

Railway operators SMS

Role of the safety advisor DGSA & activities

TCT- RID Workshop | 10 DECEMBER 2024



EUROPEAN
UNION
AGENCY
FOR RAILWAYS

Role actors developing & improving railway safety (IM/RU) 1/2

DIRECTIVE (EU) 2016/798 of 11 MAY 2016 on railway safety (RSD)

[\(EUR-Lex – 32016L0798 - EN - EUR-Lex\)](#)

ART. 4 (3)

Railway undertakings and infrastructure managers shall:

- implement the necessary risk control measures referred to in point (a) of Article 6(1), where appropriate in cooperation with each other and with other actors;
- take account in their safety management systems of the risks associated with the activities of other actors and third parties;
- where appropriate, contractually oblige the other actors referred to in paragraph 4 having a potential impact on the safe operation of the Union rail system to implement risk control measures; and
- ensure that their contractors implement risk control measures through the application of the CSMs for monitoring processes set out in the CSMs on monitoring referred to in point (c) of Article 6(1), and that this is stipulated in contractual arrangements to be disclosed on request of the Agency or of the national safety authority

Role actors developing & improving railway safety (IM/RU) 2/2

DIRECTIVE (EU) 2016/798 of 11 MAY 2016 on railway safety (RSD)

([EUR-Lex – 32016L0798 - EN - EUR-Lex](#))

ART. 4 (4):

Without prejudice to the responsibilities of RU's & IM's, ECMs and all other actors having impact on the safe operation of the Union rail system, including manufacturers, maintenance suppliers, keepers, service providers, contracting entities, carriers, consignors, consignees, loaders, unloaders, fillers and unfillers shall:

- implement the necessary risk control measures, where appropriate in cooperation with other actors;
- ensure that subsystems, accessories, equipment and services supplied by them comply with specified requirements and conditions for use so that they can be safely operated by the railway undertaking and/or the infrastructure manager concerned

Art. 4 (5):

Railway undertakings, infrastructure managers and any actor referred to in paragraph 4 who identifies or is informed of a safety risk relating to defects and construction non-conformities or malfunctions of technical equipment, including those of structural subsystems, shall, within the limits of their respective competence:

- take any necessary corrective measure to tackle the safety risk identified;
- report those risks to the relevant parties involved, in order to enable them to take any necessary further corrective action to ensure continuous achievement of the safety performance of the Union rail system. The Agency may establish a tool that facilitates this exchange of information among the relevant actors, taking into account the privacy of the users involved, the results of a cost-benefit analysis as well as the IT applications and registers already set up by the Agency

Roles and obligations

15 EU relevant legislative texts interfacing with RID

	Administrative actor	Responsible actor	Applicant (subject) actor	Contributing actor (or service providers)	Informed actor (sharing of information)
1. Risk evaluation and assessment	AsBo	IM RU ECM		SAFETY ADVISOR	
2. Safety Management Systems		IM RU ECM		SAFETY ADVISOR	
3. Safety authorisation of the infrastructure manager		NSA	IM	SAFETY ADVISOR	TDG CA
4. Safety certification of a railway undertaking	ERA NSA		RU	SAFETY ADVISOR	TDG CA
5. Monitoring of SMS functioning		IM RU ECM SAFETY ADVISOR			
6. Assessment of operators' safety (inc. new CSM ASLP)	ERA		IM RU	NSA SAFETY ADVISOR TDG CA	NSA NIB TDG CA
7. Supervision of SMS implementation		NSA	IM RU	SAFETY ADVISOR TDG CA	
8. Emergency situation management (planning)		IM RU		NSA SAFETY ADVISOR TDG CA Emergency services	
9. Reporting of occurrences (inc. new CSM ASLP)	ERA	IM RU ECM		NSA SAFETY ADVISOR TDG CA NIB	TDG CA
10. Investigation of occurrences	ERA	NIB		IM RU SAFETY ADVISOR + other as needed	EU-MS OTIF
11. National rules	EC ERA	EU-MS		TDG CA	
12. Certification of tanks		TDG CA TDG CA InsBo	APPLICANT	MANUFACTURER	
13. Vehicle authorisation of tank-wagons	ERA	ERA NSA	APPLICANT	NoBo	TDG CA
14. Registration of tank-wagons	ERA	NSA	APPLICANT	RU KEEPER	TDG CA
15. Maintenance of tank-wagons	AccBo RecBo NSA	ECM		RU KEEPER SAFETY ADVISOR InsBo	TDG CA

Safety Management System (SMS)

Directive (EU) 2016/798 ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

Article 9(3) The safety management system shall contain the following basic elements:

- (a) a safety policy approved by the organisation's chief executive and communicated to all staff;
- (b) qualitative and quantitative targets of the organisation for the maintenance and enhancement of safety, and plans and procedures for reaching these targets;
- (c) procedures to meet existing, new and altered technical and operational standards or other prescriptive conditions as laid down in TSIs, national rules referred to in Article 8 and Annex II, other relevant rules or authority decisions;
- (d) procedures to assure compliance with the standards and other prescriptive conditions throughout the life cycle of equipment and operations;
- (e) procedures and methods for identifying risks, carrying out risk evaluation and implementing risk-control measures whenever a change of operating conditions or the introduction of new material imposes new risks on the infrastructure or the man-machine-organisation interface;
- (f) the provision of programmes for the training of staff and systems to ensure that the staff's competence is maintained and that tasks are carried out accordingly, including arrangements with regard to physical and psychological fitness;
- (g) arrangements for the provision of sufficient information within the organisation and, where appropriate, between organisations of the railway system;
- (h) procedures and formats for the documentation of safety information and designation of procedure for the configuration control of vital safety information;
- (i) procedures to ensure that accidents, incidents, near misses and other dangerous occurrences are reported, investigated and analysed and that necessary preventive measures are taken;
- (j) the provision of actions plans, alerts and information in the event of an emergency, agreed upon with the appropriate public authorities; and
- (k) provisions for recurrent internal auditing of the safety management system.

Infrastructure managers and railway undertakings shall include any other element necessary to cover safety risks, in accordance with the assessment of risks arising from their own activity.

Detailed requirements are established by

COMMISSION DELEGATED REGULATION (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements
([EUR-Lex - 32018R0762 - EN - EUR-Lex](#))

And by

COMMISSION IMPLEMENTING REGULATION (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU
([EUR-Lex - 32019R0773 - EN - EUR-Lex](#))

IM

RU

Interactions with dangerous goods legislation

RID 1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to **facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.**

With regard to the undertaking's activities, the adviser has the following duties in particular:

- monitoring compliance with the requirements governing the carriage of dangerous goods;
- advising his undertaking on the carriage of dangerous goods;
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request

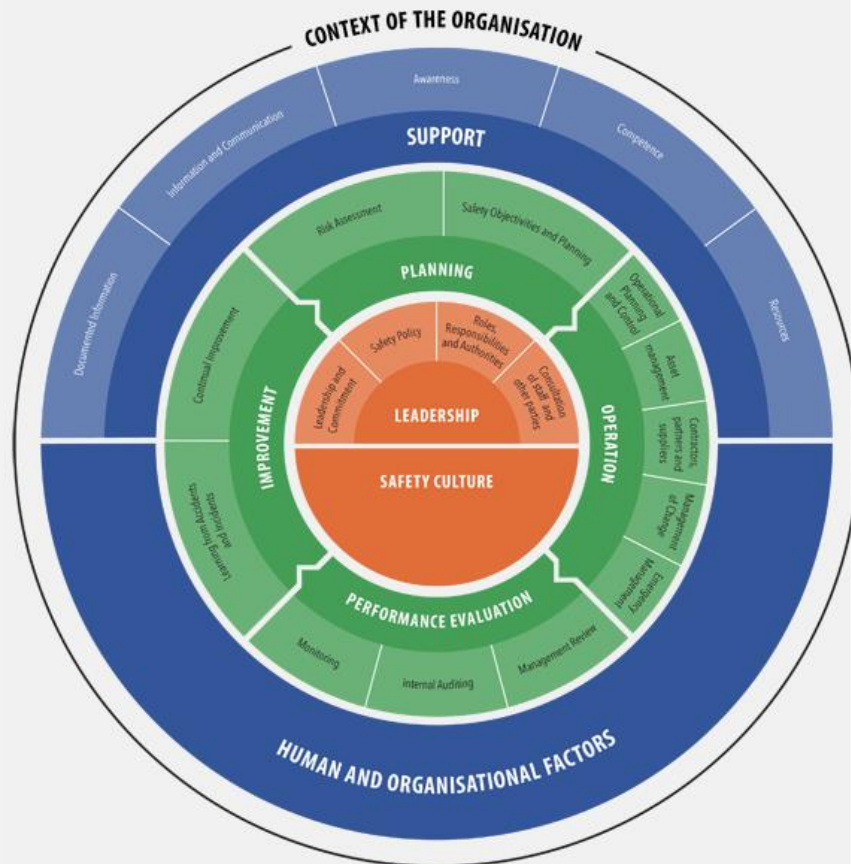
The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

- the procedures for compliance with the requirements governing the identification of dangerous goods being transported;
- the undertaking's practice in taking account, when purchasing means of transport, of any special requirements in connection with the dangerous goods being transported;
- the procedures for checking the equipment used in connection with the carriage, packing, filling, loading or unloading of dangerous goods;
- the proper training of the undertaking's employees, including on the changes to the regulations, and the maintenance of records of such training;
- the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the carriage, packing, filling, loading or unloading of dangerous goods;
- investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during the carriage, packing, filling, loading or unloading of dangerous goods;
- the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements;
- the account taken of the legal prescriptions and special requirements associated with the carriage of dangerous goods in the choice and use of sub-contractors or third parties;
- verification that employees involved in the consigning, carriage, packing, filling, loading or unloading of dangerous goods have detailed operational procedures and instructions,
- the introduction of measures to increase awareness of the risks inherent in the carriage, packing, filling, loading and unloading of dangerous goods;
- the implementation of verification procedures to ensure the presence on board means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations;
- the implementation of verification procedures to ensure compliance with the requirements governing packing, filling, loading and unloading;
- the existence of the security plan indicated in 1.10.3.2.

SAFETY
ADVISOR

Safety Advisor

[Safety Management System | ERA \(europa.eu\)](https://www.era.europa.eu)



Interactions with dangerous goods legislation

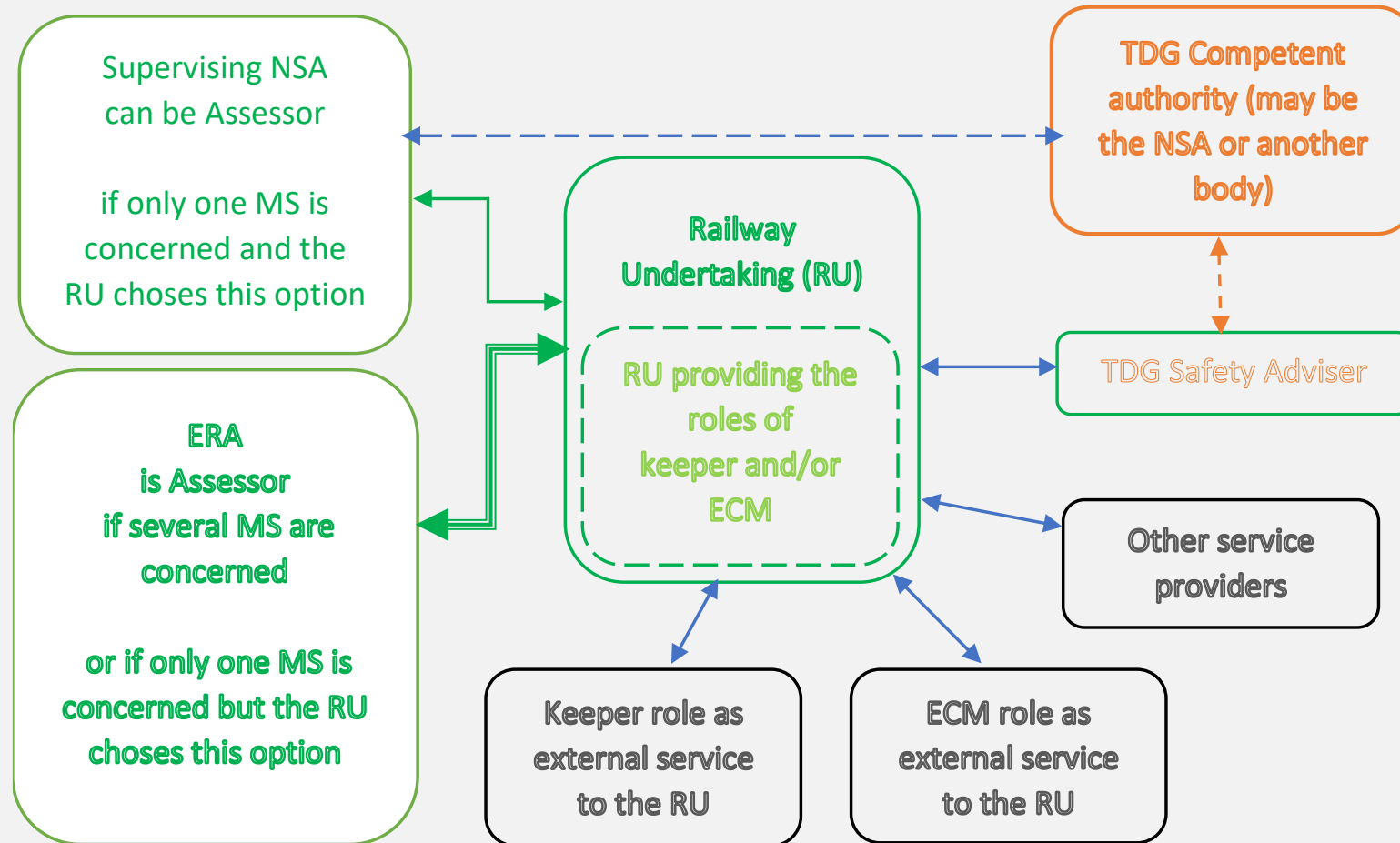
facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.

Role of the adviser

- *monitoring compliance with the requirements governing the carriage of dangerous goods;*
- *advising his undertaking on the carriage of dangerous goods;*
- *preparing an annual report on the activities in the carriage of dangerous goods.*

Actors' interfaces

Example of the Certification of Railway Undertakings

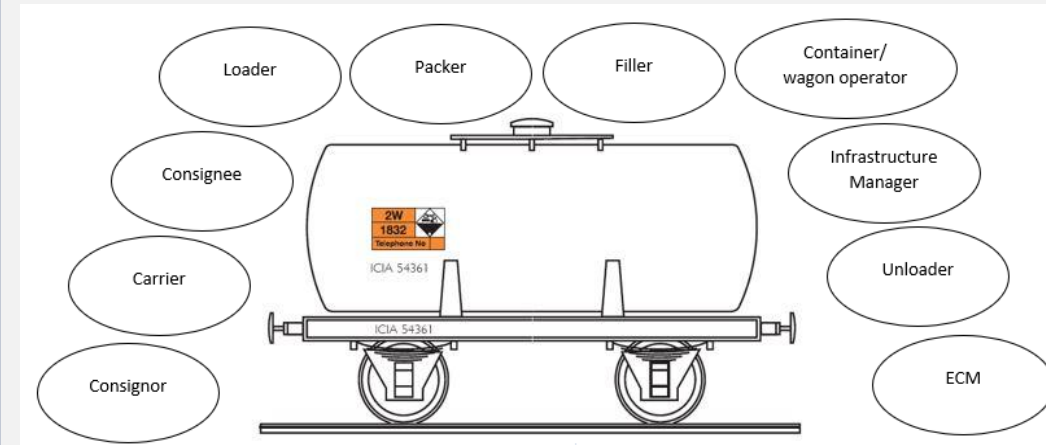


Safety obligations of the participants

Supply chain responsibility

Participants in the carriage of dangerous goods shall take appropriate measures according:

1. To the nature and the extend of foreseeable dangers
 2. To avoid damage and injury
 3. To minimize their effects
- Comply with RID requirements in their respective fields



Safety obligations carrier/RU

Monitoring the correct implementation of activities relating to carriage of dangerous goods

Railway Undertaking (Art. 2 (44) definitions-Railway Safety Directive 2016/797) :

‘Railway undertaking’ means any public or private undertaking licensed according to this Directive, the principal business of which is to provide services for the transport of goods and/or passengers by rail with a requirement that the undertaking ensure traction; this also includes undertakings which provide traction only.

Safety obligations carrier

Monitoring the correct implementation of activities relating to carriage of dangerous goods

Carriage (definition 1.2.1 RID) :

*Means the **change of place of DG**, including stops made necessary by transport conditions and including **any period spent** by the DG in wagons, tanks and containers made necessary by traffic conditions before, during and after the change of place.*

*This definition also covers the **intermediate temporary storage** of DG in order to change the mode or means of transport (transshipment).*

This shall apply, provided that transport documents showing the place of dispatch and the place of reception are presented on request and provided that packages and tanks are not opened during intermediate storage, except to be checked by the competent authorities.

Safety obligations carrier

Monitoring the correct implementation of activities relating to carriage of dangerous goods

Responsibilities of the carrier to control the risks that arise from activities relating to DG:

- *Ascertain that the DG to be carried are authorized for carriage;*
- *Ascertain that*
 - *all the information prescribed in RID related to the DG to be carried has been provided by the consignor before carriage;*
 - *The prescribed documentation is attached to the transport document;*
 - *If EDP or EDI technics are used instead of paper documentation, that data is available during transport in a manner at least equivalent to that paper documentation*
- *Ascertain visually that the wagons and loads have no obvious defects, leakages or cracks, missing equipment, etc.;*
- *Ascertain that the data specified for the next inspection for tank-wagons, battery-wagons, wagons with demountable tanks, portable tanks, tank-containers and MEGCs has not expired;*
- *Verify that the wagons are not overloaded*
- *Ascertain that the placards, marks and orange-coloured plates prescribed for wagons in Chapter 5.3 of RID have been affixed;*
- *Ascertain that the equipment prescribed in the instructions in writing is in the driver's cab*

Safety obligations carrier

Monitoring the correct implementation of activities relating to carriage of dangerous goods

Responsibilities of the carrier to control the risks that arise from activities relating to DG:

- *Shall ensure that the IM being use is able to obtain at any time during carriage rapid and unrestricted access to the information allowing him to meet the information related to the dangerous goods;*
- *Shall provide the driver with the written instructions as prescribed in chapter 5.4.3 of RID;*
- *Shall inform the driver of the DG on board and their position on the train before the train starts its journey;*



THANK YOU

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

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