



Protocol between the National Safety Authorities of Belgium, France and Luxembourg concerning the cooperation to supervision

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Introduction

This Protocol has been agreed between Service de Sécurité et d'Interopérabilité des Chemins de Fer (SSICF) of Kingdom of Belgium, Etablissement Public de Sécurité Ferroviaire (EPSF) of the Republic of France and Administration des Chemins de Fer (ACF) of the Grand Duchy of Luxembourg acting in their capacity as National Safety Authorities (NSAs) as defined in Directive 2004/49/EC.

This Protocol establishes the principles underpinning the collaboration with a view to setting out a common approach to supervision of railway operators having been issued safety certificates in several of the abovementioned Member States or a safety authorisation tasking them with the establishment and the maintenance of railway infrastructure in particular.

Legal Basis

This Protocol is based upon the following regulatory framework adopted by European Union:

- Commission Regulation (EU) N°1158/2010 (Appendix IV) of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates;
- Commission Regulation (EU) N°1169/2010 (Appendix III) of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety authorisations;
- Commission Regulation (EU) N°1077/2012 of 16 November 2012 on a common safety method for supervision by NSAs after issuing a safety certificate or safety authorisation.

Scope

The signatory parties hereby commit to collaborate with one another in order to establish a cooperation agreement for the implementation of common approach to supervision of railway operators, ensuring that:

- the safety management system applied by railway operators, operating in at least two of the Member States concerned by the present protocol covers all relevant activities, thereby ensuring risk management in matters relating to safety;
- national safety rules in force in each respective Member States are respected by railway operators.

As regard the supervision of the safety management system of railway undertakings, it is the responsibility of the NSA who issue the Part A safety certificate, in accordance with Directive 2004/49/CE. This NSA must take into account any irregularities which have already been noted by other NSAs.

The cooperation agreement concerns the coordination of supervision activities amongst the signatory NSAs; it relates to the decision-making criteria that will enable the NSAs to identify and classify any instances of non-conformity in a coherent manner. It does not, in any way, replace the NSA's obligation to carry out monitoring following the issuing of a safety certificate or safety authorisation to railway operators, nor does it modify any existing national regulation.

It is acknowledged that this agreement cannot derogate from the principle of territorial competence devolved to each NSA, nor may it restrict their devolved prerogatives in any way whatsoever.

This Protocol recognises that all parties have obligations to meet in terms of supervision, and that, in fulfilling its duties, each party must make due efforts to take into account the respective roles and responsibilities of the other parties involved.

In the scope of the elaboration of formal arrangements relating to the present Protocol, and with the aim of ensuring a coordinated or joint approach to supervision, the cosignatory NSAs undertake to work together to:

1. identify all relevant information to be exchanged between the parties, and also to establish a timetable for the exchange of said information;
2. draw up a table of correspondence for the terminology used;
3. elaborate consistent decision-making criteria enabling parties to define discrepancy in levels;
4. harmonise measures to be applied in the event of an instance of non-conformity;
5. share NSAs supervision strategies and plans;
6. define common principles and procedures to be observed;
7. share best practices.

To this end, each party promises to treat all information shared between the NSAs as strictly confidential.

The parties have agreed upon the common objective of establishing an agreement covering these points by September 2015. This objective concerns only their collaboration in matters of supervision of railway undertakings; activities pertaining to coordinated supervision of infrastructure managers will be developed subsequently.

The present Protocol will come into effect as soon as all parties concerned have signed.

	SSICF	EPSF	ACF
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Position	Director	General Director	Director
Date	30 January 2015	29 January 2015	6 February 2015
Signature			

