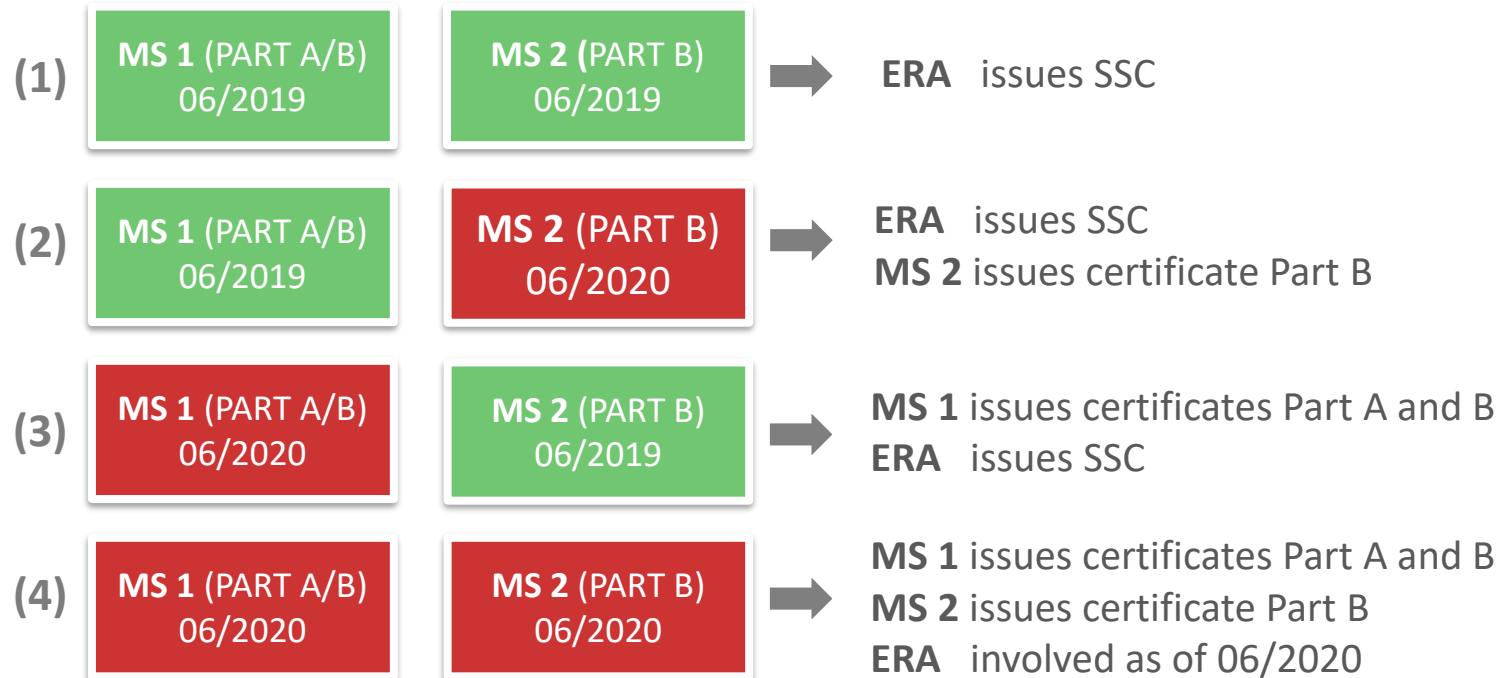**Transposition by 16/06/2019**   **Transposition by 16/06/2020**
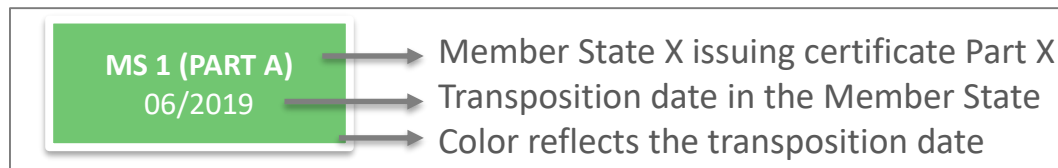
■ (green) 16/06/2019
■ (red) 16/06/2020

- Safety Directive allowed Member States to chose one of the two possible transposition dates

- Notification of chosen dates was to be done by 16/12/18

- Single safety certificate to be issued when any part of the certificate (A or B) expires in the Member State that transposed Directive (EU) 2016/798 in 2019

- During that period some of the railway undertakings need to follow two different regimes at the same time
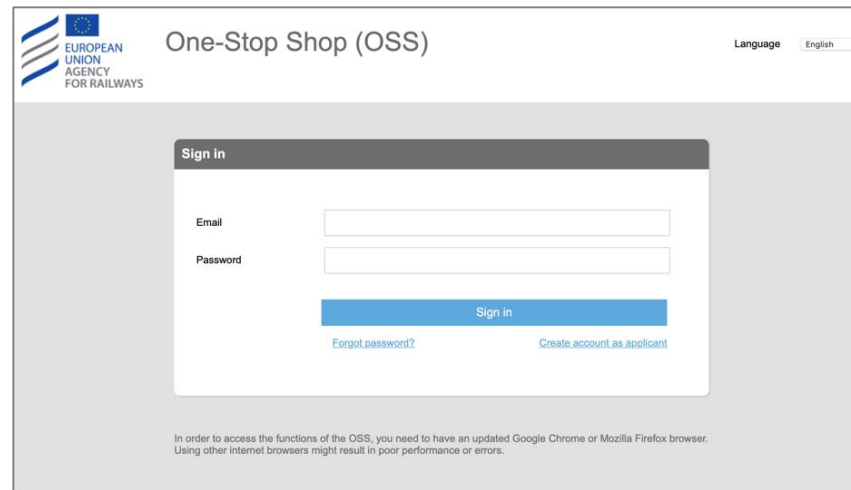
Transitional period

(1)

| MS 1 (PART A/B) 06/2019 | MS 2 (PART B) 06/2019 | → | **ERA** issues SSC |

(2)

| MS 1 (PART A/B) 06/2019 | MS 2 (PART B) 06/2020 | → | **ERA** issues SSC
MS 2 issues certificate Part B |

(3)

| MS 1 (PART A/B) 06/2020 | MS 2 (PART B) 06/2019 | → | **MS 1** issues certificates Part A and B
ERA issues SSC |

(4)

| MS 1 (PART A/B) 06/2020 | MS 2 (PART B) 06/2020 | → | **MS 1** issues certificates Part A and B
MS 2 issues certificate Part B
ERA involved as of 06/2020 |

EXPLANATION:

| MS 1 (PART A) 06/2019 | → Member State X issuing certificate Part X
→ Transposition date in the Member State
→ Color reflects the transposition date |

How to apply?

- Railway undertakings submit any application for a single safety certificate through the **one-stop shop** IT tool, available from the Agency website or by using the following URL: https://oss.era.europa.eu/logon.html
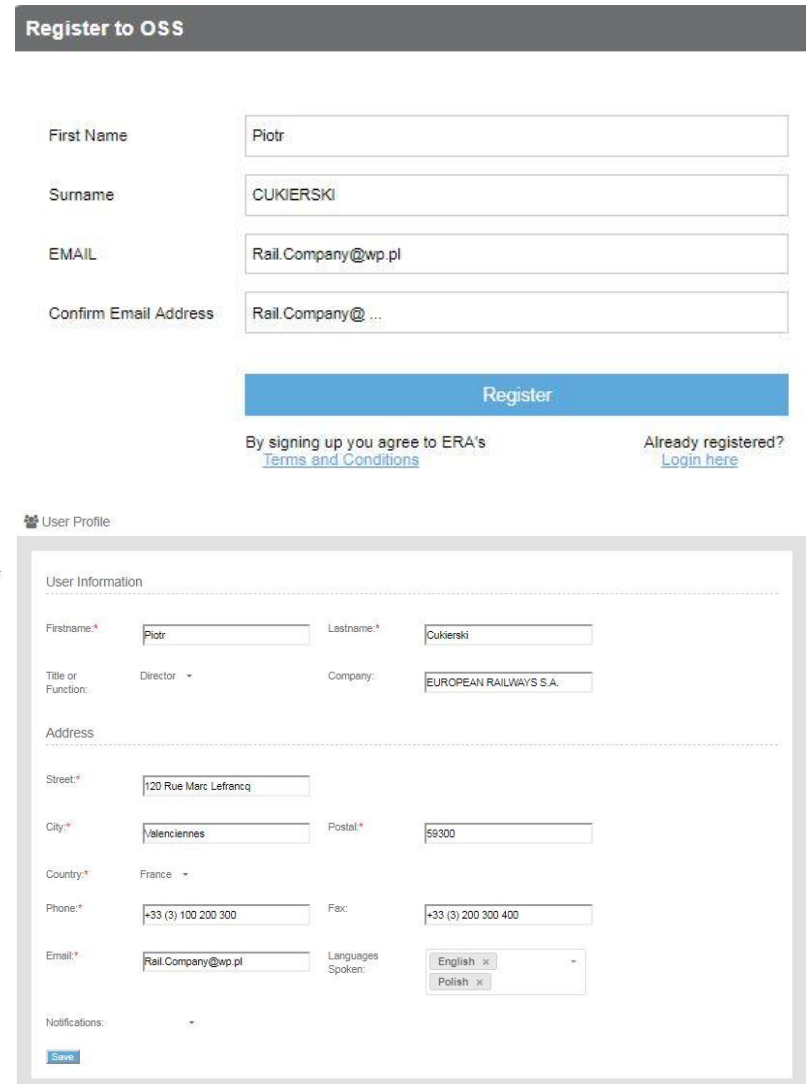

- It is recommended that an application for a single safety certificate is submitted in advance to any possible deadline (at least 6 months)

1. Register yourself

2. Log in to the OSS

3. Complete user profile

4. Registered user:

   → Can draft application in the OSS

   → Can submit application in the OSS

   → Can share application with other user

   → Is automatically a contact person

You have to decide internally how to manage the access rights in your organisation

Submit your application in seven steps:

1
- Fill in the application form

2
- Upload evidence for compliance with the SMS requirements
- Cross reference the evidence with the SMS / TSI OPE requirements

3
- Upload evidence for compliance with the national rules
- Cross reference evidence with the national rules

4
- Upload additional documents (e.g. financial)

5
- Review + sign + submit your application
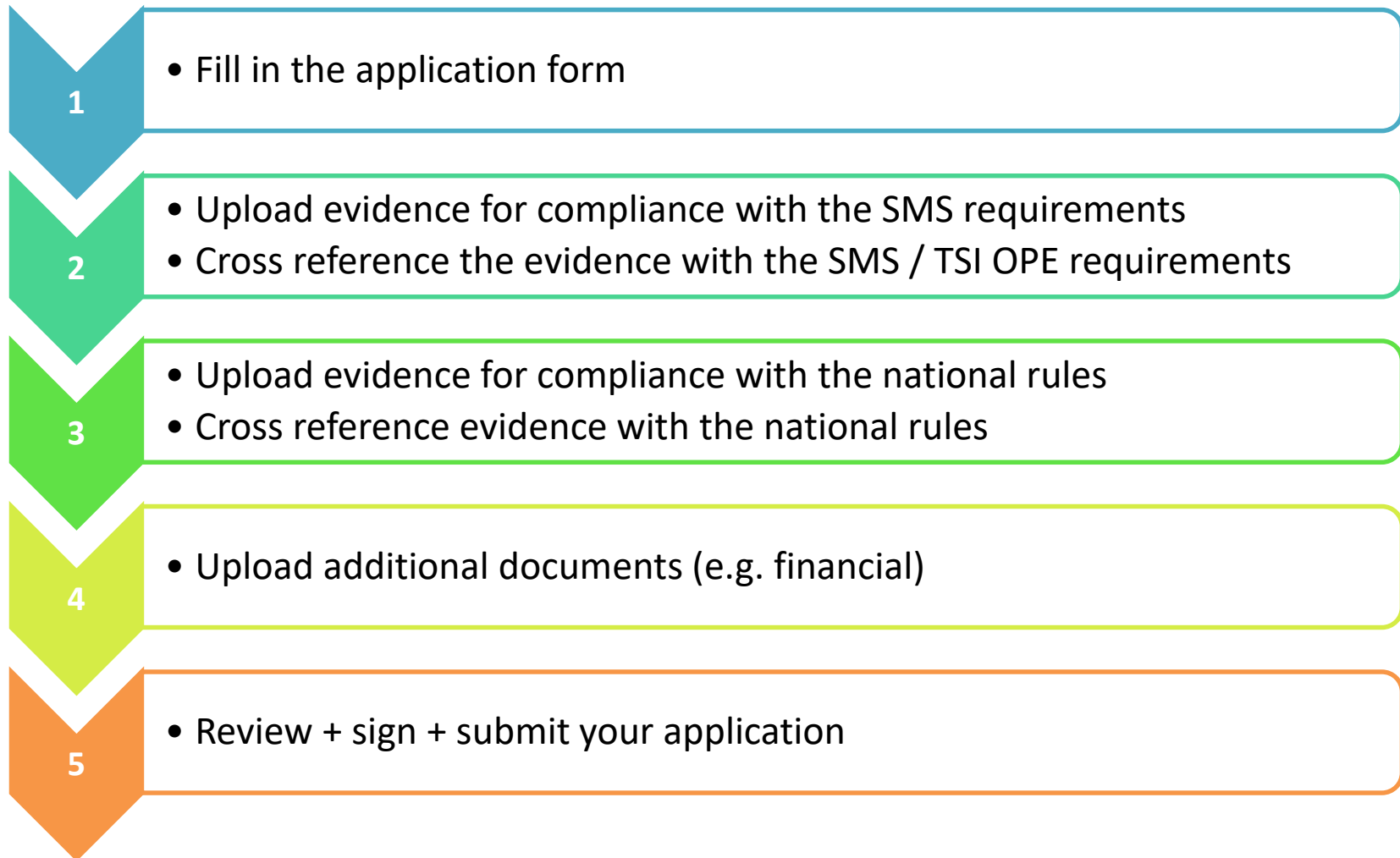
Fill in the application form:

- type of request
- area of operation
- type of operation
- networks concerned
- border stations (if any)
- information on the applicant
- information on the contact person

This is covered by the Annex I to Practical Arrangements
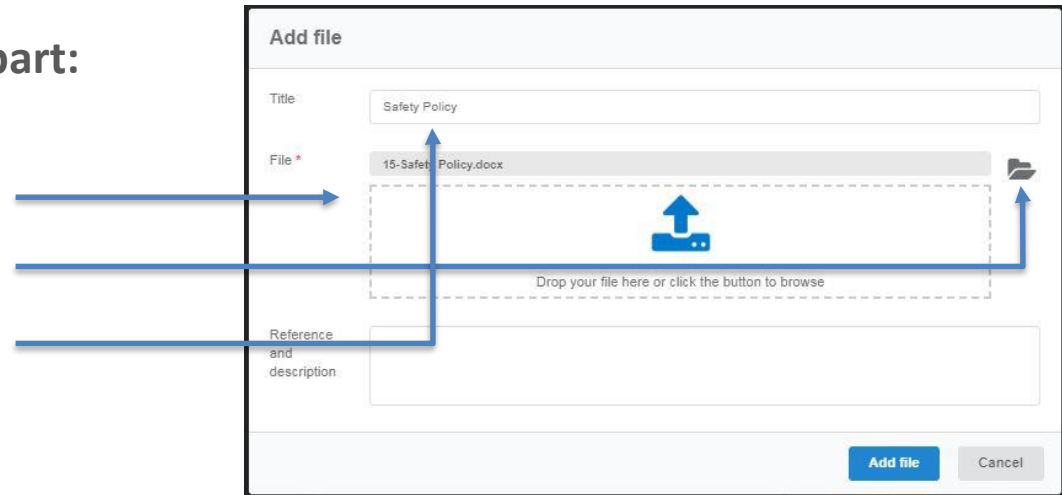
Upload your evidence for the SMS part:
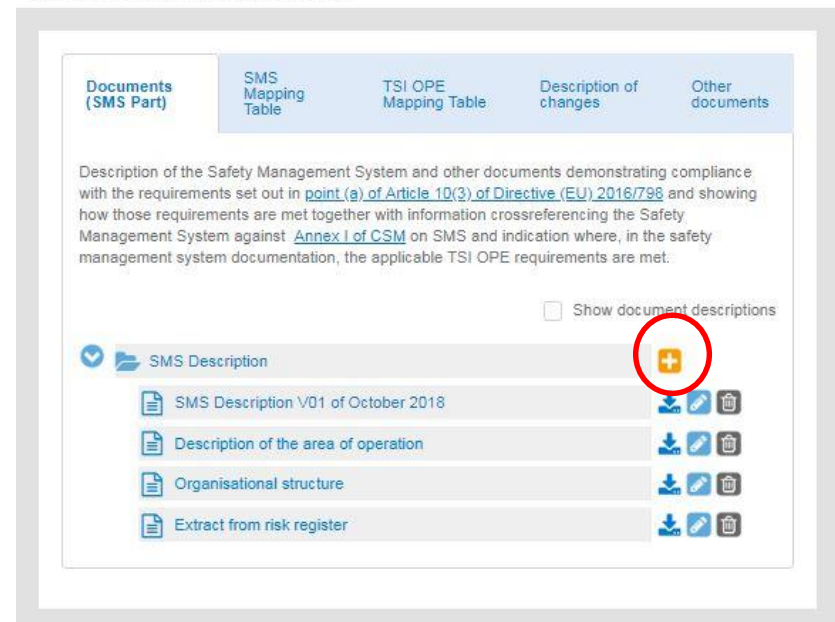
- use drag and drop function
- or upload from your folders
- provide clear titles

You decide how to structure your evidence but clear structure and not too extensive documents facilitate assessment

Add file

Title	Safety Policy
File *	15-Safety Policy.docx

Drop your file here or click the button to browse

Reference and description

Add file   Cancel

Documentary evidence **SMS part**

| Documents (SMS Part) | SMS Mapping Table | TSI OPE Mapping Table | Description of changes | Other documents |

Description of the Safety Management System and other documents demonstrating compliance with the requirements set out in point (a) of Article 10(3) of Directive (EU) 2016/798 and showing how those requirements are met together with information crossreferencing the Safety Management System against Annex I of CSM on SMS and indication where, in the safety management system documentation, the applicable TSI OPE requirements are met.

☐ Show document descriptions

SMS Description

SMS Description V01 of October 2018

Description of the area of operation

Organisational structure

Extract from risk register

Cross reference you evidence with relevant requirements:

SMS Requirements

- SMS Requirement
- Your evidence
- Description

TSI OPE Requirements

- Under development

Upload evidence for the national parts:
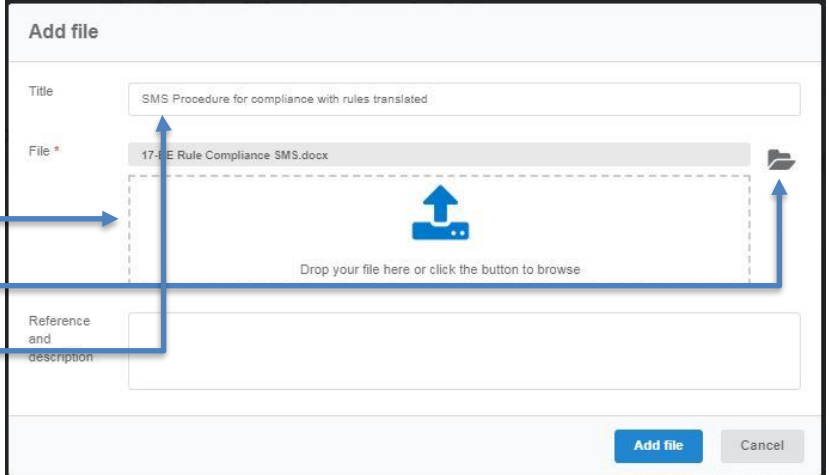
National requirements

- use drag and drop function
- or upload from your folders
- provide clear titles
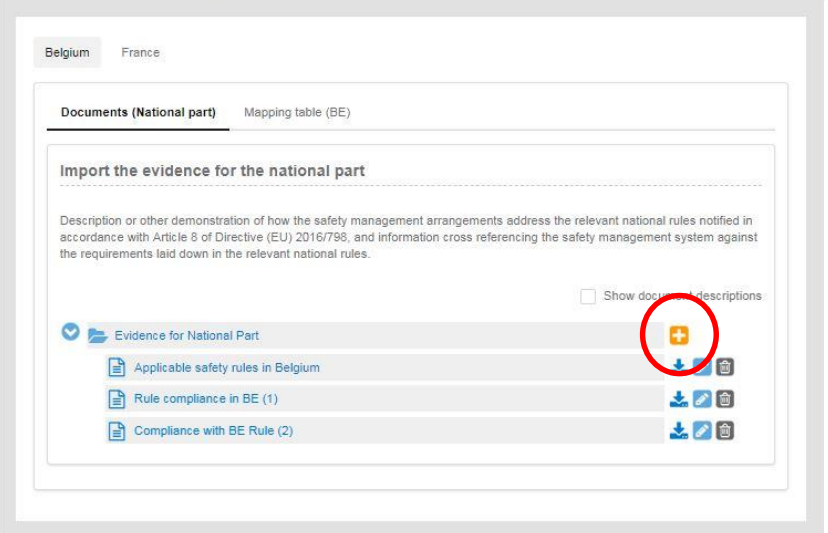
Check National Application Guides to find out the list of applicable rules

Upload information separately for each of the areas of operation

Add file

Title — SMS Procedure for compliance with rules translated

File * — 17-BE Rule Compliance SMS.docx

Drop your file here or click the button to browse

Reference and description

Add file   Cancel

Documentary evidence: **National part**

Belgium   France

Documents (National part)   Mapping table (BE)

Import the evidence for the national part

Description or other demonstration of how the safety management arrangements address the relevant national rules notified in accordance with Article 8 of Directive (EU) 2016/798, and information cross referencing the safety management system against the requirements laid down in the relevant national rules.

Show document descriptions

Evidence for National Part

Applicable safety rules in Belgium

Rule compliance in BE (1)

Compliance with BE Rule (2)

Cross reference your evidence with the national requirements

Option 1:

- Build your own mapping table

- Complete the table providing:

  - Requirements captured in guides

  - The evidence you have uploaded

  - Reference and description

Option 2:

- Complete the table in paper

- Upload it as a file

Upload additional documents:

- Legal Entity Form (LEF)

- Any other document

Do not upload here any evidence for SMS or national parts. It's only for administrative and financial documents
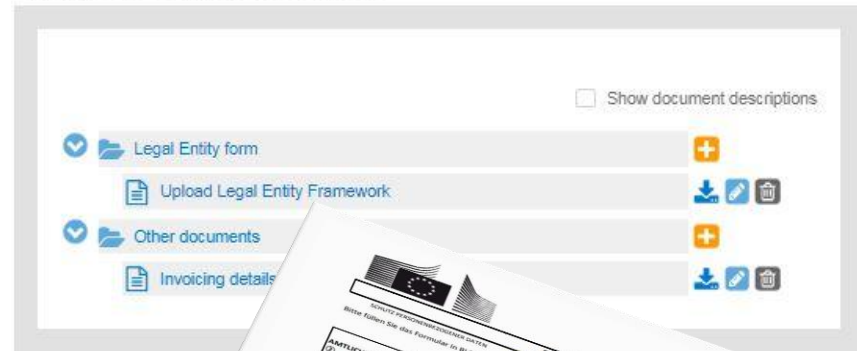
Review + sign + submit:

- Check quality of data

- Check completeness of file

- Check uploaded documents

- and

- Submit your application

**You will be automatically notified about receipt of your application and about the starting date of the assessment
Submitted file will be frozen and you will be able to update it only in reply to issue logged in by the assessors**

Safety certification body

Agency

- Any official language of the EU (SMS)
- The language set out by the NSA of the intended area of operation (national rules)

NSA

- Language accepted by the NSA (as indicated in their Guide)

The safety assessment process

Advantages	Disadvantages
Facilitating early contact	
Developing the relationship between assessors and applicant	Long-time perspective
Gaining familiarity with applicant's SMS level of maturity	
Mitigating the embryonal risks of delays in issuing the SSC	Extra and constant commitment by the applicant
One-stop shop used to submit the request, info can be re-used for later submission	
Not mandatory, but highly recommended	Subject to charges

! The applicant chooses a safety certification body when requesting pre-engagement but this can be changed at later stage

Aim:

- To check that the documents submitted by the applicant (i.e. the evidence) are sufficient, relevant and consistent

- If not, the safety certification body (and the NSA(s) concerned with the area of operation) may request for additional information

- The timeframe for the provision of missing information is agreed with the applicant

- The request is managed through the issue log of the one-stop shop

Aim:

- To check that the evidence complies with the legal requirements (both EU and national)

- If not, the authority or authorities concerned with the area of operation may request for additional information

- The timeframe for the provision of missing information is agreed with the applicant

- The request is managed through the issue log of the one-stop shop

- An assessment report is issued by the authority or authorities concerned; If the Agency is the safety certification body, it aggregates the different reports to produce a final assessment report available in the language of the applicant

Aim:

- To notify the applicant of the safety certification body's decision

- Negative decision means:
  - Rejection of the application
  - Inclusion of restrictions/conditions of use

- Negative decision can be subject to review, appeal and actions before the Court of Justice (EU/national)

- The exchange of information between the applicant, the Agency and the NSA(s) concerned with the area of operation is managed through the one-stop stop or via other communication channels (phone, videoconferencing, email etc.)

- A project manager is responsible for the coordination of the assessment. S/he is the point of contact for the applicant and the NSA(s) concerned

- Assessors may raise issues during the initial screen and detailed assessment stages

- Issues are recorded and categorised in the issue log of the one-stop shop

- The applicant provides the requested information through the issue log

Type 4
Major non-compliance

Type 3
Minor non-compliance or residual concern

Type 2
Observation or remark

Type 1
Query
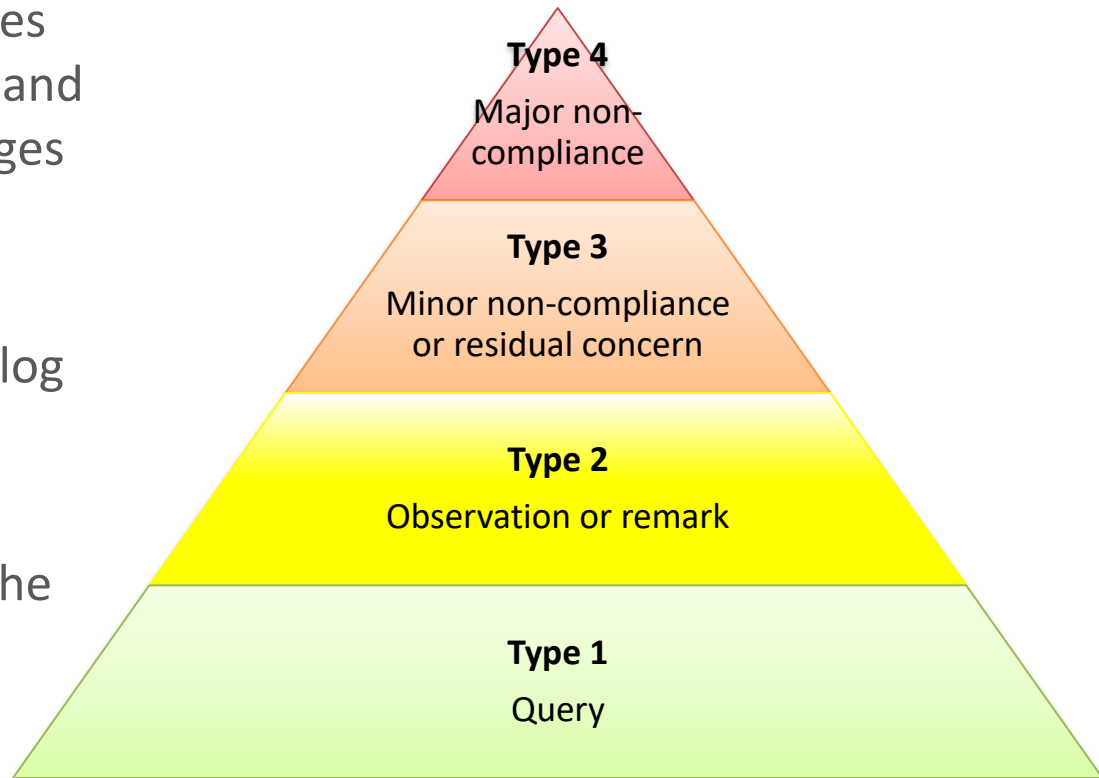
- The authorities involved in the safety assessment may conduct audits, inspections or visits on the site of the applicant

Aim:

- To collect additional evidence and to ascertain the applicant's awareness on some areas of concern

- These activities do neither replace nor duplicate the supervision carried out by the NSA

Update and renewal of a single safety certificate

- **Update** in case of:
  - substantial change to the type or extent of the operation, or
  - extension of the area of operation, or
  - substantial change to the legal framework if the Agency or the NSA so requires

The railway undertaking is responsible for engaging with the safety certification body when it plans a change to the conditions under which the single safety certificate was issued. Changes can be of technical, operational or organisational nature.

- **Renewal** at the expiry of the certificate

- Changing the type of operation means adding or removing:
  - Passenger transport (including high speed services)
  - Freight transport (including dangerous good services)
  - Shunting services

- Changing the extent of operation means increasing or decreasing:
  - The number of passengers and/or volume of goods
  - The estimated size (micro, small, medium sized, large) of the company in terms of employees

- A SSC may be restricted or revoked by the safety certification body that has issued it

- Such a restriction or revocation happens when the safety certification body is notified by a NSA that, following its supervision activities, the holder of the certificate no longer satisfies the conditions under which it has been certified

- If the NSA identifies a serious safety risk it may decide to take proportionate enforcement action, including where necessary suspending the rail operations
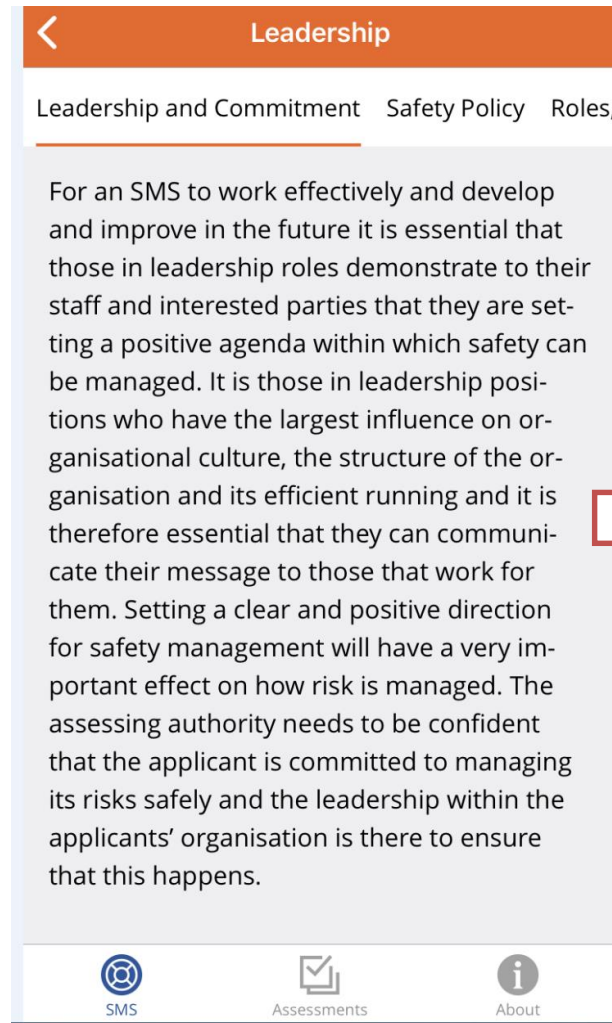
Safety management systems

- The **safety management system (SMS)** is a living system of linked processes and procedures, which control **risk** to ensure the safe management of rail operations

- **Risk** means the frequency of occurrence of accidents and incidents resulting in harm (caused by a hazard) and the degree of severity of that harm (*Regulation (EU) 402/2013, Art. 3(1)*)

ERA SMS wheel/Mobile App

Safety Management System

Planning

Safety Policy

Roles, Responsibilities ...

Leadership and Commitment

Leadership

Consultation of staff and ...

Safety Culture

SMS   Assessments   About
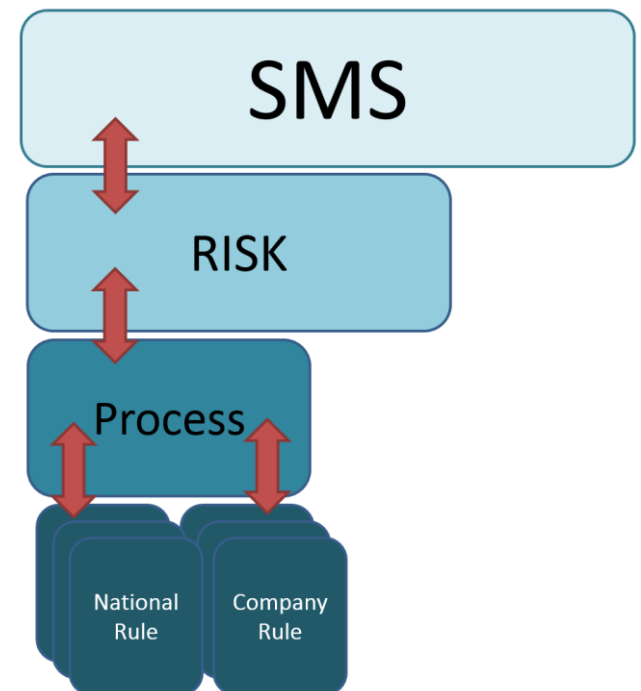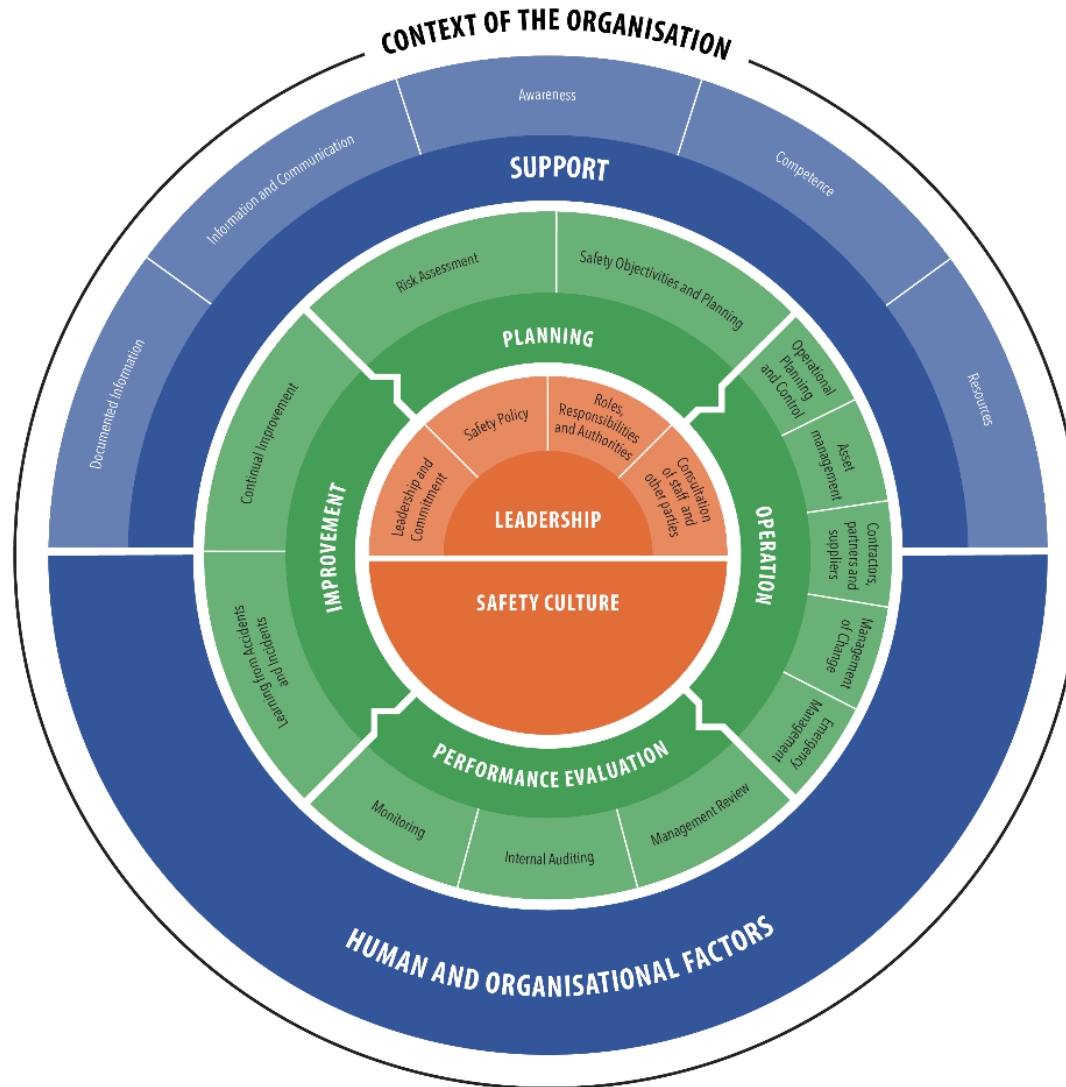
Leadership

Leadership and Commitment   Safety Policy   Roles,

For an SMS to work effectively and develop and improve in the future it is essential that those in leadership roles demonstrate to their staff and interested parties that they are setting a positive agenda within which safety can be managed. It is those in leadership positions who have the largest influence on organisational culture, the structure of the organisation and its efficient running and it is therefore essential that they can communicate their message to those that work for them. Setting a clear and positive direction for safety management will have a very important effect on how risk is managed. The assessing authority needs to be confident that the applicant is committed to managing its risks safely and the leadership within the applicants' organisation is there to ensure that this happens.

SMS   Assessments   About

Demonstration of commitment

Communication

Safety culture

Risk management and responsibility

SMS application – safety culture

MANAGE MAJOR RAILWAY RISKS WITH ANTICIPATION AND RESILIENCE

F1.1
Individuals at all levels and positions are aware of major railway risks and understand their personal contribution.

F1.2
Individuals at all levels and positions are aware that complex technologies and systems can fail in unpredictable ways.

F1.3
The capability to operate safely under unexpected situations, which relies on the competence and flexibility of frontline operators and managers, is recognised and developed.

F1

UNDERSTAND WORKPLACE REALITY

F2.1
Any design and change of equipment, tasks, working conditions and organisational arrangements takes into account human characteristics and limitations.

F2.2
Normal and abnormal deviations from anticipated performance are recognised, reported and analysed. Human and organisational factors, including frontline experience, are systematically considered. Results are used to define and adapt those conditions that allow work to succeed safely.

F2.3
Measures to mitigate organisational blindness and organisational silence are implemented.

F2

CULTIVATE A CONTINUOUS LEARNING ENVIRONMENT

F3.1
Safety is learning driven. Individuals at all levels and positions avoid complacency, challenge assumptions and support organisational learning.

F3.2
Appropriate relationships within and across organisational boundaries are nurtured to operate safely.

F3.3
Any deviation from a rule or procedure is considered as an opportunity to understand how working conditions influence actual individual activities and to improve safety processes.

F3

INTEGRATE SAFETY INTO BUSINESS AT ALL LEVELS

F4.1
Individuals at all levels and positions are convinced that safety and operations go hand in hand. They demonstrate their commitment to safety through their behaviours and decisions.

F4.2
Safety is a primary consideration in the allocation of resources.
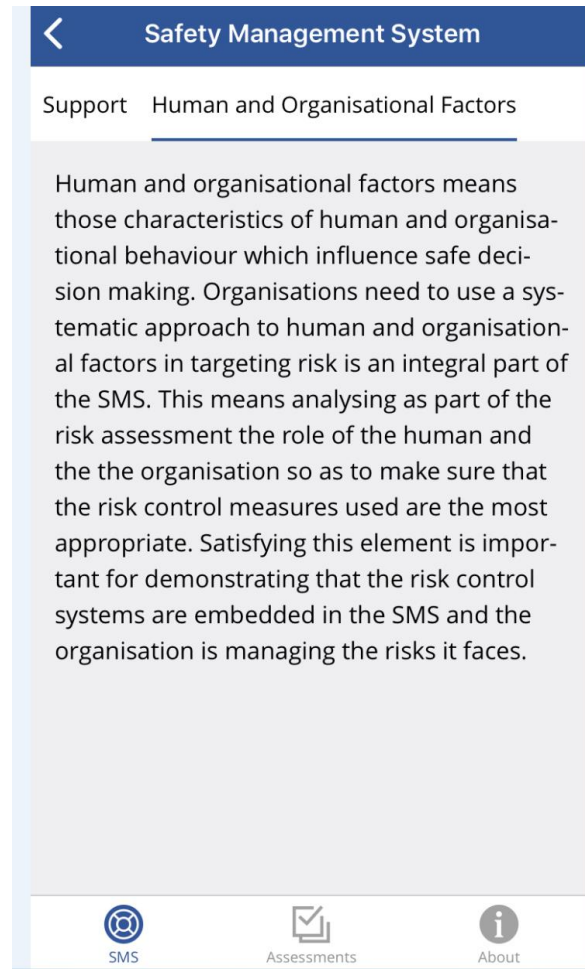
F4.3
Individuals at all levels and positions understand that working conditions influence safe behaviours. Good working conditions exist with regard to time pressures, workload and stress.

F4

era.europa.eu
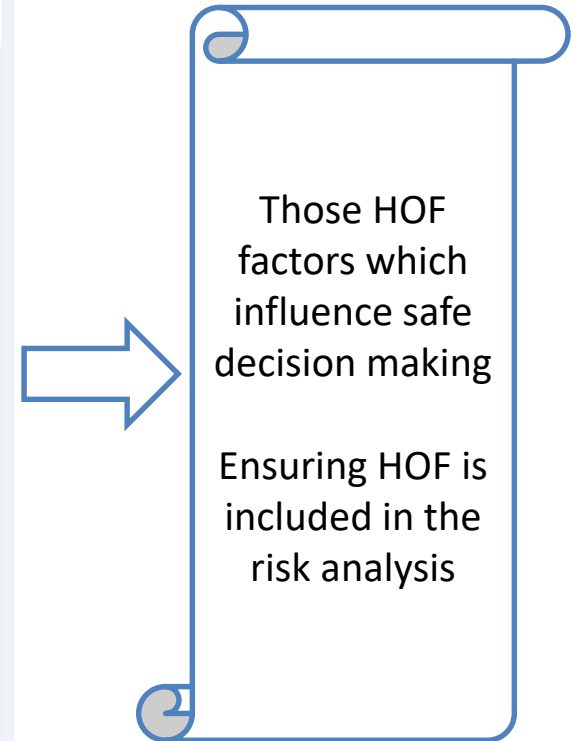
SMS application – Human and organisational factors (HOF)

Safety Management System

Support — Human and Organisational Factors

Human and organisational factors means those characteristics of human and organisational behaviour which influence safe decision making. Organisations need to use a systematic approach to human and organisational factors in targeting risk is an integral part of the SMS. This means analysing as part of the risk assessment the role of the human and the the organisation so as to make sure that the risk control measures used are the most appropriate. Satisfying this element is important for demonstrating that the risk control systems are embedded in the SMS and the organisation is managing the risks it faces.

Those HOF factors which influence safe decision making

Ensuring HOF is included in the risk analysis
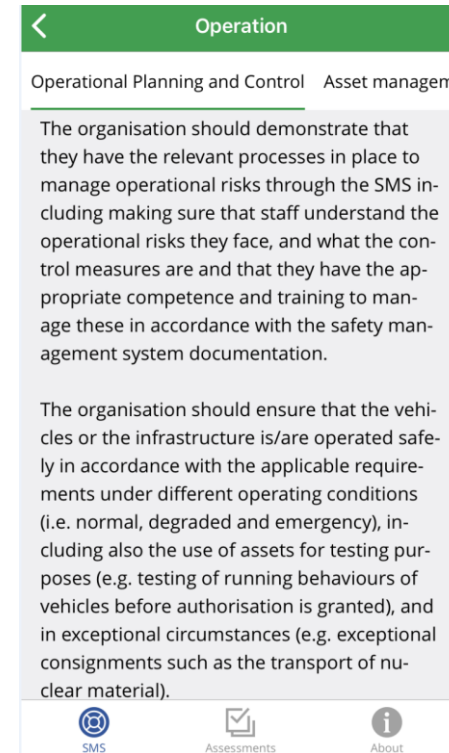
Arrangements to manage activities
Processes to manage risks
Staff understand and apply
Vehicles are operated safely under different operating conditions

- SMS is a process document, which needs to link to more detailed operational procedures/company operational rules/work instructions
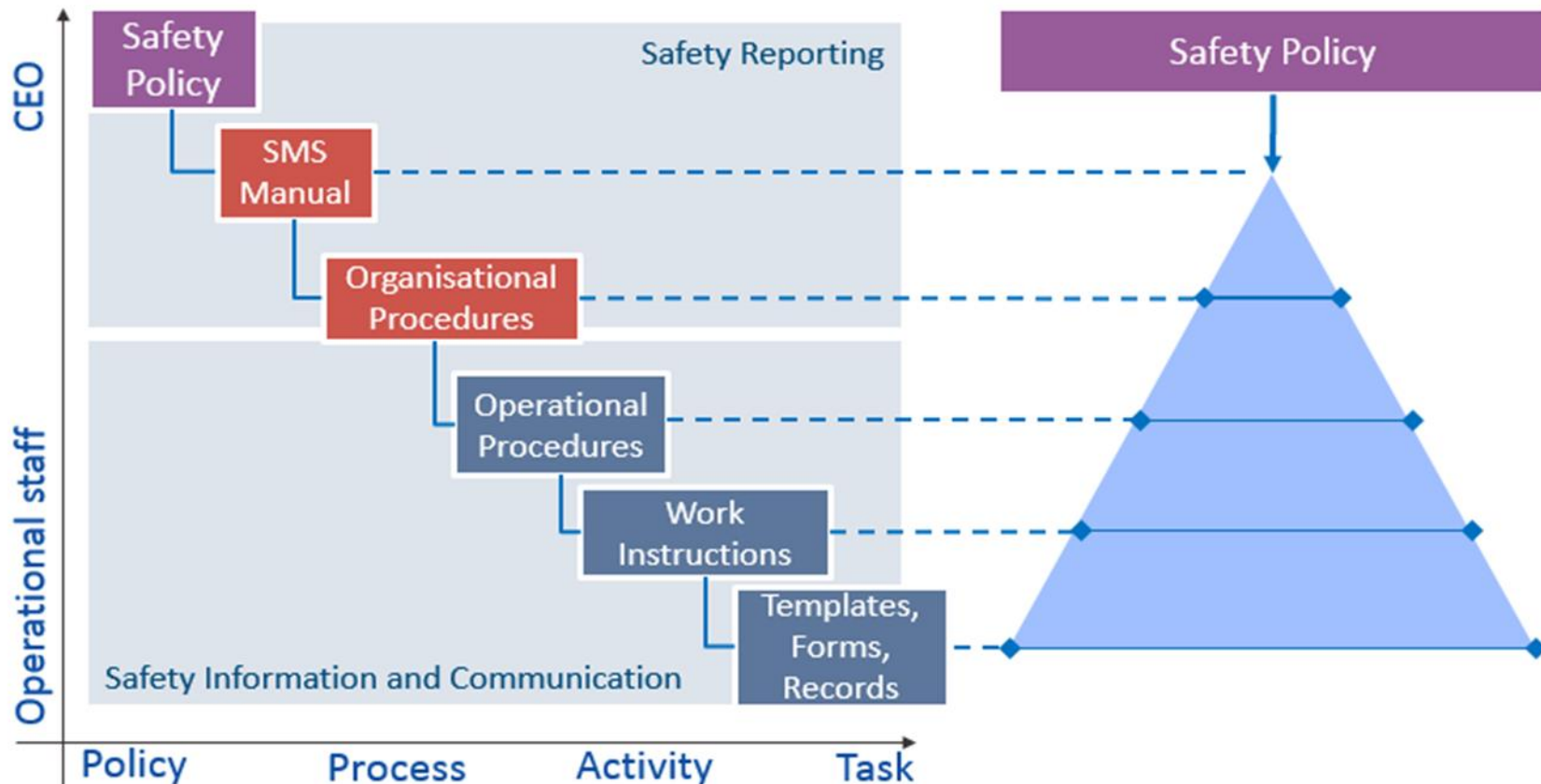
Framework for operations:

- The operational requirements of the railway is the starting point for deciding the suitability of operational procedures

- It should include a description of how standards, performance data, management system, risk assessment

- National Rules can be used providing they control the risks, are relevant, up to date and can be applied

- For planning reviewing or developing any new or updated operational the information from the risk assessment should be used to ascertain whether the existing or new operation is safe and the risks can be controlled by either procedures or rules

- The issue of normal, degraded and emergency operations should also be based on outputs from the risk assessment including control measures (i.e. rules or working instructions) for what is needed to prevent unsafe operations

- The SMS process for the operational requirements should be regularly monitored and reviewed as part of the CSM Monitoring requirements

- The operational requirements are linked to a number of SMS processes and it is important that these are risk based and clearly identifiable in the SMS procedures/company rules

- For example:
  - Tasks to be performed by safety critical staff (e.g. train driving, accompanying train, preparing train, testing train, shunting, authorising train movements)
  - Train Preparation
  - Loading/RID
  - Train composition,
  - Tests and checks before departure,
  - Maintenance, diagnostic and repairs,
  - …

CSM on SMS 5.1.3 (d)
To control risks ….. taking into account preparation of trains before movement

SMS Procedure – train preparation
Description of the issue, results from risk assessment, high level requirements for managing the risk

UIC leaflet

Company rule
Company rule
Company rule
Loading – RS/INF requirements

Company rule
Company rule
Company rule
Exceptional loads

Company rule
Company rule
Company rule
Dangerous goods/RID

Working instructions – i.e. responsibility of loaders etc

Working instructions – i.e. arrangements

Working instructions – i.e. specific train prep/loading etc

The FAQ webpage in the Agency website provides further explanations about the issuing of single safety certificates

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Making the railway system work better for society.

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ISO 9001:2015
BUREAU VERITAS
Certification

BUREAU VERITAS
1828

An overview on the latest developments in the railway policy and legislation

Risto Saari, Ministry of Transport and Communications

Traficom, 3 May 2019

LIIKENNE- JA
VIESTINTÄMINISTERIÖ

Implementation of the EU 4th RP

- Finland has finalised the transposition measures of the EU 4th RP (market pillar and technical pillar), even though the Railway Safety Directive still needs to be notified:

- Railway Transport Act (1302/2018)

- Three Government Decrees:
  - Government Decree on services provided for railway undertakings (1489/2015);
  - Government Decree on scheduling and capacity allocation (1308/2018);
  - Government Decree on the interoperability of the railway system (284/2019).

- Three Regulations of the Transport and Communications Agency on the railway safety.

- Act Amending Act on Transport Services (1303/2018): contingency measures.

- Act Amending Act on Safety Investigations (187/2019): investigation of accidents and dangerous situations.

Dates

- Railway Transport Act and Act amending Act on Transport Services entered into force on **1 January 2019**, but provisions concerning railway safety and interoperability will enter into force on **16 June 2019.**

- Government Decree on services, scheduling and capacity allocation entered into force on **1 January 2019.**

- Government Decree on interoperability of railway system will enter into force on **16 June 2019**.

- Regulations of Traficom on railway safety will enter into force on **16 June 2019**.

- Act amending Act on Safety Investigation will enter into force **on 16 June 2019**.

Parliamentary election 14.4.2019

- Preliminary discussions for establishing a new Government have started: the aim is that the new Government could be appointed by the beginning of June.
    - The European Parliament election will be held on 26 May.
    - The Finnish EU Presidency will start 1 July 2019.

- Transport policy priorities, including railway transport policy priorities depend on the Government programme.

- All major parties are committed e.g. in the climate change abatement -> requires investments in public transport and railway network.

EU Presidency

- Finland´s Presidency of the Council of the European Union will start on 1 July 2019.

- The EP election in May and appointment of new Commission in fall 2019 will have an impact on the Presidency: new initiatives are not expected and the main emphasis is promoting progress of ongoing activities.

- As to railway traffic Finland aims at reaching General Approach of the Council on the proposal for a Regulation on rail passenger rights and obligations.

Railway market opening

- During the Government period 2015-2019 an effort has been given with the aim at opening domestic passenger services to competition.

- Three new companies should be established:
  - Rolling stock;
  - Real estates;
  - Services and service facilities (daughter company of VR-Group Ltd.).

- The Government decided in 2017 that the passenger rail services should be opened to competition in stages, and the comprehensive availability of these services across Finland should be secured under **concession contracts which should be tendered one by one**.

Passenger transport in the rail network

- **Commuter rail services by Helsinki Region Transport (HSL)**: 63 million journeys (1.2 billion passenger-kilometres):
  - HSL is tendering services for period starting June 2021.
- **Other passenger rail transport**: 12 million journeys (3 billion passenger-kilometres):
  - MINTC is the competent authority.

Passenger journeys on rail network in Finland in 2016
Long-distance traffic 12,047 million
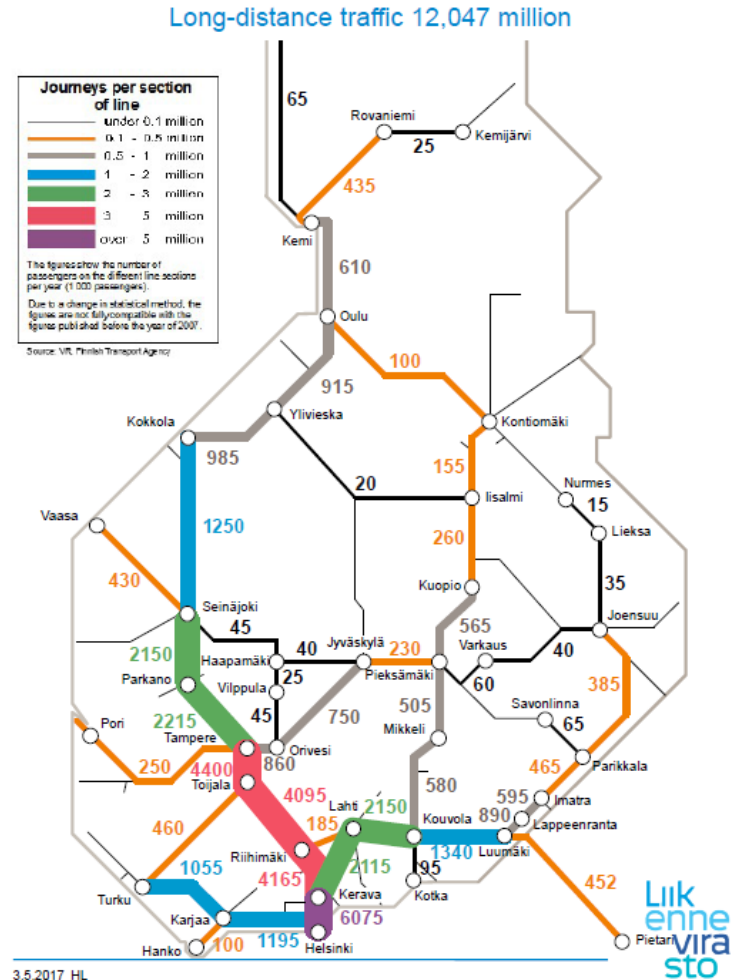
Southern Finland regional rail services

- The Government decided in 2018 that the opening to competition should start with tendering of regional rail services in Southern Finland.
    - The objective has been that the tendering process completed and the services up and running in summer 2022.
    - Comprises commuter traffic, with the Helsinki region area and large urban centres (Riihimäki, Tampere, Lahti, Hämeenlinna, Kouvola, Kotka).
    - Concerns purchased or obligated rail services by the Ministry.
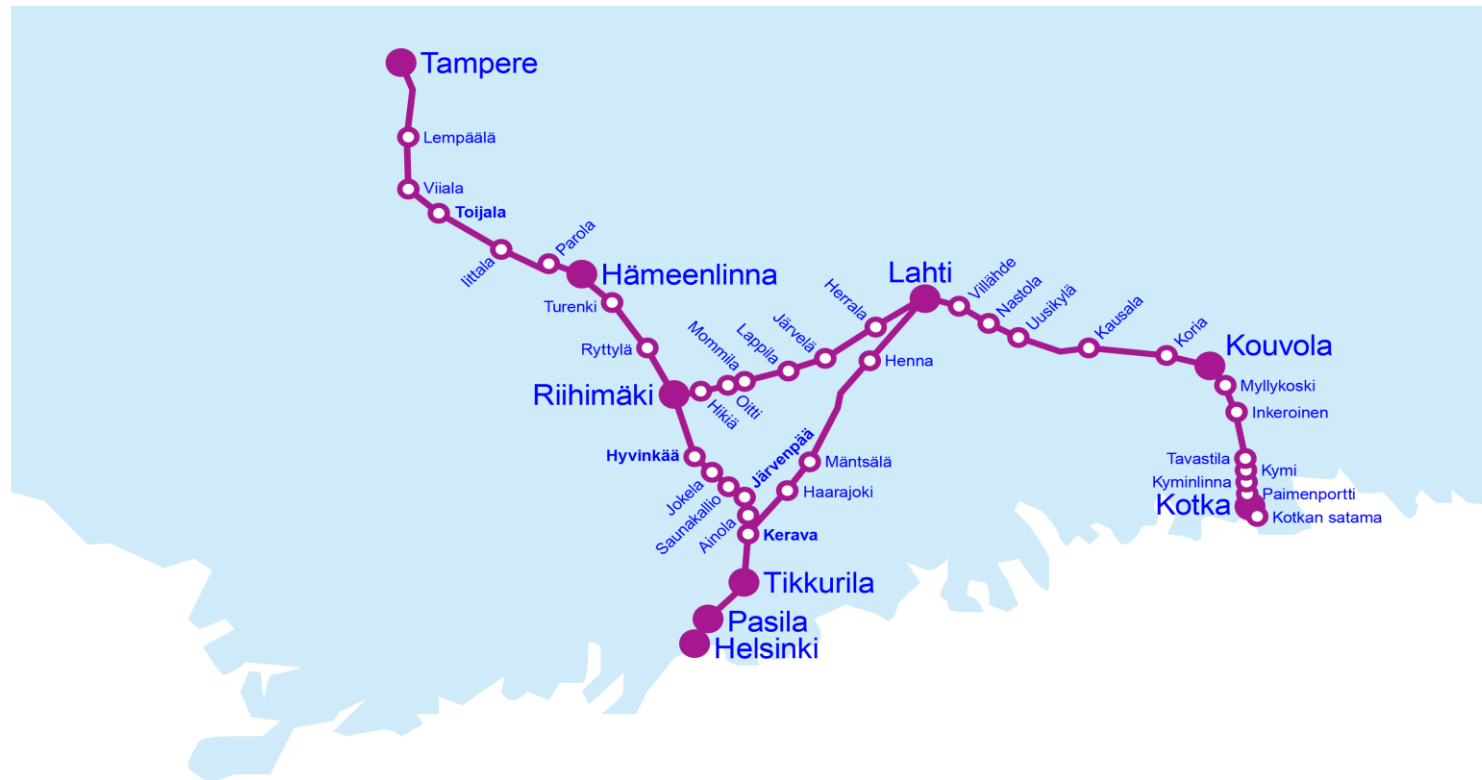
Transport System Plan 2020-32

- Government proposal for the Parliament in the first half of year 2020:
  - Major challenges, such as climate change, regional development, urbanisation and digitalisation and how the transport system should react to these changes;
  - Development of transport system on the whole, including major infrastructure investments and services.

Thank you for your attention!

LV LIIKENNE- JA VIESTINTÄMINISTERIÖ

Uusi sääntelykehys ja ohjeistus

Kaisa Sainio

EU-sääntely ja sen täytäntöönpano

› ERA-asetus (EU) 2016/796

    › Ohjaa ERA:n toimintaa, ei edellytä täytäntöönpanoa

› Rautatieturvallisuusdirektiivi (EU) 2016/798

    › Ohjaa erityisesti rautatieliikenteen harjoittajien ja rataverkon haltijoiden toimintaa ja turvallisuustyötä. Koskee myös esimerkiksi onnettomuuksien tutkintaa.

    › Täytäntöönpano raideliikennelailla 1302/2018, turvallisuustutkintalain 525/2011 muutoksella 187/2019 ja määräyksellä rautatiejärjestelmän turvallisuudesta (annetaan lähipäivinä).

› Yhteentoimivuusdirektiivi (EU) 2016/797

    › Ohjaa ja edistää EU:n rautatiejärjestelmän yhteentoimivuutta (erityisesti rataverkkoa ja kalustoa koskevat kysymykset).

    › Täytäntöönpano raideliikennelailla 1302/2018 ja yhteentoimivuusVNA:lla 284/2019.

Komission asetukset

> Kuten ERA:n aamuisesta esityksestä kävi ilmi komissio on antanut lukuisia direktiivejä tarkentavia säädöksiä

>> Ne on annettu asetuksilla, joten niiden osalta ei ole ollut tarvetta kansalliselle sääntelylle

>> Linkit näihin löytyy sekä ERA:n että Traficomin nettisivuilta.

>> ERA:n linkki vie eurlexissa kyseisen säädöksen viitetietosivulle, josta löytyy linkit kaikkiin kieliversioihin

>> Traficomin linkki vie suoraan suomenkieliseen versioon

> Kansallinen sääntely löytyy Traficomin nettisivuilta

>> Nettisivujen vasemman reunan valikkojen käyttö helpottaa hakemista

> Linkit suoraan nelospaketin johdosta annettuihin komission asetusten suomenkielisiin säädöksiin:

>> Komission täytäntöönpanoasetus (EU) 2018/763 käytännön järjestelyistä yhtenäisten turvallisuustodistusten antamiseksi rautatieyrityksille Euroopan parlamentin ja neuvoston direktiivin (EU) 2016/798 mukaisesti sekä komission asetuksen (EY) N:o 653/2007 kumoamisesta

>> Komission delegoitu asetus (EU) 2018/762 turvallisuusjohtamisjärjestelmän vaatimuksia koskevien yhteisten turvallisuusmenetelmien vahvistamisesta Euroopan parlamentin ja neuvoston direktiivin (EU) 2016/798 nojalla sekä komission asetusten (EU) N:o 1158/2010 ja (EU) N:o 1169/2010 kumoamisesta

>> Komission delegoitu asetus (EU) 2018/761 kansallisten turvallisuusviranomaisten turvallisuustodistuksen tai turvallisuusluvan myöntämisen jälkeen suorittamaa valvontaa koskevien yhtenäisten turvallisuusmenetelmien vahvistamisesta Euroopan parlamentin ja neuvoston direktiivin (EU) 2016/798 nojalla sekä komission asetuksen (EU) N:o 1077/2012 kumoamisesta

Soveltamisohjeet

> ERA:n hakuopas saatavissa myös suomeksi ERA:n nettisivuilta.

>> Myös muut ERA:n nettisivuilta olevat oppaat (esim. opas viranomaisille) tulevat löytymään sieltä suomeksi jossain vaiheessa, toivottavasti viimeistään 16.6.2019

> Traficomin turvallisuustodistusten hakemista koskeva ohje on lähetetty kommentoitavaksi rautatieliikenteen harjoittajille. Kommentit 10.5 mennessä.

>> Jos et ole saanut kommenttipyyntöä, mutta haluaisit sen, vedä kahvitauolla hihasta ☺

Turvallisuustodistuksen hakeminen

Antti Kesälahti

Sisältö

> Säädöskehys

> Keneltä vaaditaan turvallisuustodistus?

> Miten turvallisuustodistusta haetaan?

> Mitä materiaalia turvallisuustodistushakemukseen tulee liittää?

> Kansalliset säännöt

> ERA turvallisuustodistuksia antavana elimenä

> Traficom turvallisuustodistuksia antavana elimenä

> Miten hakemukseen liittyvä viestintä järjestetään?

> Rajan yli menevää liikennettä koskevat sopimukset

> Vastuuvakuutus

> Siirtymäsäännöt

TRAFICOM

Turvallisuustodistus, EU-säädöskehys

Rautatieturvallisuusdirektiivi (EU) 2016/798

Komission delegoitu asetus turvallisuusjohtamisjärjestelmän vaatimuksista (EU) 2018/762

Komission täytäntöönpanoasetus käytännön järjestelyistä yhtenäisten turvallisuustodistusten antamiseksi (EU) 2018/763

Komission delegoitu asetus viranomaisvalvontaa koskevasta YTM:stä (EU) 2018/761

Komission täytäntöönpanoasetus riskien arviointia koskevasta YTM:stä (EU) N:o 402/2013

Komission asetus omavalvontaa koskevasta YTM:stä (EU) N:o 1078/2012

Komission asetus käyttötoiminnasta ja liikenteen hallinnasta (EU) 2015/995

TRAFICOM

Keneltä vaaditaan yhtenäinen turvallisuustodistus Suomessa?

> Rautatieliikenteen harjoittajilta, jotka **liikennöivät** Suomen valtion rataverkolla tai siihen liittyvillä yksityisraiteilla

> Liikennöinnillä tarkoitetaan vaihtotyötä tai junaliikennöintiä

> Rautatieliikenteen harjoittajia ovat mm.

>> Henkilö- tai tavaraliikennettä harjoittavat rautatieyritykset

>> Työkoneilla liikennöivät rataverkon kunnossapitäjät

>> Vain vaihtotyötä harjoittavat yritykset

>> Museoliikenteen harjoittajat

>> Rataverkon haltijat, jotka liikennöivät omalla tai muiden rataverkolla

>> Pienimuotoista kuljettajatoimintaa harjoittavat yritykset

Siirtotyö

> Pelkästään siirtotyötä tekeviltä tai teettäviltä yksityisraiteen haltijoilta ei vaadita yhtenäistä turvallisuustodistusta

> Siirtotyöllä tarkoitetaan vain omaan toimintaan liittyvää kaluston siirtotyötä

> Siirtotyötä voidaan tehdä ainoastaan rajatulla rataverkon osalla, joka on varattu siirtotyötä varten määrätyksi ajaksi

> Liikennöinti samalla alueella ei ole sallittu siirtotyön ollessa käynnissä

> Siirtotyö voi ulottua myös toisen rataverkon haltijan alueelle -> Sovittava menettelyistä

Miten turvallisuustodistusta haetaan?

> Kaikki yhtenäiset turvallisuustodistushakemukset syötetään Euroopan rautatieviraston ylläpitämään **keskitettyyn palvelupisteeseen** (One Stop Shop)

> Järjestelmä ohjaa hakemukset asianomaisille viranomaisille

>> **ERA**, kun hakija toimii useammassa jäsenmaassa

>> **ERA tai Traficom**, hakijan valinnan mukaan kun hakija toimii vain Suomessa

> Hakija voi pyytää esisitoumusta ennen hakemuksen jättämistä

> Hakemukset ja esisitoumukset sekä niiden vastaanotto ja käsittely tehdään aina keskitetyssä palvelupisteessä

TRAFICOM

Mitä materiaalia turvallisuustodistushakemukseen tulee liittää?

> Turvallisuusjohtamisjärjestelmän kuvaus

>> Kts. asetuksen 2018/762 liite I

> Muut asiaankuuluvat asiakirjat

>> YTEt, YTMt, yhteiset turvallisuustavoitteet, muut säädökset

> Vastaavuustaulukko

> Vastine kansallisissa säännöissä vahvistettuihin vaatimuksiin

> Vastaavuustaulukko

Kansalliset säännöt 1/2

> Turvallisuusdirektiivin (2016/798, liite II) mukaan kansallisia turvallisuussääntöjä, joista on ilmoitettava ERA:lle ja komissiolle ovat:

1. säännöt, jotka koskevat voimassa olevia kansallisia turvallisuustavoitteita ja turvallisuusmenetelmiä;

2. säännöt, jotka koskevat turvallisuusjohtamisjärjestelmille asetettuja vaatimuksia ja turvallisuustodistuksen antamista rautatieyrityksille;

3. yhteisen rataverkon liikennöintisäännöt, joita YTE:t eivät vielä kata, mukaan luettuina opastin- ja liikenteenhallintajärjestelmää koskevat säännöt;

4. säännöt, jotka koskevat sellaisille ylimääräisille sisäisille liikennöintisäännöille (työsäännöille) asetettuja vaatimuksia, joita rataverkon haltijoiden ja rautatieyritysten on otettava käyttöön;

5. säännöt, jotka koskevat turvallisuuden kannalta olennaisia tehtäviä suorittavalle henkilöstölle asetettuja vaatimuksia, mukaan lukien valintaperusteet, terveydentila ja ammatillinen koulutus sekä todistukset, siltä osin kuin YTE ei vielä kata niitä;

6. säännöt, jotka koskevat onnettomuuksien ja vaaratilanteiden tutkintaa.

Kansalliset säännöt 2/2

> Ilmoitetut kansalliset säännöt löytyvät NOTIF-IT järjestelmästä

> Säännöt tullaan viemään myös keskitettyyn palvelupisteeseen

Laki vaarallisten aineiden kuljetuksesta (719/1994)	12 §
Valtioneuvoston asetus vaarallisten aineiden kuljetuksesta rautatiellä (195/2002)	18, 20, 23a, 27, 32 §
Paikantamisvelvoite rautatieliikenteessä (320/2017)	
Kansalliset turvallisuussäännöt liikenteen palveluista annetussa laissa (320/2017)	II osa 7 luku 4 § 2 momentti II osa 7 luku 18 1 momentti II osa 7 luku 20 § II osa 7 luku 21 § 1 momentti II osa 8 luku 5 § IV osa 2 luku 3 §
Traficomin määräys käyttötoiminnasta ja liikenteenhallinnasta TRAFI/57058/03.04.02.00/2015	

ERA turvallisuustodistuksia antavana elimenä

> Hakemuksen voi toimittaa millä tahansa EU:n jäsenvaltion virallisella kielellä

> ERA toimii koordinoijan roolissa turvallisuusarviointiprosessin eri vaiheissa

> ERA käsittelee turvallisuusjohtamisjärjestelmä-osan

> Traficom käsittelee kansallisen osan

>> Traficom voi olla yhteydessä hakijaan suoraan omaan arviointiosuuteensa liittyvissä kysymyksissä

> ERA tekee päätöksen yhtenäisen turvallisuustodistuksen myöntämisestä

> ERA voi mahdollisesti käyttää Traficomin asiantuntijoita asiantuntijapoolista

Traficom turvallisuustodistuksia antavana elimenä

> Hakemukset voi toimittaa suomen, ruotsin ja englannin kielellä

> Traficom käsittelee sekä turvallisuusjohtamisjärjestelmä-osan että kansallisen osan ja tekee päätöksen yhtenäisen turvallisuustodistuksen myöntämisestä

> ERA:lla ei ole roolia turvallisuustodistuksen myöntämisessä, eikä myöntämisen jälkeisessä valvonnassa

Miten hakemukseen liittyvä viestintä järjestetään?

> Kaikista hakemukseen liittyvistä **ongelmista** viestitään keskitetyn palvelupisteen kautta

> Viestinnässä voi käyttää edellä mainittua rajoittamatta myös puhelinta, sähköpostia, videoneuvotteluyhteyttä, tapaamisia

> Keskitetystä palvelupisteestä näkee hakemuksen vaiheiden tilannekuvat

> Keskitetystä palvelupisteestä saa halutessaan ilmoitukset myös sähköpostiin

Rajan yli menevää liikennettä koskevat sopimukset

> Venäjän rajan yli suuntautuvasta liikenteestä sovitaan Suomen ja Venäjän välisellä rajaliikennesopimuksella, ei kuulu EU-asetusten soveltamisalaan

> Ruotsin valtion alueelle (Haaparanta) on mahdollista liikennöidä pelkästään Suomessa voimassa olevalla yhtenäisellä turvallisuustodistuksella ja päinvastoin

> Suomen ja Ruotsin junaliikennöintiä koskeva valtiosopimus on parhaillaan päivitettävänä

Vastuuvakuutus

> Rautatieliikenteen harjoittajilta vaaditaan toimintaansa varten riittävä vastuuvakuutus

> Vastuuvakuutuksella varaudutaan vahinkoihin, joissa vakuutuksen ottaja on korvausvelvollinen toiselle osapuolelle

> Traficomin vastuuvakuutusohjeessa on suositellut vakuutusmäärät eri toimijatyypeille

> Traficomin ohje on parhaillaan päivitettävänä, mutta suuria muutoksia ohjeen sisältöön ja vakuutusmääriin ei ole tiedossa

Siirtymäsäännöt 1/2

> Kaikki ennen 16.6.2019 haetut turvallisuustodistushakemukset tulee siirtää keskitettyyn palvelupisteeseen, jos niitä ei ole ehditty myöntää asiaankuuluvaan päivämäärään mennessä

> 16.6.2019 alkaen myönnettyihin turvallisuustodistuksiin sovelletaan uuden sääntelykehyksen mukaisia asetuksia (mukaan lukien muutoshakemukset ja uusimiset)

Siirtymäsäännöt 2/2

> 16.6.2019 jälkeen on mahdollista, että toimija, jolla on voimassa oleva turvallisuustodistuksen A-osa jossain muussa EU-jäsenmaassa, haluaa laajentaa toimintaansa Suomeen

> Tällöin toimija hakee ERA:lta yhtenäistä turvallisuustodistusta, jonka kansallisen osan käsittelee Traficom

Turvallisuustodistus-hakemuksen arviointi

Kirsi Pajunen
johtava asiantuntija

kirsi.pajunen@traficom.fi

Sisältö

- Alustava kartoitus
- Arviointiprosessi
- Ongelmien luokittelu
- Huomioita arvioinnista
- TJJ-kehä ja ohjeet
- Yhteenvetoa

Kuva: Fenniarail/Juha Vuorinen

TRAFICOM

Alustava kartoitus, 1 kk

Hakemuksen vastaanottoilmoitus

Lisätietojen toimittaminen

Lisätietopyyntö

Alustava kartoitus

Ei

Hakemuksen hylkäys?

Täydellinen? Asianmukainen? Johdonmukainen

Kyllä

Täydelliseksi toteaminen
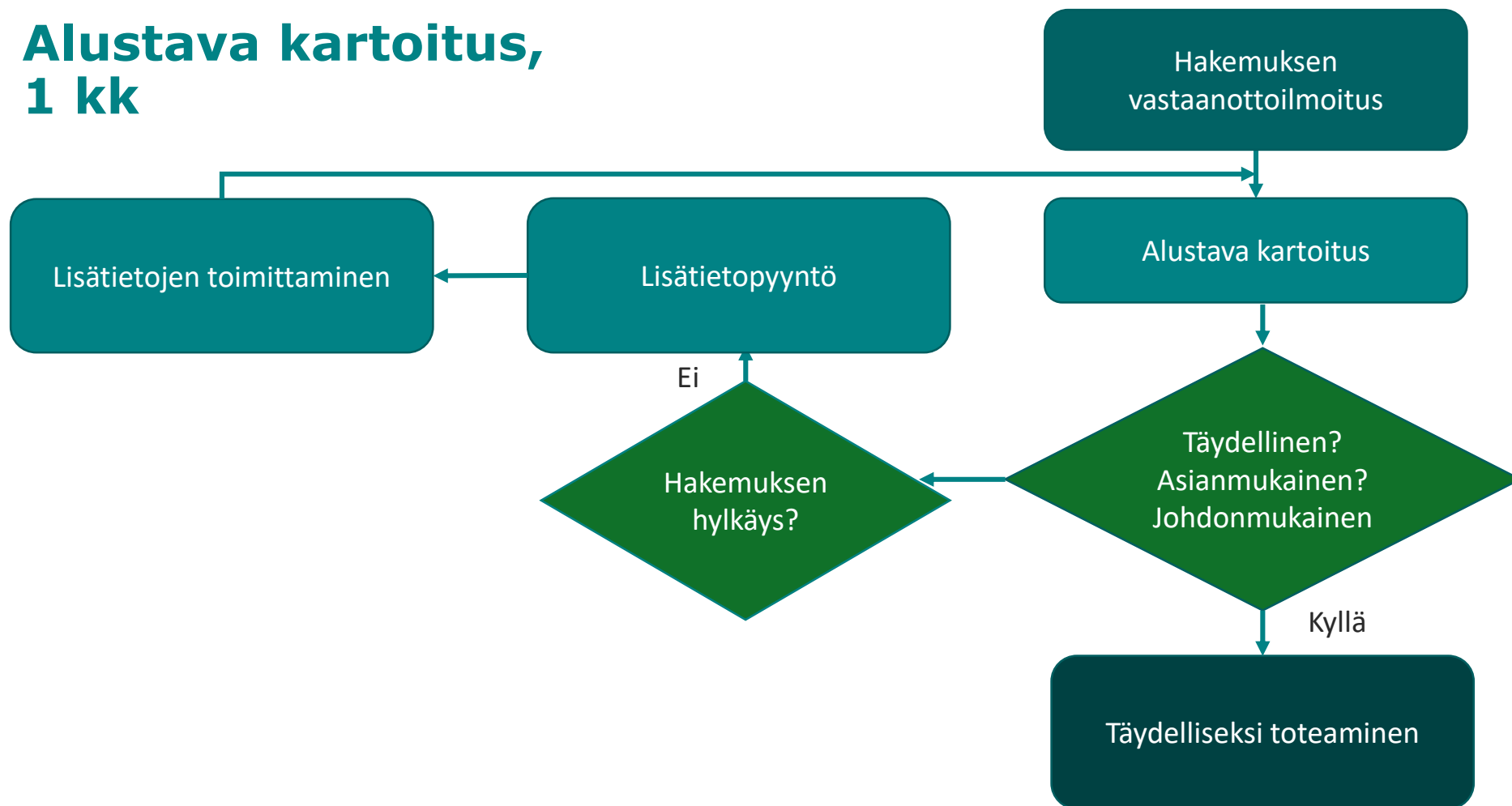
Alustava kartoitus: hakemus

Lainsäädännössä vaaditut tiedot

Riittävästi näyttöä, jäsentely ja sisäiset viittaukset (esim. muita menettelyjä ja sääntöjä koskeviin ohjeisiin) toteutettu niin, että arviointi voidaan tehdä tehokkaasti sekä kirjata asianmukaisesti

Kielellisesti riittävän laadukas arviointia varten

Ongelmien luokittelu

1

Tyyppi

- Kysely
- Pyydetään hakijaa toimittamaan lisätietoja

2

Tyyppi

- Havainto tai kommentti
- Jätetään hakijan harkinnan varaan
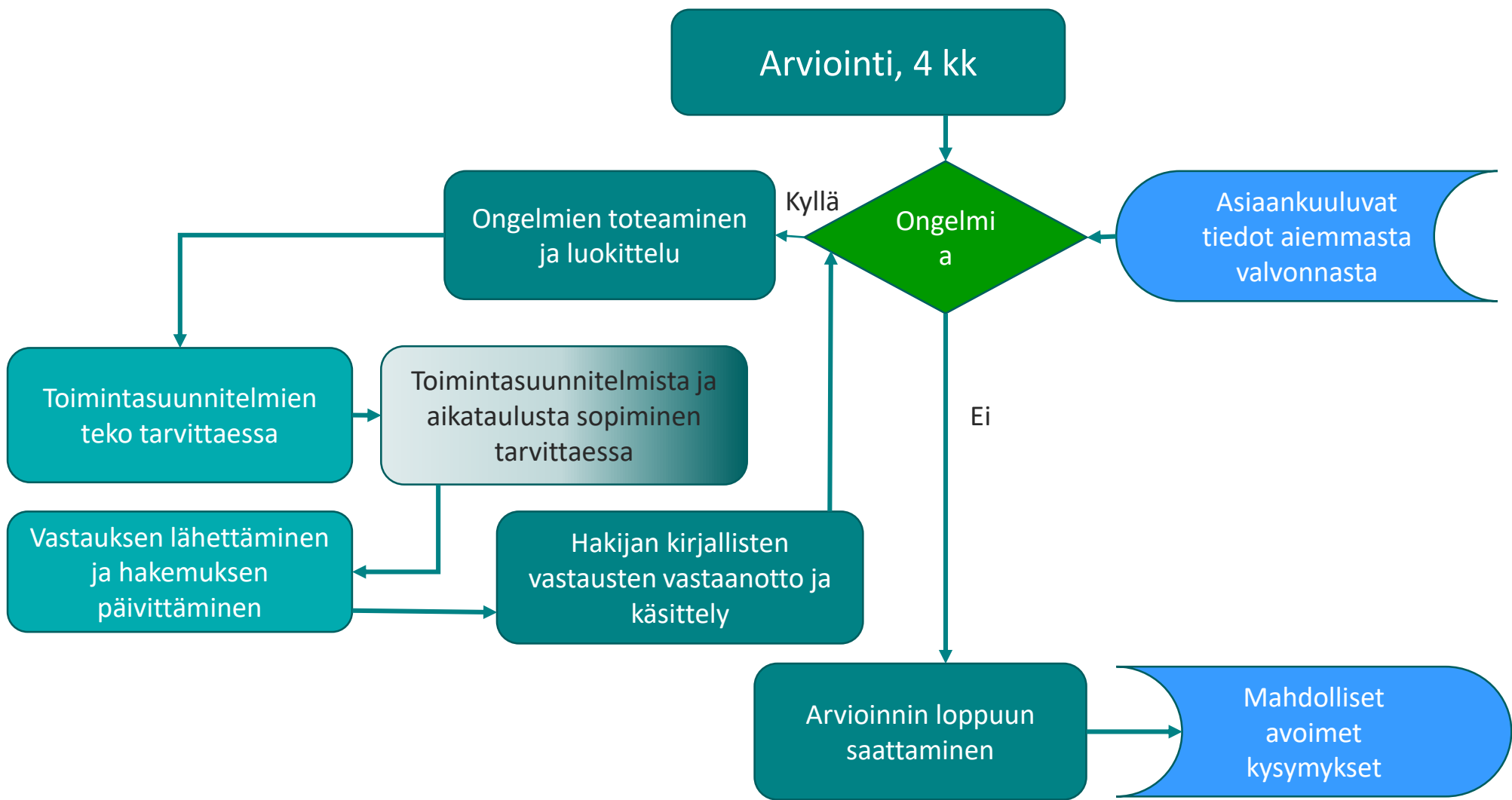- Tarkistetaan turvallisuusto-distusta uusittaessa

3

Tyyppi

- Vähäinen vaatimuksen mukaisuuden laiminlyönti tai huolenaihe
- Käytännössä ehto päätökseen
- Korjausaikataulu sovitaan
- Tarkistetaan

4

Tyyppi

- Merkittävä vaatimuksen mukaisuuden laiminlyönti
- Estää yhtenäisen turvallisuustodistuksen myöntämisen ennen kuin ongelma on ratkaistu

Arvioinnista

Kommunikoinnista sopiminen tärkeää

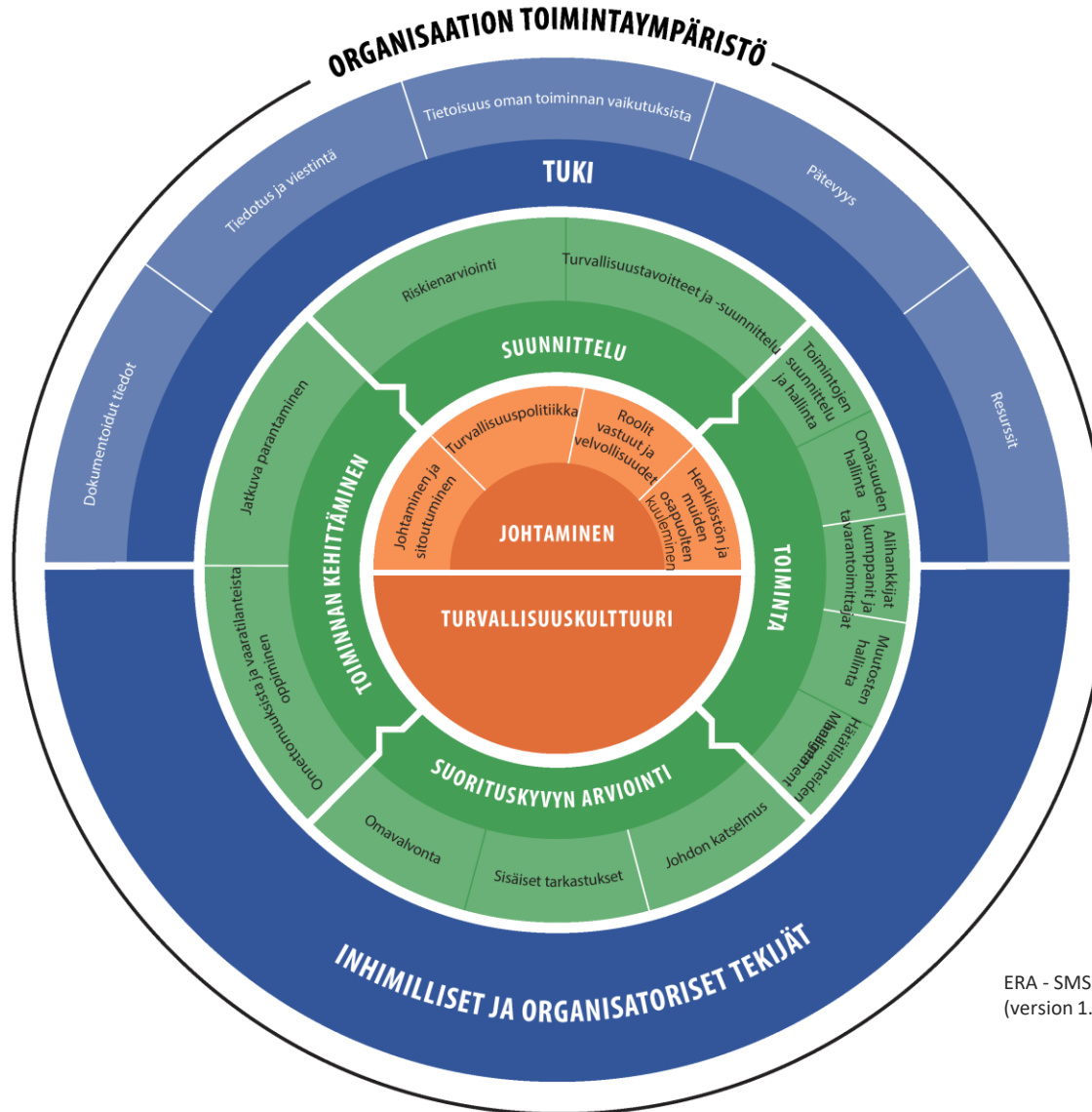Arviointiin liittyen voidaan tehdä auditointeja tai tarkastuksia

Tehdään arviointiraportti

TJJ-kehä

- Muutoksia esim.

- Rakenne
- Johtaminen
- Riskienhallinta
- Inhimilliset ja
  organisatoriset tekijät
- Turvallisuuskulttuuri

ERA - SMS requirements guide
(version 1.2 – 04/09/2018)

Ohjeet [liikenne- ja viestintäviraston sivuilta](#)

Hakijan opas (ERA)

- Yhtenäisen turvallisuustodistuksen hakuopas – hakijan opas

Vaatimukset (ERA)

- Turvallisuusjohtamisjärjestelmän turvallisuustodistusta tai turvallisuuslupaa koskevat vaatimukset

Yhteenvetoa

Alustava kartoitus uutena

Arvoidaan sekä EU- että kansallisten sääntöjen mukaan

Ongelmat:käsitellään OSSissa ongelmalokissa

TJJ-vaatimukset muuttuvat

Linkit ohjeistukseen Traficomin sivuilta

Arviointiraportti

TRAFICOM

kirsi.pajunen@traficom.fi
www.traficom.fi
@TraficomFinland

Turvallisuustodistuksen hinta ja muutoksenhaku-mahdollisuudet

Kaisa Sainio

Hinnat ja maksut

ERA:lta haettava turvallisuustodistus

> [Komission täytäntöönpanoasetus](#) (EU) 2018/764 ERA:n maksuista ja palkkioista

>> Turvallisuustodistuksen arvioinnin tuntihinta 130 €/h.

>> ERA:n työn lisäksi hakijalta laskutetaan hakemuksen arviointiin osallistuvien NSA:iden maksut.

>> ERA hoitaa laskutuksen.

Traficomilta haettava turvallisuustodistus

> Traficomin liikennettä koskeva maksuasetus [1148/2018](#).

>> Turvallisuustodistuksen arvioinnin tuntihinta 200 €/h.

>> (Huom. määrittää myös Traficomin työn arvon ERA:n käsittelimissä lupa-asioissa.)

ERA:n päätös turvallisuustodistusasiassa

> Muutoksenhaku uudestaa ERA:n valituslautakunnasta (Board of Appeal)

> Valituslautakunnan toimikausi on 4 vuotta ja se aloittaa työnsä 16.6.2019 seuraavalla kokoonpanolla:

> > Varsinaiset jäsenet Marcel Verslype (pj.), Joanna Marcinkowska ja Andreas Thomasch

> > Varajäsenet Gilles Dalmas, Patrizio Grillo ja Kaisa Sainio

> Puheenjohtaja vastaa työn laadusta ja esittelijäksi valittava valituslautakunnan jäsen ratkaisuehdotuksen laatimisesta.

> Apuna työssä kirjaajana toimiva ERA:n virkamies.

> Valituslautakunnalta voi hakea muutosta sekä itse lupa-asiaan että siihen liittyvään laskutukseen.

ERA:n päätös turvallisuustodistusasiassa, jatkuu...

> Muutoksenhaku on käynnistettävä toimittamalla valituslautakunnalle hakemus sähköisessä muodossa 2 kk:n kuluessa päätöksen tiedoksiantamisesta.

> > Muutoksenhakupyyntö jälkeen ERA:lla vielä mahdollisuus oikaista asia.

> Valituslautaakunnan käsittely lähtökohtaisesti kirjallista. Todistajien kuuleminen kuitenkin mahdollista, samoin väliintulohakemukset.

> Jos valituslautakunta ratkaisee asian hakijan eduksi, ERA:n on annettava 1 kk:n kuluessa valituslautakunnan ratkaisun mukainen päätös.

> Hakijan eduksi tehtävät ratkaisut maksuttomia. Jos valitus peruutetaan tai sitä hyväksytä, hinta on joko 10 000 € tai valitukseen johtaneen päätöksen hinta, riippuen siitä kumpi on alempi.

Traficomin päätös turvallisuustodistusasiassa

> Traficomin antamaan päätökseen voi hakea oikaisua Traficomilta 1 kk:n kuluessa päätöksen tiedoksisaannista.

> Traficomin oikaisuun antamasta päätöksestä voi hakea muutosta hallinto-oikeudesta (ja hallinto-oikeuden päätökseen korkeimmalta hallinto-oikeudelta, jos KHO antaa valitusluvan).

> Traficomin päätöksestä perittävään maksuun voi hakea oikaisua Traficomilta, jos hakija katsoo, että maksun määräämisessä on tapahtunut virhe.

> Ohjeet menettelyihin toimitetaan turvallisuustodistusta koskevan päätöksen liitteenä.

Turvallisuustodistuksen ylläpito – turvallisuustodistuksen haltijan oikeudet, vastuut ja velvollisuudet

Heidi Niemimuukko

Todistuksen tai luvan ylläpitoon liittyviä vastuita

> Vastuut ja velvollisuudet voidaan kiteyttää pariin lauseeseen:

> > Toimijat ovat vastuussa turvallisuusjohtamisjärjestelmänsä mukaisesta toiminnasta

> > Toimijat ovat velvollisia huolehtimaan todistukseen tai lupaan liittyvien muutosten ilmoittamisesta Traficomiin

> > Toimijoiden velvollisuus on huolehtia luvan uusimisesta tarpeen mukaan

> Turvallisuusjohtamisjärjestelmän mukaiseen toimintaan liittyy paljon erilaisia vastuita ja velvollisuuksia.

Käydään niistä läpi muutamia pelaamalla

Keskitetyn palvelupisteen (One Stop Shop) käyttöopastus esimerkein

(esitetty OSS-järjestelmää suoraan näyttämällä)

Antti Kesälahti