Regulations on vehicles on the national railway network

Adopted by the Norwegian Railway Authority 21 June 2012 pursuant to Sections 5, 6 and 16 of Act of 11 June 1993 No 100 on the establishment and operation of railways, including tramways, underground railways and suburban railways etc. (the Railways Act), cf. Sections 1-3 of Regulations of 12 December 2010 No 1568 on railway operations on the national railway network (the Railway Regulations) , cf. Section 3 sixth paragraph of Regulations of 16 June 2010 No 820 on the interoperability of the rail system (the Interoperability Regulations). EEA references: The EEA Agreement Annex XIII No 42e (Directive 2008/110/EC amending Directive 2004/49/EC).

Introductory provisions

Section 1 *Scope*

These regulations apply to all activities in connection with engineering, construction, placing in service, upgrading, renewal, operation and maintenance of vehicles on the national railway network.

The provisions of Sections 8 to18 apply to vehicles to be placed in service pursuant to Chapter V of the Interoperability Regulations.

Section 2 *Purpose*

The purpose of these regulations is to lay down minimum requirements for safe and expedient engineering, manufacturing, placing in service, upgrading, renewal, operation and maintenance of vehicles. These regulations are also designed to contribute to achieving interoperability in the national railway network by setting out conditions for placing vehicles in service.

Section 3 *Definitions*

For the purpose of these regulations, the following terms shall mean:

a) *vehicle:* a railway vehicle that runs on its own wheels on railway lines, with or without traction. A vehicle is composed of one or more structural and functional subsystems, including the rolling stock subsystem, or parts of such subsystems;

b) *subsystems:* the results of the division of the rail system, as shown in Annex II to the Interoperability Regulations. These subsystems, for which essential requirements must be laid down, may be of a structural or functional nature;

c) *essential requirements:* all conditions set out in Annex III to the Interoperability Regulations which must be met by the rail system, the subsystems and the interoperability constituents, including interfaces;

d) *technical specification for interoperability (TSI):* a specification adopted in accordance with Directive 2008/57/EC and implemented in accordance with the EEA Agreement pursuant to the Interoperability Regulations by which each subsystem or part subsystem is covered in order to meet the essential requirements and ensure the interoperability of the rail system;

e) *TSI LOC & PAS:* the annex to Commission Decision 2011/291/EU as implemented by Regulations of 1 October 2012 No 918 on implementation of TSI rolling stock - locomotives and passenger rolling stock;

f) *TSI WAG:* the annex to Commission Decision 2006/861/EC as implemented by Regulations of 23 May 2011 No 539 on implementation of Commission Decision 2006/861/EC of 28 July 2006 concerning the technical specification of interoperability relating to the subsystem 'rolling stock – freight wagons' of the trans-European conventional rail system;

g) *TSI noise:* the annex to Commission Decision 2011/229/EC as implemented by Regulations of 5 December 2011 No 1189 on implementation of the technical specification of interoperability relating to the subsystem 'rolling stock – noise' of the trans-European conventional rail system;

h) *TSI SRT:* the annex to Commission Decision 2008/163/EC as implemented by Regulations of 4 July 2008 No 790 on implementation of Commission Decision 2008/163/EC of 20 December 2007 concerning the technical specification of interoperability relating to the safety of railway tunnels in the trans-European conventional and high-speed rail systems;

i) *TSI PRM:* the annex to Commission Decision 2008/164/EC as implemented by Regulations of 23 May 2011 No 540 on implementation of Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to 'persons with impaired mobility' in the trans-European conventional and high-speed rail systems;

j) *TSI CCS:* the annex to Commission Decision 2006/679/EC as implemented by Regulations of 26 October 2007 No 1194 on the implementation of the technical specification of interoperability relating to the 'control, command and signalling' subsystem of the trans-European conventional rail system, as amended by Decision 2008/386/EC, Decision 2009/561/EC and Decision 2010/79/EU;

k) *basic parameters:* any regulatory, technical or operational condition which is critical to interoperability and which is specified in relevant TSIs or in the annex to these regulations;

l) *specific case:* any part of the rail system which needs special provisions in the TSIs, either temporary or definitive, because of geographical, topographical or urban environment constraints, or to take account of compatibility with the existing system. This may include in particular railway lines and networks isolated from the rest of the EEA's railway networks, the loading gauge, track gauge or space between tracks, vehicles strictly intended for local, regional or historical use, and vehicles in transit to and from third countries;

m) *upgrading:* any major modification work on a subsystem or part of a subsystem which improves the overall performance of the subsystem;

n) *placing in service:* all operations by which a subsystem or vehicle is placed in the service for which it is intended;

o) *keeper*: the person or entity that, being the owner of a vehicle or entitled to use it, uses the vehicle as a means of transport and is registered as the keeper in the national vehicle register referred to in Section 32 of the Interoperability Regulations;

p) *entity in charge of maintenance*: an entity in charge of the maintenance of a vehicle, and registered as such in the national vehicle register. The entity in charge of maintenance may be a railway undertaking, an infrastructure manager or a keeper.

Requirements relating to railway undertakings

Section 4 *Overall responsibility for safety*

The railway undertaking shall ensure that the vehicles are in a condition that facilitates safe operation of the rail system at all times. The technical design and operational condition of the vehicles shall be such as to ensure an acceptable level of operational risk

Section 5 *Technical documentation*

The railway undertaking shall keep updated technical documentation for all systems, parts and components. The documentation must be able to confirm that systems, parts and components are in accordance with national and international standards used as the basis for the design and use of the vehicle. The documentation shall describe the preconditions and limitations associated with the design of the vehicle. These preconditions and limitations shall be used as the basis for procedures for operation and maintenance of the vehicle.

Section 6 *Register and marking*

The railway undertaking shall keep a register of all vehicles used by the undertaking. The register shall identify the vehicles individually.

Vehicles shall have identity marking in accordance with the Interoperability Regulations as well as technical and service markings.

Section 7 *Operation, inspection and maintenance of vehicles*

The railway undertaking shall operate and maintain the vehicles in accordance with national and international standards.

The railway undertaking shall carry out inspections of the vehicles. The railway undertaking shall have minimum safety requirements in place for systems, parts and components.

The railway undertaking shall have overall responsibility for maintenance of the vehicles. The maintenance shall insure that no safety-critical systems, parts or components deteriorate to such an extent that they fail in their function. Among other things, safe wear limits shall be defined for parts exposed to wear and maintenance and replacement intervals shall be defined for all safety-critical components. The railway undertaking shall verify that maintenance is carried out.

Requirements relating to vehicles

Section 8 *Conditions for authorisation to place a vehicle in service*

In order to be authorised to place a vehicle in service pursuant to the Interoperability Regulations Chapter V, the vehicle must meet the requirements set out in the annex insofar as an equivalent basic parameter is not mentioned in an applicable TSI. This does not apply to a vehicle belonging to one of the categories mentioned in Section 10 if such vehicles are not subject to train or shunting operations.

Section 9 *Use of standards*

Vehicles shall be engineered, constructed, tested, upgraded and renewed in accordance with applicable TSIs and recognised, timely standards. Unless otherwise prescribed by these regulations, the most recent version of the standard shall apply.

The EN 50126 (1999) process standard shall be complied with in the case of all new vehicles and important upgrades to existing vehicles.

Where an essential requirement can be met through the use of standards other than those mentioned in the annex, use of such standards must be evaluated from a technical and safety perspective, and such evaluation shall be documented.

Any deviations from standards shall be assessed from a technical perspective and in terms of safety, and the assessment shall be documented.

Section 10 *Requirements relating to certain types of vehicles*

Vehicles that are in accordance with one of the standards EN 14033, EN 15746, EN 15954, EN 15955 or EN 13977, are deemed to meet the essential requirements. In case such a vehicle is subject to train or shunting operations, the requirements for traction vehicles in the annex must be satisfied.

The authorisation process

Section 11 *Authorisations to place in service and modify a vehicle*

Pursuant to Chapter V of the Interoperability Regulations, authorisation is required to place a vehicle in service.

Authorisation to place in service is granted the first time a vehicle is placed in service in Norway.

In the case of subsequent modification of the vehicle, this is regulated by Section 18 of the Interoperability Regulations. Sections 13 and 14 apply *mutatis mutandis* to new authorisations to place a modified vehicle in service.

Section 12 *Authorisations for transport and on-track testing on the national railway network*

Transport and on-track testing on the national railway network before placing in service is subject to a separate authorisation from the Norwegian Railway Authority. An application for on-track testing must be submitted to the Norwegian Railway Authority together with an on-track testing plan together with a risk assessment. The on-track testing plan shall provide an overview of all necessary and scheduled tests planned to demonstrate that the vehicle has the requisite safety and operational properties. The application must demonstrate how the individual tests relate to conducted risk assessments. Sections 14 and 15 apply *mutatis mutandis* to on-track testing applications pursuant to this provision insofar as it is appropriate.

Section 13 *Notification(s) of procurement and modification of a vehicle*

Notification shall be sent of any plans to modify or procure a new vehicle or a vehicle in service in another EEA State at the earliest possible opportunity. Such a notification shall include the following as a minimum:

a) the name of the contact person;
b) planned progress in the procurement process;
c) a description of the vehicle (system description);
d) a schedule of safety activities to be carried out in connection with the procurement (a safety plan);
e) an overview of the standards required in connection with the procurement, and a
f) risk assessment in accordance with the common safety method used as the basis for the evaluation of the solution.

Notification is not required in the following situations:

- In connection with applications for authorisation for placing in service of vehicles as mentioned in Section 10 if such vehicles are not subject to train or shunting operations;
- In connection with applications according to Section 12; or
- In connection with applications according to Section 16.

Section 14 *Applications for first authorisation to place a vehicle in service and new authorisation following modification*

For a vehicle that has no previous authorisation to be placed in service pursuant to Sections 20 and 25 of the Interoperability Regulations, the following documentation shall be enclosed with the application:

a) an EC declaration of verification with accompanying documentation for those subsystems of the vehicle covered by TSIs;
b) a declaration of verification with accompanying documentation for compliance with applicable requirements set out in the annex to these regulations;
c) if applicable, authorisations to place subsystems in service issued pursuant to Section 13 of the Interoperability Regulations;
d) a safety assessment report confirming safe integration of the relevant subsystems within the vehicle in accordance with the common safety method for risk assessment; and
e) a safety assessment report confirming safe integration of the vehicle with the Norwegian rail system in accordance with the common safety method for risk assessment.

Section 15 *Applications for additional authorisations to place a vehicle in service*

When applying for authorisation to place a vehicle in service in Norway for a vehicle with an authorisation in another EEA State, the following documents shall be enclosed:

a) documentation that the vehicle has an authorisation to place in service in another EEA State, and any conditions for such authorisation;
b) a copy of the EC declaration of verification with accompanying for those subsystems of the vehicle covered by TSIs;
c) a declaration of verification with accompanying documentation for compliance with applicable requirements set out in the annex to these regulations;
d) records of the vehicle's previous operations, maintenance and any technical modifications carried out after the authorisation was granted; and
e) a safety assessment report confirming safe integration of the vehicle with the Norwegian rail system in accordance with the common safety method for risk assessment.

Section 16 *Applications for authorisation to place in service a vehicle which conforms to a type already authorised*

When applying for authorisation to place in service a vehicle which conforms to a type already authorised for placing in service in Norway, it is sufficient to enclose a declaration of conformity to this type in accordance with Section 28 fourth paragraph of the Interoperability Regulations with the application.

If the conditions on which the initial authorisation was granted have changed, the procedure described in Section 28 third paragraph of the Interoperability Regulations shall be followed.

Section 17 *Applications to place certain categories of vehicles in service*

When applying for authorisation to place in service a vehicle mentioned in Section 10, the following documentation must be enclosed with the application:

a) the name of the contact person;
b) a description of the vehicle (system description);
c) an overview of applicable standards the vehicle was built in accordance with and any deviations from these standards;
d) a safety assessment report confirming safe integration of the vehicle with the Norwegian rail system in accordance with the common safety method for risk assessment; and
e) documentation of compliance with the standard mentioned in Section 10 and applicable requirements laid down in these regulations.

Section 18 *Assessors and other independent parties*

The Norwegian Railway Authority may demand the use of an assessor in the procurement projects for assessing compliance with the requirements in the annex to these Regulations, and the establishment of direct contact between the Norwegian Railway Authority and the assessor.

An assessor appointed on the basis of this provision or as a consequence of requirements laid down in EN 50126 (1999) shall be accepted by the Norwegian Railway Authority. When considering whether acceptance should be granted, independence and competence are emphasised, among other things, in addition to the assessor's work schedule.

The Norwegian Railway Authority may also demand that other independent parties be used instead of an assessor for verifications, investigations etc. related to compliance with the requirements in the annex to these Regulations.

Entity in charge of maintenance:

Section 19 *Entity in charge of maintenance*

Before vehicles are placed in service on the railway network, they must have been assigned an entity in charge of maintenance. That entity shall be registered in the vehicle register in accordance with Section 32 second paragraph of the Interoperability Regulations.

Section 20 *The tasks of the entity in charge of maintenance*

The entity in charge of maintenance shall ensure that the vehicle is kept in a safe operating condition by means of a maintenance system. Vehicles shall be maintained in accordance with the maintenance documentation for each individual vehicle and applicable requirements for vehicles pursuant to the Interoperability Regulations and the present regulations, including the requirements for maintenance in Section 7.

Appointing an entity to be in charge of maintenance does not affect the responsibility of the railway undertaking and the infrastructure manager for safe use of the vehicle in accordance with Section 4 and other railway legislation.

The entity in charge of maintenance may carry out the maintenance itself, or use maintenance yards as per agreement.

Final provisions

Section 21 *Exemption*

The Norwegian Railway Authority may grant exemption from the requirements of these regulations, including the annex, in specific cases. Exemption from requirements set out in TSIs may only be granted pursuant to Section 8 of the Interoperability Regulations.

The Norwegian Railway Authority may grant exemption from the requirements for identification of an entity in charge of maintenance in the case of historical vehicles operating on the national railway network, provided that they are otherwise in accordance with the railway legislation. Such exemption can be granted for a term of five years at a time.

Exemption as mentioned in the second paragraph may be granted in connection with the registration of vehicles pursuant to Section 32 of the Interoperability Regulations or when issuing safety certificates to railway undertakings or safety authorisation to infrastructure managers pursuant to Chapter 6 or 7 of the Railway Regulations.

Exemptions from the second paragraph shall be mentioned and the grounds stated in the annual safety report to be prepared by the Norwegian Railway Authority pursuant to Section 9-3 second paragraph of the Railway Regulations. If a disproportionate safety risk is found to exist in the rail system, the European Railway Agency shall notify the European Commission and the EFTA Surveillance Authority immediately. The EFTA Surveillance Authority shall contact the parties involved, and, if expedient, request that the Norwegian Railway Authority revoke the exemption.

Section 22 *Entry into force and amendment of other regulations*

These regulations enter into force on 1 July 2012. With effect from the same date, other regulations are amended as follows:

a) Regulations of 11 April 2011 No 388 on national technical requirements etc. for railway infrastructure on the national railway network (the Railway Infrastructure Regulations) Section 2-8 shall be replaced by the following: ---
b) Regulations of 19 December 2005 No 1621 relating to requirements for railway undertakings on the national Norwegian railway network (the Safety Regulations) are repealed.

Exemptions granted pursuant to Regulations of 19 December 2005 No 1621 relating to requirements for railway undertakings on the national Norwegian railway network (the Safety Regulations) shall continue to apply within their scope.