

# Railway legislation applicable to TDG and roles (practical examples)

TCT – TDG Technical Committee  
19 May 2022 – Skopje (hybrid meeting)

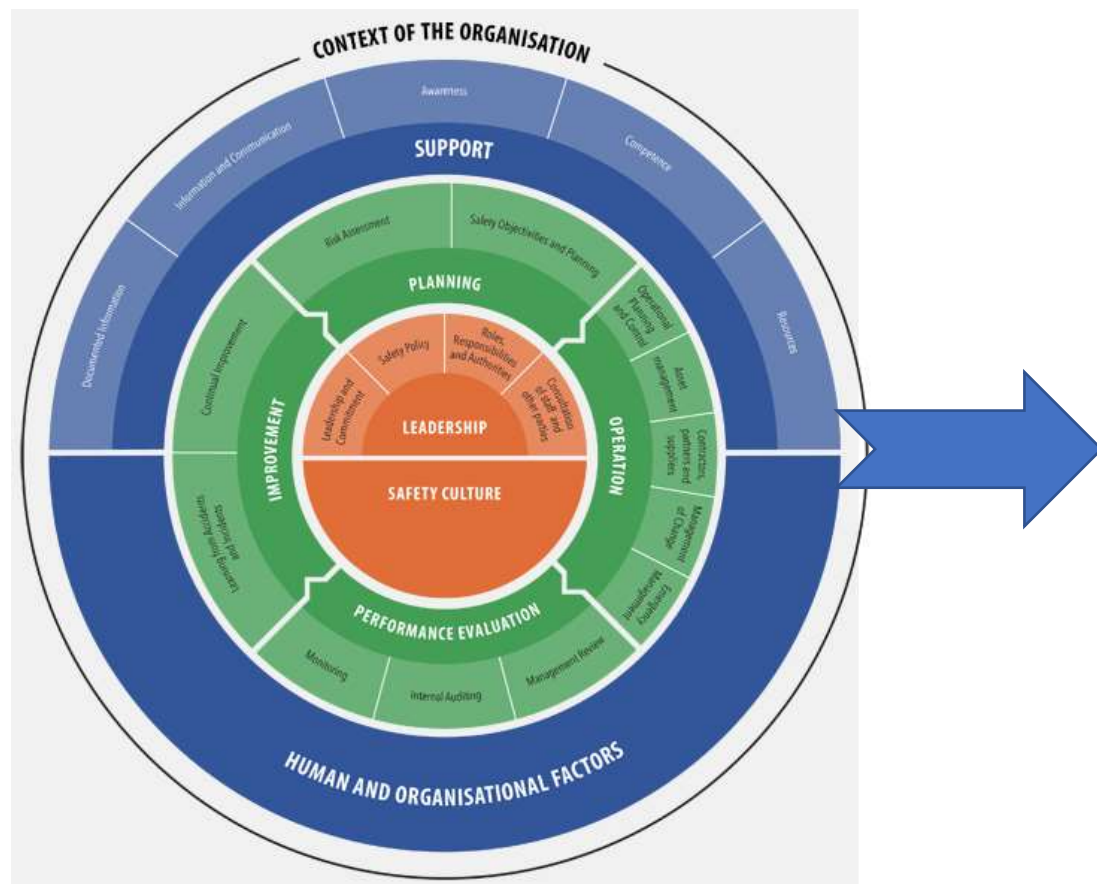


# Overview of roles and interfaces per topic (not exhaustive)

1. Risk evaluation and assessment
2. Safety Management Systems
3. Safety authorisation of the infrastructure manager
4. Safety certification of a railway undertaking
5. Monitoring of SMS functioning
6. Assessment of operators' safety (inc. new CSM ASLP)
  7. Supervision of SMS implementation
  8. Emergency situation management (planning)
  9. Reporting of occurrences (inc. new CSM ASLP)
  10. Investigation of occurrences
  11. National rules
  12. Certification of tanks
13. Vehicle authorisation of tank-wagons
  14. Registration of tank-wagons
  15. Maintenance of tank-wagons

Administrative actor	Responsible actor	Applicant (subject) actor	Contributing actor (or service providers)	Informed actor (sharing of information)
AsBo	IM RU ECM		SAFETY ADVISOR	
	IM RU ECM		SAFETY ADVISOR	
	NSA	IM	SAFETY ADVISOR	TDG CA
	ERA NSA	RU	SAFETY ADVISOR	TDG CA
	IM RU ECM SAFETY ADVISOR			
	ERA	IM RU	NSA SAFETY ADVISOR TDG CA	NSA NIB TDG CA
	NSA	IM RU	SAFETY ADVISOR TDG CA	
	IM RU		NSA SAFETY ADVISOR TDG CA Emergency services	
ERA	IM RU ECM		NSA SAFETY ADVISOR TDG CA NIB	TDG CA
ERA	NIB		IM RU SAFETY ADVISOR + other as needed	EU-MS OTIF
EC ERA	EU-MS		TDG CA	
TDG CA	TDG CA InsBo	APPLICANT	MANUFACTURER	
ERA	ERA NSA	APPLICANT	NoBo	TDG CA
ERA	NSA	APPLICANT	RU KEEPER	TDG CA
AccBo RecBo NSA	ECM		RU KEEPER SAFETY ADVISOR InsBo	TDG CA

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### Interactions with dangerous goods legislation

facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.

### Role of the adviser

- *monitoring compliance with the requirements governing the carriage of dangerous goods;*
- *advising his undertaking on the carriage of dangerous goods;*
- *preparing an annual report on the activities in the carriage of dangerous goods.*

## Example 1) Risk evaluation and assessment

**Directive (EU) 2016/798** ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

**Article 6(1)(a)** is requiring the establishment of the risk evaluation and assessment methods;

*This method is provided by the*

**COMMISSION IMPLEMENTING REGULATION (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009** ([EUR-Lex - 32013R0402 - EN - EUR-Lex](#))

*It is applicable to **manage risks and any change made to the railway system in order to control the related risks** (technical/operational/organizational)*

*It is supplemented by*

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1136 of 13 July 2015 amending Implementing Regulation (EU) No 402/2013 on the common safety method for risk evaluation and assessment** ([EUR-Lex - 32015R1136 - EN - EUR-Lex](#))

*providing some additional definitions and applicable risk level*

### Interactions with dangerous goods legislation

#### RID 1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to **facilitate the conduct of those activities** in accordance with the requirements applicable and **in the safest possible way**.

With regard to the undertaking's activities, the adviser has the following duties in particular:

- monitoring compliance with the requirements governing the carriage of dangerous goods;
- **advising his undertaking on the carriage of dangerous goods;**
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request

The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

.../

- the **implementation of appropriate measures** to avoid the recurrence of accidents, incidents or serious infringements;

AsBo

IM

RU

ECM

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ADVISOR

## Example 2) Safety Management Systems (SMS)

**Directive (EU) 2016/798** ([EUR-Lex - 32016L0798 - EN - EUR-Lex](#))

**Article 9(3) The safety management system shall contain the following basic elements:**

- (a) a safety policy approved by the organisation's chief executive and communicated to all staff;
- (b) qualitative and quantitative targets of the organisation for the maintenance and enhancement of safety, and plans and procedures for reaching these targets;
- (c) procedures to meet existing, new and altered technical and operational standards or other prescriptive conditions as laid down in TSIs, national rules referred to in Article 8 and Annex II, other relevant rules or authority decisions;
- (d) procedures to assure compliance with the standards and other prescriptive conditions throughout the life cycle of equipment and operations;
- (e) procedures and methods for identifying risks, carrying out risk evaluation and implementing risk-control measures whenever a change of operating conditions or the introduction of new material imposes new risks on the infrastructure or the man-machine-organisation interface;
- (f) the provision of programmes for the training of staff and systems to ensure that the staff's competence is maintained and that tasks are carried out accordingly, including arrangements with regard to physical and psychological fitness;
- (g) arrangements for the provision of sufficient information within the organisation and, where appropriate, between organisations of the railway system;
- (h) procedures and formats for the documentation of safety information and designation of procedure for the configuration control of vital safety information;
- (i) procedures to ensure that accidents, incidents, near misses and other dangerous occurrences are reported, investigated and analysed and that necessary preventive measures are taken;
- (j) the provision of actions plans, alerts and information in the event of an emergency, agreed upon with the appropriate public authorities; and
- (k) provisions for recurrent internal auditing of the safety management system.

**Infrastructure managers and railway undertakings shall include any other element necessary to cover safety risks, in accordance with the assessment of risks arising from their own activity.**

*Detailed requirements are established by*

**COMMISSION DELEGATED REGULATION (EU) 2018/762 of 8 March 2018** establishing common safety methods on safety management system requirements  
([EUR-Lex - 32018R0762 - EN - EUR-Lex](#))

*And by*

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU**  
([EUR-Lex - 32019R0773 - EN - EUR-Lex](#))



### Interactions with dangerous goods legislation

#### RID 1.8.3.3

The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to **facilitate the conduct of those activities in accordance with the requirements applicable and in the safest possible way.**

With regard to the undertaking's activities, the adviser has the following duties in particular:

- monitoring compliance with the requirements governing the carriage of dangerous goods;
- advising his undertaking on the carriage of dangerous goods;
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the carriage of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request

**The adviser's duties also include monitoring the following practices** and procedures relating to the relevant activities of the undertaking:

- the procedures for compliance with the requirements governing the identification of dangerous goods being transported;
- the undertaking's practice in taking account, when purchasing means of transport, of any special requirements in connection with the dangerous goods being transported;
- the procedures for checking the equipment used in connection with the carriage, packing, filling, loading or unloading of dangerous goods;
- the proper training of the undertaking's employees, including on the changes to the regulations, and the maintenance of records of such training;
- the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the carriage, packing, filling, loading or unloading of dangerous goods;
- investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during the carriage, packing, filling, loading or unloading of dangerous goods;
- the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements;
- the account taken of the legal prescriptions and special requirements associated with the carriage of dangerous goods in the choice and use of sub-contractors or third parties;
- verification that employees involved in the consigning, carriage, packing, filling, loading or unloading of dangerous goods have detailed operational procedures and instructions,
- the introduction of measures to increase awareness of the risks inherent in the carriage, packing, filling, loading and unloading of dangerous goods;
- the implementation of verification procedures to ensure the presence on board means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations;
- the implementation of verification procedures to ensure compliance with the requirements governing packing, filling, loading and unloading;
- the existence of the security plan indicated in 1.10.3.2.

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