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- 12 March 2013 [shall come into force from 15 March 2013];
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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 168

Adopted 10 March 2008

## **Regulations Regarding the Procedures and Criteria for Issuing, Suspending and Revoking Part A and Part B of a Safety Certificate**

*Issued pursuant to  
Section 35, Paragraph four of the Railway Law*

### **I. General Provisions**

1. This Regulation prescribes the procedures for issuing, suspending or revoking Part A and Part B of a safety certificate, as well as the relevant criteria for issue, suspension and revocation thereof.

2. Part A and Part B of a safety certificate, which are drawn up in accordance with the requirements of European Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under the requirements of Articles 1, 2 and 4 of Directive 2001/14/EC (hereinafter – Regulation No 653/2007), shall be issued for a time period of up to five years.

### **II. Application for the Receipt of Part A and Part B of a Safety Certificate**

3. The railway undertaking shall draw up the application for the receipt of Part A and Part B of a safety certificate (hereinafter – application) in accordance with the requirements laid down in Article 3 of Regulation No 653/2007.

4. The application shall be submitted to the State Railway Technical Inspectorate.

5. The application for receipt of Part A of a safety certificate shall be accompanied by:

5.1. [14 June 2011];

5.2. a copy of a special permit (licence) for carriage by rail issued by a Member State of the European Union. If the special permit (licence) has been issued in Latvia, the State Railway

Technical Inspectorate upon agreement with the railway undertaking shall request the necessary information from the responsible institutions;

5.3. the safety management system documents drawn up by the railway undertaking, which comply with the requirements laid down in Annex 1 to this Regulation.

6. The application for receipt of Part B of a safety certificate shall only be accompanied by resumptive documents regarding the elements that conform to the requirements of interoperability technical specifications and laws and regulations regarding the interoperability of the trans-European rail systems:

6.1. a copy of Part A of the valid safety certificate issued to the railway undertaking by the Safety Authority of a European Union Member State, except in cases where the railway undertaking is concurrently submitting documents in order to receive Part A and Part B of a safety certificate, or Part A of the safety certificate has been issued in Latvia;

6.2. a copy of the special permit (licence) for carriage by rail issued to the railway undertaking by a European Member State, except in cases where the railway undertaking is concurrently submitting documents in order to receive Part A and Part B of a safety certificate. If the special permit (licence) has been issued in Latvia, the State Railway Technical Inspectorate upon agreement with the railway undertaking shall request the necessary information from the responsible institutions;

6.3. a copy of the declaration regarding the sufficiency of financial and material resources that was submitted for receipt of the special permit (licence);

6.4. applicable technical specifications for interoperability or parts thereof and the abovementioned list and the reference to the application of the railway undertaking's safety management plan in relation to employees which has been laid down in Sub-paragraph 2.3 of Annex 1 to this Regulation, rolling stock and services and documents confirming that the safety management system ensures compliance with the abovementioned specifications and requirements of this Regulation.

6.5. a list of the positions held by the railway specialists employed by the railway undertaking;

6.6. documents on processes intended in the safety management system, in which the staff is involved:

6.6.1. if the railway undertaking carries dangerous goods:

6.6.1.1. documents on the existence of a safety consultant (adviser), but, if there are several safety consultants (advisers), – regarding the responsibilities of each safety consultant (adviser);

6.6.1.2. documents regarding ensuring the requirements for the carriage of dangerous goods and the consignment control system;

6.6.2. declaration that the qualifications of the railway undertaking's railway specialists comply with the requirements laid down in the railway technical operations laws and regulations, including the field regarding the certification of regulated professions and recognition of professional qualifications;

6.6.3. a document that confirms the knowledge of the railway undertaking's staff regarding action during railway traffic accidents in accordance with the procedures stipulated by the railway infrastructure manager;

6.6.4. documents on the training of the train drivers and the procedures for examination of their driving skills of a traction vehicle;

6.7. a list indicating the types of rolling stock, which shall be operated in conformity with the required safety certificate;

6.8. the documentation of the safety management system processes intended for the rolling stock:

6.8.1. a document confirming the ability to ensure the repair and maintenance of the rolling stock, as well as equipping the tractive stock;

6.8.2. declaration on the conformity of the design of the rolling stock in use with the requirements prescribed by the railway technical operations laws and regulations and its suitability to the relevant railway infrastructure;

6.8.3. declaration of conformity that the equipment of the rolling stock is compatible with the cargo group, carriage speed, as well as communication, signalling, central control and interlocking systems in the relevant line section.

*[3 July 2012]*

7. The copies of the documents to be submitted shall be certified by the railway undertaking. The State Railway Technical Inspectorate is entitled to request to present originals of the documents. If a copy of a document to be submitted for the receipt of a safety certificate is on several pages, they shall be numbered and sewn together (bound together).

8. The railway undertaking shall prepare the electronic documents to be submitted in conformity with the laws and regulations regarding the drawing up of electronic documents.

8.<sup>1</sup> Part A and Part B of a safety certificate is valid if the railway undertaking implements the measures assigned thereto in accordance with Articles 3, 4 and 5(1) of Commission Regulation (EU) No 1078/2012 of 16 November 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 (hereinafter – Regulation No 1078/2012).

*[12 March 2013 / Paragraph shall come into force on 7 June 2013. See Paragraph 2 of amendments]*

9. A railway undertaking who wishes to continue the use of the railway infrastructure, not later than 2 months before the end of the term of validity of Part A or Part B of the safety certificate, shall submit a request to the State Railway Technical Inspectorate for the receipt of a new Part A or Part B of the safety certificate. Documents related to changes in the conditions for the issue of the previously received safety certificate Part A or Part B and a declaration that the railway undertaking has not changed the other conditions of the safety certificate Part A or Part B shall be appended to the application.

10. If the railway undertaking intends to change the conditions of operation that are laid down in Sub-paragraphs 2.6-2.14, 2.16-2.19, 3.6-3.14 and 3.16 of Annex III to Regulation No 653/2007, it shall submit documents for the receipt of a new Part A or Part B of a safety certificate (irrespective of the validity term of the current Part A or Part B of the safety certificate). Documents related to changes in the conditions for the issue of the previously received safety certificate Part A or Part B and a declaration that the railway undertaking has not changed the other conditions of the safety certificate Part A or Part B shall be appended to the application.

11. If the railway undertaking intends to change the conditions of operation that are laid down in the documents referred to in Sub-paragraphs 6.1, 6.2 and 6.5 of this Regulation, it shall submit documents for the receipt of a new Part B of a safety certificate (irrespective of the validity term of the current Part B of the safety certificate). Documents related to changes in the conditions for the issue of the previously received safety certificate, Part B, and a declaration that the railway undertaking has not changed the other conditions of the safety certificate, Part B, shall be appended to the application.

*[12 March 2013]*

12. If the railway undertaking intends to change the conditions referred to in Sub-paragraphs 6.3, 6.4, 6.6, 6.7 and 6.8 of this Regulation or change the prescribed processes of the safety management system, the railway undertaking shall inform the State Railway Technical Inspectorate thereof in writing at least one month before the changes occur.

*[12 March 2013]*

13. By 30 June of each year the railway undertaking shall submit to the State Railway Technical Inspectorate the annual safety report for the previous year. The Safety Report shall contain:

13.1. information regarding the implementation of the safety-related objectives and safety measures plan set by the railway undertaking;

13.2. joint safety indicators in accordance with the laws and regulations in the field of classification, investigation and registration of railway accidents, insofar these indicators apply to the particular merchant;

13.3. results of internal safety audits;

13.4. observations regarding the disorders and deficiencies of the railway operations and of the infrastructure manager operations that apply to the activities of the State Railway Technical Inspectorate.

*[14 July 2015]*

### **III. Review of Applications and Decision Making**

14. The State Railway Technical Inspectorate shall examine the application of a railway undertaking and documents attached thereto in accordance with Article 3 of Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (hereinafter – Regulation No 1158/2010) and, if it is determined that the documents submitted for the receipt of a safety certificate fail to comply with the requirements of this Regulation or if the information referred therein is incomplete or incorrect, the State Railway Technical Inspectorate shall request additional information from the railway undertaking, indicating the time period for the application thereof.

*[14 June 2011]*

14.<sup>1</sup> If the railway undertaking submits an application for receipt of Part B of a safety certificate only in a specific limited part of the railway infrastructure, the State Railway Technical Inspectorate shall provide the respective instructions to the railway undertaking and inform regarding the provisions applicable to a particular part of the railway infrastructure in the field of the railway technical operations.

*[17 June 2014]*

15. The State Railway Technical Inspectorate, in examining a application, is entitled to invite a representative of a railway undertaking and public-use railway infrastructure manager for provision of explanations.

16. The decision on the issuing of the Part A of a safety certificate or on refusal to issue the Part A of a safety certificate shall be taken by the State Railway Technical Inspectorate within one month after receipt of the application.

17. *[17 June 2014]*

18. *[17 June 2014]*

19. The State Railway Technical Inspectorate within one month from the receipt of the railway undertaking's application to receive Part B of the safety certificate shall take a decision to issue Part B of the safety certificate or to refuse to issue Part B of the safety certificate.

20. The State Railway Technical Inspectorate shall take a decision to refuse to issue Part A or Part B of a safety certificate in the following cases:

20.1. if the railway undertaking does not conform with the requirements laid down in the legislative enactments regarding the Railway Technical Operation Regulations or the requirements stipulated by the railway infrastructure manager which are related to the railway traffic safety;

20.2. if the all necessary documents and the additional information requested by the State Railway Technical Inspectorate have not been submitted to the State Railway Technical Inspectorate in accordance with the requirements of this Regulation or Annexes 2 and 3 to Regulation No 1158/2010;

20.3. if Part A or Part B of the safety certificate has been revoked for a railway undertaking within a year before the submittal of the request.

*[14 June 2011]*

21. The State Railway Technical Inspectorate shall, within three working days from the date of taking the decision, send it to the railway undertaking. A copy of the decision shall be sent to the railway infrastructure manager.

22. If Part A or Part B of a safety certificate has been lost or damaged, the State Railway Technical Inspectorate shall, within 10 working days after receipt of the relevant application, issue a duplicate of Part A or Part B of the safety certificate.

23. If a railway undertaking changes the particulars indicated in Part A or Part B of a safety certificate, it shall notify the State Railway Technical Inspectorate thereof within 10 working days and submit the original of Part A or Part B of the safety certificate.

*[14 June 2011]*

24. The State Railway Technical Inspectorate shall issue a new Part A or Part B of the safety certificate to a railway undertaking within eight working days after receipt of the application referred to in Paragraph 23 of this Regulation and shall notify the railway infrastructure manager thereof.

#### **IV. Suspending and Revoking of the Safety Certificate Operation**

25. The State Railway Technical Inspectorate shall, by a justified decision, suspend the operation of Part A or Part B of a safety certificate if it establishes that the railway undertaking is infringing the requirements referred to in this Regulation, does not implement the measures assigned thereto in accordance with Regulation No 1078/2012 or does not conform to the conditions anymore, according to which the State Railway Technical Inspectorate has issued Part A or Part B of the safety certificate, accordingly. The validity of Part A or Part B of a safety certificate shall be suspended until the elimination of the abovementioned violations.

*[12 March 2013; 17 June 2014]*

26. The State Railway Technical Inspectorate shall take a decision to revoke Part A or Part B of a safety certificate in the following cases:

26.1. if in the procedures laid down by this Regulation the railway undertaking has been issued a new Part A or Part B of a safety certificate;

26.2. if the railway undertaking has provided false information;

- 26.3. if the validity of the safety certificate of a railway undertaking is suspended repeatedly within a year;
- 26.4. if within one year the railway undertaking has not utilised the safety certificate;
- 26.5. the railway undertaking has terminated operations.

27. The railway undertaking shall hand over to the State Railway Technical Inspectorate the original of Part A or Part B of the safety certificate within five working days of entering into effect of the decision to revoke the safety certificate.

28. Prior to the taking of a decision to revoke Part A or Part B of a safety certificate in the case referred to in Sub-paragraph 26.2 of this Regulation the State Railway Technical Inspectorate shall send a warning to the railway undertaking. The violations determined shall be indicated in the warning and the time period for the elimination thereof shall be determined that shall not be longer than five working days, starting from the date of notification.

29. If the railway undertaking has not submitted information regarding the elimination of the abovementioned violations to the State Railway Technical Inspectorate by the end of the warning term laid down in Paragraph 28 of this Regulation, the State Railway Technical Inspectorate shall take a decision to revoke Part A or Part B of the safety certificate.

30. If a decision to suspend Part A or Part B of a safety certificate or to revoke it has been taken, the State Railway Technical Inspectorate shall immediately notify the railway infrastructure manager and railway undertaking thereof. In such case the railway infrastructure manager is not entitled to allow the railway undertaking to use the railway infrastructure until the renewal of the operation of the safety certificate or the receipt of a new Part A or Part B of a safety certificate.

## **V. Closing Provision**

31. Cabinet Regulation No. 853 of 12 October 2004, Procedures for Issuing, Suspending and Revoking Safety Certificates for Carriage by Rail (Latvijas Vēstnesis, 2004, No. 164; 2007, No. 26) is repealed.

32. A railway undertaking whose Part B of a safety certificate has been issued before 14 May 2012, shall submit documents to the State Railway Technical Inspectorate by 1 December 2012, confirming training of the train drivers and conducting examinations of their driving skills of a traction vehicle in accordance with the procedures referred to in Cabinet Regulation No. 873 of 14 September 2010, Regulation Regarding Obtaining a Train Driver's Qualification and Licence to Drive a Traction Vehicle. If the railway undertaking does not submit the relevant documents by the abovementioned deadline, Part B of the safety certificate of the railway undertaking shall be suspended in accordance with the procedures referred to in Paragraph 25 of this Regulation.

*[3 July 2012]*

## **Informative Reference to the European Union Directive**

[14 June 2011]

This Regulation transposes:

1) Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway

infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive);

2) Directive 2008/110/EC of the European Parliament and of the Council of 16 December 2008 amending Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive); and

3) Commission Directive 2009/149/EC of 27 November 2009 amending Directive 2004/49/EC of the European Parliament and of the Council as regards Common Safety Indicators and common methods to calculate accident costs.

Prime Minister

I.Godmanis

Minister for Transport

A.Šlesers

## **Stipulated Requirements and Basic Elements of a Safety Management System**

1. The stipulated requirements of a safety management system shall be as follows:
  - 1.1. the basic elements and all the parts of a safety management system shall be documented that describe the duties and liabilities of the railway undertaking, in particular in co-operation with the infrastructure manager; and
  - 1.2. the safety management system shall show how various management levels are ensured, how all levels of the personnel and their representatives are involved and how the continuous improvement of the safety management system is ensured.
  
2. The basic elements of a safety management system shall be as follows:
  - 2.1. a safety policy that is approved by the merchant's chief executive and communicated to all staff;
  - 2.2. the qualitative and quantitative targets of the merchant for maintaining and enhancing safety, plans and procedures for reaching these targets;
  - 2.3. the observance of current, new and amended technical and operational regulatory documentation that have been developed in accordance with:
    - 2.3.1. the technical specifications for interoperability;
    - 2.3.2. laws and regulations regarding national safety targets and safety methods;
    - 2.3.3. laws and regulations regarding the railway undertaking's safety management system and safety certificate provisions;
    - 2.3.4. laws and regulations regarding the registration of the rolling stock;
    - 2.3.5. laws and regulations regarding the procedures for special repairs and modernisation of the railway rolling stock;
    - 2.3.6. laws and regulations regarding the acceptance for operation of new rolling stock or rolling stock which has undergone special repair or modernisation, as well as regarding the maintaining of rolling stock for which the technical specifications for interoperability do not as yet apply;
    - 2.3.7. laws and regulations regarding the operating regulations for a railway network for which the technical specifications for interoperability do not as yet apply, including those that apply to signalling and traffic control systems;
    - 2.3.8. laws and regulations, in which additional requirements have been provided to the work procedure regulations that the railway undertaking shall have to adopt;
    - 2.3.9. laws and regulations regarding requirements for staff who are directly involved with railway traffic, including personnel selection criteria, state of health, professional training and certification, insofar as these issues have not already been specified in the technical specifications for interoperability;
    - 2.3.10. laws and regulations regarding the investigation of railway traffic accidents;
  - 2.4. procedures for conformity with normative documentation, applicable standards and other instructions during the whole circulation cycle and operation time of the equipment;
  - 2.5. procedures and methods for assessing risk factors and introducing measures for restricting the occurrence of risk in cases when operational conditions or new materials create new risk factors for the operation;



2.6. staff training programmes and systems to ensure that the competence of the staff competence is maintained and tasks carried out accordingly;

2.7. measures taken by the railway undertaking for adequate internal circulation of information and in special cases – between business entities which operate in the same railway infrastructure;

2.8. procedures and formats for documenting safety information, as well as procedures for configuration control of vital safety information;

2.9. procedures to ensure that accidents, incidents, hazardous approaches and other hazardous events shall be registered, investigated and analysed, as well necessary preventative measures shall be undertaken;

2.10. in accordance with their competence, the co-ordinated action plan of the relevant State administration institutions for the provision of warnings and information after an accident;

2.11. provisions for recurrent internal auditing of the safety management system.

Minister for Transport

A.Šlesers

**Safety Indicators for the Railway Undertaking**  
[14 July 2015]