

Moving Europe towards a sustainable and safe railway system without frontiers.

## Specific Terms of Use governing the European Union Agency for Railways ('the Agency')'s Safety Alerts IT tool ('Safety Alerts IT tool' or 'SAIT')

### Document History

<i>Version</i>	<i>Date</i>	<i>Comments</i>	<i>Drafted by</i>	<i>Reviewed by</i>	<i>Approved by</i>
1.0	16/03/2023	Initial version	Registers team	Legal office	Team Leader ODP
			18/01/2023	02/02/2023	16/03/2023
2.0	04/11/2024	Updated version	Registers team	Legal office	Team Leader ODP
			15/10/2024	04/11/2024	04/11/2024

These terms are specific to the Safety Alerts IT tool and apply in addition to the [Extranet Terms of Use](#).

The Safety Alerts IT tool is an IT platform, developed by the Agency in the framework of Directive (EU) 2016/798 of 11 May 2016 on railway safety. It facilitates the exchange of information among the relevant actors who identify or are informed of a safety risk relating to defects and construction non-conformities or malfunctions of technical equipment, including those of structural subsystems.

The use of SAIT is **mandatory** for the **Entities in Charge of Maintenance (ECMs)** as stated in Article 4(6) of the Commission Implementing Regulation (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 starting from 16th June 2021<sup>1</sup>.

Although other relevant actors will need to satisfy the obligation in the Article 4(5) of Directive (EU) 2016/798, the use of Safety Alerts IT tool for them is still voluntary.

**By using SAIT, you agree with these terms of use. Please, read them carefully before using SAIT.** If you disagree with any of the term, do not use SAIT.

You confirm that you are an employee or agent of one of the following categories of organisations and authorised by that organisation to post and receive alerts from this tool on that organisation's behalf: railway undertakings, infrastructure managers, entities in charge of maintenance, manufacturers, maintenance suppliers, keepers, and service providers, contracting entities, carriers, consignors, consignees, loaders, unloaders, fillers, unfillers or any other actor who identifies or is informed of a safety risk relating to defects and construction non-conformities or malfunctions of technical equipment, including those of structural subsystems.

You bear the full and sole responsibility for the content and information you publish or comment on and for any consequences thereof, including the use of your content by other users. You understand that any content uploaded in SAIT may be distributed or published by other users and if you do not have the right to submit content for such use, you may subject to liability and other claims. The Agency is not responsible or liable for any use of

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<sup>1</sup> Article 2(3) of the Commission Implementing Regulation (EU) 2020/780

your content in accordance with these terms of use. You represent and warrant that you have all the rights, power, and authority necessary to report and comment any content that you submit.

You shall publish only factual information, strictly avoid any speculation or theory which is not supported by facts. Before publishing any information, please consider very carefully its content 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 rights. You shall refrain from judgmental statements, especially statements which could raise any claim or attribute responsibilities.

Any information provided for publication in this Safety Alerts IT tool is considered to be non-confidential.

You are responsible for safeguarding the password that you use to access the Safety Alerts IT tool and for any activities or actions in SAIT carried out by anyone who uses 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. You shall not circulate your password.

You agree that when using the Safety Alerts IT tool, you will not: 1) Defame, abuse, harass, stalk, threaten or otherwise violate the legal rights (such as rights of privacy and publicity) of others; 2) Publish, post, upload, distribute or disseminate any inappropriate, profane, defamatory, infringing, obscene, indecent or unlawful topic, name, material or information; 3) Upload files that contain software or other material protected by intellectual property laws (or by rights of privacy or publicity) unless you own or control the rights thereto or have received all necessary consents; 4) Upload files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of another's computer; 5) Download any file posted by another user of the Safety Alerts IT tool that you know, or reasonably should know, cannot be legally distributed in such manner.

The Agency is responsible for making available the Safety Alerts IT tool to its users, including its maintenance and technical management, as well as users management and support.

The Agency reserves the right at all times (but will not have an obligation) and without prior justification to remove or refuse to distribute any content on the Safety Alerts IT tool, to suspend or terminate users' accounts, and to reclaim usernames without liability to you.

The general terms and abbreviations used in the present document can be found in a standard dictionary. Furthermore, a glossary of railway terms that focuses primarily on safety and interoperability terminology, but also on other areas that the Agency can use in its day-to-day activities as well as in its Workgroups for the development of future publications, is available on the Agency website.

## **Disclaimer**

When users publish alerts, these are directed solely to the relevant actors.

By publishing alerts, the users acknowledge that these are not directed to the Agency. The published alerts are not intended for the Agency and the Agency does not analyse or validate the content of the published alerts.

The Agency accepts no responsibility or liability whatsoever with regard to the information on the content of safety alerts and/or the comments related to them.

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 posted, emailed, transmitted or otherwise made available via the Safety Alerts IT tool or broadcast elsewhere.

The Agency does not endorse, support, represent or guarantee the completeness, truthfulness, accuracy, or reliability of any content or comments posted via the Safety Alerts IT tool.

The Agency aims to minimise disruption caused by technical errors. However, the Agency cannot guarantee that this service will not be interrupted or otherwise affected by any technical problem. The Agency accepts no responsibility with regard to such problems.

**IMPORTANT:** The Agency may be obliged to submit information published in the tool under the EU legislation for public access to documents, as well as judicial proceedings in EU Member States.

## **New IT environment**

The safety alerts which were published in the previous SAIT environment (Drupal 7) have been moved since 2023 to the Extranet-SharePoint On-line environment of the Agency.

The migration did not result in any modification of the content of the alerts. The terms of use remain unchanged.

Personal data in the SAIT are now stored in the Extranet-SharePoint environment.

### **Complaints related to published alerts**

The Agency does not endorse, support, represent or guarantee the completeness, truthfulness, accuracy, or reliability of any content or comments posted via the Safety Alerts IT tool. The Agency by no means verifies the substantial content of published alerts.

In exceptional cases, the Agency reserves the right to access a safety alert only in case of complaints and requests for withdrawal (or modification) of an alert or a comment and for the sole purpose of assessing compliance of its content for against these terms of use.

The Agency may contact the issuer of the alert to inform them on the complaint received and asking them to reassess their published alert.

The users remain fully and solely responsibility for the content and information published or commented on and for any consequences thereof, including the use of content by other users. Users remain solely responsible for maintaining or for withdrawing an alert or a comment following a complaint or request for withdrawal or modification.

### **Disputes and Jurisdiction**

Every user is responsible for the information and the content of a safety alerts and/or the comments related to them. In the event of a dispute, the Agency encourages the users of SAIT to seek resolution amicably with the other party(ies) involved in such dispute. You agree that the laws of the European Union, complemented, where necessary, by the law of France will govern these Terms of Use, as well as any legal claim that might arise between you and the Agency (without reference to conflict of laws principles).

To ensure that disputes are dealt with soon after they arise, you agree that regardless of any statute or law to the contrary, any claim or cause of action you might have arising out of or related to use of the Safety Alerts IT tool or these Terms of Use must be filed within the latest one (1) year after the pertinent facts underlying such claim or cause of action could have been discovered with reasonable diligence (or be forever barred).