



Norwegian **Railway Authority**

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Guidance:
Application for safety certificate part B
foreign railway undertakings

UNOFFICIAL TRANSLATION

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1 Introduction

Foreign railway undertakings (RUs) who would like to apply for new, amended or renewed safety certificate part B in Norway must understand how the application procedure works, what is expected of them and what to expect from the national safety authority (NSA).

Information regarding the application process is available in regulations, in the application form itself and as guidelines to the application form. Still the Norwegian Railway Authority (SJT) has seen the need to clarify the requirements by gathering information concerning the application process related to the safety certificate part B for foreign RUs in this separate guideline, which is published in both Norwegian and English.

Furthermore SJT has published guidance material for the other application processes. The application guidance for new, amended or renewed safety certificate parts A and B (Norwegian and foreign RUs) may be found here:

<http://www.sjt.no/no/Veiledninger-og-tips/Veiledninger/Tillatelser/Veiledning-for-nytt-endret-eller-fornytt-sikkerhetssertifikat-A-og-B-norske-og-utenlandske-virksomheter/>.

This guidance is currently only available in Norwegian.

Note that the Norwegian name of regulations are shown in *italic* in this document.

2 Aims and objectives

This document is intended to give practical guidance to RUs applying for new, amended or renewed Safety Certificate. We hope this will inform the RU as to:

- what documentation SJT expects
- the expected quality of the documents
- the deadlines for processing the applications
- how compliance with relevant requirements are carried out
- who to contact for guidance
- areas which could be subject to further scrutiny through supervision after issuing the certificate

3 Scope

This document is relevant to foreign RUs in the process of:

- applying for a new safety certificate part B to operate on the national railway network in Norway
- amending their existing safety certificate part B due to changes in the RU's type or extent of operation
- renewing their existing safety certificate part B in Norway

The guide is based on current regulations in Norway, and does not lead to more stringent regulation. Furthermore it is not exhaustive nor legally binding. It is the responsibility of the RUs to know and abide by the current regulations.

4 Main regulations

All acts and regulations relating to railway activity in Norway are available on SJT's website. However, only a few of them are available in English.

The Railways Regulations (*Jernbaneforskriften*) contains the principal requirements to safety certificates for RUs. Regulations on Common Safety Methods for assessing conformity (CSM CA) describes the method all NSAs must use in assessing conformity with the requirements for obtaining railway safety certificates.

The (Railway) Safety Management Systems Regulations (*sikkerhetsstyringsforskriften*) sets mandatory requirements to the RU's safety management system.

Furthermore the RUs must demonstrate compliance with: Technical Specifications for Interoperability (TSI), particularly concerning vehicles and infrastructure, but also other decisions applying to the European Economic Area (hereinafter called "EEA").

RUs must also demonstrate integration of requirements in other central regulations into their safety management system. This, among others, include requirements from the:

- Training System for Operations Regulations (*opplæringsforskriften*),
- Train Operations and Traffic Management Regulations (*togramføringsforskriften*) and
- Notification and Reporting Regulations (*Varslings- og rapporteringsforskriften*).

An overview of the acts and regulations related to the national railway network in Norway may be found here:

<http://www.sjt.no/no/Lover-og-forskrifter/Lover-og-forskrifter-for-det-nasjonale-jernbanenettet/>

For transportation of dangerous goods, The Regulations for Transport of Dangerous Goods, ADR/RID, applies. The regulatory authority on transportation of dangerous goods is the Norwegian Directorate for Civil Protection (DSB);

<http://dsb.no/no/toppmeny/English/>

5 The application

It is the same application form for new, amended or renewed safety certificate part B as is used for safety certificate part A. The application form is available on the SJT's web site:

http://www.sjt.no/Global/Skjema/Sikkerhetssertifikat/Soknadsskjema_sikkerhetssertifikat-NB.pdf

There is a detailed guidance on how the application should be completed and it is the same guidelines for all of the EU/EEA:

http://www.sjt.no/Global/Skjema/Sikkerhetssertifikat/Retningslinjer_sammenstilling_soknadsmaterialelet-NB.pdf

English version (see page 9 – 14):

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:153:0009:0024:EN:PDF>

SJT has published several specific guidelines that may be helpful to the RUs. These guidelines are written in Norwegian. On our web site you may find guidance on safety management systems for smaller RUs, internal audits and supplier management;

<http://www.sjt.no/no/Veiledninger-og-tips/Veiledninger/>.

To operate on the national railway network in Norway, all foreign RUs must:

- hold a license and safety certificate part A and B in the country of origin
- apply, and be issued, B-certificate by SJT
- have adequate insurance coverage

Please note that a foreign RU will not be issued a safety certificate part B for activities not covered by the safety certificate part A. For instance if a RU according to its safety certificate part A is not permitted to transport dangerous goods it will not be issued the permission to transport such goods in Norway.

The validity of the safety certificate part B shall not exceed the validity of the safety certificate part A.

RUs wishing to operate on the national railway network must have a right of access to the network. It follows from the Railway Regulations (*jernbaneforskriften*) that freight transportation is allowed on the national railway network under the condition that the RU holds a license and safety certificate for the type of transport and route in question. The transportation of passengers is restricted, and in general is only open to NSB AS and Flytoget AS. An exception is made for cross-border traffic. Furthermore the RU must apply, and be assigned a train path from Jernbaneverket¹, the only infrastructure manager (IM) in Norway. The general terms for the Allocation of Railway Infrastructure Capacity follows from the *fordelingsforskriften* (Allocation Regulations).

In addition to the right of access mentioned above, a RU with a license not issued in Norway will have to document insurance coverage or warranty for liability that may arise from its operations in Norway. The liability must cover accidents in particular when it comes to passengers, luggage, cargo, mail and

¹ Jernbaneverket is the Norwegian government's agency for railway services.

third parties. Norwegian regulations set a minimum amount of 4500G for each event. "G" is the public pension base rate. The amount is adjusted annually (1 May) and is approved by the Norwegian Parliament. As of 1 May 2015 the public pension base rate is NOK 90 068.

An application may be submitted in Norwegian, Swedish, Danish or English. SJT may request that the application be formulated in Norwegian, but usually will not do so.

5.1 Application for a new safety certificate part B

Verification of the generic processes in a RUs safety management system is carried out when the safety certificate part A is issued, and is not subject to verification as part of the application process for a safety certificate part B in Norway. The generic processes and procedures must be used in the preparation for operating on the Norwegian railway network. The RU must particularly demonstrate how specific information for operating on the Norwegian railway network has been identified, and how processes and procedures have been developed in order to manage any relevant risks. This includes the training of train drivers.

The process of applying for a new safety certificate part B may be extensive, and the required documentation is comprehensive. The minimum requirements are shown in the attachment to the application form.

The following documents must be provided when applying for a new safety certificate part B:

1. Compliance with the specific regulations applying to the Norwegian national railway network.

Relevant documentation would be:

- a. Risk assessment that identifies the relevant risks connected with operating on the particular route.
- b. Emergency preparedness analysis and emergency preparedness plan for the relevant lines
- c. Documentation as to how the RU handles information between the IM (Jernbaneverket) and the RU/drivers
- d. Documentation as to how the RU is organised in Norway. The documentation must show how the required clear lines of responsibility are ensured.
- e. How specific requirements and information connected with operating on the route(s) the application applies to must be documented. How the RU intends to comply with these requirements and/or the deviation from them.
- f. Interfaces with other affected parties involved shall be identified
- g. Procedures showing the provisions for reporting, notification and investigations concerning accidents/incidents

Furthermore the applicant must document how compliance with EU-relevant notified network specific safety rules² are ensured:

- h. *Sikkerhetsstyringsforskriften*, regarding Safety Management System Regulations
- i. *Togframføringsforskriften*, regarding Train Operations and Traffic Management Regulations

² The notified safety rules in Norway are available here: <http://www.sit.no/Lover-og-forskrifter/>.

2. **Network specific competence for personnel.**

Relevant documentation would be:

- a. Description of the different personnel categories within the RU or the subcontractors
- b. Competence requirements for personnel working with safety related tasks
- c. Training programme for personnel who will be working in Norway
- d. Description of the procedures for testing of personnel

Furthermore the applicant must document how compliance with relevant EU-notified safety rules regarding competence are ensured:

- e. *Helsekravforskriften* and *førerforskriften* regarding medical check-ups, requirements and responsibilities
- f. *Fråhaldspliktforskrifta*, regarding compulsory abstinence
- g. *Førerforskriften* (for new drivers from 29/10-2011) regarding traindriver license, traindriver certificate, health requirements, training, tests and certificate registry
- h. *Opplæringsforskriften* and *førerforskriften*, regarding plans for training and testing etc.

3. **Network specific handling of rolling stock.**

Relevant documentation would be:

- a. Description of the rolling stock to be used by the operator, the types of rolling stock in use on the specific route and the type of operation it will be used for
- b. Documentation showing that the rolling stock is authorized for use in Norway, and for the route in question. For rolling stock that has not yet been authorized, a separate application must be sent to SJT.
- c. Description of how the RU ensures compatibility when operational restrictions may apply to the type of rolling stock being used
- d. Documentation showing possible additional maintenance requirements for the specific route, and implementation of a suitable maintenance system
- e. Description of how compliance with maintenance requirements is ensured while the rolling stock is in Norway
- f. Documentation that states potential additional demands for the specific route in order to handle incidents in relation to rolling stock and implement necessary measures

Furthermore the applicants must document how compliance with relevant EU-notified safety rules regarding rolling stocks/vehicles is ensured:

- g. *Kjøretøyforskriften* (Regulations on vehicles on the national railway network) concerning rolling stock (maintenance, control and register)

4. **For RUs applying for a safety certificate that includes transportation of dangerous goods.**

Relevant documentation would be:

- a. Dangerous Goods Safety advisor: If the RU does not have a safety advisor, a signed contract with an approved safety advisor must be made available. The safety advisor must follow up, report relevant circumstances, write end-of-the-year report concerning dangerous goods and generally be active within the company
- b. Training plans for employees handling or checking dangerous goods

- c. Internal instructions for safeguard distances. Co-load regulations: Relevant for location of carriages with class 1 goods (explosive substances and objects) in relation to other goods from specific dangerous classes
- d. Special provisions for loading, unloading and handling substances or articles classified with code starting with the letters "CW" in column (18) of Table A of Chapter 3.2 in RID
- e. Inspections for damages and correct labelling: The RU must be able to document their inspection activities
- f. A contingency plan must be available: for tanks larger than 3000 litres, cf. table (ADR/RID) for specific substances. Guidance on security is available on DSBs website.
- g. Incidents shall be notified and reported to DSB
- h. Emergency preparedness plan; specific requirements for shunting areas must be adhered to in the plan
- i. Emergency preparedness analysis; security situations regarding dangerous goods must be included in the analysis
- j. Class 7 Radioactive material; permit for transportation of such goods are normally not given

Foreign RUs are invited to contact SJT for guidance before applying.

5.2 Application for an amended B-certificate

When considerable changes in the RU's operations regarding to type and extent of operation, an application for an amended safety certificate part B will be needed. As for type and extent, please see the categories mentioned in the application form. For instance if the RU is planning to initiate transportation of dangerous goods or would like to extend its operation to other routes, such an application would be needed.

The RU must always notify SJT about significant changes connected with the conditions of the safety certificate part B, cf. *jernbaneforskriften*. Such changes may be significant changes in RU's safety management system or if new categories of personnel is introduced.

The RU must provide documentation showing how their generic processes and procedures are adapted to accommodate the relevant change of operation. In particular it must be shown how the RU has identified specific information for the new traffic/new route (risk assessment), and furthermore how processes and procedures are developed in order to handle the relevant risks (e.g. relevant information about new routines, changes in the training of personnel etc.).

When applying for an amended safety certificate the relevant documentation must be submitted. What documentation that will be necessary to accompany the application will vary as to the changes the RU wishes to make. The items listed for application of a new safety certificate will often be relevant when applying for an amended certificate part B.

5.3 Application for a renewed safety certificate

The safety certificate is normally valid for five years, but please note that a safety certificate part B issued in Norway will have to be renewed in accordance with the renewal of the safety certificate part A. If the safety certificate part A is not renewed in the country of origin, the safety certificate part B will no longer be valid in Norway.

It is the responsibility of the RU to apply to SJT for the renewal of their safety certificate part B. SJT will normally send letters of information to the RUs expected to apply for a renewal of their safety certificate. The objective with the letter is to ensure that the RU sends the application early enough to make it possible to process the application before the current safety certificate expires.

When applying for a renewed safety certificate part B the following documentation is normally required:

- a. A review of the past three years' safety goals relevant to the operations in Norway, as well as the results of said safety goals.
- b. A list of executed and valid risk assessments. SJT may ask to see specific risk assessments
- c. A summary of completed internal audits including audits of suppliers relevant for the operation in Norway, topic for each of these and established nonconformities for the past three years. An updated status on nonconformities must be reported. In addition SJT may ask to see examples of specific audit reports
- d. Documentation of the two most recent emergency preparedness exercises
- e. Reports from the management's review of the past two years
- f. The status of any outstanding orders and/or nonconformities from audits as well as the status on safety recommendations from the Accident Investigation Board Norway (SHT) will be taken into consideration.

Upon renewal of the safety certificate part B, SJTs knowledge and experience with the RUs safety management system will also be subject to evaluation, hereunder:

- Supervision (audits, operative controls, management meetings etc.)
- Authorisation processes for placing rolling stock and infrastructure into service
- Incidents and accidents
- Dispensations and exceptions
- The RU's Safety report

6 Processing of applications

Upon receiving an application for new, amended or renewed safety certificate the application will be given a to a case handler, and a team consisting of personnel with relevant competence is put together. The team will do a first review of the application in order to assess the documentation, and if additional documentation is needed the applicant will be informed.

Upon completing the application, the assessment begins. A conclusion to any application for safety certificates will be carried out promptly, and at the latest within four months after receiving the complete application.

The assessment process mainly consists of document review and evaluation according to the criteria in the specific regulations. The applicant must in the application demonstrate fulfilment of the requirements, or prove that they will be fulfilled at the time of initiation of operations in Norway. Random sampling or interviews may be carried out if this is needed to ensure that the requirements are met.

It is often useful to have an open dialog between SJT and the applicant both prior to and during the application, and SJT offer guidance through meetings, phone and mail- or e-mail-correspondence.

The assessment process of the application is documented, and all evaluations are double-checked before a decision is made.

Depending on the application itself, and the submitted documentation a safety certificate part B may be issued for the whole of the Norwegian national railway network or for parts of it.

The final decision together with the certificate is sent to the applicant. As part of the decision SJT usually informs the applicant of any topics that may be of interest to follow up on through supervision and/or audits.

Up to date information as regards new, changed or renewed certificates will be published on SJT's web site. The safety certificates are also registered in ERADIS, the database where all European safety certificates are registered. This database is available on the following web site: <https://pdb.era.europa.eu/>.

SJT does not charge any fees for an application for safety certificates.

7 Follow up from SJT

Decisions on new safety certificates are followed up through supervision, normally 6-9 months after start-up of business. The focus of supervisions is how the RU handles experiences from the operation with basis in the RU's management documents.

The operation may be stopped if the operative conditions are deemed so severe that the safety is not ensured.

Examples of topics which may be relevant to follow up through supervision:

- Emergency preparedness: Analyses, plans and exercises
- Risk assessments
- Rolling stock and maintenance
- Reporting of incidents and technical errors
- Competence and training
- Reporting of incidents and accidents
- Follow up of technical issues which may impact the safety of the operation
- Follow up of incidents and accidents with the intention to avoid reoccurrence

Decisions of amended or renewed safety certificates are followed up through ordinary, risk based supervision activities.

8 Revoking the safety certificate

SJT will revoke part of or the entire safety certificate if the RU does not fulfil the requirements for the safety certificate. SJT will revoke the safety certificate if the RU has not used it in the year after it was issued, in accordance with the Railways Regulations (*jernbaneforskriften*).

9 Comments and inquiries

SJT wants to make sure that applicants are familiar with the applicable regulations. Please contact us if you like to have additional information. You are also welcome to send us ideas on topics for guidance.

Please direct inquiries to:

post@sjt.no

or to:

Statens jernbanetilsyn, Postboks 7113 St. Olavs plass, 0130 Oslo

10 Additional sources of information

- 1/ [Søknadsskjema for sikkerhetssertifikat](http://www.sjt.no/Global/Skjema/Sikkerhetssertifikat/Soknadsskjema_sikkerhetssertifikat-NB.pdf) (Application form for Safety Certificate, in Norwegian)
http://www.sjt.no/Global/Skjema/Sikkerhetssertifikat/Soknadsskjema_sikkerhetssertifikat-NB.pdf
- 2/ [Retningslinjer for sammenstilling av søknadsmaterialet](http://www.sjt.no/Global/Skjema/Sikkerhetssertifikat/Retningslinjer_sammenstilling_soknadsmaterialet-NB.pdf) (Guidelines for assembling the application, in Norwegian)
http://www.sjt.no/Global/Skjema/Sikkerhetssertifikat/Retningslinjer_sammenstilling_soknadsmaterialet-NB.pdf
- 3/ [Direktiv 2004/49/EF](http://europolov.no/rettsakt/jernbanesikkerhetsdirektivet/id-4297)
<http://europolov.no/rettsakt/jernbanesikkerhetsdirektivet/id-4297>
- 4/ [Statens jernbanetilsyn - Veiledning for sikkerhetssertifikat A og B norske og utenlandske virksomheter](http://www.sjt.no/no/Veiledninger-og-tips/Veiledninger/Tillatelser/Veiledning-for-nytt-endret-eller-fornytt-sikkerhetssertifikat-A-og-B-norske-og-utenlandske-virksomheter/) (Guidance for Safety certificate part A and B for Norwegian and Foreign RUs, in Norwegian)
<http://www.sjt.no/no/Veiledninger-og-tips/Veiledninger/Tillatelser/Veiledning-for-nytt-endret-eller-fornytt-sikkerhetssertifikat-A-og-B-norske-og-utenlandske-virksomheter/>
- 5/ [RID/ADR](http://www.dsb.no/Global/Publikasjoner/2012/Andre/ADR_RID_2013.pdf) (in Norwegian)
http://www.dsb.no/Global/Publikasjoner/2012/Andre/ADR_RID_2013.pdf
- 6/ [Common Safety Methods for assessing conformity](https://lovdata.no/static/SF/32010r1158u.pdf) (in Norwegian)
<https://lovdata.no/static/SF/32010r1158u.pdf>