

Office of Rail Transport

<https://utk.gov.pl/en/new/17324,Amendments-to-the-Railway-Transport-Act-2003.html>
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Amendments to the Railway Transport Act 2003

10.05.2021

An introduction of a single safety certificate, an authorisation of placing on the market and the One-Stop Shop (OSS) - these are the basic amendments to the Railway Transport Act 2003 adopted on March 30, 2021. The amendments also introduce new definitions, extend the scope of ECM certification and modify the rules for obtaining safety authorizations and safety certificates.

On April 27, 2021, an Act amending the Railway Transport Act 2003 was published in the Journal of Laws. It partially implements Directive (EU) 2016/797^[1] and Directive (EU) 2016/798^[2], i.e. the provisions of the technical pillar of the 4th railway package.

The amendments will enter into force 3 months after their announcement, i.e. on July 28, 2021, except for:

1. changes related to replacement of the National Vehicle Register (NVR) with the European Vehicle Register (EVR) - effective June 16, 2021,
2. changes in the requirements for technical efficiency certificates - these requirements are related to the entry into force of the obligation to have an ECM certificate specified in the Commission Implementing Regulation 2019/779 - effective June 16, 2022.

The amendments introduce new definitions, including an area of use of a vehicle, One-Stop Shop, type of activity, scope of activity and area of activity. Moreover, they cover a number of changes to the current definitions, including railway network, railway vehicle, railway carrier and railway siding user.

The most important changes are:

- introduction of a single safety certificate which replaces two parts of a safety certificate: A and B. The issuing authority is the President of the Office of Rail Transport (NSA) or the European Union Agency for Railways,
- introduction of an authorization for placing a vehicle on the market in place of an authorisation for placing a vehicle in service. The issuing body is the President of the

Office of Rail Transport (NSA) or the European Union Agency for Railways,

- introduction of a One-Stop Shop (OSS) - an IT system created by the European Union Agency for Railways to handle applications for issuing single safety certificates and applications for authorisations for placing on the market.

In addition, the amendments extend the scope of certification of entities in charge of maintenance of railway vehicles (ECM) in accordance with Commission Implementing Regulation (EU) 2019/779 laying down detailed provisions on a system of certification of entities in charge of maintenance and modify the rules for obtaining safety authorization for infrastructure managers and safety attestations for railway sidings users.

The catalogue of tasks of the President of the Office of Rail Transport is extended, including obligatory development consultations with infrastructure managers, railway carriers, manufacturers, providers of maintenance services, as well as representatives of railway personnel. In the event of a serious threat to railway traffic safety, the President of the Office of Rail Transport shall, by way of a decision, introduce temporary safety measures, and in the event of a breach of railway safety regulations by entities specified in the Act - may issue a written warning.

The obligation of the President of the Office of Rail Transport to cooperate with other national safety authorities and the European Union Agency for Railways in the field of safety, interoperability and supervision is also introduced.

The text of the Act of 30 March 2021 amending the Railway Transport Act 2003 (in Polish) is available [here](#)

[\[1\]](#) 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

[\[2\]](#) Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety