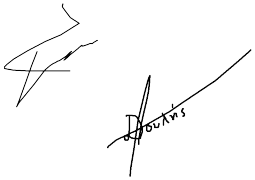




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Clarification note

Application of national rules of administrative procedure in the safety certification process when the Agency is safety certification body

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Document History

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The purpose of this document is to foster an harmonised EU approach to the safety certification process. Those concerned with this clarification note are encouraged to voluntarily apply it.

The present document is a non-legally binding guidance of the European Union Agency for Railways. It is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.

1. Issue description

A railway undertaking that applies for a single safety certificate shall provide an application file that meets both the applicable EU requirements and the requirements set out in the national rules notified in accordance with Article 8 of Directive (EU) 2016/798.

In parallel, applicants might be subject to rules of national administrative procedure as set out in national administrative laws or national codes of administrative procedure of the EU Member States or as identified by national safety authorities. Such rules may create additional burdens and costs to be borne by the applicants.

2. Clarification

Any applicant has the right to prepare and submit at any time valid applications in the one-stop shop in line with the applicable EU railway legislation, the specifications and the Terms of Use of the one-stop shop.

When the Agency acts as safety certification body, the application for a single safety certificate is submitted to the Agency which has to refer the application file to the national safety authority or authorities concerned with the area of operation to address the national rules part. In such cases, the compliance with any formal and substantial rules, requirements, prerequisites or conditions linked with administrative issues, such as:

- › finalisation and formal submission of an application in the one-stop shop;
- › content of formal acknowledgement of receipt of an application by the Agency;
- › requirement of signature of applications in the one-stop shop and Agency's reports, including final decisions/acts; and
- › any other relevant EU law governed issue.

falls under the exclusive responsibility of the Agency which defines the relevant specifications.

Consequently, in relation to the aforementioned administrative issues, all national safety authorities involved in the assessment of an application (when the Agency acts as safety certification body) should consider any application submitted in the one-stop shop as valid, given also that when the Agency acts as safety certification body it is subject to EU law and not to any national requirements set out in the national administrative law of the EU Member States.