

RECOMMENDATION ERA1219
OF
THE EUROPEAN UNION AGENCY FOR RAILWAYS
on

Common Safety Methods for assessing the safety level and the safety performance of railway operators at national and Union level

THE EXECUTIVE DIRECTOR

HAVING REGARD TO Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004, hereafter referred to as the 'Agency Regulation', in particular Articles 4, 5, 6, 7, 8, 10, 13, 17, 18 and 35 thereof,

HAVING REGARD TO Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (Recast), hereafter referred to as the 'Railway Safety Directive', in particular Article 6 thereof,

HAVING REGARD TO Commission Implementing Decision of 7 January 2019 on a mandate to the European Union Agency for Railways to draft common safety methods for assessing the safety level and the safety performance of railway operators at national and Union level (C(2018) 8887 final), hereinafter the 'Mandate'.

Whereas

1. In accordance with Article 5 of the Agency Regulation, a working party has been established for supporting the development of this recommendation,
2. This recommendation is consistent with the other legislation applicable to railway actors, in particular Commission Regulation (EU) No 1078/2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance, Commission Delegated Regulation (EU) 2018/761 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation, Commission Delegated Regulation (EU) 2018/762 establishing common safety methods on safety management system requirements, Commission Implementing Regulation (EU) 2018/763 establishing practical arrangements for issuing single safety certificates to railway undertakings, Commission Implementing Regulation (EU) 2019/779 on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798, Commission Implementing Regulation (EU) No 402/2013 on the common safety method for risk evaluation and assessment, the common safety indicators referred to in Article 5 of the Directive (EU) 2016/798, the common safety targets referred to in Article 7 of the Directive (EU) 2016/798, Commission Decision 2009/460/EC of 5 June 2009 on the adoption of a common safety method for assessment of achievement of safety targets, Commission Decision 2010/409/EU of 19 July 2010 on Common Safety Targets, which shall continue to be implemented, without amendment, besides the common safety methods attached to this recommendation,
3. The Mandate emphasizes the need to consider all potentially available data and collected information to support the assessment of safety levels and safety performance of each railway operator, including the need to consider both information related to the safety management system and safety occurrences,
4. The Mandate also requests to allow continued usage of existing non-harmonised systems that are currently used by operators and national authorities for monitoring and supervising safety level and safety performance. However, none of the existing systems can directly cover both the collection of occurrences and the collection of information on the safety management systems needed for the implementation of the recommended common methods. On the one hand, existing systems are not

always sufficiently developed to directly implement the recommended methods and do not allow the use of the recommended harmonised taxonomies, on the other hand, some pre-existing systems may be more demanding than this recommendation in certain areas,

The recommended draft Commission Delegated Regulation attached hereto does not address exhaustively the elements requested by the Mandate. Therefore, based on the experience gained with the first implementation phases, it may be amended or supplemented with other recommendations of the Agency,

5. For supporting the common safety methods attached to this recommendation and ensuring a non-discriminatory implementation thereof, it is necessary to establish, as soon as possible, one harmonised ICT system in accordance with the possibility offered by the Annex to the Mandate, section 2.1, second point (2), ensuring an uniform collection of data and information and a harmonized assessment of each operator associated with the use of harmonised taxonomies, independent from the non-harmonised level of development of the pre-existing technical systems currently used by railway actors for implementing monitoring and supervision,
6. For those parties who do not have sufficiently well-developed systems, the harmonised ICT system called 'Information Sharing System' in the common safety methods attached to this recommendation may be directly used, avoiding the development and multiplication of non-harmonised individual systems, with the continued risk of non-interoperability of those systems,
7. For those parties who already have well-developed systems but non-harmonised, a transition period towards a full harmonisation with the 'Information Sharing System' is to be organized to ensure further data sharing simplification and further efficiency gains, including when the usage of pre-existing systems will be continued by those parties,
8. During this transition period, the full harmonization of the data and information on safety should remain a clear objective and the cleaning of national rules setting requirements on monitoring or on supervision, on the top of the common safety methods attached to this recommendation should be further implemented, it may be combined with a revision of the Common Safety Indicators and Common Safety Targets regime,
9. The management of this transition period will be facilitated by the establishment of the recommended standing working party called "Group of Analysts" in accordance with the possibility offered by the Mandate section 2.1 second point number (1), integrating also the workflows of the current 'Joint Network Secretariat',
10. Based on the above elements the Agency has recommended the inclusion of an Article establishing a control mechanism ensuring an effective management of the above transition period, and the possibility to further improve the methods, the associated technical systems and a phased implementation, based on proposals developed by the 'Group of Analysts', and taking into account the lessons learned from the first phases implementation,
11. A public consultation, as provided for in Articles 6 and 7 of the Agency Regulation, has been carried out and final improvements of the recommended Regulation taking into account the comments

received, including discussions held at the 9th working Party meeting and at a specific meeting organized with National Safety Authorities. The results of that consultation are included in the report accompanying this recommendation,

12. An impact assessment in accordance with Article 8 of the Agency Regulation has been carried out and the recommended Regulation is assessed to be positive. A report on such impact assessment is accompanying this recommendation,

HAS ADOPTED the following recommendation:

1. The Agency recommends that the Commission adopts the draft Commission Delegated Regulation establishing common safety methods for assessing the safety level and the safety performance of railway operators at national and Union level, enclosed to this recommendation.

This recommendation is addressed to the European Commission.

Valenciennes, 18 May 2021



Josef DOPPELBAUER
Executive Director

Annexes:

(sent by email with this recommendation)

- 1) Text of the recommended draft Commission Delegated Regulation establishing common safety methods for assessing the safety level and the safety performance of railway operators at national and Union level
(ERA1219-REC-1 – CSM Regulation recommended for adoption)
- 2) Accompanying report
(ERA1219-REC-1 – Accompanying report)
- 3) Impact Assessment report
(ERA1219-REC-1 – Impact Assessment report)