Results of the NSR Task Force (part 2) NSR Life-cycle & roles of stakeholders

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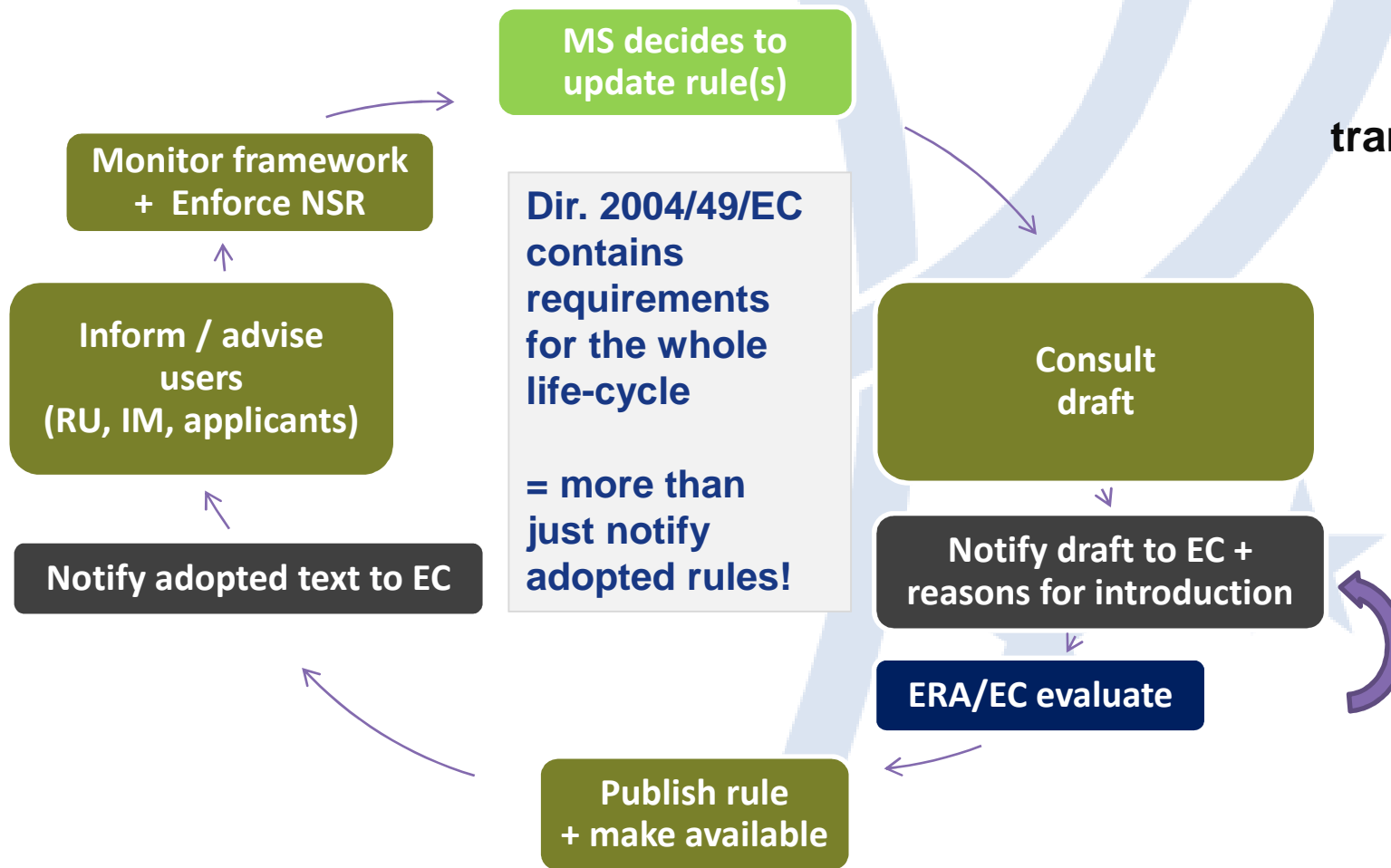
Results of the European Commission's «Task Force on National Safety Rules»

1. **Rule life cycle**

2. **Roles of Stakeholders**

   a. NSA, Member State

   b. Users

   c. IM as rule setter

   d. EC /ERA

3. **Good practices**

4. **Consultation : have your say !**

MS responsibilities for NSR:

Objectives
clear,
consistent,
compliant &
transparent NSR

MS decides to update rule(s)

Monitor framework + Enforce NSR

Inform / advise users (RU, IM, applicants)

Dir. 2004/49/EC contains requirements for the whole life-cycle

= more than just notify adopted rules!

Consult draft

Notify adopted text to EC

Notify draft to EC + reasons for introduction

ERA/EC evaluate

Publish rule + make available

Role of NSAs

- Monitor what requirements apply in MS and EU

- Identify rules (direct- indirect) applicable to part of infrastructure in question

- Assist applicant/user (free detailed guidance)
- Collect feedback from rule-users
- Enforce NSR

Role of NSAs

- Report issues to ERA and rule-makers in MS
- Support MS to update/amend/reduce rules
- Make rules available to users

Role of MS

- Overall responsibility for NSR

- Notify draft to EC in NOTIF-IT
- Publish adopted rules

RU, IM, Applicant, Manufacturer, Social partner…

YOU have YOUR SAY on national safety rules

- **Give feedback to NSA:**
- **Do you know where to find NSR?**
- **Are you able to access all rules easily?**
- **Are there other rules that you just discovered?**
- **Should a specific rule be updated?**
- **Is a rule/ guidance not clear ?**

You may also give positive feedback!

RU, IM, Applicant, Manufacturer, Social partner…

YOU have YOUR SAY on national safety rules

- **Report issues about a specific rule to rule-makers in MS**

- **You may complain to EC about rules that apply to you although they were non-notified**

- **Comment new draft the process allow you to do so**

- **Check NOTIF-IT database**

RU, IM

of course you should also

- **Monitor how your activity comply with NSR**
  (CSM on monitoring)

IM has a decisive role for transparency

- **Keep NSA/Ministry informed about IM rules**
- **Consult when update IM rules**
- **Make your rule transparent and easy to access**
     to all stakeholders

- **In the EU,**
operators have complained about
general difficulty to access IM rules

Role of the Commission
when a draft NSR is notified

- **Dir. 2004/49/EC Article 8(7)**

- **EC registers the notification** (ERA support)

- **EC verifies compliance with CSTs, CSMs,** impact on international transport and issues of **discrimination**

- **The rule shall be withdrawn or amended if required by the Commission**

For key issues, the task force developed guidance:

a)obligations and tasks of MS, NSA, EC, ERA, **stakeholders at each stage of NSR life-cycle.** (see report 3.1.2)

b)Good practice for applying a **systematic approach** to NSR (see report Annex V)

c)NSR Management Tool (see report Annex III)
- tool to help decide on which rules can be NSR

d)Requirements and **process for notifying** draft and adopted NSR

(Flowchart to identify which drafts to notify)

e)Good practice for NSR dissemination and assistance
(see report Annex IX)

f)Good practice for **consultation** in MS
(see report Annex VI)

Key elements for building and managing NSR system

Understanding and regular review of:

NSR definition, purpose, legal base

May be similar for NTR

Remaining scope for NSR system: geographical, personal, technical

Purpose for NSR-related activities, related responsibilities, principles and tasks of different bodies

Attention to NSA powers

1 **Rule system:** Define/monitor framework for activities

2 **Individual NSR:** Establishment and life cycle

3 **Individual NSR:** Dissemination and assistance

Coordination and increased attention to indirect NSR

Consultation of all parties concerned
is a key condition to fulfil transparency requirements

No exception for the Railway sector!

2 STEPS where YOU CAN COMMENT:

1. National level: **before notification, consultation on a draft NSR is mandatory**

- Comments may address any issues
  - the strategic choice of an appropriate option or of task allocation
  - editorial issues such as user-friendliness or the text level of detail.

2 STEPS where YOU CAN COMMENT:

2. EU level: **after notification of the draft NSR to the Commission**

- Soon in NOTIF-IT
- Aim: report discrimination or disguised restriction on rail transport operation

What if MS wants to impose « Urgent » rules following an accident?

a)Same procedure as for any NSR : consult, justify, notify...

b)In exceptional case, rule may be adopted right after notification of draft to EC

c)EC will continue its analysis anyway

d)Urgency has to be justified

e)« Urgent » rules have to comply with EU law and be non-discriminatory, appropriate, proportional and temporary

f)In general « urgent » rules are not considered
as a good practice

Good practice

❖ **"Communication** from the Commission on the precautionary principle" (COM(2000) 1 final)

❖ **"Quick response procedure to accidents and incidents"**
(ERA project by mid-2013)

Thank you very much for your attention!

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