Republic of Latvia

Cabinet

Regulation No. 375

Adopted 9 June 2020

**Railway Safety Regulations**

*Issued pursuant to*

*Section 34.1, Paragraph five, Section 35.1, Paragraph two, Section 35.2, Paragraphs four, five, and seven, and Section 36.5, Paragraphs three and seven of the Railway Law*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the basic elements of the safety management system;

1.2. the information to be included in the safety report;

1.3. the procedures for applying Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (hereinafter – Regulation No 2018/763) in Latvia;

1.4. the criteria and procedures for issuing, renewing, amending, and revoking a safety permit;

1.5. the requirements for entities in charge of maintenance and the criteria for the evaluation thereof;

1.6. the vehicles for the maintenance of which the entities in charge of maintenance require a certificate of the entity in charge of maintenance;

1.7. the procedures by which the State Railway Technical Inspectorate (hereinafter – the Inspectorate) shall issue, renew, amend, or revoke a certificate of the entity in charge of maintenance, the requirements for the issue, renewal, amending, and revocation thereof, and also the evaluation criteria;

1.8. the procedures by which the Inspectorate shall issue, renew, amend, or revoke a certificate of the entity in charge of maintenance of vehicles with a track gauge of 1520 mm, and also the requirements for the issue, renewal, amending, and revocation thereof and the evaluation criteria.

2. A railway undertaking, a shunter and the infrastructure manager referred to in Sub-paragraphs 17.1.1 and 17.1.3 of this Regulation shall ensure that the safety management system includes at least the following basic elements:

2.1. a safety policy approved by the senior manager of the business entity, maintained according to the business strategy of the business entity, and communicated to all staff, which includes a commitment to fulfil the requirements of the laws and regulations related to safety, safety objectives set by the business entity, and also a commitment to control the safety hazards resulting from activity of the business entity itself and caused by other participants in the rail system and to improve its safety management system on a continuous basis;

2.2. the qualitative and quantitative objectives of the business entity for maintaining and enhancing safety, and also plans and procedures for reaching these objectives;

2.3. the procedures for the fulfilment of the existing, new, and amended technical and operational conditions, as specified in the technical specifications for interoperability, national requirements, and other applicable laws and regulations not directly related to the railway sector, and also in the mandatory infrastructure conditions and restrictions of local character indicated in the railway infrastructure register or network statement (hereinafter – the local infrastructure conditions);

2.4. the procedures for the compliance with the applicable requirements throughout the life cycle and operating time of the facilities;

2.5. the procedures and methods for the identification and assessment of risks and implementation of control measures if change in the operating conditions or introduction of new materials presents new risks to the infrastructure or interaction between a person, equipment (mechanism), and a business entity;

2.6. the staff training programmes and systems in order to maintain the competence of staff for proper fulfilment of the duties thereof, including physical and psychological fitness of the staff;

2.7. the measures of a business entity in order to ensure circulation of internal information and, where applicable, circulation of information among participants in the rail system;

2.8. the procedures and forms for the documentation of safety information and the procedures for the control of configuration of important safety information;

2.9. the procedures for the registration, reporting, investigation, and analysis of railway traffic accidents and other dangerous events, and also for the performance of the necessary preventive measures;

2.10. the plans of action, warnings, the procedures for providing information in emergency situations which are compatible with the actions of public authorities in emergency situations;

2.11. the regular internal audit of the safety management system.

3. A railway undertaking, a shunter, and the infrastructure manager referred to in Sub-paragraphs 17.1.1 and 17.1.3 of this Regulation shall include in the safety management system also other elements which are necessary for managing safety risks resulting from the activities thereof, taking into account the assessment of such risks, including those resulting from the activities carried out in a private-use railway infrastructure.

4. A safety management system shall be developed by applying the requirements laid down in Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010.

5. A railway undertaking, a shunter, and the infrastructure manager referred to in Sub-paragraphs 17.1.1 and 17.1.3 of this Regulation shall include the following information in the annual safety report on the previous calendar year:

5.1. the information on achieving the objectives set by the business entity in safety-related issues and the performance results of safety plans;

5.2. the report on the safety indicators and changes thereof indicated in the laws and regulations regarding the procedures for classifying, investigating, and recording railway traffic accidents, insofar as it concerns the business entity itself;

5.3. the results of the internal safety audit;

5.4. the considerations on deficiencies and malfunctions of railway operations and infrastructure management which might be relevant to the Inspectorate, including a summary of information on risks resulting from results of remedial actions;

5.5. the report on the application of the common safety methods.

**II. Single Safety Certificate**

6. If the area of operation of a railway undertaking or shunter is only located in Latvia and the applicant has asked the Inspectorate to issue a single safety certificate, the Inspectorate shall, as a safety certification body within the meaning of Regulation No 2018/763, issue, renew, amend, or revoke the single safety certificate in conformity with the requirements and evaluation criteria laid down in this Regulation and Regulation No 2018/763.

7. The applicant shall submit the information referred to in Regulation No 2018/763 on the area of operation in Latvia in the Latvian language in accordance with the requirements of the Official Language Law.

8. The information specified in Annex III to Regulation No 2018/763, including the type of activity, the scope of carriage, and also the area of operation of a railway undertaking or shunter shall be indicated in the single safety certificate. The single safety certificate shall also be applicable to a private-use railway infrastructure if it is part of the safety management system of the railway undertaking or shunter.

9. If the applicant also carries out the activities referred to in Paragraph 17 of this Regulation (except for Sub-paragraphs 17.1.1 and 17.1.3) for which receipt of the safety permit referred to in Chapter III of this Regulation is intended, the Inspectorate shall verify conformity with the requirements of Chapter III of this Regulation and decide to issue, renew, amend, or revoke the safety permit in a procedure for the issue of a single safety certificate. In this case the documentation necessary for the issue of the single safety certificate shall be accompanied by the documentation indicated in Chapter III of this Regulation, and the railway undertaking or shunter shall not receive a safety permit, however, a relevant decision is taken or a note is made in the single safety certificate in respect of the conformity with the requirements.

10. A single safety certificate shall not be issued to the infrastructure manager referred to in Sub-paragraphs 17.1.1 and 17.1.3 of this Regulation who, for the purpose of managing the infrastructure, also performs shunting operations and operates the train service other than carriage by rail if the conformity of the abovementioned activities with the safety requirements has been demonstrated by a safety permit in accordance with Chapter III of this Regulation.

11. The Inspectorate shall, within two weeks after taking of a decision to issue, renew, amend, or revoke a single safety certificate, notify the European Union Agency for Railways, indicating the name, address of the business entity, date of issue, type, scope, term of validity, and area of operation of the single safety certificate but in case of revocation also the substantiation of the decision.

12. If a railway undertaking or shunter makes the changes referred to in Section 34.1, Paragraph eleven of the Railway Law and these changes change the conditions of the single safety certificate issued previously, it shall submit an application for amending the single safety certificate. The application shall be accompanied by a certification that the risk management process of the relevant change has been implemented according to the common safety method intended for risk evaluation and assessment.

13. If amendments to the directly applicable legal acts of the European Union or national requirements change the conditions for the issue of a single safety certificate, a railway undertaking or shunter shall, upon request of the Inspectorate, submit an application for the renewal of a single safety certificate irrespective of the term of validity of the existing single safety certificate.

14. After issue of a single safety certificate, the Inspectorate shall use the information at its disposal, and also the documentation of the safety management system at the disposal of the European Union Agency for Railways in order to supervise railway undertakings and shunters.

15. Upon renewing a single safety certificate, the Inspectorate shall use the information obtained during supervision. The Inspectorate shall perform supervision in accordance with Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 (hereinafter – Regulation No 2018/761).

16. If the Inspectorate has issued a single safety certificate, it shall take a decision to revoke it if the holder of the single safety certificate:

16.1. has provided false statements or hidden information related to the safety of rail traffic;

16.2. has failed to perform any activities for the revocation of the temporary safety measures referred to in the Railway Law within three months from the moment of application thereof;

16.3. has terminated its activities as a railway undertaking or shunter.

**III. Safety Permit**

17. A valid safety permit in the following areas of commercial activity shall certify that a business entity has the capacity to operate in the relevant area of commercial activity in the railway sector:

17.1. the railway infrastructure management:

17.1.1. a public-use railway infrastructure manager that is responsible for the establishment and maintenance of the railway lines referred to in the laws and regulations regarding the classification of a railway infrastructure of strategic and regional importance, and for the management of the infrastructure control and safety systems thereof;

17.1.2. a railway infrastructure manager that manages railway lines other than those specified in the laws and regulations regarding the classification of a railway infrastructure of strategic and regional importance;

17.1.3. a railway infrastructure manager that is responsible for the establishment of a railway infrastructure which is included in the trans-European transport network (TEN-T) and in the list of priority projects thereof;

17.2. performance of shunting operations in a private-use railway infrastructure and a public-use railway infrastructure within the boundaries of one station;

17.3. construction, repair, or maintenance of the railway infrastructure technical equipment;

17.4. construction, repair, or maintenance of the rolling stock.

18. A business entity may receive a safety permit for one or several areas of the commercial activity referred to in Paragraph 17 of this Regulation or parts thereof.

19. If the activities referred to in Sub-paragraphs 17.1.2 and 17.2 of this Regulation are carried out by a business entity that is also a railway undertaking or shunter, conformity of the abovementioned activities with the safety requirements shall be demonstrated by issuing a single safety certificate in accordance with Paragraph 9 of this Regulation.

20. If the activities referred to in Sub-paragraphs 17.3 and 17.4 of this Regulation are carried out by a business entity that is also a railway undertaking or shunter, conformity of the abovementioned activities with the safety requirements shall be demonstrated by issuing a single safety certificate in accordance with Paragraph 9 of this Regulation only when the single safety certificate is issued by the Inspectorate. If the single safety certificate is issued by the European Union Agency for Railways, the business entity shall obtain a safety permit in accordance with the procedures laid down in this Chapter.

21. In order to obtain a safety permit, a business entity shall submit to the Inspectorate an application for the receipt of a safety permit (hereinafter – the application). The following shall be indicated in the application:

21.1. the name, registration number, and address of the business entity;

21.2. the information on the safety permit requested (new, renewed, or amended);

21.3. the area of commercial activity in the railway sector according to the areas indicated in Paragraph 17 of this Regulation;

21.4. a description of the area of commercial activity, indicating the planned activities in the relevant area of commercial activity. The infrastructure manager referred to in Sub-paragraphs 17.1.1 and 17.1.3 of this Regulation shall indicate whether it, for the purpose of the management of infrastructure, also performs shunting operations and operates the train service other than carriage by rail;

21.5. the information on the railway infrastructure on which commercial activity will be carried out (except for the commercial activity referred to in Sub-paragraphs 17.3 and 17.4 of this Regulation);

21.6. the information on the complementary activities carried out by the business entity in the railway sector if such are planned;

21.7. the information on the means of receipt of the safety permit.

22. In order to receive a safety permit, a public-use railway infrastructure manager that is responsible for the establishment and maintenance of the railway lines referred to in the laws and regulations regarding the classification of a railway infrastructure of strategic and regional importance, and for the management of the infrastructure control and safety systems thereof shall establish and maintain a safety management system which corresponds to the requirements of Paragraphs 2, 3, and 4 of this Regulation including therein also the rules and procedures for the fulfilment of the requirements which are necessary for safe development, maintenance, and operation of the railway infrastructure, including for the maintenance and operation of the traffic control and signalling system, where applicable. A manager of such infrastructure the development of the railway infrastructure of which is at the construction stage shall receive a safety permit if it has established a structured and documented system which enables to manage development works of the railway infrastructure in conformity with the national requirements, the directly applicable legal acts of the European Union, and the local infrastructure conditions.

23. A public-use railway infrastructure manager that is responsible for the establishment and maintenance of the railway lines referred to in the laws and regulations regarding the classification of a railway infrastructure of strategic and regional importance, and for the management of the infrastructure control and safety systems thereof shall ensure that the application is accompanied by the following documents:

23.1. documents of the safety management system which demonstrate compliance with the requirements referred to in Paragraphs 2, 3, an 4 of this Regulation (also in connection with the carriage of dangerous goods);

23.2. information on the technical specification for interoperability, including detailed information on the application of the technical specification for interoperability and the common safety methods of the traffic operation and management subsystem of the European Union rail system to the safety management system processes of the business entity;

23.3. a description of the procedures necessary for the fulfilment of the special requirements for safe design, maintenance, and operation of the railway infrastructure, including also a description of the procedures for the maintenance and operation of the traffic control and signalling system;

23.4. a list of positions of the railway specialists employed;

23.5. documents regarding personnel-related processes provided for in the safety management system, including competence management;

23.6. if the business entity has rolling stock in its possession:

23.6.1. a list of the vehicles intended for use;

23.6.2. a document indicating the entity in charge of maintenance of the vehicles and information on the certification thereof;

23.7. information on the contracts entered into by the business entity in order to use services of other business entities for the implementation of individual technological processes in the railway sector.

24. In order to receive a safety permit, an infrastructure manager that manages railway lines other than those indicated in the laws and regulations regarding the classification of a railway infrastructure of strategic and regional importance shall establish a system which enables the activities thereof in the relevant area of commercial activity in the railway sector in conformity with the national requirements, the directly applicable legal acts of the European Union, and the local infrastructure conditions.

25. An infrastructure manager that manages railway lines other than those indicated in the laws and regulations regarding the classification of a railway infrastructure of strategic and regional importance shall ensure that the application is accompanied by the following documents:

25.1. a document specifying the business entity’s part of the organisational structure or the person responsible for the planning, organisation, implementation, and management of railway operations and for the monitoring of traffic safety;

25.2. information on the division of responsibility by the relevant technological processes in the railway sector, specifying which technological processes necessary for the activities of the business entity are conducted by the business entity and which are transferred to another business entity;

25.3. a description of the procedures necessary for the fulfilment of the special requirements for safe design, maintenance, and operation of the railway infrastructure and, where applicable, also a description of the procedures for the maintenance and operation of the traffic control and signalling system;

25.4. information on the norms contained in the internal documents of the business entity (for example, documents issued by the business entity, documents adopted jointly with other organisations, documents regarding the use, repair, and maintenance of the railway infrastructure equipment issued by manufacturers, suppliers, and installers thereof, documents issued by other organisations, documentation related to the carriage of dangerous goods) which conform to the area of activity and activities carried out by the business entity and have been drawn up in accordance with the provisions of the directly applicable legal acts of the European Union, the national requirements, and the local infrastructure conditions;

25.5. a list of positions of the railway specialists employed by the business entity;

25.6. documents regarding personnel-related processes:

25.6.1. a certification that the qualification of the business entity’s railway specialists corresponds to the requirements laid down in the laws and regulations regarding railway safety;

25.6.2. documents demonstrating that the business entity’s staff is aware of the measures to be taken in case of railway traffic accidents (also accidents involving the carriage of dangerous goods);

25.7. if the business entity has rolling stock in its possession:

25.7.1. a list of the vehicles intended for use;

25.7.2. a document indicating the entity in charge of maintenance of the vehicles and information on the certification thereof;

25.8. information on the contracts entered into by the business entity in order to use services of other business entities for the implementation of individual technological processes in the railway sector.

26. In order to receive a safety permit, an infrastructure manager that is responsible for the establishment of a railway infrastructure which is included in the trans-European transport network (TEN-T) and in the list of the priority projects thereof, and manages a railway infrastructure the development of which is at the construction stage shall establish a structured and documented system which enables to manage development works of the railway infrastructure in conformity with the national requirements, the directly applicable legal acts of the European Union, and the local infrastructure conditions.

27. An infrastructure manager that is responsible for the establishment of a railway infrastructure which is included in the trans-European transport network (TEN-T) and in the list of the priority projects thereof shall ensure that the application is accompanied by the following documents:

27.1. documents of the safety management system which demonstrate compliance with the requirements referred to in Paragraphs 2, 3, an 4 of this Regulation;

27.2. information on the technical specification for interoperability, including detailed information on the application of the technical specification for interoperability and the common safety methods of the traffic operation and management subsystem of the European Union rail system to the safety management system processes of the business entity;

27.3. a description of the procedures necessary for the fulfilment of the special requirements for safe design, maintenance, and operation of the railway infrastructure, including also a description of the procedures for the maintenance and operation of the traffic control and signalling system;

27.4. a list of positions of the railway specialists employed;

27.5. documents regarding personnel-related processes provided for in the safety management system, including competence management;

27.6. information on the contracts entered into by the business entity in order to use services of other business entities for the implementation of individual technological processes in the railway sector.

28. In order to receive a safety permit, a business entity that is not a shunter but performs shunting operations only in a private-use railway infrastructure or public-use railway infrastructure within the boundaries of one station shall establish a system which enables the activities thereof in the relevant area of commercial activity in the railway sector in conformity with the national requirements, the directly applicable legal acts of the European Union, and the local infrastructure conditions.

29. A business entity that is not a shunter but performs shunting operations only in a private-use railway infrastructure or public-use railway infrastructure within the boundaries of one station shall ensure that the application is accompanied by the following documents:

29.1. a document specifying the business entity’s part of the organisational structure or the person responsible for the planning, organisation, implementation, and management of railway operations and for the monitoring of traffic safety;

29.2. information on the division of responsibility by the relevant technological processes in the railway sector, specifying which technological processes necessary for the activities of the business entity are conducted by the business entity and which are transferred to another business entity;

29.3. information on the norms contained in the internal documents of the business entity (for example, documents issued by the business entity, documents adopted jointly with other organisations, documents regarding the use, repair, and maintenance of the railway rolling stock issued by manufacturers, suppliers, and installers thereof, documents issued by other organisations, documentation related to the carriage of dangerous goods) which conform to the area of activity and activities carried out by the business entity and have been drawn up in accordance with the provisions of the directly applicable legal acts of the European Union, the national requirements, and the local infrastructure conditions;

29.4. a list of positions of the railway staff employed by the business entity;

29.5. documents regarding personnel-related processes:

29.5.1. a certification that the qualification of the business entity’s railway specialists corresponds to the requirements laid down in the laws and regulations regarding railway safety;

29.5.2. documents demonstrating that the business entity’s staff is aware of the measures to be taken in case of railway traffic accidents (also accidents involving the carriage of dangerous goods);

29.6. information on the rolling stock in possession:

29.6.1. a list of the vehicles intended for use;

29.6.2. a document indicating the entity in charge of maintenance of the vehicles and information on the certification thereof;

29.7. information on the contracts entered into by the business entity in order to use services of other business entities for the implementation of individual technological processes in the railway sector.

30. In order to receive a safety permit, a business entity that is engaged in the construction, repair, or maintenance of the railway infrastructure technical equipment shall establish a system which enables the activities thereof in the relevant area of commercial activity in the railway sector in conformity with the national requirements, the directly applicable legal acts of the European Union, and the local infrastructure conditions.

31. A business entity that is engaged in the construction, repair, or maintenance of the railway infrastructure technical equipment shall ensure that the application is accompanied by the following documents:

31.1. a document specifying the business entity’s part of the organisational structure or the person responsible for the planning, organisation, implementation, and management of railway operations and for the monitoring of traffic safety;

31.2. information on the division of responsibility by the relevant technological processes in the railway sector, specifying which technological processes necessary for the activities of the business entity are conducted by the business entity and which are transferred to another business entity;

31.3. information on the norms contained in the internal documents of the business entity (for example, documents issued by the business entity, documents adopted jointly with other organisations, documents regarding the use, repair, and maintenance of the infrastructure equipment issued by manufacturers, suppliers, and installers thereof, documents issued by other organisations, documentation related to the carriage of dangerous goods) which conform to the area of activity and activities carried out by the business entity and have been drawn up in accordance with the provisions of the directly applicable legal acts of the European Union, the national requirements, and the local infrastructure conditions;

31.4. a list of positions of the railway staff employed by the business entity;

31.5. documents regarding personnel-related processes:

31.5.1. a certification that the qualification of the business entity’s railway specialists corresponds to the requirements laid down in the laws and regulations regarding railway safety;

31.5.2. documents demonstrating that the business entity’s staff is aware of the measures to be taken in case of railway traffic accidents (also accidents involving the carriage of dangerous goods);

31.6. if the business entity has rolling stock in its possession:

31.6.1. a list of the vehicles intended for use;

31.6.2. a document indicating the entity in charge of maintenance of the vehicles and information on the certification thereof;

31.7. information on the fact that the business entity has appropriate technical means at its disposal (devices, facilities, tools, measuring instruments);

31.8. information on the contracts entered into by the business entity in order to use services of other business entities for the implementation of individual technological processes in the railway sector.

32. In order to receive a safety permit, a business entity that is engaged in the construction, repair, or maintenance of the rolling stock shall establish a documented system which enables the activities thereof in the relevant area of commercial activity in the railway sector in conformity with the national requirements, the directly applicable legal acts of the European Union, and the local infrastructure conditions. The business entity that is engaged in the construction, repair, or maintenance of the rolling stock shall, according to the special nature of the commercial activity, apply to the establishment of the system the requirements applicable to the maintenance function which are referred to in Paragraph 52 of this Regulation.

33. A business entity that is engaged in the construction, repair, or maintenance of the rolling stock shall ensure that the application is accompanied by documents which demonstrate compliance with the requirements referred to in Paragraph 32 of this Regulation. The applicable requirements of in Paragraph 52 of this Regulation shall be considered complied with if the applicant has received the certificate of conformity for the maintenance functions in respect of the maintenance performance function which is referred to in Commission Implementing Regulation (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 (hereinafter – Regulation No 2019/779).

34. If, for the compliance with the requirements referred to in Paragraph 22, 24, 26, 28, 30, or 32 of this Regulation, a business entity entrusts any parts of the process to another business entity, then the implementation of the process, with due compliance with the safety requirements, is demonstrated if a written contract for the implementation of such process has been entered into between the business entity and another business entity that has a single safety certificate, a safety permit, or a certificate for the entity in charge of maintenance for the implementation of the relevant process.

35. The Inspectorate shall assess whether a business entity as a participant in the rail system has the capacity to comply with the relevant requirements referred to in Paragraph 22, 24, 26, 28, 30, or 32 of this Regulation and apply them consistently, upon ensuring safe operation of the rail system. If the business entity does not have the capacity to comply with these requirements, the Inspectorate shall refuse to issue a safety permit, also taking into account the results of the assessment referred to in Paragraph 36 of this Regulation.

36. For the purpose of assessment of the compliance with the requirements referred to in Paragraphs 22, 24, 26, 28, 30, and 32 of this Regulation prior to issuing a safety permit, the Inspectorate may also carry out an assessment in the business entity’s objects.

37. The following shall be indicated in a safety permit:

37.1. the holder of the safety permit;

37.2. the information on the safety permit issued (new, renewed, or amended);

37.3. the area of commercial activity or the part thereof in the railway sector;

37.4. the limitations to the area of commercial activity, if any;

37.5. the conditions of any complementary activities carried out by the holder of the safety permit, if any;

37.6. the information on railway infrastructure on which commercial activity will be carried out;

37.7. the term of validity of the safety permit.

38. The Inspectorate shall take a decision to refuse to issue a safety permit if:

38.1. a business entity has failed to submit all the documents referred to in Paragraph 23, 25, 27, 29, 31, or 33 of this Regulation;

38.2. a business entity has provided false statements or hidden information related to the safety of rail traffic;

38.3. a system established by the business entity does not comply with the requirements specified in Paragraph 22, 24, 26, 28, 30 or 32 of this Regulation;

38.4. a business entity does not comply with the directly applicable legal acts of the European Union, the national requirements, and the local infrastructure conditions;

38.5. the safety permit or an area of activities specified in the safety permit has been revoked for a business entity within a year before submission of the application.

39. For the supervision of a holder of a safety permit the Inspectorate shall use all information at its disposal, including the information submitted for receiving the safety permit. The Inspectorate shall, at least once during the term of validity of the safety permit, perform supervision activities in those objects of the holder of the safety permit which represent all activities carried out by the business entity in order to make certain that the business entity still complies with the requirements of this Regulation.

40. The Inspectorate shall, in accordance with the requirements of Regulation No 2018/761, verify whether the public-use railway infrastructure manager referred to in Sub-paragraphs 17.1.1 and 17.1.3 of this Regulation fulfils the responsibilities assigned thereto.

41. If the Inspectorate detects that a business entity no longer complies with the requirements on the basis of which a safety permit was issued, it shall agree with the business entity on a plan for the rectification of non-conformities depending on the degree of non-conformity. If during supervision the Inspectorate detects a safety hazard, it may apply temporary safety measures, including immediately restrict or suspend the relevant activities.

42. If the infrastructure manager referred to in Sub-paragraphs 17.1.1 and 17.1.3 of this Regulation plans to make significant changes in the infrastructure, traffic control, signalling or energy supply systems or the principles for operation and maintenance thereof, it shall immediately inform the Inspectorate of the planned changes and, if such changes affect conformity with the directly applicable legal acts of the European Union, the national requirements, or the local infrastructure conditions, submit an application for amending a safety permit. The application shall be accompanied by a certification that the risk management process of the abovementioned changes has been implemented in accordance with the common safety method intended for risk evaluation and assessment.

43. If a holder of a safety permit plans to change the operating conditions on the basis of which the safety permit was issued, it shall notify the Inspectorate thereof prior to the implementation thereof. The Inspectorate shall, within a month after receipt of information, assess the significance of the changes planned by the business entity and, if they affect the conformity with the directly applicable legal acts of the European Union, the national requirements, or the local infrastructure conditions, shall ask the business entity to make relevant changes in the safety management system or documents thereof within a month and request to submit an application for amending a safety permit. If changes do not affect the conformity with the directly applicable legal acts of the European Union, the national requirements, or the local infrastructure conditions, the Inspectorate shall register the abovementioned information as a change in the operating conditions of the business entity’s safety permit without amending the safety permit.

44. If amendments to the directly applicable legal acts of the European Union or national requirements change the conditions for the issue of a safety permit, a business entity shall, upon request of the Inspectorate, submit an application for the renewal of a safety permit irrespective of the term of validity of the existing safety permit.

45. If a business entity wishes to continue operating as a participant in the rail system, then the business entity shall, not earlier than 12 months prior to expiry of the term of validity of the safety permit, submit to the Inspectorate an application with a request to renew the safety permit which is accompanied by the relevant documents indicated in Paragraphs 23, 25, 27, 29, 31, and 33 of this Regulation.

46. Upon renewing a safety permit, the Inspectorate shall also use the information obtained during supervision. If a business entity fails to comply with the relevant requirements referred to in Paragraphs 22, 24, 26, 28, 30, and 32 of this Regulation and apply them consistently, the Inspectorate shall refuse to renew the safety permit.

47. A safety permit shall be valid for five years counting from the day the decision is taken, except for the following:

47.1. the cases referred to in Paragraphs 42 and 43 of this Regulation when the safety permit is issued for a period which corresponds to the term of validity of the safety permit issued previously;

47.2. the case referred to in Paragraph 45 of this Regulation when the safety permit is issued for a period which expires on the relevant day, counting five years from the expiry date of the term of validity of the safety permit issued previously.

48. A business entity may only have one valid safety permit. The safety permit issued last shall be considered a valid safety permit.

49. The Inspectorate shall take a decision to revoke a safety permit or an area of activity indicated in a safety permit if the holder of the safety permit:

49.1. has provided false statements or hidden information related to the safety of rail traffic;

49.2. does not correspond to the requirements indicated in Paragraph 22, 24, 26, 28, 30, or 32 of this Regulation, and the business entity has failed to rectify the non-conformities referred to in Paragraph 41 of this Regulation within one month after the time period specified in the plan for the rectification of non-conformities;

49.3. during application of temporary safety measures has performed activities the performance of which is restricted or suspended;

49.4. has failed to perform any activities for the revocation of the temporary safety measures within three months from the moment of the application thereof;

49.5. has discontinued its operation as a participant in the rail system in the relevant area of activities indicated in the safety permit.

50. The Inspectorate shall, within two weeks, inform the European Union Agency for Railways of the issue, renewal, amending, or revocation of a safety permit for the infrastructure managers referred to in Sub-paragraphs 17.1.1 and 17.1.3 of this Regulation, indicating the name, address of the railway infrastructure manager, the date of issue of the safety permit, the area of activities and the term of validity thereof but in the case of revocation – also the substantiation of the decision of the Inspectorate.

**IV. Entity in Charge of Maintenance**

51. The right of a business entity to carry out the obligations of an entity in charge of maintenance shall be certified by the following:

51.1. a certificate for the entity in charge of maintenance which is obtained by a business entity that is responsible for the maintenance of vehicles of any type intended for a track gauge of 1435 mm. Such certificate may also be obtained by a business entity that is responsible for the maintenance of vehicles intended for a track gauge of 1520 mm;

51.2. a certificate for the entity in charge of maintenance of vehicles with a track gauge of 1520 mm which is obtained by a business entity that is responsible for the maintenance of vehicles of any type intended for a track gauge of 1520 mm.

52. The requirements and evaluation criteria for the performance of the maintenance functions of vehicles shall be as follows:

52.1. for ensuring management – an obligation to develop and introduce a maintenance system for vehicles and to improve the efficiency thereof on a continuous basis;

52.2. for risk assessment – to ensure systematic assessment of risks related to the maintenance of vehicles, including the risks resulting directly in the processes of operation and as a result of activities of other business entities or persons, and also systematic determination of appropriate risk control measures;

52.3. for supervision – to ensure systematic monitoring so that risk control measures are in place, work correctly, and promote achievement of the objectives of the entity in charge of maintenance of vehicles;

52.4. for continuous improvement – to analyse systematically the information obtained from regular supervision and audits, and also other important sources and to use the results obtained to learn and introduce preventive or corrective measures for maintaining or improving the safety level;

52.5. for organisational structure and responsibility – to establish a system for the determination of responsibility of persons and groups of persons in order to implement the safety tasks of the entity in charge of maintenance of vehicles;

52.6. for competence management – to establish a system for ensuring that employees have the competences required in order to implement the tasks of the entity in charge of maintenance of vehicles safely, effectively, and efficiently under any circumstances;

52.7. for information – to establish a system which ensures that competent persons at all levels of operation have access to all essential information and this information is complete and appropriate;

52.8. for documentation – to establish a system for traceability of all relevant information;

52.9. for entering into contracts – to establish a system which ensures that the functions entrusted to contractors are appropriately managed in order to implement the tasks of the entity in charge of maintenance of vehicles, that contractors have sufficient competence and that they comply with all the requirements laid down;

52.10. for maintenance operations of vehicles – to establish a system which ensures the following:

52.10.1. all maintenance operations affecting safety and elements relevant to safety are identified and managed properly, and all changes required in respect of the abovementioned maintenance operations and affecting safety are identified and managed properly on the basis of the experience gained and applying the common safety method intended for risk evaluation and assessment to the risk management process of the abovementioned changes, and such changes are documented properly;

52.10.2. conformity with the primary requirements laid down in the laws and regulations regarding interoperability;

52.10.3. technical means particularly intended for the maintenance of vehicles (premises, facilities, equipment, tools) are developed and inspected appropriately;

52.10.4. first-time documentation for the implementation of maintenance of vehicles is drawn up, evaluating the technical information related to a vehicle, and also the requirements laid down in this documentation are applied correctly in a further maintenance programme for a vehicle;

52.10.5. parts (including spare parts) and materials are used in the manner indicated in the maintenance programme for vehicles and the documentation of the manufacturer. Parts and materials are stored, handled, and transported in an appropriate manner, as indicated in the maintenance programme for vehicles and the documentation of the manufacturer, and they correspond to the relevant national requirements and international agreements, and also the requirements of maintenance programmes for the relevant vehicles;

52.10.6. suitable and appropriate technical means (premises, facilities, equipment, tools) are ascertained, identified, provided, registered and available in order to provide maintenance services of vehicles according to a maintenance programme and other applicable requirements, ensuring ergonomics of these technical means, environmental and staff health protection, and also safe maintenance;

52.10.7. the business entity has developed documented processes in order to ensure that its measuring instruments, all devices, facilities, and tools are used, calibrated, stored, and maintained correctly;

52.11. for control operations – to establish a system which ensures the following:

52.11.1. vehicles are timely withdrawn from service due to different types of planned maintenance operations and repairs or if defects or other needs have been identified;

52.11.2. the quality control measures required;

52.11.3. maintenance operations of vehicles are performed according to a maintenance programme and documents are issued regarding restoration of operation after maintenance which also include eventual restrictions of use;

52.11.4. possible non-conformities of the application of the management system which might cause accidents, incidents, or other dangerous events are reported, these cases are investigated and analysed according to the common safety method intended for supervision, and the necessary preventive measures are taken;

52.11.5. carrying out of internal audits on a regular basis and supervision process according to the common safety method intended for supervision.

53. In order to obtain a certificate for the entity in charge of maintenance, a business entity shall ensure safe operation of vehicles, using a maintenance system for vehicles, and certify that functions of the system established by it correspond to the requirements laid down in Paragraph 52 of this Regulation, irrespective of whether the business entity carries out all functions itself or entrusts an individual function or part thereof to another contractor.

54. A business entity shall document management of the functions of the maintenance system of vehicles in all the relevant elements thereof, in particular describing the division of obligations in the maintenance system for vehicles, including cooperation with contractors. The business entity shall demonstrate in the documentation regarding management of the functions of the maintenance system of vehicles how control is ensured at different management levels of the maintenance system for vehicles, and also how the relevant personnel is involved and how improvement of the system is ensured on a continuous basis.

55. If a business entity entrusts an individual function or a part thereof to another contractor, the conformity of the functions of the maintenance system of vehicles with the requirements indicated in Paragraph 52 of this Regulation shall be demonstrated by the contracts entered into.

56. The Inspectorate as a certification body within the meaning of Regulation No 2019/779 shall issue, renew, amend, or revoke the certificate referred to in Sub-paragraph 51.1 of this Regulation in conformity with the requirements for the entities in charge of maintenance and the evaluation criteria thereof laid down in this Regulation and Regulation No 2019/779 according to the following conditions:

56.1. the Inspectorate complies with the criteria of independence, competence, and impartiality specified in Annex I to Regulation No 2019/779;

56.2. evidence is obtained in the certification process that an entity in charge of maintenance has established a maintenance system in order to ensure safe operation of all vehicles for the maintenance of which it is responsible;

56.3. certification of an entity in charge of maintenance is based on an evaluation whether it corresponds to the relevant requirements and evaluation criteria indicated in Paragraph 52 of this Regulation and is able to apply them consistently. Certification procedures shall include a supervision system in order to ensure continuous conformity with the abovementioned requirements and evaluation criteria also after issue of a certificate for an entity in charge of maintenance.

57. The Inspectorate as a certification body within the meaning of Regulation No 2019/779 shall, in conformity with the requirements laid down in this Regulation and Regulation No 2019/779 for the relevant functions and the evaluation criteria thereof, issue a certificate of conformity for the maintenance functions to a business entity that only ensures a maintenance development function, a maintenance management function, or maintenance function. Certification of the maintenance function shall be based on conformity assessment in respect of the requirements corresponding to the functions and activities to be certified and referred to in Paragraph 52 of this Regulation.

58. In order to obtain the certificate for an entity in charge of maintenance of vehicles with a track gauge of 1520 mm referred to in Sub-paragraph 51.2 of this Regulation, a business entity shall submit a relevant application to the Inspectorate. The following shall be indicated in the application:

58.1. the name, registration number, and address of the business entity;

58.2. the information on the certificate requested (new, renewed, or amended);

58.3. the extent of operations planned by the entity in charge of maintenance of vehicles (means of traction, passenger wagons, freight wagons, or special vehicles);

58.4. the functions of the maintenance system (system management, maintenance development, maintenance management, maintenance performance), indicating whether the functions will be carried out fully, partly, or entrusted to another contractor;

58.5. a description of the functions to be carried out partly;

58.6. the information on the means of receipt of the certificate for the entity in charge of maintenance of vehicles with a track gauge of 1520 mm.

59. The application shall be accompanied by the following:

59.1. a list of the vehicles for the maintenance of which the business entity is responsible;

59.2. documents demonstrating compliance with the requirements indicated in Paragraphs 52, 53, and 54 of this Regulation for the functions of the maintenance system of vehicles;

59.3. if the business entity entrusts an individual function or a part thereof to another contractor, documents demonstrating that the contractor ensures compliance with the requirements indicated in Paragraph 52 of this Regulation in respect of the part entrusted thereto.

60. If a freight or passenger wagon intended for a network with a track gauge of 1520 mm is used or intended to be used not only in the European Union but also for carriage to and from countries other than European Union Member States, a business entity shall ensure conformity with the requirements of Paragraph 52 of this Regulation, establishing a maintenance system which is compatible with the maintenance system used in the relevant countries. An authorisation for placing a freight or passenger wagons in service issued by a country other than a European Union Member State shall also be considered a certification of the compliance with this requirement, if it certifies the conformity of a freight or passenger wagon with the requirements of the applicable international treaties.

61. The Inspectorate shall assess whether a business entity as the entity in charge of maintenance of vehicles with a track gauge of 1520 mm has the capacity to comply with the requirements referred to in Paragraph 52 of this Regulation and to apply them consistently, ensuring safe operation of the vehicles for the maintenance of which it is responsible.

62. The following shall be indicated in a certificate for an entity in charge of maintenance of vehicles with a track gauge of 1520 mm:

62.1. the holder of the certificate;

62.2. the information on the certificate issued (new, renewed, or amended);

62.3. the extent of operations of the entity in charge of maintenance of vehicles (means of traction, passenger wagons, freight wagons, or special vehicles);

62.4. the functions of the maintenance system to be carried out;

62.5. a description of the functions to be carried out partly;

62.6. the operating restrictions or other information, if any;

62.7. the term of validity of the certificate.

63. The Inspectorate shall take a decision to refuse to issue the certificate referred to in Sub-paragraph 51.2 of this Regulation if:

63.1. a business entity has failed to submit all the documents referred to in Paragraph 59 of this Regulation;

63.2. a business entity has provided false statements or hidden information related to the safety of rail traffic;

63.3. the maintenance system established by the business entity does not comply with the requirements indicated in Paragraph 52, 53, or 54 of this Regulation.

64. The Inspectorate shall, at least once during the term of validity of the certificate referred to in Sub-paragraph 51.2 of this Regulation, perform supervision activities in objects of an entity in charge of maintenance in order to ascertain that the entity still complies with the criteria indicated in Paragraph 52 of this Regulation.

65. If the Inspectorate detects that an entity in charge of maintenance no longer complies with the requirements on the basis of which the certificate referred to in Sub-paragraph 51.2 of this Regulation has been issued, it shall agree with the relevant entity on a plan for the rectification of non-conformities depending on the degree of non-conformity. If during supervision the Inspectorate detects a safety hazard, it may apply temporary safety measures, including immediately restrict or suspend the relevant activities.

66. If the holder of the certificate referred to in Sub-paragraph 51.2 of this Regulation plans to change operating conditions on the basis of which the certificate has been issued, it shall notify the Inspectorate of this prior to changing the operating conditions. The Inspectorate shall, within a month after receipt of information, assess the significance of the changes planned by the business entity and, if they affect the conformity with the directly applicable legal acts of the European Union, the national requirements, or the local infrastructure conditions, shall ask the business entity to make relevant changes in the documents thereof within a month and request to submit an application for amending a certificate. If changes do not affect conformity with the directly applicable legal acts of the European Union, the national requirements, or the local infrastructure conditions, the Inspectorate shall register the respective information as a change in operating conditions of the certificate referred to in Sub-paragraph 51.2 of this Regulation without amending the certificate.

67. If a business entity wishes to continue operating as an entity in charge of maintenance of vehicles with a track gauge of 1520 mm, it shall, not earlier than 12 months prior to expiry of the term of validity of the certificate referred to in Sub-paragraph 51.2 of this Regulation, submit to the Inspectorate an application with a request to renew the certificate which is accompanied by the relevant documents indicated in Paragraph 59 of this Regulation.

68. If a business entity also holds a single safety certificate or a safety permit, the Inspectorate shall verify conformity with the requirements of this Chapter and decide to issue, renew, or amend the certificate referred to in Sub-paragraph 51.2 of this Regulation in the same procedure as it considers whether to issue a single safety certificate or a safety permit.

69. The certificate referred to in Sub-paragraph 51.2 of this Regulation shall be valid for five years, counting from the day of taking the decision, except for the following:

69.1. the case referred to in Paragraph 66 of this Regulation when the certificate is issued for a period which conforms to the term of validity of the certificate issued previously;

69.2. the case referred to in Paragraph 67 of this Regulation when the certificate is issued for a period which expires on the relevant day, counting five years from the expiry date of the term of validity of the certificate issued previously;

69.3. the case referred to in Paragraph 68 of this Regulation when the certificate is issued for a period which is identical to the term of validity of a single safety certificate or a safety permit.

70. The Inspectorate shall take a decision to revoke the certificate referred to in Sub-paragraph 51.2 of this Regulation if the holder thereof:

70.1. has provided false statements or hidden information related to the safety of rail traffic;

70.2. has failed to rectify the non-conformities referred to in Paragraph 65 of this Regulation within one month after the time period specified in the plan for the rectification of non-conformities, and the maintenance system of the business entity does not comply with the requirements indicated in Paragraphs 52, 53, and 54 of this Regulation;

70.3. during application of temporary safety measures has performed activities which are restricted or suspended;

70.4. has failed to perform any activities for the revocation of the temporary safety measures within three months from the moment of application thereof;

70.5. has terminated its operation as the entity in charge of maintenance.

**V. Closing Provisions**

71. For a safety certificate issued in accordance with Cabinet Regulation No. 168 of 10 March 2008, Regulations Regarding the Procedures and Criteria for Issuing, Suspending and Revoking Part A and Part B of a Safety Certificate, part A and part B shall be valid until expiry of the term of validity indicated therein, unless the business entity changes the operating conditions thereof.

72. A safety permit issued in accordance with Cabinet Regulation No. 57 of 18 January 2011, Regulations Regarding the Procedures and Criteria for the Issuance, Suspension and Revocation of a Safety Permit, shall be valid until expiry of the term of validity indicated therein, unless the business entity changes the operating conditions of the safety permit. The safety permit shall also be valid until expiry of the term of validity indicated therein, if the business entity has submitted information to the Inspectorate on changes in the operating conditions of the safety permit but, in accordance with Paragraph 43 of this Regulation, it is not necessary to receive a new safety permit.

73. A safety permit issued in accordance with Paragraph 6 of Cabinet Regulation No. 57 of 18 January 2011, Regulations Regarding the Procedures and Criteria for the Issuance, Suspension and Revocation of a Safety Permit, shall be considered a single safety certificate of a shunter.

74. A safety permit issued in accordance with Paragraph 11 of Cabinet Regulation No. 57 of 18 January 2011, Regulations Regarding the Procedures and Criteria for the Issuance, Suspension and Revocation of a Safety Permit, shall be treated as a certificate for an entity in charge of maintenance of vehicles with a track gauge of 1520 mm.

75. The Regulation shall come into force on 16 June 2020.

**Informative Reference to the European Union Directive**

The Regulation contains legal norms arising from Directive (EU) 2016/798 of 11 May 2016 of the European Parliament and of the Council on railway safety.

Prime Minister A. K. Kariņš

Minister for Transport T. Linkaits