

Cross Acceptance Unit

REFERENCE DOCUMENT PART 3: THE CZECH REPUBLIC

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

DOCUMENT TYPE: TECHNICAL DOCUMENT

VERSION: 1.6.1

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Date & Signature.	21.11.2012 	30.11.2012 

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 has been introduced.

The 8 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 national level

Contact details for National Legal Framework		
Reporting country	Organisation Name	Office phone number
Czech Republic	Drážní úřad	
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	Is there (Yes/No)	Classification: (general, specific,	Detailed reference of the rule(s)	Language(s) that the rule(s) are	MSS
Interoperability Directive transposed	Yes	N/A	Act 266/1994 coll., Regulation 352/2004, Decree of Government 133/2005	CZ	
National guideline	Yes***	N/A	www.ducr.cz	CZ EN** (only basic information)	
Additional authorisation required	Yes	N/A	Railway Act Nr. 266/94 - Art.43 b	CZ EN**	N/A
Definitions:	Vehicle type	Yes	Detailed	Decree 173/1995 Paragraph 61 Art.6	CZ
	Time validity of a type	No	N/A		
	Upgrading*	Yes	Detailed	Decree 173/1995 Paragraph 62	CZ
	Renewal*	Yes	Detailed	Decree 173/1995 Paragraph 63	CZ
Specific national arrangements for on track tests	Yes	N/A	Railway Act 266/94 Section 43 Art.9	CZ EN**	
Coordination with other MSS	Procedure for simultaneous application	No	N/A		

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	Yes	400 Wagons 1200 Loco	Fixed	Act 634/2004	CZ EN**
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				

*) Renewal and upgrading have been understood and merged under modification in the CZ transposition of the Directive 2008/57/EC

**) EN version not legally binding and this version of the document is not consolidated

***) Recommendation published on website for parts of the procedures

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.).

Some actors may have several roles. For example, an applicant can be also a RU or a NoBo can be also a DeBo. The purpose of this table is to clarify the requirements, if any, for each of the above roles.

This table is to be filled with the following information:

- the reference to the rules that describe each role and the language(s) in which these rules are available;
- a list of criteria that enables the actor to undertake a role; and
- a list of all actors able to undertake a role

Requirement on the actor for the role	Applicant	IM	NoBo	DeBo	NSA	MS	Assessment Body (CSM)	Appeal Body
Detailed reference of the rule(s)	Railway 266/294 Section 43, Art 9	Railway 266/294 Section 43, Art 9	Railway 266/294 Section 43, Art 9	Railway 266/294 Section 43, Art 9	Railway 266/94 Section 54 and 55	No rule stating that NSA CZ is in the position of MS	Regulation 352	Act 500/2004 Rules of administrative, chapter VIII
Language(s) that the rule(s) are available in:	CZ EN**	CZ EN**	CZ EN**	CZ EN**	CZ	CZ	All EU languages	CZ
List of acceptance criteria	Legal interests in the vehicle	No	No	Same as for NoBo Knowledge of NRs			No	
List of actors entitled to act as:	Anyone	N/A	N/A	NoBo	NSA CZ	NSA CZ	* See the list below the table	Ministry of Transport

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List of Assessment Bodies:

External Assessment Body VÚŽ Praha, VÚKV Praha, ŠZDC-TUDC (IM)

Internal Assessment Body art. 6 of 352/2009 AŽD Praha, CZ LOKO, EŽ Praha, HS Trans, KOS Krnov, LEGIOS Louny, MOVVO Plzeň, MSV Elektronika Ostrava, Pars, SaZ Plzeň, Škoda Vagónka Ostrava, UNICONTROLS

Is there a National timeframe		Specify timeframe	Detailed reference of the rule(s)	Language(s) that the rule(s) are available in
For new authorisation case after upgrading/renewal: for MS/NSA to make decision according to Art.20.1 of Directive 2008/57/EC		30 (60) days	Act 500/2004 Rules of administrative procedure*	CZ & EN**
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	30(60) days	Act 500/2004 Rules of administrative procedure*	CZ & EN**
	Maintain of the refusal by the NSA	30(60) days		
	Request for review of the refusal by the applicant to the appeal body – Possible opinion of the Agency if required by the appeal body	30(60) days		
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:		Act 500/2004 Rules of administrative procedure*	CZ and EN**
	(a) after submission of the authorisation file	30(60) days		
	(b) after provision of any additional information requested by the national safety authority, where applicable	30(60) days		
	(c) after provision of the results of any tests requested by the national safety authority, where applicable	30(60) days		
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 :		Act 500/2004 Rules of administrative procedure*	CZ and EN**
	(a) after submission of the authorisation file	30(60) days		
	(b) after provision of any additional information requested by the national safety authority, where applicable	30(60) days		
	(c) after provision of the results of any tests requested by the national safety authority, where applicable	30(60) days		
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	30(60) days	Act 500/2004 Rules of administrative procedure*	CZ and EN**
	when there is a deemed authorisation according to Art.21.8 of Directive 2008/57/EC	30(60) days	Act 500/2004 Rules of administrative procedure*	CZ and EN**

*In case of complicated projects timeframe can be extended to 60 days after NSA request to Ministry

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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	No	
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)	Section 43.b	CZ and EN*
		Requirements for the content of the records on maintenance, operation and modifications	Section 43.b	CZ and EN*
1.III	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	No	
1.IV	Is a new authorisation required for the project?	The criteria for a new authorisation	Railway Act Nr. 266/94, Section 43.5/ Decree No.173/1995 paragraph 62	CZ and EN*/ CZ
*) EN version not legally binding and this version of the document is not consolidated				

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	Railway Act No. 266/941 - Section 43.9	CZ and EN*
2.II	Compile pre-engagement baseline	Procedure for establishing pre-engagement baseline	No	
*) EN version not legally binding and this version of the document is not consolidated				

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	Railway Act 266/94 Section 43 Decree No. 173/1995 Paragraph 59 and 61	CZ and EN * CZ
3.II	Perform verification of conformity to type, and establish evidences	The requirements for evidences	Railway Act 266/94 Section 43 Decree No. 173/1995 Paragraph 59 and 61	CZ and EN * CZ
3.III	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	Railway Act 266/94 Section 43 Decree No. 173/1995 Paragraph 59 and 61	CZ and EN * CZ
3.IV	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	Railway Act 266/94 Section 43 Decree No. 173/1995 Paragraph 59 and 61	CZ and EN * CZ
3.V	Apply CSM Regulation for safe integration	The requirements for risk assessment	Regulation 352/2009/EC	All EU languages
3.VI	Provide certificate(s) from assessment against applicable TSIs requirements to applicant	The requirements for evidences	Railway Act 266/94 Section 43 Regulation 133/2005, Anex 2	CZ and EN * CZ
3.VII	Provide certificate(s) from assessment against applicable NRs requirements to applicant	The requirements for evidences	Railway Act 266/94 Section 43 Decree No. 173/1995 Paragraph 59 and 61	CZ and EN * CZ
3.VIII	Provide safety assessment report to applicant	The requirements for the content of the safety assessment report	Regulation 352/2009/EC	All EU languages

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Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify	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	

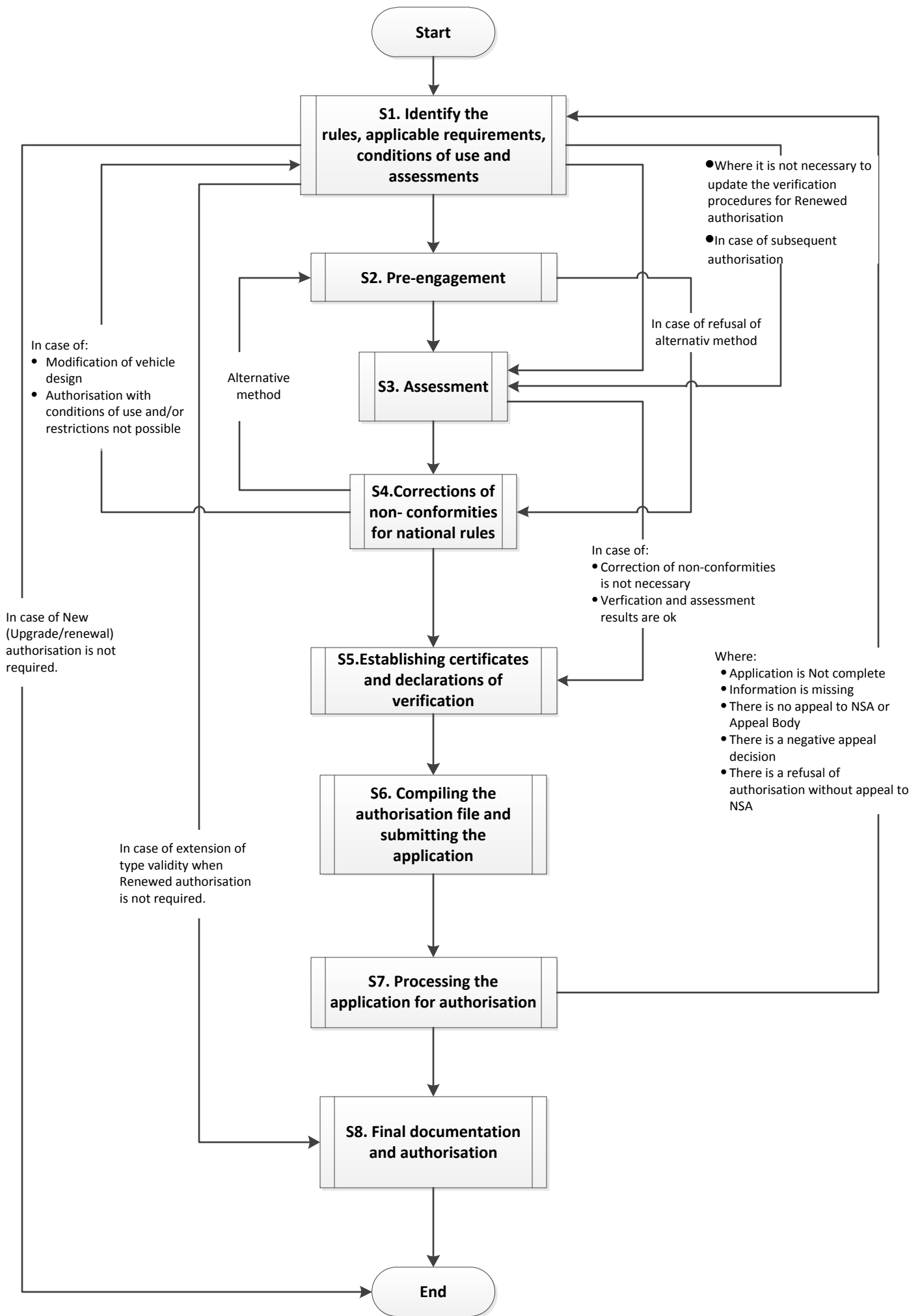
Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
6.I	<ul style="list-style-type: none"> - Make a copy of the initial technical file (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 Nr. 173/1995 Annex 4 - Technical condition	CZ
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Decree Nr. 173/1995 Annex 4 - Technical condition	CZ
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	No	
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Decree Nr. 173/1995 Annex 4 - Technical condition	CZ
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	No	
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Decree Nr. 173/1995 Annex 4 - Technical condition	CZ
6.IV	Compile the authorisation file	The requirements and the content for the official application	Decree Nr. 173/1995 Paragraph 61	CZ
6.V	Identify the format and documentation of the application for authorisation: <ul style="list-style-type: none"> - 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	Act 500/2004 Rules of administrative procedure § 44	CZ and EN*
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	Act 500/2004 Rules of administrative procedure §82	CZ and EN*
		The requirements for the content of justification of appeal to NSA	Act 500/2004 Rules of administrative procedure §37	CZ and EN*
		The requirements for launching appeal to the appeal body	Act 500/2004 Rules of administrative procedure §81	CZ and EN*
7.IV	Issuing the authorisation	The requirements for issuing authorisation	Act 500/2004 Rules of administrative procedure §67; Railway Act Nr. 266/94§43b (3)	CZ and EN*
7.V	Identify conditions for archiving the authorisation file	The requirements for NSA archiving the authorisation file	Act 500/2004 Rules of administrative procedure §17	CZ and EN*
*) EN version not legally binding and this version of the document is not consolidated				

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)	Act 500/2004 Rules of administrative procedure §67 &68	CZ and EN*
8.II	Form for authorisation for type of vehicle	The format of issued authorisation of vehicle type	Act 500/2004 Rules of administrative procedure §67 &69	CZ and EN*
8.III	Inform ERA on deemed vehicle type authorisation	The procedure for informing the Agency on deemed vehicle type authorisation	No	
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Annex A: Master diagram
Process for Authorisation for placing in service of vehicles and/or type of vehicles

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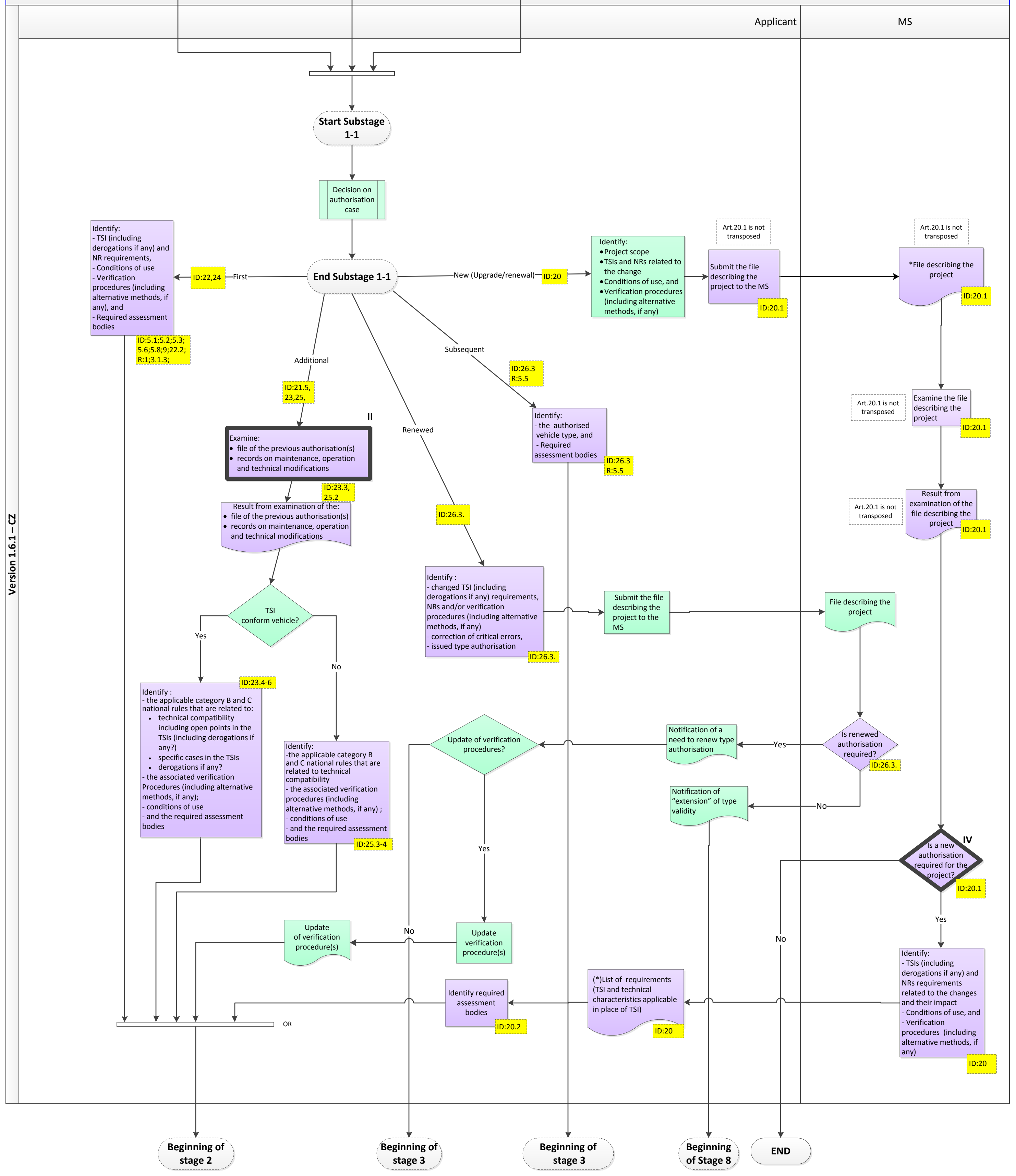
Legal option
Non mandatory/ Common practice

R: Recommendation 2011/217/EU
ID: Interoperability Directive 2008/57/EC
CSM: CSM Regulation 352/2009
* The timeline starts from the moment the complete file has been submitted by the applicant

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

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

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

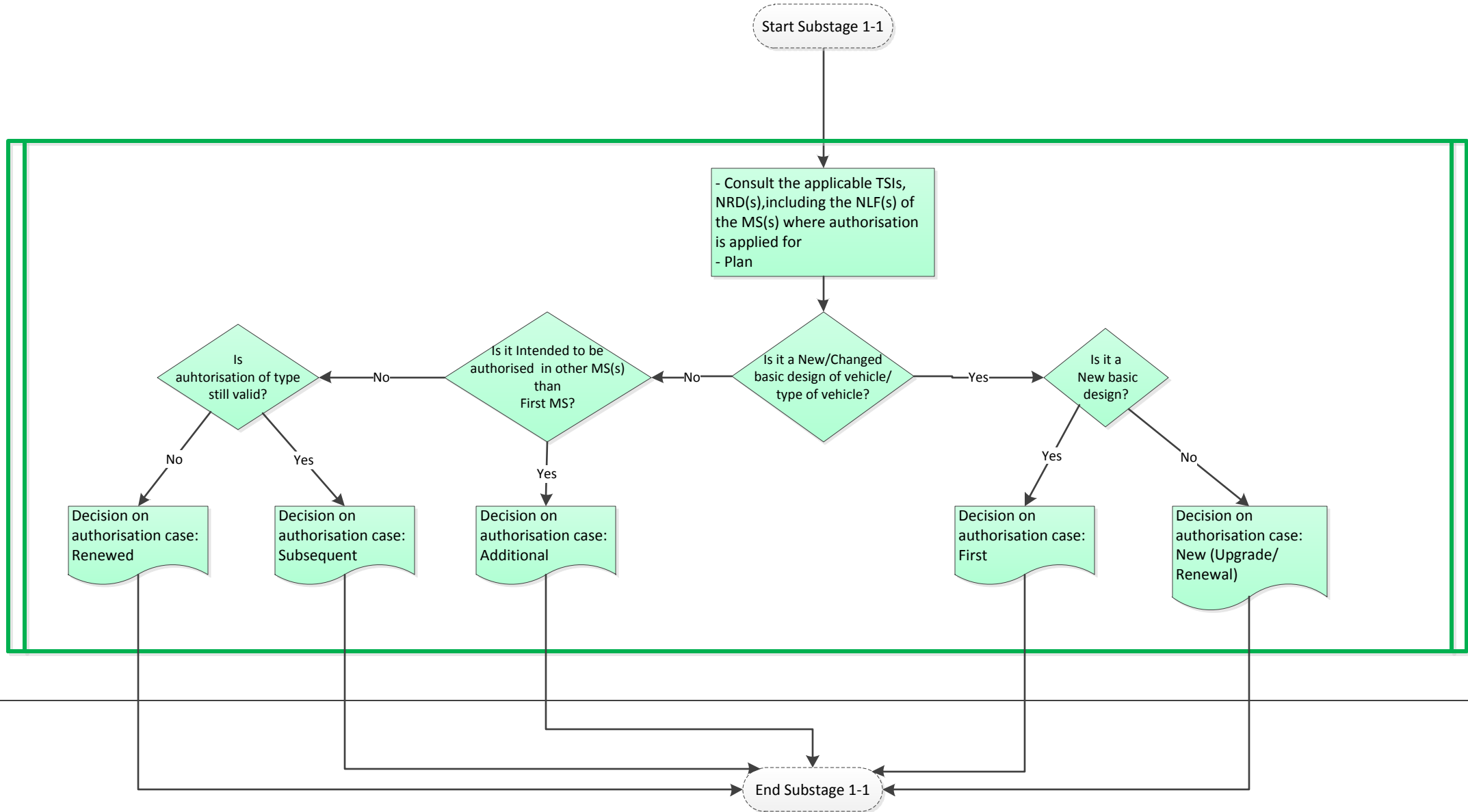


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Stage 1 - Identify the rules, applicable requirements, conditions of use and assessments – Substage 1: Decide on authorisation case

Applicant

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Non mandatory/
Common practice

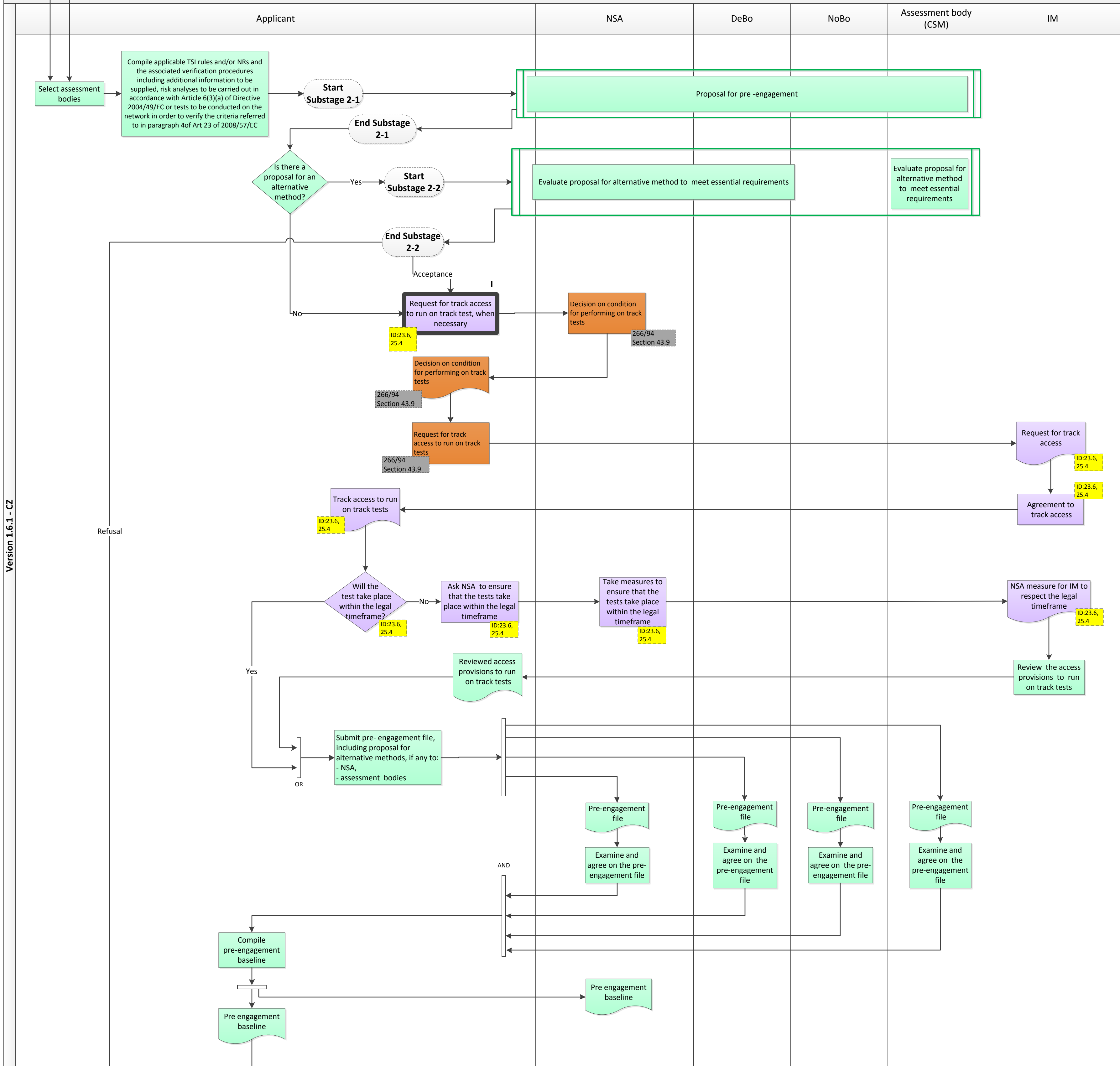
Legal option

CZ legal option

R: Recommendation 2011/217/EU
ID: Interoperability Directive 2008/57/EC
CSM: CSM Regulation 352/2009

Railway Act Nr. 266/94

Stage 2 – Pre-engagement



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End of stage 1

End of stage 4 for alternative method

Applicant

NSA

DeBo

NoBo

Assessment body (CSM)

IM

Compile applicable TSI rules and/or NRs and the associated verification procedures including additional information to be supplied, risk analyses to be carried out in accordance with Article 6(3)(a) of Directive 2004/49/EC or tests to be conducted on the network in order to verify the criteria referred to in paragraph 4 of Art 23 of 2008/57/EC

Start Substage 2-1

End Substage 2-1

Proposal for pre-engagement

Is there a proposal for an alternative method?

Yes

No

Acceptance

ID:23.6, 25.4

266/94 Section 43.9

266/94 Section 43.9

ID:23.6, 25.4

ID:23.6, 25.4

ID:23.6, 25.4

Yes

Reviewed access provisions to run on track tests

Submit pre-engagement file, including proposal for alternative methods, if any to: - NSA, - assessment bodies

OR

Pre-engagement file

Examine and agree on the pre-engagement file

Pre-engagement file

Examine and agree on the pre-engagement file

Pre-engagement file

Examine and agree on the pre-engagement file

Pre-engagement file

Examine and agree on the pre-engagement file

AND

Compile pre-engagement baseline

Pre engagement baseline

Pre engagement baseline

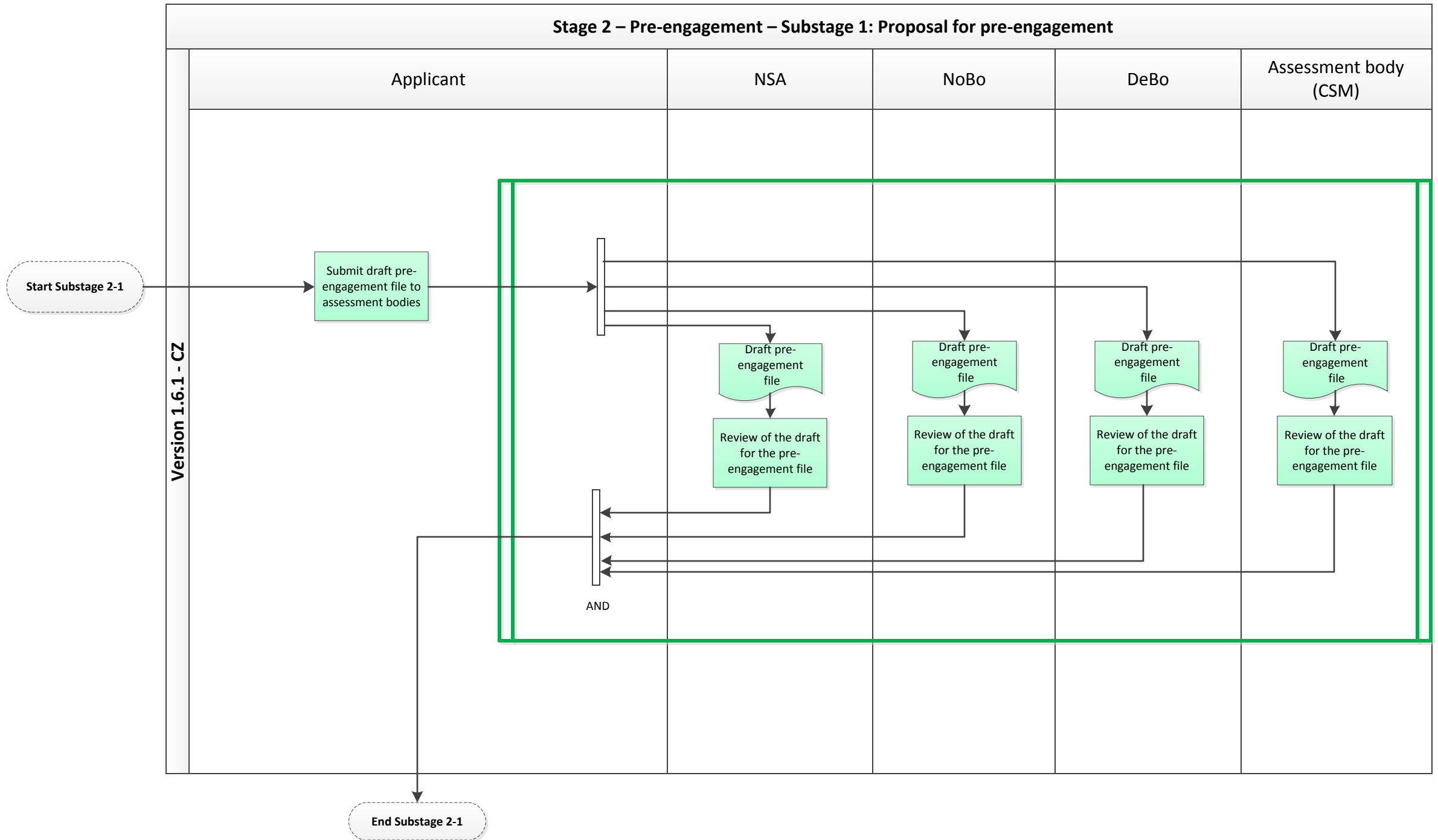
Beginning of stage 4 for refusal of alternative method

Beginning of stage 3

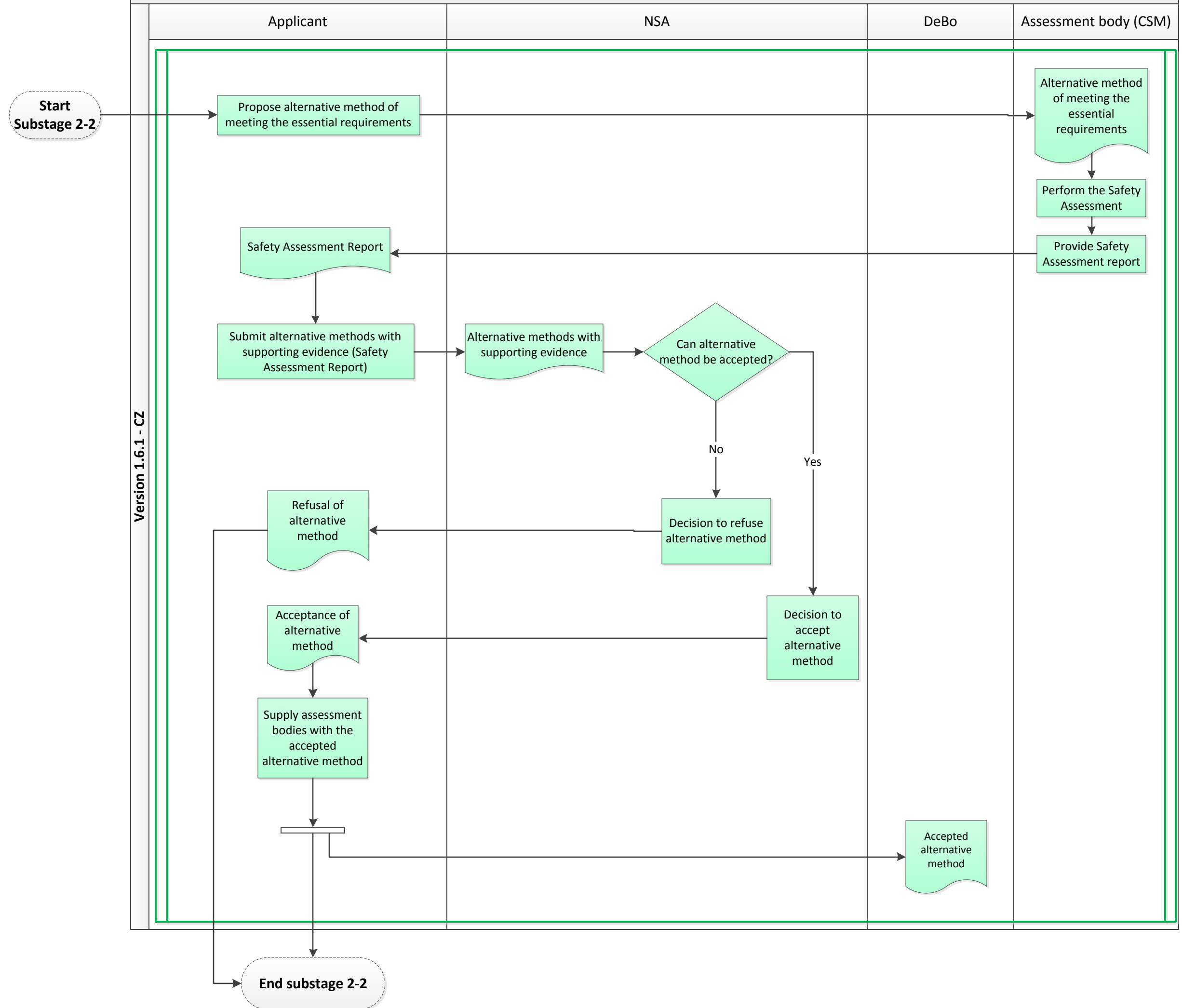
Refusal

Non mandatory/
Common practice

Annex C



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

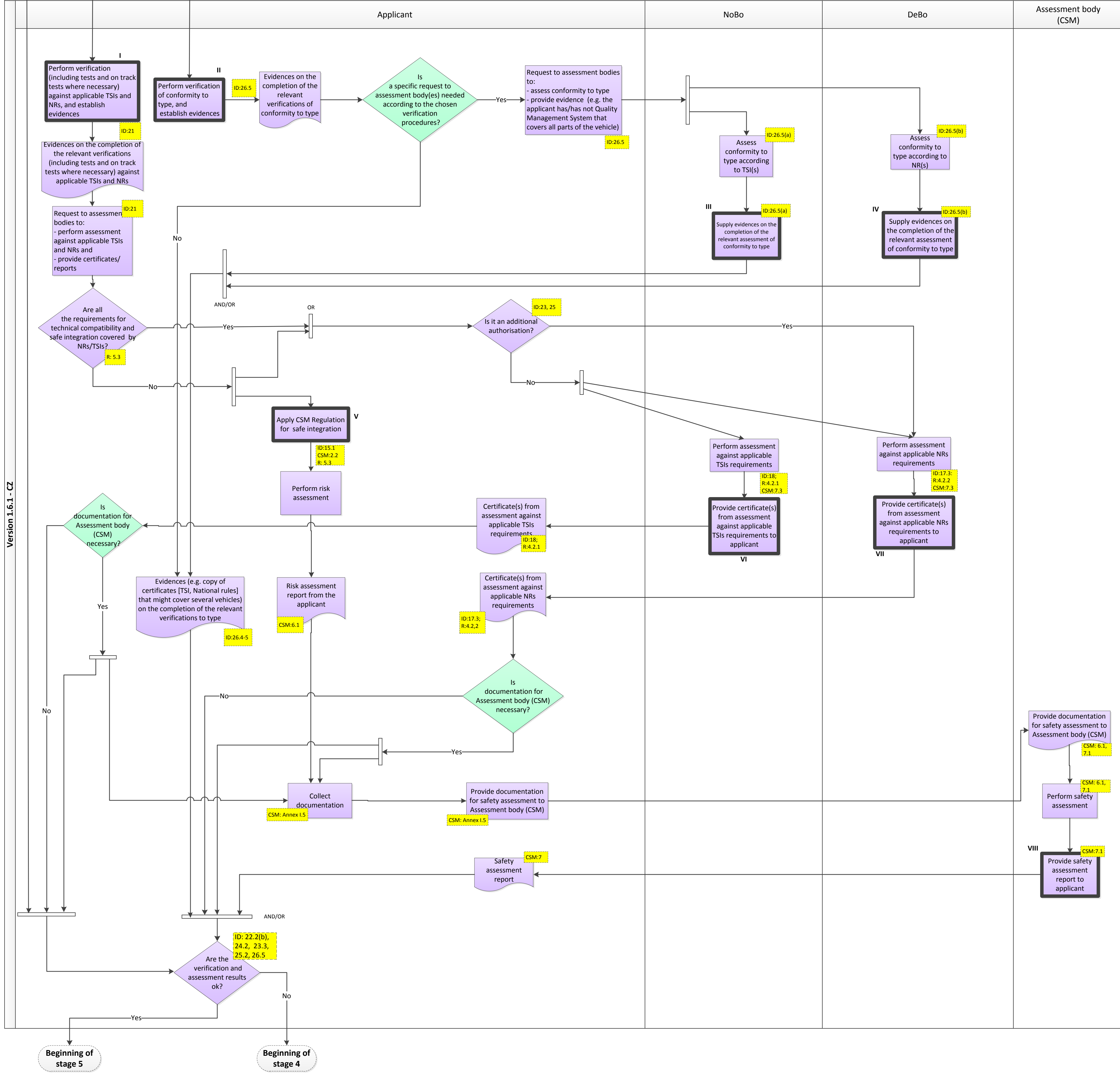


End of stage 1 for renewed
without update of verification
procedures

End of stage 2 for
all other
authorisation cases

End of Stage 1
only for subsequent
authorisation case

Stage 3 - Assessment



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Beginning of
stage 5

Beginning of
stage 4

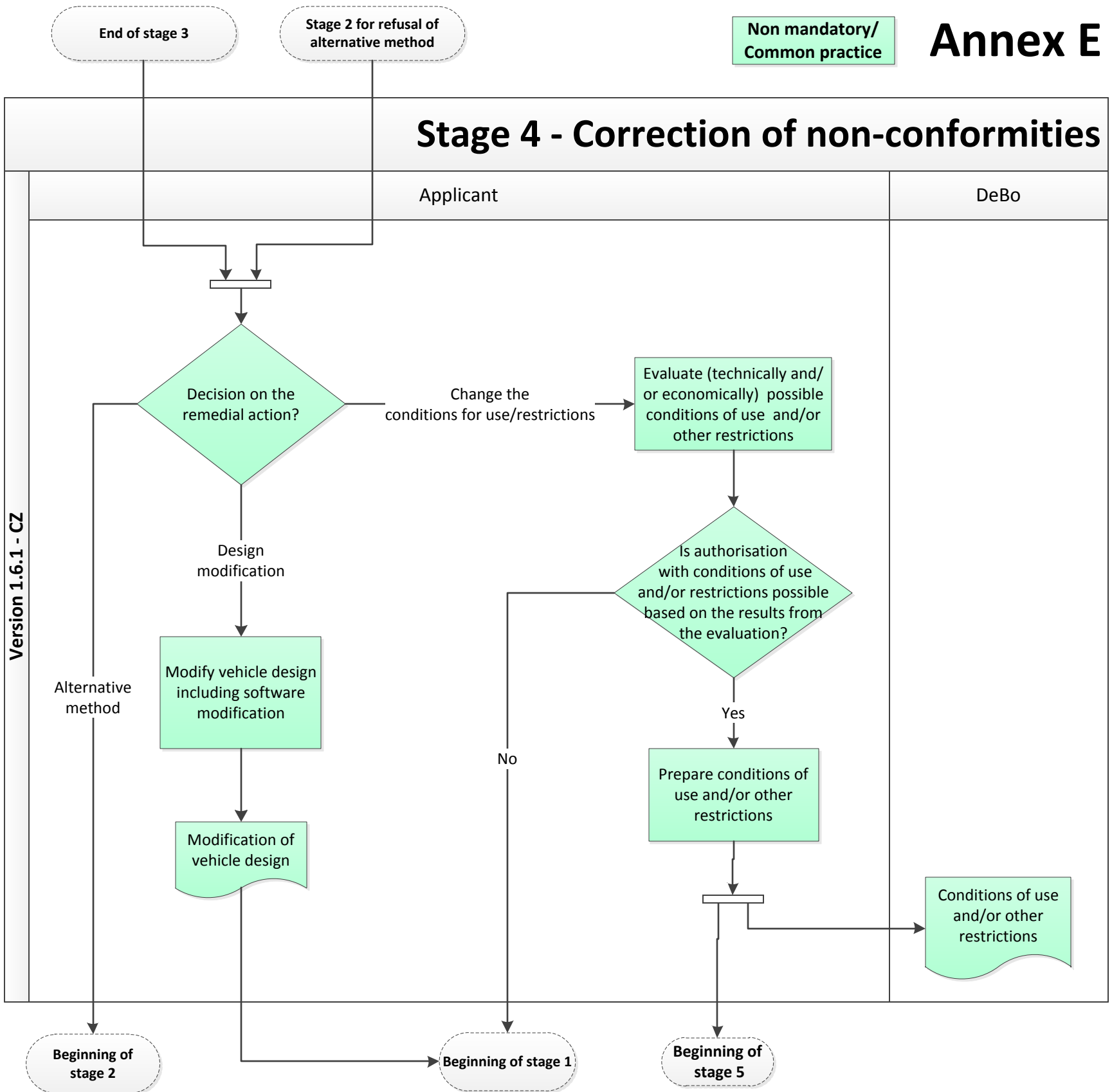
Non mandatory/
Common practice

Stage 4 - Correction of non-conformities

Applicant

DeBo

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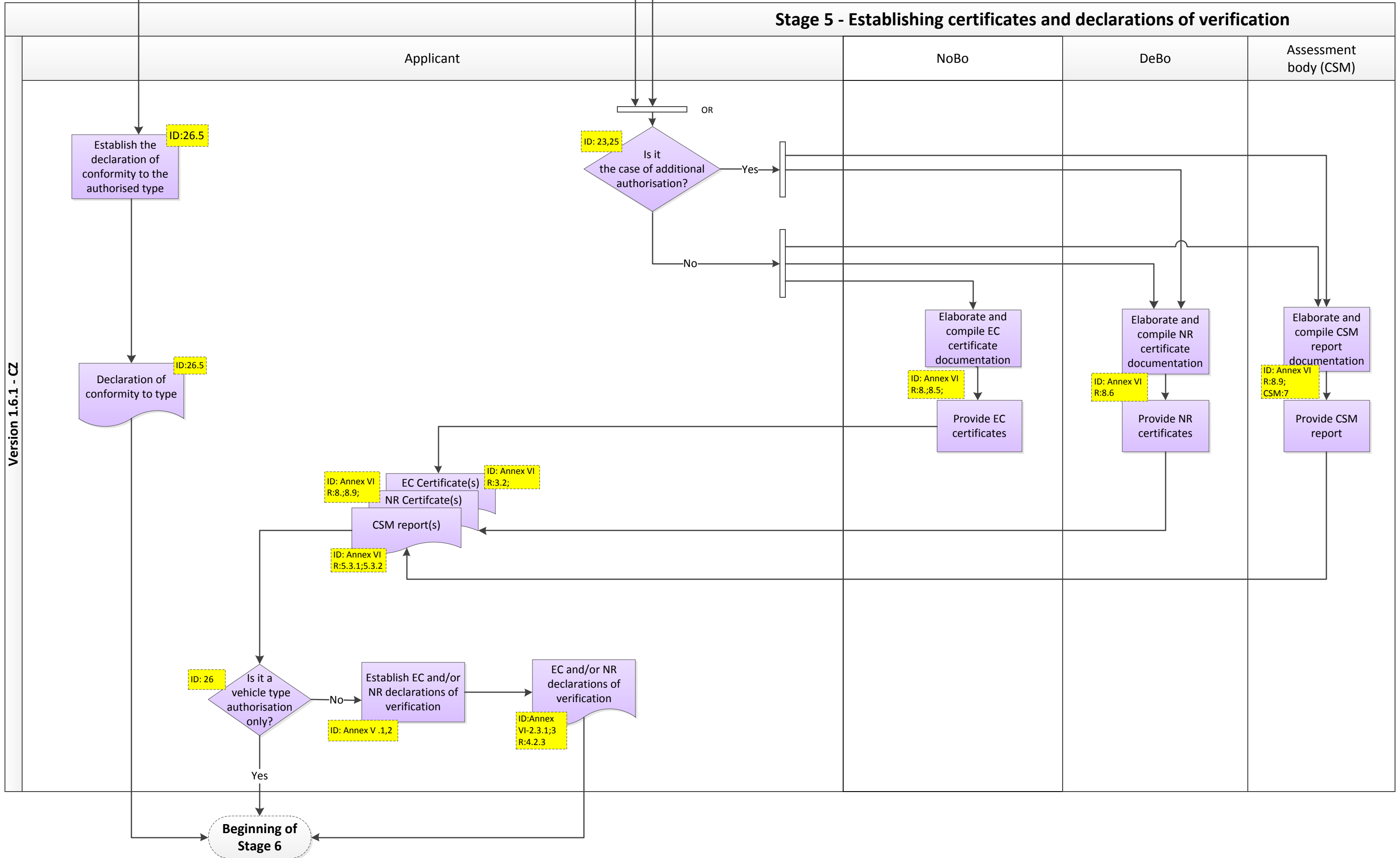
Legal option

End of stage 3
 when verification and
 assessment results are ok for
 subsequent authorisation

End of stage 3, for all other
 cases, when verification and
 assessment results are ok

End of stage 4

Stage 5 - Establishing certificates and declarations of verification



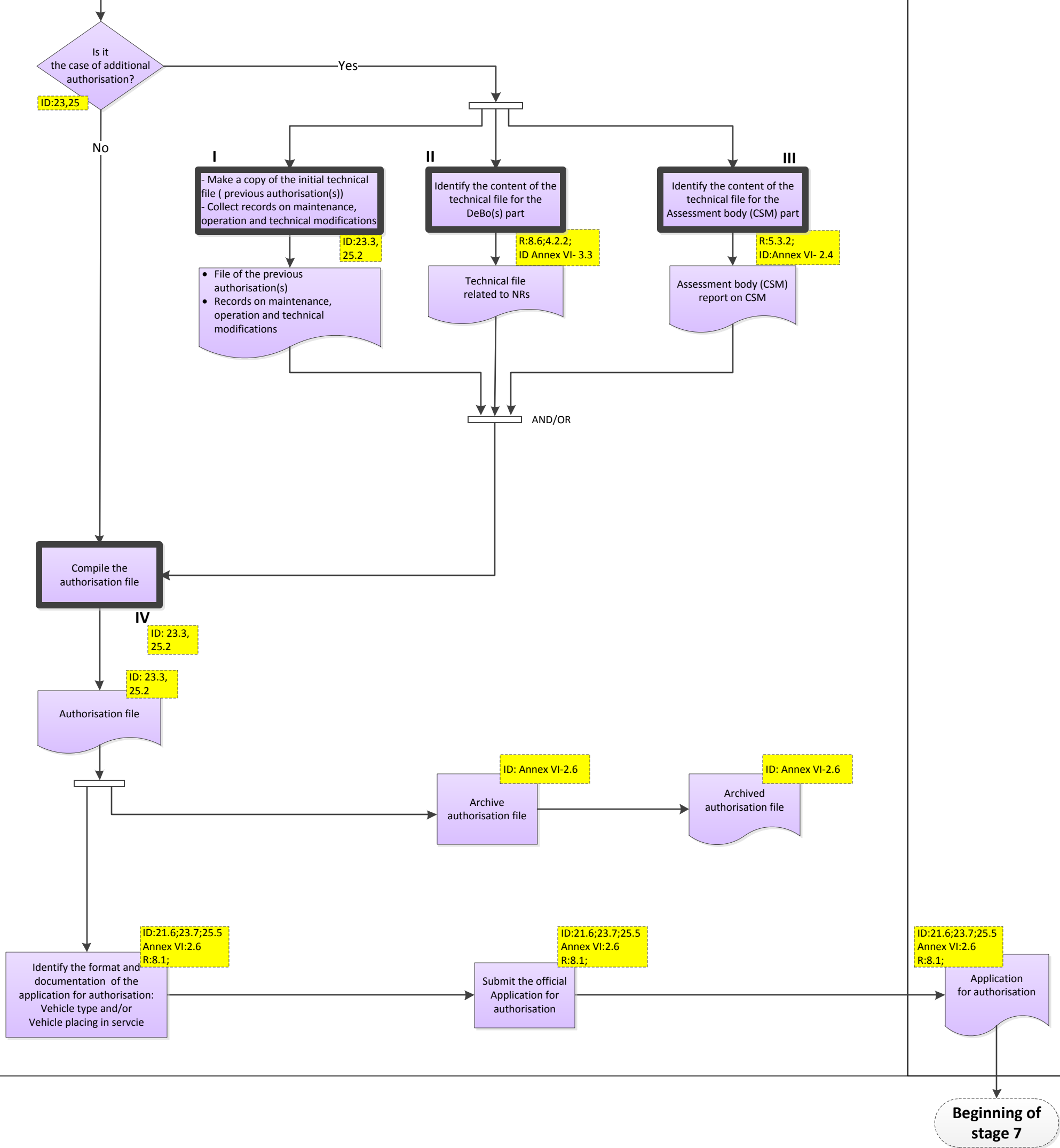
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Stage 6 - Compiling the authorisation file and submitting the application

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Applicant

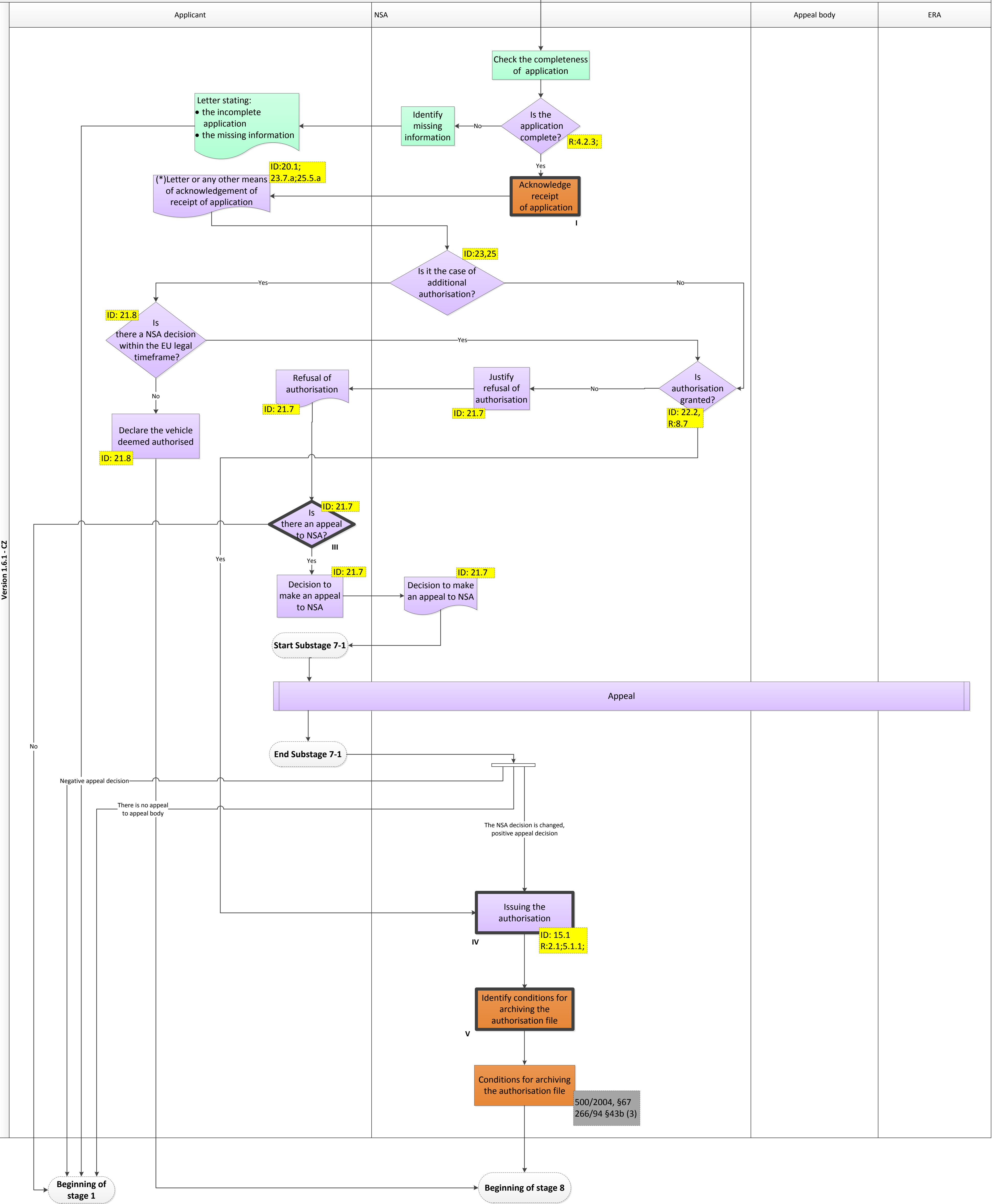
NSA



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

Legal option
Non mandatory/
Common practice
CZ legal option

Stage 7 - Processing the application for authorisation



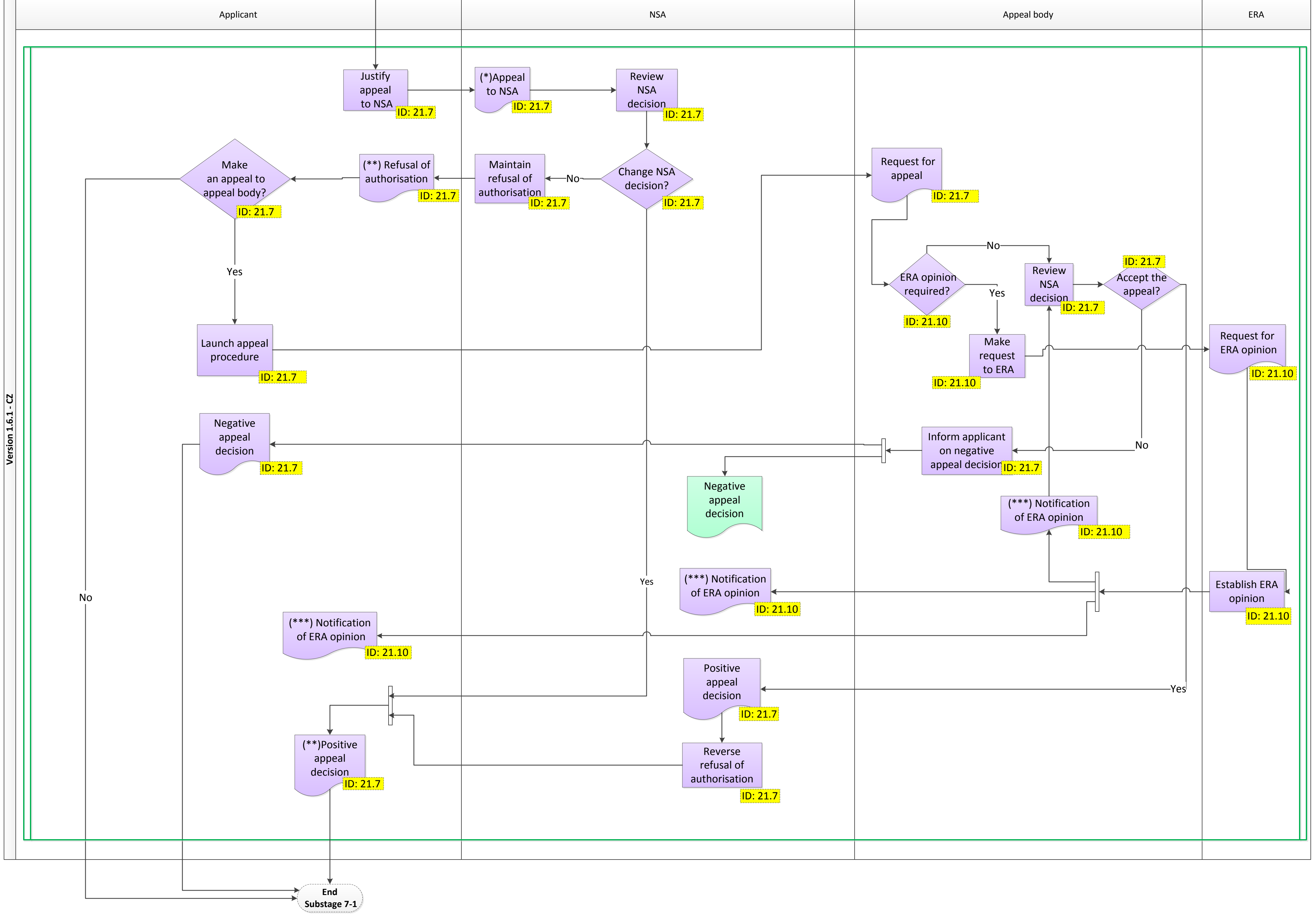
Version 1.6.1 - CZ

500/2004, §67
266/94 §43b (3)

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



Version 1.6.1 - CZ

Legal option

Non mandatory/
Common practice

ID: Interoperability Directive 2008/57/EC

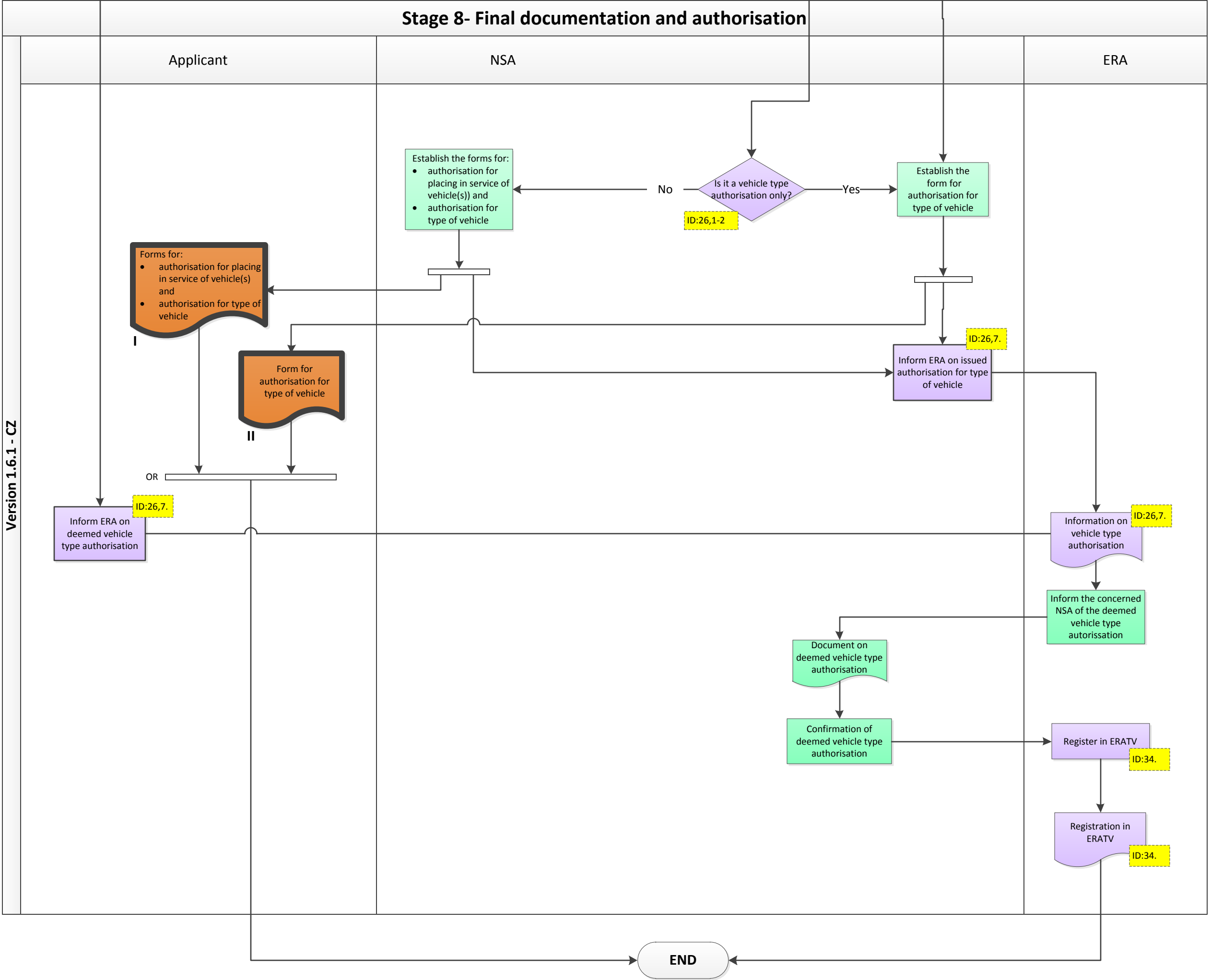
CZ legal option

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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