

THE STAGES OF AUTHORIZATION FOR PLACING IN SERVICE

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Abstract: *The authorization to placing in service refers to the legal steps an applicant must take in order to obtain the latter authorization. The placing in service authorization is granted on request, a legal person in Romania or a group of legal entities registered in Romania, with state capital and / or private sector who wish to obtain a license of this nature. The placing in service authorization can be obtained for rolling stock (motor and / or towed) owned industrial railway lines, with or without access to railway infrastructure after execution of building, upgrading or renewal thereof, etc., to exploitation. Applicant for an authorization to place in service may be defined by legal persons or groups of legal entities registered in Romania, which may require the relevant authority, an authorization for placing in service are railway undertakings (RU) state owned or privately, public infrastructure managers and/or interoperable etc. In Romania, the competent authority may require that applicants authorizations commissioning is Romanian Railway Authority (AFER), which has in its structure four independent bodies namely the Romanian Railway Safety Authority (ASFR), Romanian Railway Notified Body (ONFR) Romanian Railway Licensing Body (OLFR) and the Romanian Railway Investigating Body (OIFR). At the European level the body designated to legislate entire business unit specific rail is the European Railway Agency (ERA), for the authorization to release the clerkship common to all Member States, introduced a form of a flowchart diagram summarizing over nine stages throughout the approval process for Placing in service.*

Key words: *European Railway Agency (ERA), Romanian Railway Authority - AFER (NSA), National Rail Safety Authority (ASFR), National Vehicle Register (NVR), Common Safety Methods (CSM), Standards/National Regulations (NR,) Technical Specifications for Interoperability (TSI), Acts on Administrative Disputes (AAP).*

1. Identification of the rules, applicable requirements and the conditions of use and assessing evaluation

The first stage of the process also contains intermediary stages as it is the preliminary stage 1-1 which presents the

means of identification respectively the choices in of the authorization cases.

This step does not require a warrant under usual practice (common) referred to in Annex B. Subsequently it is requires to consulting the TSIs (Technical Specifications for Interoperability)

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applicable to registered national database (NRD) including national legal framework (NCL) of the Member State (MS) is applied for authorization for placing in service which make arrangements for obtaining. In this context is required plan by preparing a few conditions whom must be met cumulatively namely whether "type approval is still valid? Yes / No" or "is intended to be authorized in another MS than the initial Member State?" Yes / No "or if" is a vehicle (vehicle type) new / has undergone changes its original design? Yes / No". Also a condition to be fulfilled refers to the fact that "it is a new base design? Yes / No".

According to the answers provided, take notice decisions which take account of European legislation or other restrictions and legal options Slovak (Optional / usual practice), legal option, R: Recommendation 2011/217/EU, Directive interoperability ID-2008/57 / EC, common Safety methods (CSM) on risk evaluation and assessment under Regulation 352/2009, Annex B.

If not, then we will make a decision on when authorizing a new model (upgrade / renewal).

If yes, then will make a decision about where specific authorization first model. Also, decisions like this are the decision about where to authorize renewal decision on the authorization if the next (higher) or the next target, the decision about where additional of authorization (additional).

It takes into account the identity according to TSI, including appropriate exemption and the requirements of NR, the condition of use, verification procedures (including alternative methods, if applicable) and for the necessary assessment bodies (ID: 5.1 , 5.2, 5.3, 5.6, 5.8, 9, 22.2. R 1, 3.1.3), if the first authorization (ID: 22, 24), if additional authorization (ID: 21.5, 23, 25),

if is renewed, future presentation or if there is a new upgrade (ID: 20). For identification, it is imperative to establish the project and the scope obviously taking into account the TSI and NR related change.

Is also important to taken into account the conditions and verification procedures (both the user as well as the verification), including alternative methods (if applicable - ID: 20.1). Then submit your project description to the EU Member State (MS).

The specific methodology file describing the project is the identification code ID: 20.1. and the examination of the file describing the project is the identification code ID: 20.1.

The result of the examination of the file describing the project is also the ID: 20.1. if it is a new permit required for the project, all code (ID: 20.1). In this case, the prior authorization file examination first authorization must be apparent maintenance records, maintenance, operation, use and/or technical amendments (if any) under ID: 26.3; R: 5.5. From this stage is longer part also the process of identifying the vehicle type approved and request assessment bodies (ID: 26.3; R: 5.5).

The result of the review and analysis prior of authorization file, records of maintenance and technical changes (ID: 23.3, 25.2) for vehicles must be made in accordance with TSI.

In order to identification the process take into account also modified TSI Technical Specifications for Interoperability, including waivers (if applicable) requirements, as well as other NR verification procedures including alternative methods (if applicable).

The critical error correction is also required before the authorization (s) in

accordance with the code type identity - ID: 26.3. When submission of the dossier the MS project description, check if renewed authorization required? (ID: 26.3) and envisages notification "extension" type authorization and/or notification of the need for renewal of the authorization (s) type.

If you need to update the verification procedures, the next step is going to identify the right type (B and C) according to national rules associated technical compatibility, according to the associated verification procedures (including alternative methods, if applicable).

Also at this moment are taken into account the fact the terms of use and assessment bodies necessary to identify, take into account the appropriate category (B and C) according to national rules that relate to technical compatibility, including open points in the TSI and waivers (if applicable), the nature of specific cases are described in TSI's.

Also be considered and necessary exemptions (if applicable).

Finally, associated verification procedures (including alternative methods, if necessary) conditions and necessary assessment bodies (ID: 23.4-6) the entire amount norms underlying the preliminary stages of defining first (intermediate) stage I of the licensing process for commissioning.

If there is a change in the structure of the vehicle or if it is possible to authorize the use conditions and / or restrictions on, the move to an intermediate step respectively follows the step 4 where, if the applicant does not meet all the conditions, or if a negative decision for application, or there is a refusal to permit, without request, the move to step 7 where it is necessary to update the procedure (s) for verification (ID: 20.2).

Otherwise, follow the steps in the

preliminary stage 1-2. At this stage, identification is also required assessment bodies (ID: 20.2), then

check out the requirements and procedures applicable technical and TSI's (ID:20). Also on this occasion is the identification conditions of use and verification procedures including alternative methods (if applicable) (ID:20).

2. First engagement

This stage begins with a preliminary stage 2-1 which is proposed for pre-recruitment and in parallel with this, a second intermediate step menu that preliminary stage 2-2, during which the assessment is made proposals for alternative methods to meet the requirements essential.

Here is also taken into account the legal options Slovak binding nature or usual practice, the legal option and the European Commission recommendation R: 2011/217 / EU and the common safety method on risk evaluation and assessment in accordance with EU Regulation. 352/2009, Annex C. Subsequently makes selecting assessment body then makes the composition rules of the applicable TSIs and / or national regulations and associated verification procedures, including information to be provided.

The risk analysis should be carried out in accordance with Article 6 (3) (a) of Directive 2004/49 / EC and must tests to be performed in the network to verify the criteria referred to in paragraph 4 of Article 23 of Directive 2008/57 / EC.

The submission of pre-assessment project file (pre-engagement) assessment body will be accompanied by a file of pre-recruitment project sketch later will be made and review the project file with drawing pre-engagement.

Where there is a proposal for an alternative, then make a proposal for an alternative way to answer the essential. The alternative method must follow (to fulfill) the essential requirements, then performed the evaluation of safety.

Then supply (ensure) the safety assessment / evaluation.

The presentation alternative methods should be made with supporting evidence as safety evaluation report or other supporting evidence. If the alternative method is acceptable then completed the preliminary stage 2-2.

If the alternative method is not supported and is filed refusal decision (rejection) for this method, when available, will submit alternative methods accepted by the assessment body. Subsequently, if one accepts the alternative method, ends midway 2-2.

3. Stage 3 – The assessment/evaluation

The beginning of phase 3, it is in the forefront of the applicant (candidate authorization commissioning), Notified Body, Body and body Designated Assessment. Within this stage vetting (including trials and tests on railway infrastructure when necessary) according to TSIs applicable national regulations, common safety methods of risk assessment (CSM).

It also established and proof required under ID: 21. Also on this occasion type place compliance checks and establishing evidence of the completion of the relevant compliance checks on product type (ID:26.5).

Then submit demand for assessment bodies to obtain access according to type (product / service reviewed / rated).

The appellant of the application must provide proof (e.g. if he had / or did not

have a Quality Management System, covering all parts (subassemblies and / or structural subsystems of the vehicle) as specified set identification code ID: 26.5). Note is the fact that Article 513 calls for the body designated to provide transparency or proof, regardless of whether the applicant has a quality management system or not.

The access to this information useful applicant should be facilitated in accordance with the appropriate type of NR (ID:26.5,b) and / or with the appropriate type TSI (ID: 26.5(a)).

Also, the body must provide evidence of completion of the assessment of conformity to type (ID: 26.5 (b)), evidence of completion of the relevant checks (including the trials and tests made on railway infrastructure when necessary) according to the TSIs and the appropriate national regulations (ID:21).

The application made by the applicant and the address of the assessment to make assessment in case of contradictions TSIs and / or with the appropriate NR (s), must also provide certificates or test reports. Should also be checked if they are covered by NR / TSI (cf. ID: 23, 25), all the requirements of technical compatibility and integration of safety. If it is an additional authorization, then the performance evaluation of the appropriate requirements of NR inconsistencies (ID: 17.3; R: 4.2.2; CSM: 7.3), will be provided and the evaluation of the appropriate requirements of NR by applicants (ID: 17.3; R: 4.2.2; CSM: 7.3).

It also making its assessment report is made taking into account the appropriate requirements (effective) of TSIs (ID: 17.3; R: 4.2.2; CSM: 7.3).

At the delivery of the certificate or certificates to assess inconsistencies with the appropriate requirements of TSIs to

applicants (ID: 17.3; R: 4.2.2; CSM: 7.3), is taking into account the implementation of the Regulation on common safety methods for integrating safety risk assessment (ID: 15.1; CSM: 2.2; R: 5.3). Making the risk assessment (ID: 15.1; CSM: 2.2; R: 5.3), for assessment body.

The documentation concerning CSM should be the basis of preparation of the certificate or certificates drawn up after consideration of appropriate requirements TSIs (ID: 18; R: 4.2.1).

A proof of this given example, you may copy certificates [TSIs or NR], which could cover several vehicles, checking on completion relevant to the type of vehicle (ID: 26.4-5).

The applicant must submit to the Assessment Report Risk Assessment according to (CSM:6.1) and the certificate or certificates obtained from the evaluation of the appropriate requirements of TSIs are specified and identification code ID: 17.3; R: 4.2,2.

If the designated body needs an assessment, common safety methods necessary for risk assessment, then proceed to the gathering and collection of documentation according to CSM: Annex I.5.

The purveyance documentation to assess the safety assessment body (CSM) is given and no items CSM. 6.1 and 7.1. If the results of testing and evaluation are not appropriate when, according to (ID: 22.2(b); 23.3; 24.2; 25.2; 26.5), returns to the beginning of the second stage which must therefore be to drive the same.

If these results are appropriate verification and evaluation, then end its the third stage and move to the next stage.

4. The nonconformities remediation

The main actors involved during this stage are the applicant, the Agency (IES) of the Member State National Security (MS) of the European Union (EU), the body designated (DeBo). During the stage no. 4 must also take into account the legal option (legal) in Slovakia, the usual practice that non-binding nature (common)

in Annex E, where references are made to an alternative method, and the decision on corrective actions to changing conditions use or other restrictions.

However is longer have taken into account the assessment of technical and / or economic as well as possible conditions of use and / or other restrictions, the design change the design.

This change vehicle design, including modification of that software platform to software - programming languages, will take into account the fact that if approval is based on results from the evaluation of operating conditions and / or restrictions possible, then proceed to preparation conditions of use.

Otherwise, start stage 2 and if no conditions of use and / or other restrictions are not satisfied, again at step 1.

In the case of refused alternatives is required submission of a request for access by rail to run on the test track (test site) when necessary (ID: 23.6; 25.4). After preparing the request for access to the infrastructure according to (ID: 23.6; 25.4), expects approval for testing in circulation (ID: 23.6; 25.4).

Whether the test will be conducted within the legal time according to ID: 23.6 and 25.4, then this should be covered by the NSA to ensure that tests will be conducted on schedule (rotation interval time) regulated (ID: 23.6; 25.4).

Take measures to ensure that the tests take place within the NSA on Infrastructure Manager to schedule - the legal time period, are also specified in ID: 23.6; 25.4.

In this context must be made revisions to the provisions and review the provisions on access to infrastructure testing movement. Following the submission of pre-engagement, including these means alternative proposal, if the NSA of the Member State and the assessment body.

The pre-engagement file must first be approved, but not before compiling the original references for Pre-Employment, otherwise it is necessary to return to step 1 to renew without checking or updating procedures only if subsequent authorization.

5. Establishing verification of certificates and declarations

The main entities responsible are involved in the step 5 are the applicant, the designated body (Debo) Notified Body (NoBo) CSM Assessment Body. The specific activities of this phase are governed by Recommendation R: 2011/217 / EU Directive Interoperability ID: 2008/57 / EC, the Regulation CSM: 352/2009. Worth mentioning is the fact that Article 26 of that regulation, it is found (no correlation) to legislation in Slovakia, (Appendix F).

It also must have been taken into account throughout stage 5 and the legal option (legally) to establish the declaration of conformity with the type of authorization. If any additional authorization (ID: 23, 25) or according to the typology for opting applicant ID (ID code): Annex VI. R: 8.6, then pass to the method and composition of certification documentation according to with national regulations (ID: Annex VI. R: 8.6).

In this context, it is imperative that developing and compiling documentation shall be certified by the European Council (EC).

Providing Community CE certificate as developing, compiling documentation and not least, the CSM on risk assessment report is made in accordance with ID: Annex VI, R: 3.2; 5.3.1; 5.3.2; 8; 8.5; 8.9. Report CSM on risk assessment reports are prepared in accordance with ID: Annex VI, R: 5.3.1; 5.3.2. Where only one vehicle type approval (ID: 26), then the set statements checking - EC and / or NR (ID: Annex V. R: respectively 1.2 and Annex VI-2.3.1;3; R: 4.2.3).

It can move to this stage no. 5 and by the end of step 3 if for all other cases, when the result of the verification and assessment during phase 3 are ok (from eng. "Zero Killed / no victim" or from greek "Ola Kala / everything is in order"). The stage 5 is completed when the evaluation result is consistent verification and further authorizing.

6. The development and the compiling of the authorization file and submission of the application

The entities who participate in the deployment of Stage 6 is the applicant, the NSA in Annex G which includes the European Commission recommendation R 2011/217 / EU Directive Interoperability ID: 2008/57 / EC legal option (legal text) in Slovakia.

If any additional authorization (ID: 23, 25) in the sense that it is operation on Railways (Railway specific) then is (prepare) a copy of the technical file initial prior authorization, gather (collect / collect) records of maintenance, operation and make a record of technical changes (ID: 23.3, 25.2).

It then proceeds to identify the content of the technical file for that part of the body designated (R: 8.6, 4.2.2, ID: Annex: VI-3.3.) and that part of CSM assessment body on risk assessment (R: 5.3. 2, ID: Annex: VI-2.4).

It should also be taken into account and file authorization (authorization) above, the existing records in the archives of maintenance (repairs and or inspections), operation and technical amendments (if any) according to ID: 23.3; 25.2.

Finally should be considered and taken into account the technical file on the National Regulations (R: 8.6, 4.2.2, ID: Annex: VI-3.3) and the report CSM assessment body on risk assessment) (A: 5.3.2, ID: Annex: VI-2.4).

The compiling (writing that completion) authorization file (ID: 23.3, 25.2), should be made taking into account any previous authorization file (ID: 23.3, 25.2) or earlier notes from the archives (ID: Appendix VI-2.6).

If the authorization file is archived (ID: Appendix VI-2.6), or if a typology (a particular specific) endorsed by the Member States (AR 513: * 20 (5)), then proceed to identify the format and documentation for type approval application.

Then submit formal application for vehicle type approval and / or commissioning of vehicle (ID: 21.6, 23, Appendix VI-2.6, 25.2 R: 8.1). It should also be noted that the Slovak legislation is necessary type approval by the Member States before the application of an applicant (candidate) for authorization for placing in service.

Filing the formal authorization for the operation (ID: 21.6, 23, Appendix VI-2.6, 25.2 R: 8.1) may be accompanied by an application for type approval (AR 513: *20(5)). The processing of the application for type approval are two possibilities that

if the application is not approved and rejected, then refuse to grant type (AR 513: *20(5)).

If the request for approval shall be approved and accepted as part file, then proceed to issue the type approval (AR 513: *20(5)). If changing the type approval, then resume from Step 1 (AR 513: *20(5)). The refusal of type-automatically lead to resumption describing step 4 (AR 513: *20(5)).

7. The processing of the request for authorization

During the stage 7 are involved entities such as the applicant authorization commissioning, NSA Certification Body.

The verification of the completeness (completeness) of demand (request), supposedly responsible entity identify whether the request (application) itself is complete (R: 4.2.3; AAP: *29(1)) (AAP is an acronym that refers to the fact that it acts on administrative disputes).

If the results of this verification process is positive, then proceed to identify any missing information.

After confirming receipt of the request (demand) is drawn letter with observations must certify that the applicant's request (the application itself) is incomplete.

The letter must also contain observations and missing information (AAP: *29(1)).

The letter or any other means of confirmation of receipt of application (request) (ID: 20.1, 23.7.a; 25.5.a) may be subject to an approval decision on where additional (ID: 23;25).

If there is a decision of the NSA in accordance with statutory time European (EU legal framework) - ID: 21.8, the refusal of authorization (ID: 21.7), then, necessarily, it must be accompanied by

justification for refusal of authorization (ID: 22.2; R: 8.7).

If authorization is not granted, then the vehicle is not considered deemed authorized (ID: 21.8). In this regard, the applicant may lodge an appeal (a request) to NSA (ID: 21.7) and then 7-1 midway through.

8. Preliminary Stage 7-1 – The processing of the request for authorization

This intermediate step involving entitie's menus and NSA, Certification Body, Agency (Authority) European Railway (ERA).

Completion of this stage should be made taking into account the legal framework (legal option), the non-binding (as result of the usual practice), the legal framework in Slovakia, the European Commission's recommendation R 2011/217/EU, Directive for Interoperability ID: 2008/57 / EC, the Law AAR: 395/2002 on archives and records, the law AAP: 71/1967 on administrative and not least the longer have to take into account the timing of specific progression of the operations authorization commissioning.

It should be noted that this timetable starts when the request was granted (Appendix H).

The justification the request is addressed to the NSA that after review and reassessment leads to submission of the application to the applicant by the certification body.

If is changing the NSA unfavorable decision and the request is approved, then move to the loading procedure / supply (ID: 21.7).

If it keeps maintain the refusing authorization, then the applicant may appeal the ERA.

Whether the ERA opinion is positive then the application is approved the applicant so accepted calls (positive decision of the appeal / call) - ID: 21.7. Whether the ERA rejects call the applicant, the applicant is informed of the decision to reject negative request a license renewal application and rejection and move on to further review and revision of opinion NSA (ID: 21.7).

The timing starts (legal term derived) from the time the NSA refused permission, so finally taking preliminary stage 7-1.

9. Preliminary Stage 7-2 – The checking the completeness of the application

Preliminary stage 7-2 Start checking the completeness of the request / demand begins with an actual letter to the applicant, the contents of which should focus on the formulation (application) incomplete, missing information (AAP *29 (1)), finding and identification of incomplete information.

If the request (application) is complete (ID: 20.1), then you should expect confirmation of receipt of the request. In this letter or any other means of confirmation of receipt of application (ID: 20.1) to be indicated if additional authorization (ID: 23; 25).

If there is a decision of the NSA within the legally regulated by the EU (ID: 21.8), then the decision may contain declaration vehicle considered authorized (ID: 21) or contain a rejection that the refusal of authorization (ID: 21.7), together with the reasons for refusal of authorization (ID: 21.7), the applicant may decide to make an appeal to the NSA (ID: 21.7).

Otherwise, further efforts are necessary to grant authorization (ID: 22.2, R: 8.7) and thus ends step 7.

10. The final documentation and approval

During this stage will determine the shape of authorization for the operation of the vehicle (s) railway and the establishment authorization form for the operation of the railway vehicle.

In this regard, are representative the instructions no. 3/2012 and no. 4/2012. It is also important to determine if it's the type of vehicle license (ID:26,1-2).

In the case of an affirmative answer, then it will proceed to inform ERA in connection with the permit issued for the vehicle type in accordance with Directive European ID 2008/57/EC: 26,7.1.

It should also be reiterated that Article 26.7 of the European Directive, has no counterpart in legislation in Slovakia, and any identification code is not in the Article 26 legislation in Slovakia.

One must also consider the legal framework (legal), the non-mandatory character that the usual practice (common case) according to Annex 1. Moreover it should be noted that neither Article 34 is transposed (not found its correspondent) legislation in Slovakia.

Later proceed to registration in the European register of authorized types of vehicles (ERATV) - ID: 34, after request made in advance by the applicant in this regard, necessary intermediate step (in the process of obtaining authorization to commissioning) which ending the step 8.

11. The vehicle Registration of the authorization in the National Vehicle Register

Browsing to the latter stages of the licensing process for the operation must also take account of the legal framework (legal option).

However, check that mandatory character of the common practice (usual) as matters stipulated in this European Interoperability Directive ID: 2008/57 / EC and NVR Commission Decision 2011/107 / EU of the European Union, amending Decision 2007/759 / EC of the European Council on adopting a common specification of the NVR.

Last but not least must be taken into account and all other entities (actors) involved in the movement on the stage 9, the entity designated by updating NVR recording, the entity responsible for registering additional the authorization or the European Centralised Virtual Vehicle Register (ECVVR) and last but not least, of course, the applicant for registration.

The next step is to identify the step 9 answer questions such as "is a recording and / or updated further authorization?", "Are concerned EU Member States have their own national vehicle registers connected to the European Centralised Virtual Vehicle Register?", "is modifying an additional authorizations?", "apply to other NVR update information on additional authorization" (ID: 33.1, 33.2, 33.3, 33.4, National Register of Vehicles: Appendix 3.2.5, Paragraph (supplement) 4). It is also appropriate to submit an application to update and other information NVR with additional authorization under ID: 33.4; NVR: Annex 3.2.5; Paragraph 4 and other updates other NVR ID: 33.4; NVR: Appendix 3.2.5. not least to be provided updated information for applicants NVR registration request for additional authorization and that enrollment in NVR.

It is important to provide information and on the first authorization or subsequent authorization and providing information about registration (making out) for registration applicant NVR are steps to put

an end to the last stage of the licensing process for commissioning.

References

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4. *The Law AAR: 395/2002* concerning The Archives and The Registers.
5. *The Law AAP: 71/1967* on administrative litigation.
6. *The European Commission Recommendation R: 2011/217 / EU.*
7. *The European Centralised Virtual Vehicle Register - ECVVR.*
8. *EU Regulation No. 352/2009.*