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## **Application guide for the granting of single safety certificates – Traficom**

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## **1 Introduction**

This guide provides guidance on matters related to applying for single safety certificates issued by the Finnish Transport and Communications Agency (Traficom).

This guide supplements the application guide for the granting of single safety certificates published by the European Union Agency for Railways (ERA).

This guide applies to applications for single safety certificates when the defined area of operation is Finland and Traficom acts as the safety certification body or assesses the national part of the application.

[ERA's application guide for the granting of single safety certificates](#)

### **1.1 Purpose of the instructions**

These instructions are intended for railway undertakings that want to submit applications for single safety certificates to Traficom.

The purpose of the instructions is to help railway undertakings with the practical procedures related to the application when the party selected to process the application is Traficom.

The instructions describe the following matters:

- the conditions of application for a single safety certificate
- the process for the application for a single safety certificate
- the content of the national part of a single safety certificate application
- language policy
- communication arrangements
- the fees associated with the application
- appeal and administrative review procedures.

### **1.2 Legal framework**

Regulations concerning single safety certificates are governed by the Railway Safety Directive issued by the European Commission (Figure 1).

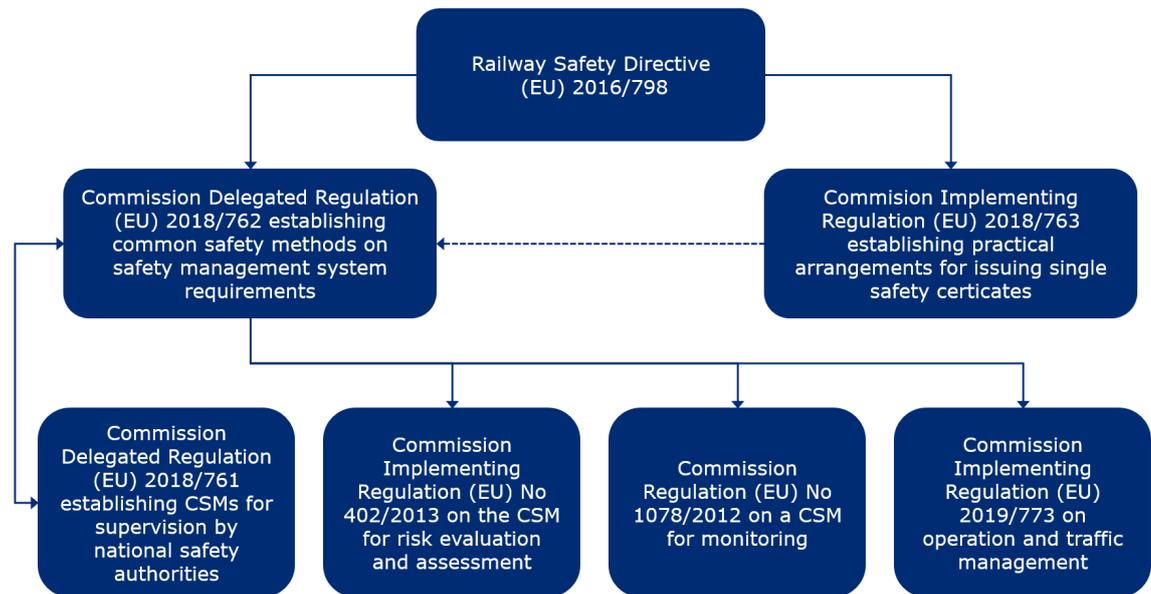


Figure 1. EU legal framework concerning single safety certificates

National legislation concerning single safety certificates is part of the Rail Transport Act (1302/2018). Provisions on railway traffic competence are laid down in the Act on Transport Services (320/2017).

## 2 Conditions of application for a single safety certificate

In Finland, railway undertakings operating on the state-administered railway network and connected private railways are required to hold a single safety certificate. In this context, operating means shunting or the operation of trains.

Railway undertakings include

- undertakings whose principal activity is goods or passenger transport by rail
- providers of railway network maintenance services that operate on the national railway network or connected private railways
- providers of shunting services
- museum train traffic operators that operate on the national railway network or connected private railways
- railway infrastructure managers that operate on their own railway network or a railway network administered by others.

### 2.1 Closed area procedure

A single safety certificate is not, however, required for the movement of a vehicle for the purpose of transport of vehicles related to loading, repair or maintenance services and for which access to infrastructure or part of the infrastructure has been closed by the infrastructure manager or infrastructure managers and they have provided instructions on the procedures for movement in the closed area.

The party responsible for moving vehicles in a closed area is the railway infrastructure manager. The area can be closed physically with a gate, for example, but the procedure can also take the form of instructions. As regards the instructions on the procedures for movement, it is important to take into consideration that the railway network cannot be used for operation or shunting while the area is closed. The procedures must also take into account how the vehicles being moved are prevented from running away and include preparations for the vehicles running away.

## **2.2 Small-scale transport**

Small-scale transport does not remove the obligation of a railway undertaking to hold a single safety certificate, but the requirements concerning the train driver's licence and complementary certificates do not need to be applied to local and small-scale activities. Because of this, the scope of application of the Act on Transport Services does not include small-scale transport in which

- 1) operation consists solely of shunting
- 2) operation includes only minor communication with the railway infrastructure manager
- 3) operation includes only minor familiarity with the system of railway signs and signals.

In addition to the above conditions, the operation must take place in a limited area and be carried out by one railway undertaking only. For more information, please see Traficom's instructions.

[\*Instructions for small-scale transport \(in Finnish\)\*](#)

## **3 How to apply for a single safety certificate?**

The application for a single safety certificate is submitted through the one-stop shop.

[\*The one-stop shop\*](#)

If the applicant intends to operate only in Finnish territory, they can choose whether to submit their application to Traficom or ERA in the one-stop shop. If the applicant's area of operation extends to multiple EU Member States, ERA acts as the safety certification body by default. In both cases, the application process is the same. For more information on the application processing process, please refer to ERA's application guide for the granting of single safety certificates, a link to which is provided in section 1 of this guide.

When Traficom acts as the safety certification body, it can organise audits and inspections related to the assessment of the application, if it considers them necessary. The costs of the audits and inspections are invoiced as part of the application processing fees.

For more information on the application process and the documents to be submitted with the application, please refer to ERA's application guide for the granting of single safety certificates, a link to which is provided in section 1 of this guide.

The documents that the applicant needs to submit for the assessment of the national part of the single safety certificate application are detailed in section 4 of this guide.

## **4 Descriptions of the requirements of the notified national rules**

The assessment of compliance with the notified national rules falls under the responsibility of the national safety authority. The notified national rules refer to operational requirements that are not prescribed in the applicable OPE TSI (EU 2019/773) or other applicable EU regulations. Compliance with these requirements is verified in the intended area of operation.

The notified national rules applicable to the intended area of operation and their descriptions are available in the Single Rules Database (SRD) maintained by ERA (the national rules concerning Finland can be found on the Adopted rules tab by selecting Show search filters: Finland; Safety).

## **5 Cross-border traffic**

A railway undertaking can operate in Swedish territory with a single safety certificate that is only valid in Finland if the operation is limited to the closest border station and has been agreed upon between the two countries. In practice, such operation is possible between Tornio and Haparanda.

If the applicant states in their application that they operate to Haparanda, the applicant must ensure compliance with the relevant national rules in Sweden as well. More information about the national rules is provided in section 4 of this guide. Evidence of compliance with the national rules must be submitted through the one-stop shop, where it is processed as part of the rest of the application.

Cross-border traffic between Finland and Russia is based on the agreement on direct international rail transport between Finland and Russia and does not fall within the scope of application of EU regulations concerning single safety certificates.

## **6 Liability insurance**

Railway undertakings are required to take out liability insurance for their operations. Liability insurance is one of the prerequisites for a single safety certificate and a safety authorisation. The liability insurance ensures that the railway undertaking is prepared for damage caused to other parties from the use of vehicles, which the undertaking is liable for according to law.

[\*Liability insurance instructions \(in Finnish\)\*](#)

## **7 Application processing timeframe**

It is recommended that an application for a new single safety certificate, changes to an existing single safety certificate or the renewal of a single safety certificate be submitted at least six months before the planned start date of the operation.

Traficom is required to notify the applicant of whether the application documents are sufficient for the assessment within one month of receiving the application. Once all the required material has been submitted, Traficom has four months to carry out the assessment and issue its decision.

A single safety certificate is valid for up to five years.

## **8 Language policy**

Applicants can submit applications for single safety certificates addressed to Traficom in Finnish, Swedish or English. Traficom will process the applications that it receives in the language in which the application was submitted. Communication between Traficom and the applicant can be arranged in Finnish, Swedish or English.

Although an application can be submitted in multiple languages, the applicant must demonstrate that it is capable of operating in compliance with issued provisions in the Finnish railway system. In practice, the applicant must ensure that its employees possess the Finnish-language skills necessary for rail traffic communication.

If ERA acts as the safety certification body, Traficom may require the applicant to translate certain documents or parts thereof if the translations are considered necessary for assessing the national part. In this case, the translation costs are borne by the client.

## **9 Communication arrangements**

Any requests for supplementary evidence and issues related to applications are communicated through the one-stop shop. If necessary, communication may also be carried out through email, phone, conference/video calls or meetings. Any matters affecting the content of the application, including any meeting minutes or inspection reports, must ultimately be recorded in the one-stop shop.

## **10 Fees**

When Traficom acts as the safety certification body, the hourly rate for the processing of the application is determined in accordance with the *Decree of the Ministry of Transport and Communications on transport-related services provided by the Finnish Transport and Communications Agency subject to a fee*.

If the applicant has selected Traficom as the safety certification body, the applicant's invoicing information must be submitted to Traficom through the one-stop shop along with the application as an attachment or in the additional information field of the applicant's contact information, for example. Traficom will invoice the applicant immediately after issuing the decision on the certificate. The invoice becomes due in 21 days from the applicant being notified of the invoice.

When ERA acts as the safety certification body, the hourly rate for the processing of the application is determined based on *Commission Implementing Regulation (EU) 2018/764 on the fees and charges payable to the European Union Agency for Railways and their conditions of payment*. For the processing of the national part, Traficom will charge processing costs to ERA in accordance with the national decree on transport service fees. ERA will then invoice the applicant for the total processing costs, including the processing of the national part.

All holders of single safety certificates whose certificates were valid on the first day of the year are also charged an annual fee. The annual fee amount is determined based on the nature and scope of operation. The fees are determined in accordance with the *Decree of the Ministry of Transport and Communications on transport-related services provided by the Finnish Transport and Communications Agency subject to a fee*.

## **11 Appeal and administrative review procedures**

An applicant who is dissatisfied with a decision issued by Traficom can request an administrative review of the decision or the fee charged for it. Instructions for requesting administrative review are provided as an attachment to the decision.

## **12 Revoking a single safety certificate**

Traficom has the right to revoke a single safety certificate that it has issued if the holder of the single safety certificate no longer satisfies the conditions under which it has been certified or if requested by the holder of the single safety certificate. Traficom must provide the railway undertaking with the opportunity to correct any shortcomings within a reasonable timeframe, which must not be shorter than two months. However, for particularly major shortcomings, Traficom can revoke the certificate immediately.

If the holder of a single safety certificate issued by ERA no longer satisfies the conditions under which it has been certified, Traficom must ask ERA to restrict or revoke the certificate. In the event of a serious safety risk, Traficom can impose temporary safety measures to restrict or suspend rail operations. The final decision on the matter will be issued collaboratively by Traficom and ERA. Any disputes will be resolved through arbitration. If a decision is made in the arbitration procedure not to restrict or revoke the single safety certificate, any temporary safety measures must be repealed. Temporary safety measures in force can be appealed to the administrative court. However, the measures can be applied until the end of the court proceedings.

## **13 Supervision and transitional provisions**

Holders of single safety certificates are supervised by Traficom following the issuing of their certificates. More information on Traficom's oversight, oversight strategy and oversight plans is available on Traficom's website.

<https://traficom.fi/en/transport/rail/railway-system-oversight>

As regards supervision, single safety certificates issued prior to 16 June 2019 are subject to assessment criteria in accordance with Regulation (EU) No 1158/2010 for the period of validity of the certificate. All single safety certificates issued on 16 June 2019 and after, including changes and renewals, are subject to assessment criteria in accordance with Regulation (EU) 2018/762 as regards supervision.

Since some EU Member States have postponed the implementation of the 4th railway package to 2020, it is possible for an applicant intending to commence operation in Finland to have a Part A of a safety certificate valid in some other Member State. In such situations, Part A of a safety certificate can be considered to correspond to a single safety certificate.