

Making the railway system  
work better for society.

# Terms of Use

## *European Railway Agency Database of Interoperability and Safety (ERADIS)*

The ERADIS database shall ensure that the information relevant to the safety and interoperability of the railways in the Member States is accessible and transparent to all interested parties and stakeholders in the railway, in accordance with the Directive (EU) 2016/797<sup>1</sup>, the Directive (EU) 2016/798<sup>2</sup>, and the Regulation (EU) 2016/796<sup>3</sup>.

These Terms of Use are also governed by the practical arrangements for sending documents to ERA as agreed between the Agency and the Member States (the “Communication Protocol”).

These Terms of Use are binding for any user of ERADIS. By logging in/ signing up and using it, you accept automatically and irrevocably these Terms of Use.

Please read them carefully before the first use of ERADIS.

The European Union Agency for Railways (hereinafter ERA) reserves its right to amend these Terms of Use from time to time following an exchange of views with the relevant authorities and stakeholders without prior notice. Users have the responsibility to check them regularly and will be bound by the amended terms.

## **1. ERADIS-functionalities**

Pursuant to Article 37 of the Agency Regulation (EU) 2016/796, *the Agency shall make the following documents and registers publicly available*<sup>4</sup>:

1. *the ‘EC’ declarations of verification of subsystems;*
2. *the ‘EC’ declarations of conformity of interoperability constituents and ‘EC’ declarations of suitability of use of interoperability constituents;*
3. *the licences issued in accordance with Article 24(8) of Directive 2012/34/EU of the European Parliament and of the Council*<sup>5</sup>;
4. *the single safety certificates issued in accordance with Article 10 of Directive (EU) 2016/798;*
5. *the registers relating to entities in charge of maintenance and their certification bodies;*

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<sup>1</sup> Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 56).

<sup>2</sup> Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

<sup>3</sup> Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1).

<sup>4</sup> Other documents listed in such Article 37 are published in other registers and databases.

<sup>5</sup> Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32)

6. *the quality reports issued in accordance with Article 28(2) of Regulation (EC) No 1371/2007 of the European Parliament and of the Council<sup>6</sup>.*

Pursuant to Article 42(3) of Directive (EU) 2016/797, “Notified bodies shall provide the Agency with ‘EC’ certificates of verification of subsystems, ‘EC’ certificates of conformity of interoperability constituents and ‘EC’ certificates of suitability of use of interoperability constituents”.

Additionally, in accordance to Annex IV, 2.7, “Each notified body must periodically publish relevant information concerning:

- (a) requests for verification and ISV received;
- (b) request for assessment of conformity and suitability for use of ICs;
- (c) ISV issued or refused;
- (d) certificates of verification and ‘EC’ certificates for suitability for use issued or refused;
- (e) certificates of verification issued or refused”

According to Article 13 of the Regulation (EU) No 402/2013 on the common safety method for risk evaluation and assessment<sup>7</sup>, the Agency shall make publically available the following:

1. the information on the Member State decision concerning the use of accreditation or/and recognition for the purposes of Regulation 402/2013;
2. the assessment bodies accredited by the national accreditation body, or recognised by the recognition body according to the decision of every Member State;
3. the changes to the situations in points 1 and 2

According to Article 10 of Regulation No (EU) 445/2011 on a system of certification of entities in charge of maintenance for freight wagons<sup>8</sup>, the Agency shall keep a record of the following information and shall make it publicly available:

1. Member States shall notify the Agency of the certification bodies recognised. The accreditation bodies shall inform the Agency of the certification bodies accredited. Any change shall also be notified to the Agency within 1 month of the change.
2. Certification bodies shall notify the Agency of all issued, amended, renewed or revoked ECM certificates or certificates for specific functions, within 1 week from its decision.

Through the ERADIS database, the Agency is collecting and providing public access to the following documents and information:

1. *Contact details of relevant national organisations: safety authorities, investigation bodies, accreditation bodies, recognition bodies;*
2. *Safety certificates for railway undertakings;*
3. *Licences for providing rail transport services by railway undertakings;*
4. *Information on the Entities in Charge of Maintenance: the schema decided in each Member State, certification bodies documents, ECM certificates and maintenance functions certificates, Recommendations for use agreed by the certification bodies network;*

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<sup>6</sup> Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

<sup>7</sup> 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 (OJ L 121, 3.5.2013, p. 8).

<sup>8</sup> Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).

5. *Information on the CSM Assessment Bodies: the decision of the EU Member State, and the non-EU contracting states of OTIF, on the use of accreditation and/or recognition for acknowledging the competence of CSM assessment bodies, as well as the information on those CSM Assessment Bodies that are accredited or recognised according to Regulation 402/2013;*
6. *Link to ERAIL database of investigation reports;*
7. *Annual reports of national safety authorities and national investigation bodies;*
8. *EC declarations of verification of subsystems;*
9. *EC declarations of conformity of constituents;*
10. *EC declarations of suitability for use of interoperability constituents;*
11. *Authorisations for placing in service of fixed installations;*
12. *NoBo EC Certificates*
13. *Link to the national vehicle registers ECVVR;*
14. *Railway Undertaking Service Quality Reports;*
15. *Link to national rules database NOTIF-IT.*

## 2. Users

The ERADIS users can be grouped into 3 role categories, each one is divided into several subcategories:

### 1. *ERA Internal*

An internal actor is a user within the Agency. The types of internal actors are as follows:

- *ERADIS Administrator who manages the reference data of ERADIS;*
- *Safety User who handles actively the Safety documents;*
- *Interoperability User who handles actively the Interoperability documents.*

All types of internal actors need a secured access to the application by providing a login name and a password.

### 2. *ERA External*

An external actor is a user who receives a secured access to ERADIS application by providing a login name and a password and is requested to provide Interoperability or Safety information; an external actor can belong to one of the following categories:

- *National Safety Authority (NSA)*
- *Licencing Authority*
- *National Investigation Body (NAIB)*
- *Entity in Charge of Maintenance (ECM) Certification Body and National Accreditation Body*
- *Assessment Body*
- *Manufacturer*
- *Railway Undertaking*
- *Notified Body*

### 3. *Public*

A member of the public is any user who can access the ERADIS application without providing a login name and a password: this actor can browse and consult any published document.

Each category, depending on the given access rights has different access to the various application modules in which the user can handle the information, as summarised in the following table:

Module	Category	Anonymous / ERA-EXT NEB	ERA ERADIS Admia.	ERA Safety Admin.	ERA Interoperability Admin.	ERA-EXT NAIB	ERA-EXT NSA	ERA-EXT Licencing Authority	ERA-EXT Annual Reports	ERA-EXT Assessment	ERA-EXT Manufacturer	ERA-EXT ECM	ERA-EXT RU SQP reports	ERA-EXT Notified Bodies EC Certificates
Administration			X											
Search		X	X	X	X	X	X	X	X	X	X	X	X	X
Safety Certificates				X			X							
Licences				X				X						
Schema				X										
Certification Bodies				X								X		
ECM Certificates				X								X		
ECM MoU Certificates				X										
Maintenance functions certificates				X								X		
MS Decision				X										
Assessment Bodies				X						X				
Safety Indicators				X			X							
Investigation Reports				X		X								
NSA & NIB Reports				X					X					
EC Verification Subsystems					X		X				X			
EC Conformity Constituents					X		X				X			
EC Suitability Constituents					X		X				X			
Authorisation					X		X							
Audio EC Certification					X									X
Railway Undertaking Service Quality reports					X								X	
Data Quality Check				X										
Data Mining Report				X	X									
Statistics			X											

### 3. Roles and responsibilities

The Safety and Interoperability Users are in charge of the registration of users and the publication process in ERADIS. When a Safety or Interoperability document is submitted/ amended/ renewed/ suspended/ revoked, an automated notification email informs the designated Agency staff that a Safety or Interoperability document has been notified to ERADIS and is pending for publication. In case of inconsistencies, the designated Agency staff may ask for clarifications or corrections on the submitted documents. If there are no inconsistencies with the reference data, then the publication process is quite straightforward.

As providers of the submitted and published information in ERADIS you bear the full and sole responsibility for the information you submit for publication in accordance with the legislation applying to you, and for any consequences thereof, including the use of your information by other users. You represent and warrant that you have all the rights, power and authority necessary to submit any information that you submit to ERADIS and that you do so in compliance with the legislation applying to you by using the appropriate format (if any). ERA's role is limited to make such information publicly available and cannot be held liable for any use of your information in accordance with these terms of use.

Before submitting any information, please consider very carefully its content in accordance with applicable EU legislation and respect all applicable civil, administrative or criminal legislation of the EU Member States, including rules on criminal or civil liability, confidentiality, industrial and intellectual property.

## 4. Disclaimer

You agree that when using ERADIS, you shall not:

- 1) Upload, distribute or disseminate any inappropriate, profane, defamatory, infringing, obscene, indecent or unlawful information;
- 2) Upload files that contain software or other material protected by intellectual property laws (or by rights of privacy of publicity) unless you own or control the rights thereto or have received all necessary consents;
- 3) Upload files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of the system;
- 4) Share or circulate your password.

You are responsible for safeguarding the password that you use to access ERADIS and for any activities or actions performed under your password. We encourage you to use "strong" passwords (passwords that use a combination of upper and lower case letters, numbers and symbols) with your account. The Agency cannot and will not be liable for any loss or damage arising from your failure to comply with the above.

ERA has no responsibility or liability whatsoever with regard to the information submitted and published in ERADIS. Under no circumstances will the Agency be liable in any way for any content, including, but not limited to, any errors or omissions in any content, or any loss or damage of any kind incurred as a result of the use of any content published, emailed, transmitted or otherwise made available via ERADIS or broadcasted elsewhere.

ERA has only the legal responsibility to make publicly available the information mentioned in section 1.

ERA does not have the legal responsibility to check and ensure the completeness, truthfulness, accuracy, or reliability of any content published via ERADIS.

ERA does not have the legal responsibility of removing any of the published information in case of a complaint based on the content of the information. However, it reserves the right at all times to remove any submitted information or to disable users' accounts in duly justified cases.

## 5. Intellectual property rights and confidentiality

By legislation, ERA has to make ERADIS publicly available and as such it facilitates the publication of the relevant information. As described above all information is submitted under the sole responsibility of the authorised user.

In that respect, ERA has no ownership rights over the original information or their copies or the content of this information. ERADIS is solely hosting these copies. Any submitted and published information including electronic copies, are intellectual property of the person or entity who issued or legally obtained them. However, all submitted and published information will remain unchanged and archived by ERA in accordance with applicable legislation.

To the extent permitted by their respective applicable legal framework, in particular on public access to information, all users undertake to treat in the strictest confidence and not to divulge to third parties any sensitive information and content of available information.

## 6. Protection of personal data submitted in ERADIS

ERA is committed to user privacy. Our [privacy statement](#) sets out the details about the way ERA processes personal data that we collect from and about you and how we may use your information in accordance with the [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

## 7. Availability of ERADIS

ERA aims to minimise disruption caused by technical failures, maintenance of the IT system or unforeseen circumstances. However, ERA cannot guarantee that ERADIS will not be interrupted for maintenance or otherwise affected by any technical problem or other circumstances. ERA will bear no liability with regard to such problems if caused by force majeure<sup>9</sup>.

## 8. Applicable law and competent court

These Terms of Use shall be governed by the European Union law supplemented where necessary by the national substantive laws of France.

Any claim against ERA which could not be first resolved amicably between the parties must be addressed to:

The General Court of the European Union

Postal Address L-2925 Luxembourg

<http://curia.europa.eu/>

It is also possible to complain against ERA to the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the Decision of the European Parliament of 9 March 1994 on the regulations and the general conditions governing the performance of the Ombudsman's duties (Official Journal of the European Union, L 113 of 4 May 1994):

European Ombudsman

1, Avenue du Président Robert Schuman –CS 30403

FR-67001 Strasbourg Cedex

<http://www.ombudsman.europa.eu>

## 9. Contact details

In case of questions and technical issues related to ERADIS, please contact [ERADIS@era.europa.eu](mailto:ERADIS@era.europa.eu) or use the ["Contact us"](#) form in ERA website.

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<sup>9</sup> Force majeure shall mean any unforeseeable and exceptional situation or event beyond the control of ERA which prevents or delays either of the parties from performing any of their obligations related to ERADIS, which was not due to error or negligence of ERA, and which could not have been avoided by the exercise of due diligence.