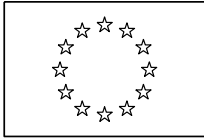




Terms of Reference

for the Task Force on National Safety Rules

Version: 1.2
Date: 20/05/2011
Status: Final
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1 Introduction

In accordance with Article 8 (3) of the Railway Safety Directive (the Directive) /1/, the European Railway Agency (the Agency) has issued a Recommendation to the Commission for the publication of national safety rules (NSR) in order to make the relevant information more easily accessible /2/. This Recommendation includes a proposal to set up a Task Force which can support the Member States in the work concerning the accessibility of NSR and prepare proposals for good practice.

The Member States are responsible for the implementation of the Directive and decide on the allocation of relevant tasks; some tasks have been assigned in the Directive to the National Safety Authorities (NSAs). Therefore, the Task Force is set up under the Railway Interoperability and Safety Committee (RISC) and unite both the representatives of the Member States (at Ministry level) and the NSAs, following the agreement with the Member States representatives in RISC /3/.

The Terms of Reference aim to describe the objectives for the Task Force and its working method. The Terms of Reference are approved by the Task Force and may be amended, if necessary.

2 Objective and scope of the work

The scope of the work is related to the implementation of the requirements in Articles 4(1), 8, 12(2), 12(3), 16(2f) and 17(1) of the Directive concerning establishment, publication, availability and ease of understanding of NSR.

The work of the Task Force aims at achieving greater transparency of NSR and their replacement by common EU rules through:

- developing a systematic approach to implementation of the requirements in the Directive taking into account their purpose and changing legal environment,
- promoting reasonable improvements in practice in short to mid term.

In the work of the Task Force, the different constitutional arrangements of the Member States will be taken into account and the principle of subsidiarity will be respected. In this light, any proposal should make clear distinction between:

- the minimum mandatory requirements of the Directive which must be fulfilled by all Member States (priority);
- different reasonable measures for improving the accessibility of NSR in line with the objectives of the of the Directive (good practice).

The Agency's Recommendation /2/, the Final Report /4/ and the Supporting Paper to the Final Report /5/ constitute the basis for the work of the Task Force.

3 Tasks of the Task Force

The main tasks for the Task Force are to:

- develop a common understanding of the requirements in the Directive concerning:
 - the definition and general purpose of NSR;
 - development of NSR with a view to their gradual harmonisation and replacement by common EU rules;
 - related roles and activities in the Member States and RISC, and
 - related roles and activities of the Commission and the Agency;
- review the list of NSR types in Annex II of the Directive;



- support the Member States in their tasks by providing useful advice, sharing experience, developing good practice and a common approach on required systematic processes aiming at:
 - better management of the NSR system,
 - improving the accessibility of national safety rules for railway actors, and
 - developing comprehensive and transparent systems of national safety rules.

4 Organisation of the Task Force

The Task Force is set up under the RISC and is composed of the representatives of the Member States, the Commission and the Agency. Interested Member States were invited /3/ to nominate a representative either from the ministry responsible for transport or the NSA. It would be an advantage if ministries and NSAs were equally represented and if Task Force members came from various countries with different structure of the railway sector and different allocation of responsibilities for establishing and publishing safety rules. For the list of participating Member States and their representing authorities see Annex. Eventually, for particular presentations and issues, other experts may be invited.

Task Force meetings should normally be organised in Brussels. In exceptional circumstances, the venue in Lille can be considered.

Standard Commission reimbursement rules apply in relation to participation in the Task Force.

The working language of the Task Force is English.

The Commission will chair the meetings and have a role of coordinator of the work to be carried out by the Task Force. The Agency will assist the Commission in the organisation of the work and facilitate the discussions.

A minimum number of Member States representatives necessary to hold a meeting of the Task Force (the quorum) shall be four. A meeting shall be cancelled if less than four Member States confirm their representation in that meeting.

Generally, the work of the Task Force shall be based on the rule of consensus. When it is not possible to reach a full consensus, reports and position papers shall be adopted by at least four Member States represented in the Task Force, the Commission and the Agency. Minority positions shall, if requested, be reflected as well.

A dedicated web space will be available on the Agency's EXTRANET, under the activities of the Safety Unit, where information and documentation relating the Task Force meetings will be available to the members having an authorised access (LOGIN and PASSWORD). Summaries of minutes of meetings, reports and advice of the Task Force will be also uploaded on CIRCA.

The Task Force may create sub-groups for detailed analysis of certain issues.

5 Working method

The Task Force should set up the working program.

To achieve its objectives, the Task Force will:

- discuss the requirements of the Directive;
- discuss the Agency's findings and recommendations;
- analyse experience in implementing the relevant requirements of the Railway Safety Directive and share views on the development of this work;
- analyse other available information concerning criteria and examples of good governance;
- share and develop good practice, including criteria for good practice and other relevant proposals or advice.



The Task Force should take a pragmatic approach for preparing its proposals and should take into account different organisation of railway systems, as well as different approach for regulatory framework and administrative / institutional organisation in the Member States.

6 Timetable and deliverables

The activity of the Task Force will start in Spring 2011. Four meetings are planned in 2011 and two in the first semester of 2012. The Commission will, on a regular basis, report on the progress in the Task Force to the RISC, and the Agency will report to the NSA Network and the NSR contact persons.

By the end of 2012 the Task Force will deliver the Final Report to the Commission who will subsequently inform the RISC. This report will include, among others, the:

- information on the achievement of the objectives for the Task Force,
- proposals, advice and/or criteria for good practice,
- any points of concern and the way forward.

ANNEX

List of the members of the Task Force

Country	Organisation
France	Ministry of Ecology, Sustainable Development and Transport
Germany	Eisenbahn-Bundesamt (NSA)
Finland	Finnish Transport Safety Agency (NSA)
Luxembourg	RISC and NSA member from the Administration des Chemins de Fer (ACF) Coordination Interopérabilité et Sécurité
Slovakia	Ministry of Transport, Construction and Regional Development
Spain	Ministerio de Fomento
United Kingdom	Department for Transport