

European Railway Agency

Cross Acceptance Unit

REFERENCE DOCUMENT PART 3: ESTONIA

NATIONAL LEGAL FRAMEWORK APPLIED IN CONJUNCTION WITH THE AUTHORISATION OF RAILWAY VEHICLES IN ACCORDANCE TO ART.27 OF DIRECTIVE 2008/57/EC IN ESTONIA

DOCUMENT TYPE:	TECHNICAL DOCUMENT
VERSION:	1.6.1

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Date & Signature.	03/04/2013 	12/04/2013 

Background information

The 3 sheets: Back Info-General, Back Info - Roles and Resps, and Back Info - Timeframe shall be filled in with the relevant information.

The cells coloured in:  are those to be filled in.

Additional information

Additional information to the flowcharts is requested where the objects are bordered with a thick black line. Reference N° of these objects have been introduced.

The 7 sheets: Stage 1, Stage 2, Stage 3, Stage 4, Stage 6, Stage 7 and Stage 8 shall be filled in with the relevant information.

The cells coloured in:  are those to be filled in.

Colour coding from the flowcharts

	legal option
	non mandatory/common practice
	legal option at the national level

Contact details for National Legal Framework						
Reporting country	Organisation Name	Office phone number				
Estonia	Estonian Technical Surveillance Authority	3 726 672 000				
Contact name	E-mail	Mobile phone number				
1. Anvar Salomets	Anvar.Salomets@tja.ee	signing off				
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		Is there (Yes/No)	Classification: (general, specific, detailed)	Detailed reference of the rule(s)	Language(s) that the rule(s) are available in	MSs
Interoperability Directive transposed		Yes	N/A	Regulation 2012/77 (decree No. 77) Procedure for Applying Technical Specifications for Interoperability of the Conventional and High-speed Rail System	EE	N/A
National guideline		Yes	N/A	NSA EE Presentation PIS "Conformity Assessment of Railway Vehicles"	EE/EN	
Additional authorisation required		Yes	N/A	Decree No. 77 §19(3) 1)	EE	
Definitions:	Vehicle type	Yes	general	Decree No. 77 §1(3) 9)	EE	
	Time validity of a type	No	N/A			
	Upgrading	Yes	general	Decree No. 77 §1(3) 1)	EE	
	Renewal	Yes	general	Decree No. 77 §1(3) 2)	EE	
Specific national arrangements for on track tests		Yes	general	Railway Act §67(5)	EE + EN	
Coordination with other MSs	Procedure for simultaneous application	No				
	Fees	Is there (Yes/No)	Amount (Euro)	Conditions (fixed/hourly rate)	Detailed reference of the rule	Language(s) that the rule(s) are available in
To obtain the National guideline		No				
For the acknowledgement of receipt of application		No				
For issuing authorisation		No				
For refusal of authorisation		No				
For the appeal procedure to NSA		No				
For the appeal procedure to Appeal Body		No				
For the NSA acting as assessment body (DeBo/CSM)		No				
For NSA issuing certificates (DeBo/CSM)		No				

The following roles/actors might be involved in the authorisation procedure for the placing in service of vehicles: applicant, RU, IM, keeper, NoBo, DeBo, NSA, MS, Assessment body (CSM) and others (laboratories, etc.).								
Requirement on the actor for the role	Applicant	IM	NoBo	DeBo	NSA	MS	Assessment Body (CSM)	Appeal Body
Detailed reference of the rule(s)	No	Railway Act §3(12); §3(16); §50(1)	- Railways Act §66 ⁵ ; - Decree No. 77 §1(3) 7) - Product Conformity Act, chapter 1 §4(13);	- Decree No. 77 §1(3) 4); - Product Conformity Act, chapter 1 §4(13);	- Decree 77 §19(1)	- Railway Act §72(1) 2)	- Degree 77 §11(7)	Degree 77 §27(7)
Language(s) that the rule(s) are available in:		EE+EN	EE+EN; EE; EE+EN	EE; EE+EN	EE	EE+EN	EE	EE
List of acceptance criteria	Not specified		- Product Conformity Act, Chapter 2; Chapter 3 division 2(22)	- Product Conformity Act, Chapter 2; Chapter 3 division 2(22)			CSM Regulation 352/2009 Annex II	
List of actors entitled to act as:	Anyone	AS Eesti Raudtee ; Edelaraudtee AS ;	N/A		Estonian technical surveillance authority	Estonian technical surveillance authority	Estonian technical surveillance authority	Administrative court

For new authorisation case after upgrading/renewal: for MS/NSA to make decision according to Art.20.1 of Directive 2008/57/EC		1 month	Response to Memoranda and Requests for Explanations Act §6	EE
For all authorisation cases where there is a refusal of authorisation according to Art 21.7 of Directive 2008/57/EC:	Request for review of the refusal by the applicant to the NSA	1 month	Decree 77 §77(6); Administrative Procedure Act §75	EE; EE+EN
	Maintain of the refusal by the NSA	2 months		
	Request for review of the refusal by the applicant to the appeal body – Possible opinion of the Agency if required by the appeal body	1 month		
For additional authorisation case of TSI conform vehicles	NSA decision to be taken as soon as possible and not later than, according to Art. 23.7 of 2008/57/EC:	2 months	Decree 77 §27 (2)	EE
	(a) after submission of the authorisation file			
	(b) after provision of any additional information requested by the national safety authority, where applicable			
	(c) after provision of the results of any tests requested by the national safety authority, where applicable	1 month		
For additional authorisation case of non-TSI conform vehicle	NSA decision to be taken as soon as possible and not later than, according to Art. 25.5 of 2008/57/EC :	4 months	Decree 77 §27(3)	EE
	(a) after submission of the authorisation file	2 months		
	(b) after provision of any additional information requested by the national safety authority, where applicable			
	(c) after provision of the results of any tests requested by the national safety authority, where applicable	2 months		
For all additional authorisation cases: TSI and non-TSI conform vehicles	For tests/checks (including network compatibility) with the identified actors, in particular the IM, to take place not later than, according to Art. 23.6 and Art.25.4 of Directive 2008/57/EC	3 months	Decree 77 §26(4)	EE
	when there is a deemed authorisation according to Art.21.8 of Directive 2008/57/EC	3 months	Decree 77 §27(4)	EE

Reference No in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
1.I	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	Decree 77 §23(5); §24(3)	EE
1.II	Examine: file of the previous authorisation(s) records on maintenance, operation and technical modifications	Requirements for the content of the file of the previous authorisation(s)	Decree 77 §23(5)	EE
		Requirements for the content of the records on maintenance, operation and modifications	Decree 77 §23(5)	EE
1.III	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	Decree 77 §25(2)	EE
1.IV	Is a new authorisation required for the project?	The criteria for a new authorisation	Decree 77 §19(3) 3) and 4)	EE

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
2.I	Request for track access to run on track test, when necessary	Procedure for establishing the conditions to run on track tests	Decree 77 §26(3) and §26(4)	EE
2.II	Compile pre-engagement baseline	Procedure for establishing pre-engagement baseline	No	

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
3.I	Perform verification (including tests and on track tests where necessary) against applicable TSIs and NRs, and establish evidences	The requirements for evidences	Decree 77 §23(5) 4) and §24(3) 5)	EE
3.II	Perform verification of conformity to type, and establish evidences	The requirements for evidences	Decree 77 §23(5) 4) and §24(3) 5)	EE
3.III	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	Decree 77 §24(3) 1)	EE
3.IV	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	Decree 77 §23(5) 2)	EE
3.V	Apply CSM Regulation for safe integration	The requirements for risk assessment	Decree 77 §11(7)	EE
3.VI	Provide certificate(s) from assessment against applicable TSIs requirements to applicant	The requirements for evidences	Decree 77 §12	EE
3.VII	Provide certificate(s) from assessment against applicable NRs requirements to applicant	The requirements for evidences	Decree 77 §13	EE
3.VIII	Provide safety assessment report to applicant	The requirements for the content of the safety assessment report	Decree 77 §11(7)	EE

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
4.1	Decision on the remedial action?	Possible remedial actions: Alternative method, Design modification, Change of the conditions of use/restrictions,and	No	
		The criteria for decision on the remedial action.	No	

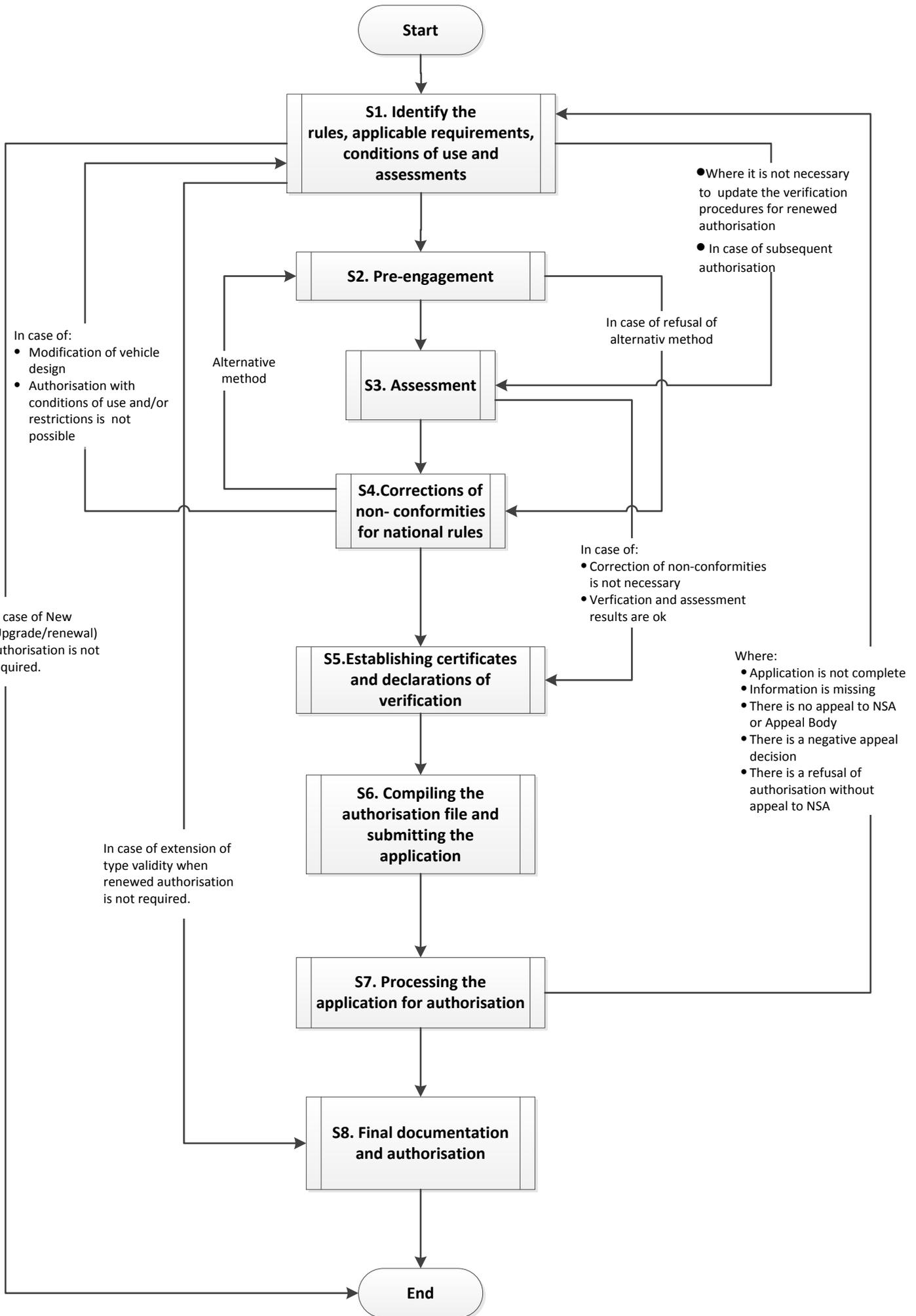
Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
6.I	<ul style="list-style-type: none"> - Make a copy of the initial technical file (previous authorisation(s)) - Collect records on operation and technical modifications 	Requirements for the content of the authorisation file (including the "technical files") : - If there is a clear check list to be adhered to when compiling the authorisation file	Decree 77 §15	EE
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Decree 77 §23(5) 1); §24(3) 2)	EE
6.II	Identify the content of the technical file for the DeBo(s) part	Requirements for the content of the authorisation file (including the "technical files") : - If there is a clear check list to be adhered to when compiling the authorisation file	Decree 77 § 15	EE
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Decree 77 §23(5) 1); §24(3) 2)	EE
6.III	Identify the content of the technical file for the Assessment body (CSM) part	Requirements for the content of the authorisation file (including the "technical files") : - If there is a clear check list to be adhered to when compiling the authorisation file	Decree 77 § 15	EE
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Decree 77 §11(7)	EE
6.IV	Compile the authorisation file	The requirements and the content for the official application	Decree 77 §23(5); §24(3)	EE
6.V	Identify the format and documentation of the application for authorisation: - Vehicle type and/or - Vehicle placing in service	The requirements and the content for the official application	No	
6.VI	Submit the official Application for authorisation	Time frame for the submission of the official application from the pre-engagement baseline, if any	No	

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
7.I	Acknowledge receipt of application	The requirements for the acknowledgement of the receipt of application	Internal procedure	
7.II	Declare the vehicle deemed authorised	The requirements for deemed authorisation	No	
7.III	Is there an appeal to NSA?	The requirements for appeal to NSA	No	
		The requirements for the content of justification of appeal to NSA	No	
		The requirements for launching appeal to the appeal body	Code of Administrative Court Procedure §38	EE
7.IV	Issuing the authorisation	The requirements for issuing authorisation	Internal procedure	
7.V	Identify conditions for archiving the authorisation file	The requirements for NSA archiving the authorisation file	Governmental regulation of common grounds of archiving	EE

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
8.I	Forms for: - authorisation for placing in service of vehicle(s) and - authorisation for type of vehicle	The format of issued authorisation (of vehicle type and of placing in service of vehicle)	Internal procedure	
8.II	Form for authorisation for type of vehicle	The format of issued authorisation of vehicle type	Internal procedure	
8.III	Inform ERA on deemed vehicle type authorisation	The procedure for informing the Agency on deemed vehicle type authorisation	No	

Annex A: Master diagram
Process for Authorisation for placing in service of vehicles and/or type of vehicles

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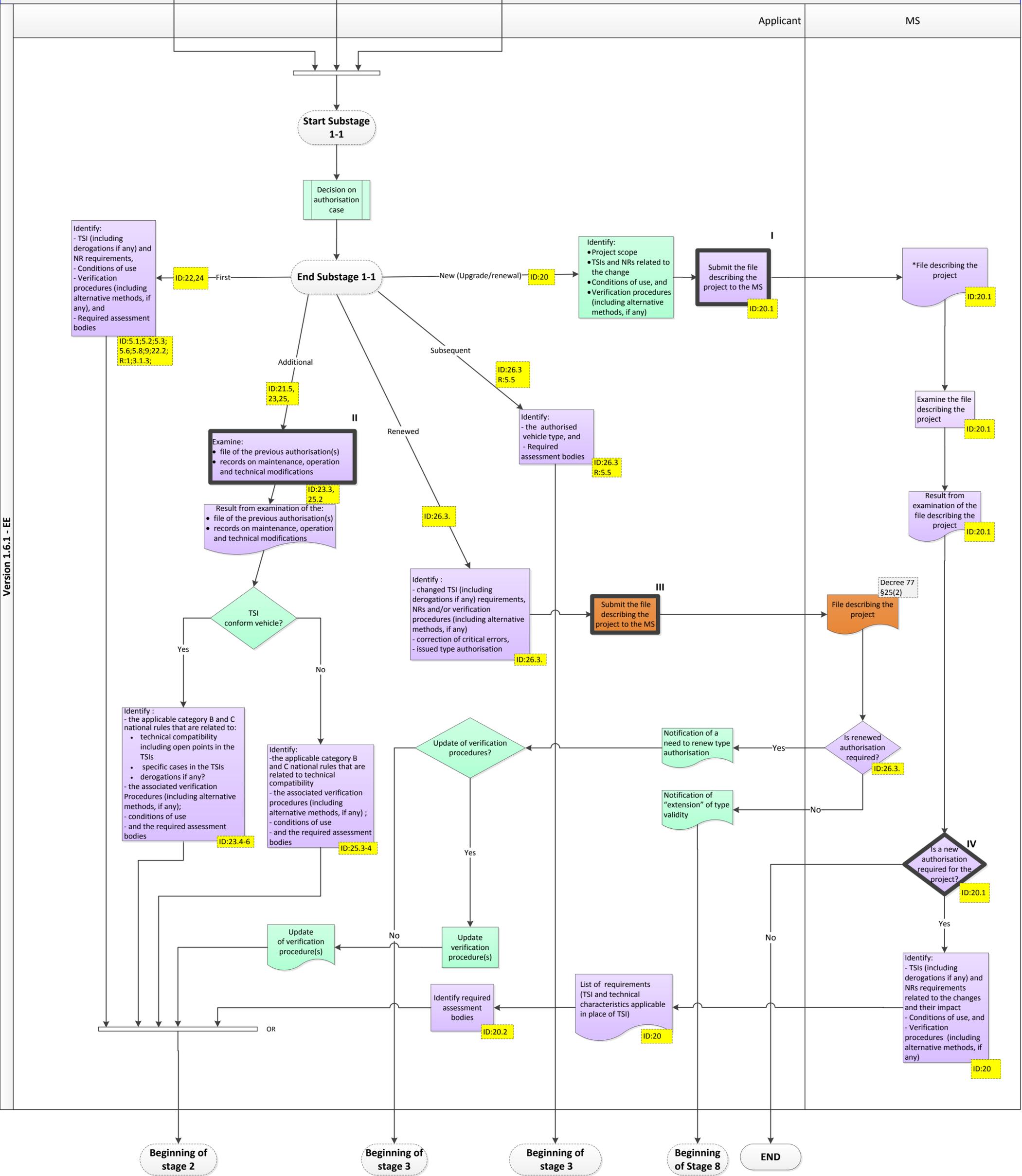


Legal option
Non mandatory / Common practice

End of stage 7 where:
• the application is not complete, or
• there is a negative appeal decision, or
• there is a refusal of authorisation without appeal

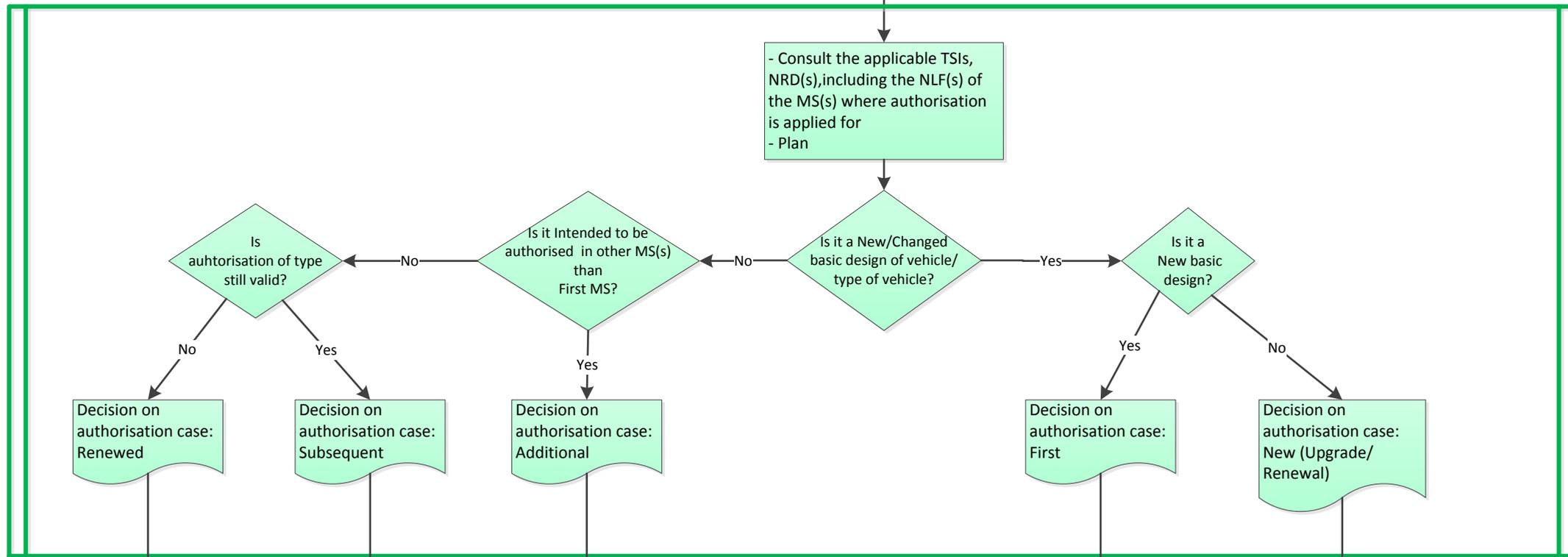
End of stage 4 Where:
• there is a modification of vehicle design, or
• authorisation with conditions of use and/or restrictions is not possible

Stage 1 – Identify the rules, applicable requirements, conditions of use and assessments



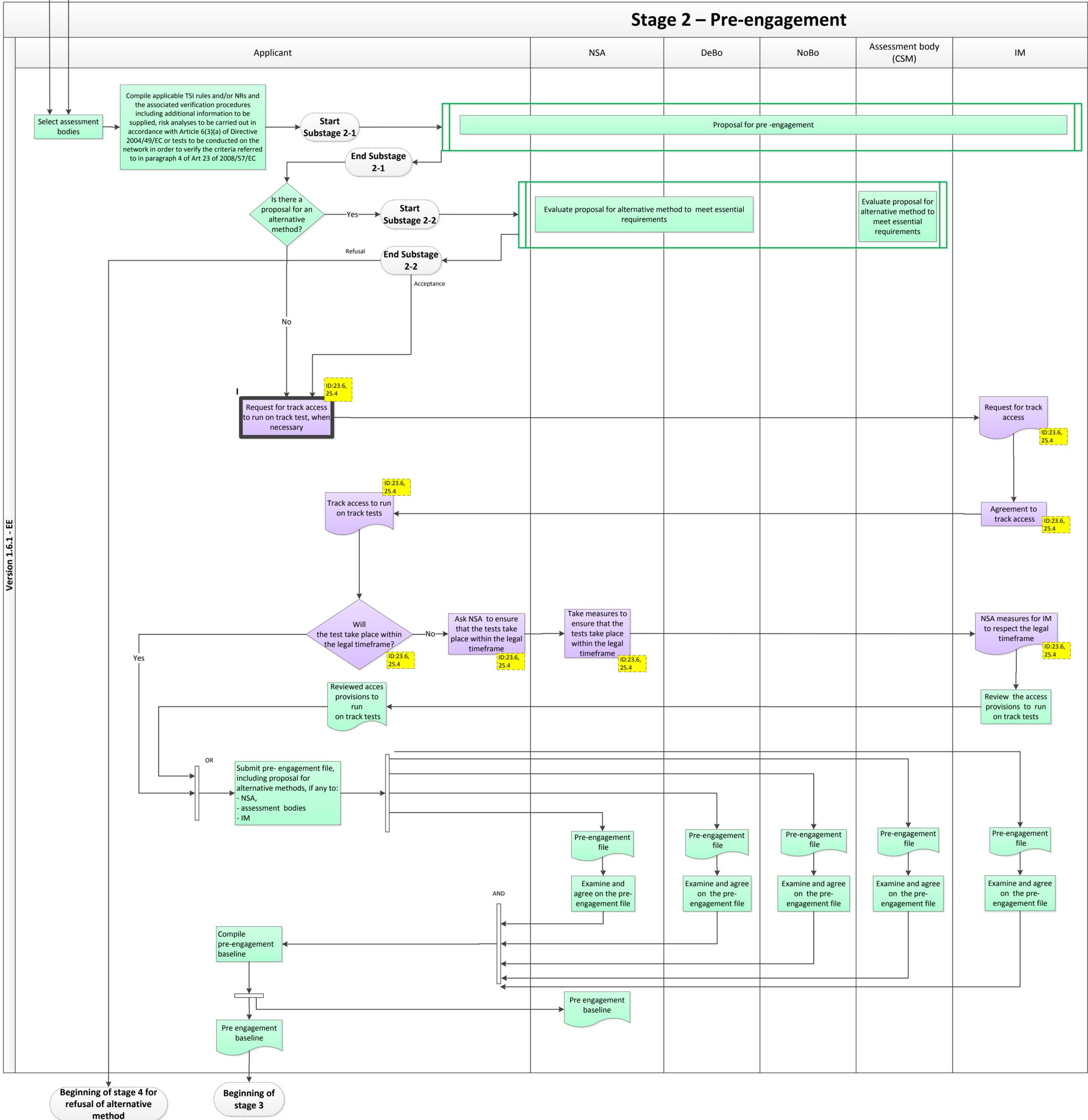
Stage 1 - Identify the rules, applicable requirements, conditions of use and assessments – Substage 1: Decide on authorisation case

Applicant



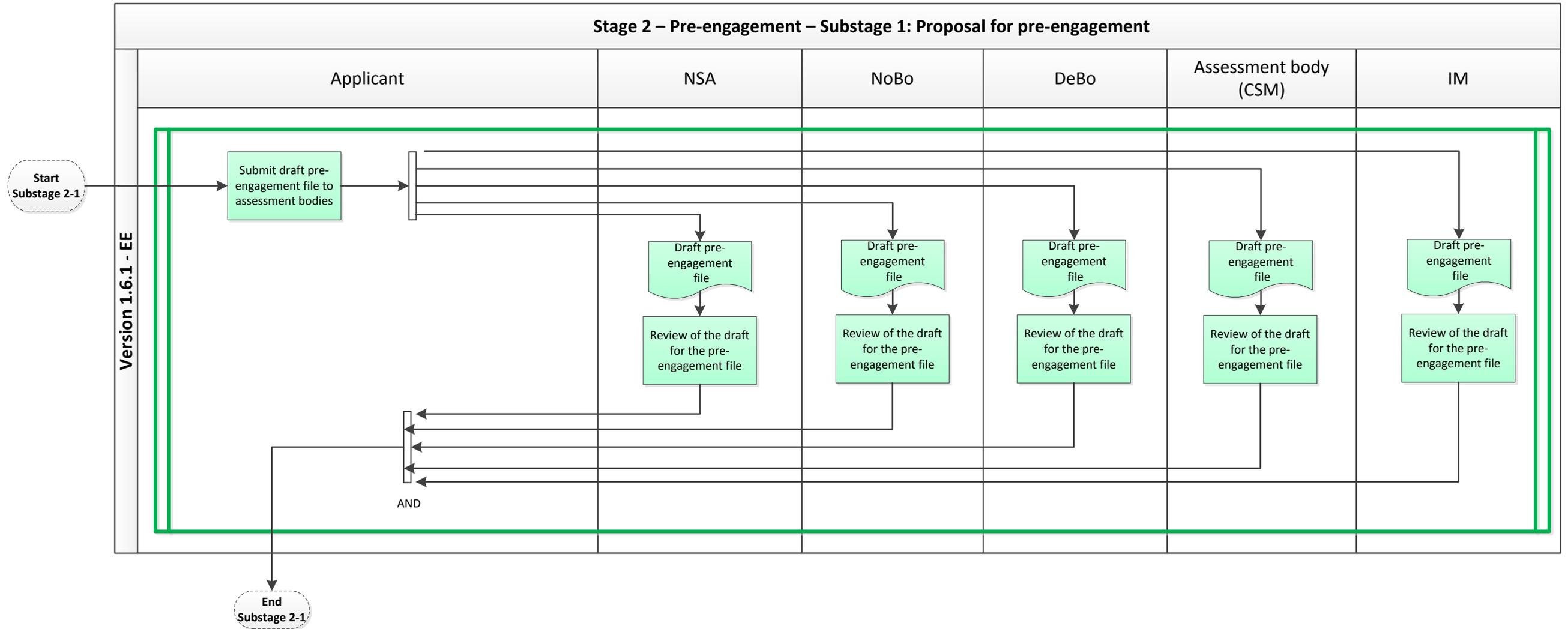
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Stage 2 – Pre-engagement



Non mandatory/
Common practice

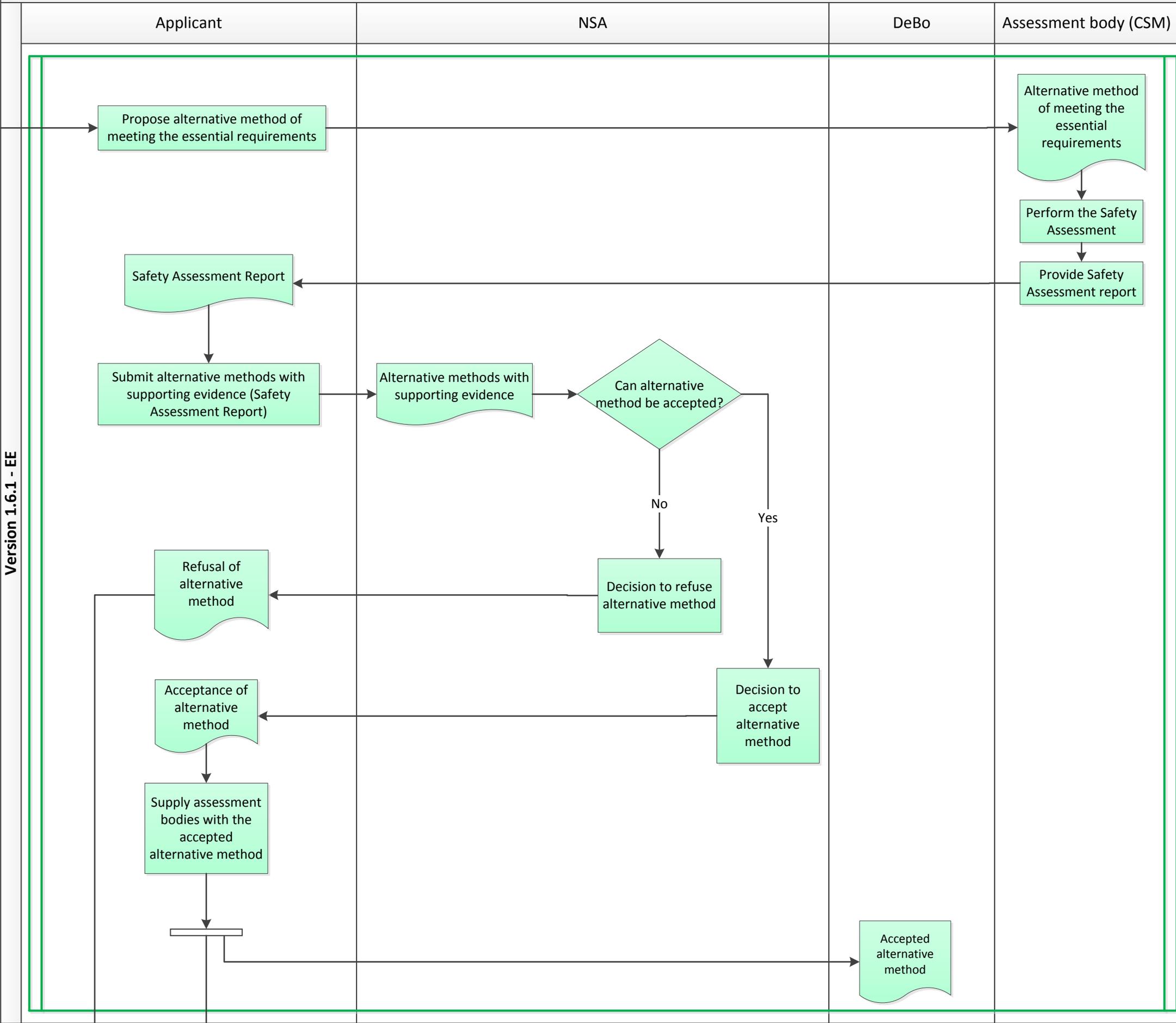
Annex C



Stage 2 – Pre-engagement – Substage 2: Evaluate proposal for alternative method to meet essential requirements

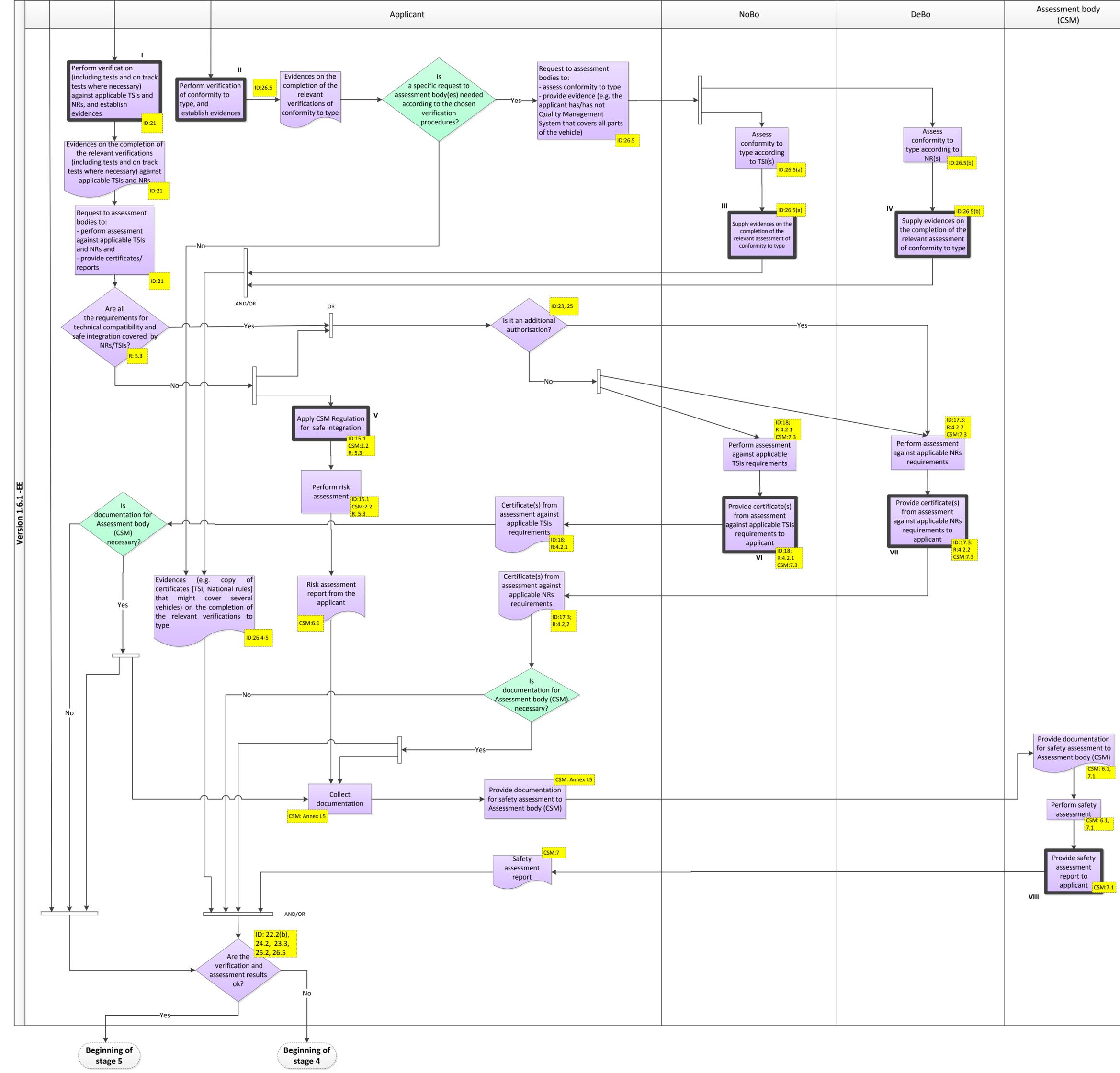
Start
Substage 2-2

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End substage 2-2

Stage 3 - Assessment



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End of stage 3

Stage 2 for refusal of alternative method

Non mandatory/
Common practice

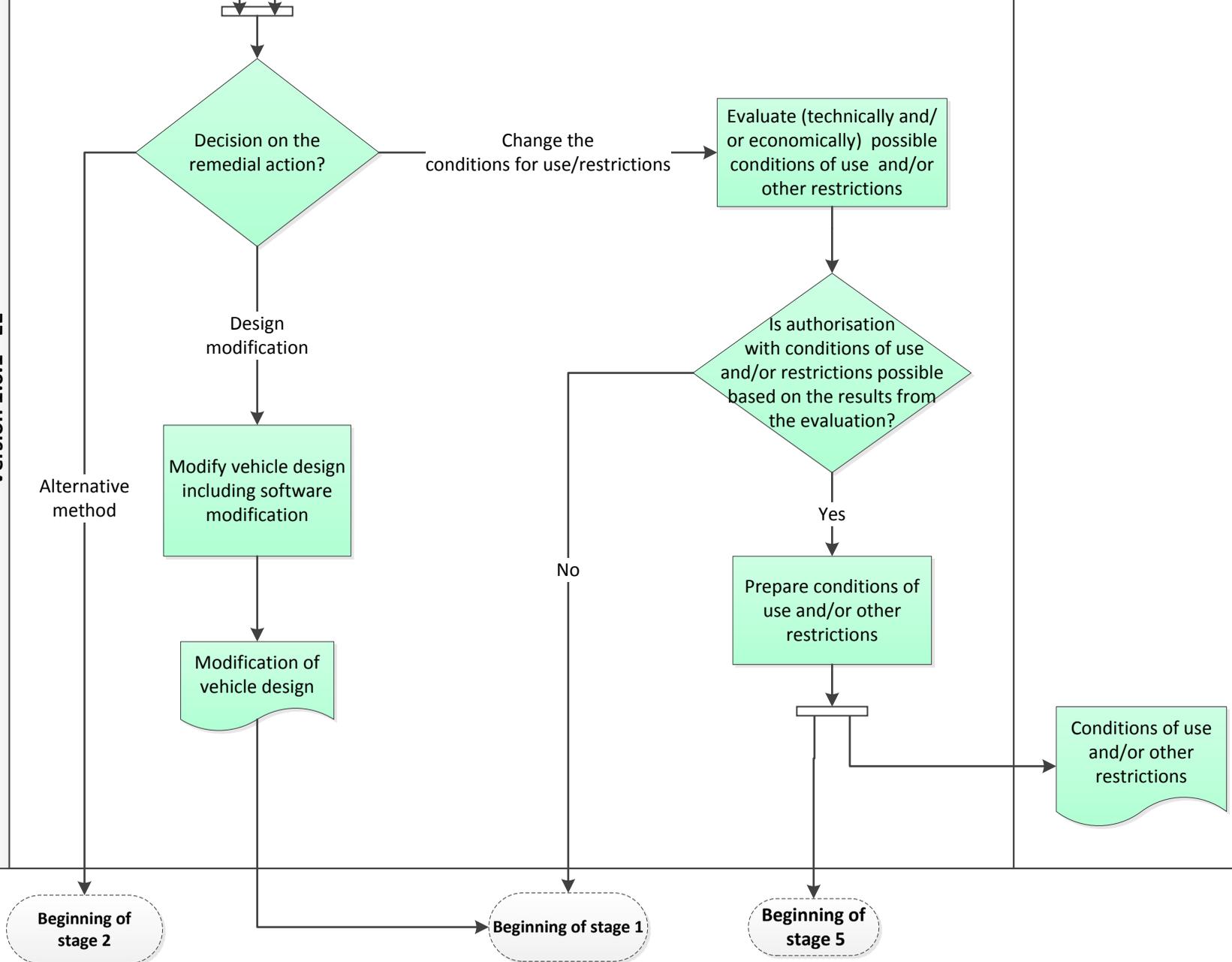
Annex E

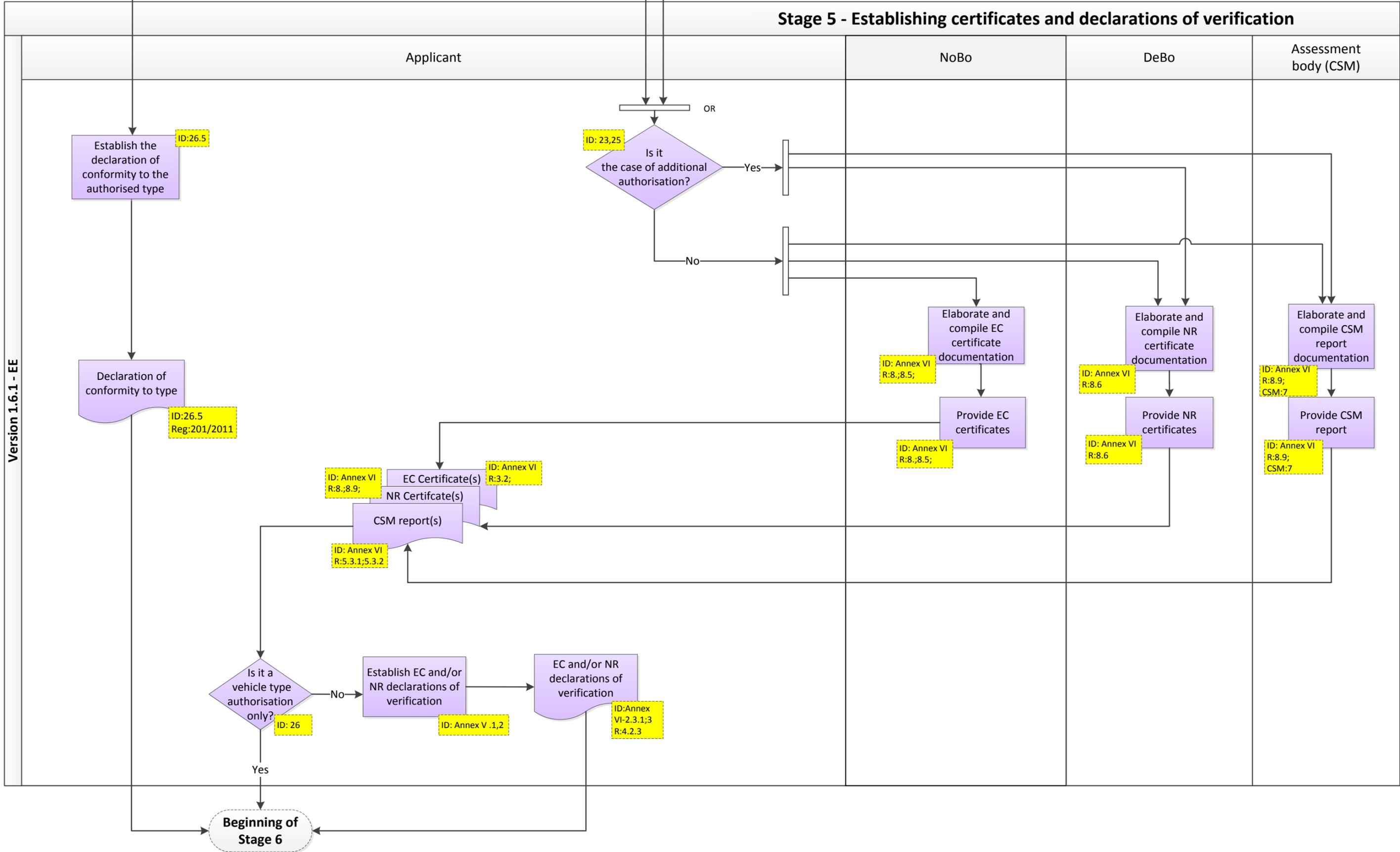
Stage 4 - Correction of non-conformities

Applicant

DeBo

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End of stage 5

Stage 6 - Compiling the authorisation file and submitting the application

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Applicant

NSA

Is it the case of additional authorisation?
ID:23,25

No

Yes

I
- Make a copy of the initial technical file (previous authorisation(s))
- Collect records on maintenance, operation and technical modifications

ID:23.3, 25.2

• File of the previous authorisation(s)
• Records on maintenance, operation and technical modifications

ID:23.3, 25.2

II
Identify the content of the technical file for the DeBo(s) part

R:8.6;4.2.2; ID Annex VI- 3.3

Technical file related to NRs

R:8.6;4.2.2; ID Annex VI- 3.3

III
Identify the content of the technical file for the Assessment body (CSM) part

R:5.3.2; ID:Annex VI- 2.4

Assessment body (CSM) report on CSM

R:5.3.2; ID:Annex VI- 2.4

AND/OR

IV
Compile the authorisation file
ID: 23.3, 25.2

Authorisation file
ID: 23.3, 25.2

Archive authorisation file
ID: Annex VI-2.6

Archived authorisation file
ID: Annex VI-2.6

Identify the format and documentation of the application for authorisation:
Vehicle type and/or
Vehicle placing in service
ID:21.6;23.7;25.5 Annex VI:2.6 R:8.1;

Submit the official Application for authorisation
ID:21.6;23.7;25.5 Annex VI:2.6 R:8.1;

Application for authorisation
ID:21.6;23.7;25.5 Annex VI:2.6 R:8.1;

Beginning of stage 7

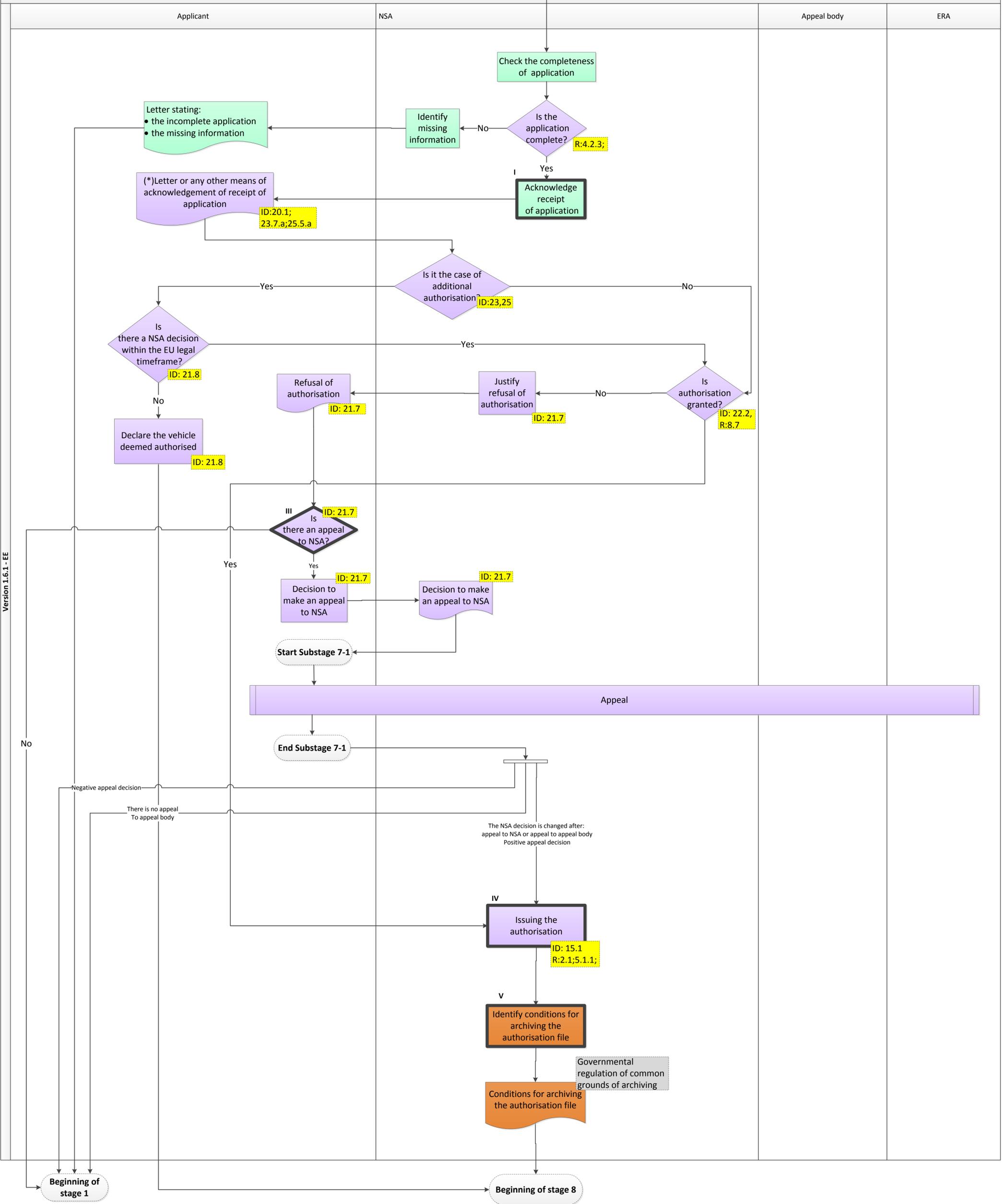
(*)The timeline starts from the moment the application has been acknowledged

Legal option
Non mandatory/
Common practice

R: Recommendation 2011/217/EU
ID: Interoperability Directive 2008/57/EC

End of stage 6

Stage 7 - Processing the application for authorisation

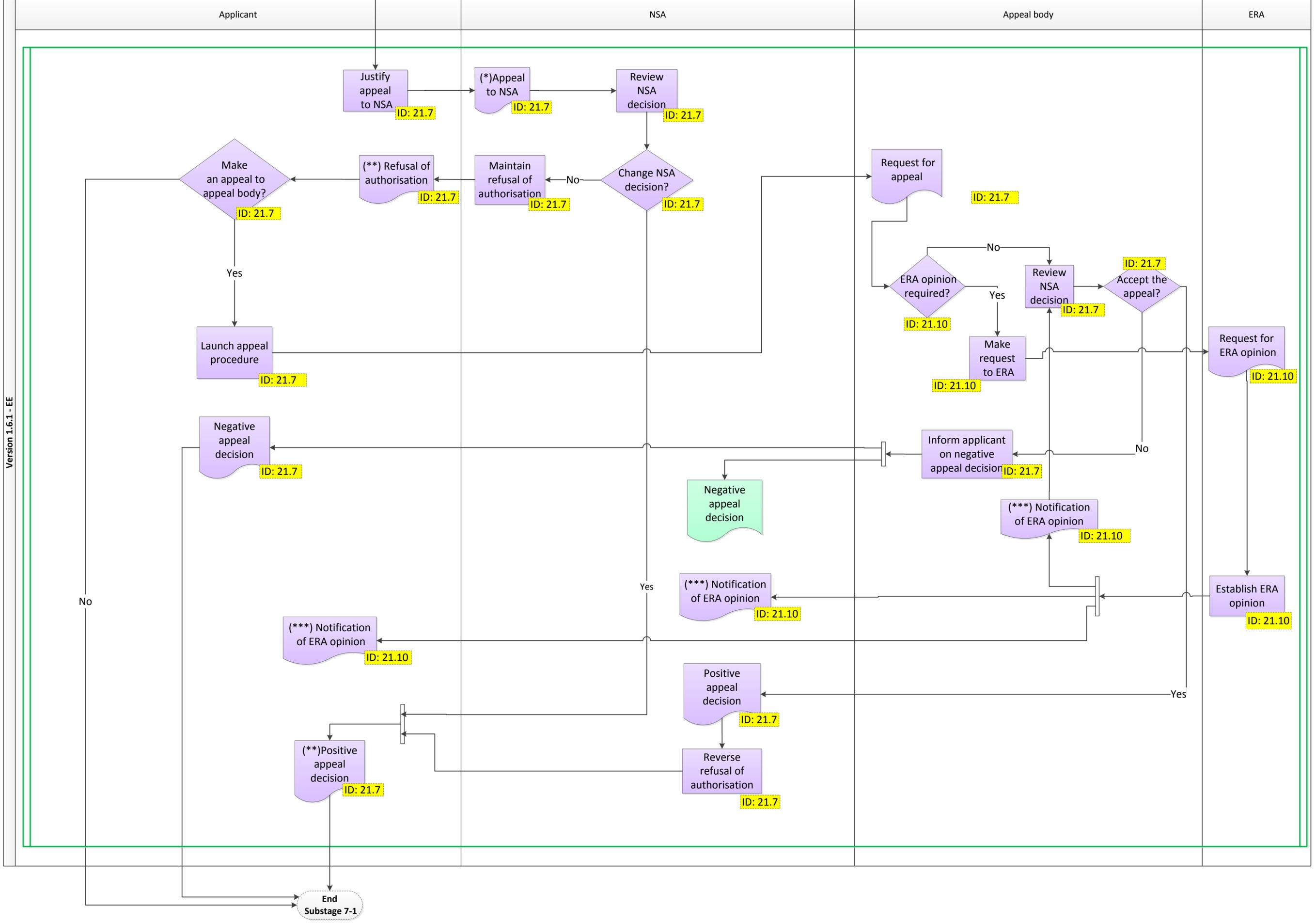


Version 1.6.1 - EE

Legal option
Non mandatory/
Common practice

(*) Timeline starts from the moment the NSA has refused the autorisation
(**) Timeline starts from the receipt of the appeal from the applicant
(***) Timeline starts from the request of the appeal body to ERA for an opinion

Stage 7 - Processing the application for authorisation – Substage 1: Appeal



Legal option

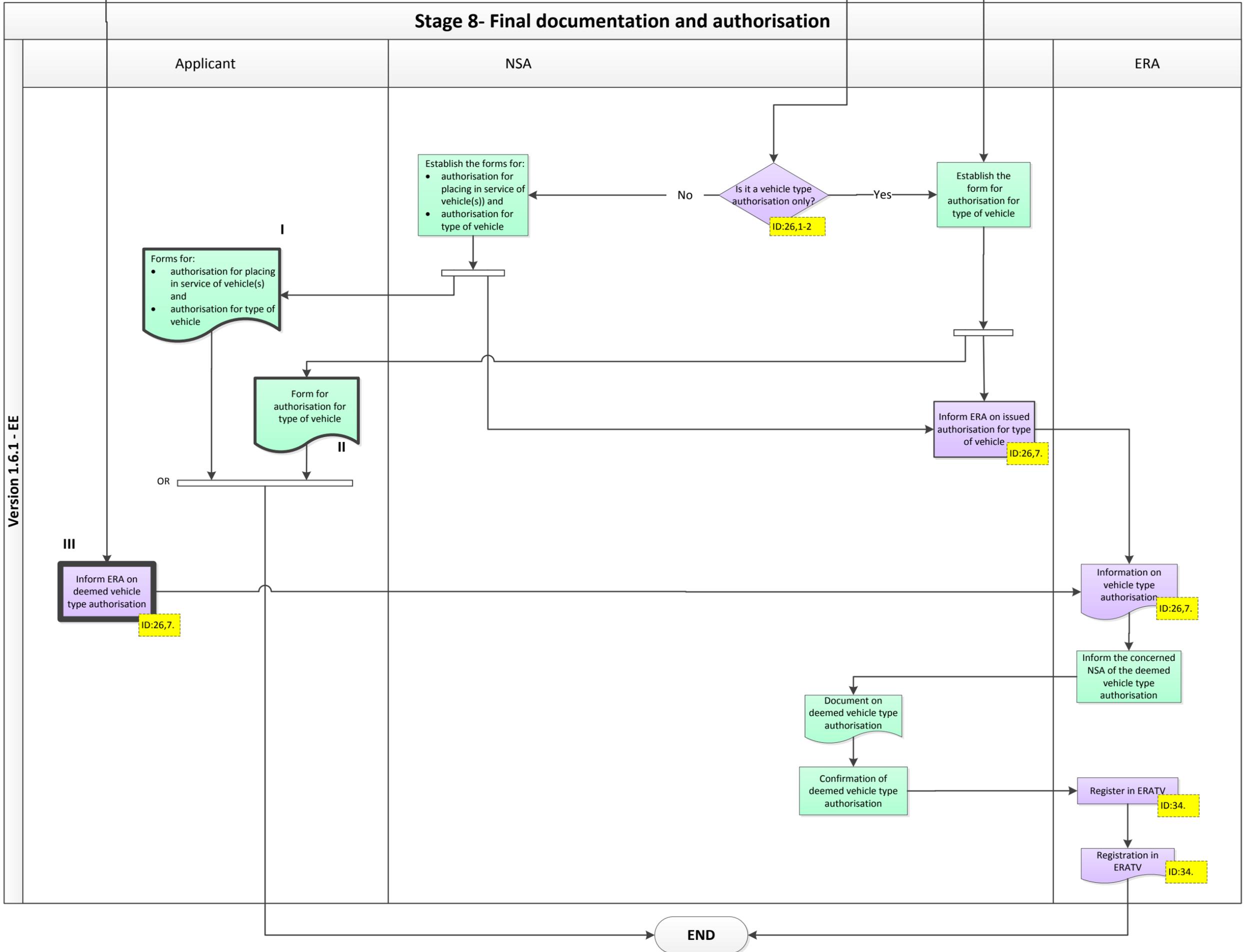
Non mandatory/
Common practice

End of stage 7
Deemed
Authorisation

End of stage 7 Issued
Authorisation

End of stage 1 for
extension of type
validity

Stage 8- Final documentation and authorisation



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ID: Interoperability Directive 2008/57/EC
NVR: Commission Decision 2011/107/EU
amending Decision 2007/756/EC adopting
a common specification of the national
vehicle register

Legal option

Non mandatory/
common practice

Stage 9 – Registration of the vehicle authorisation in the NVR

