



Cross Acceptance Unit	
REFERENCE DOCUMENT PART 3: ROMANIA	
NATIONAL LEGAL FRAMEWORK APPLIED IN CONJUNCTION WITH THE AUTHORISATION OF RAILWAY VEHICLES IN ACCORDANCE TO ART.27 OF DIRECTIVE 2008/57/EC IN ROMANIA	
DOCUMENT TYPE:	TECHNICAL DOCUMENT
VERSION:	1.6.1

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Date & Signature.	16.11.2012 	

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 have

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/commom practice
	legal option at the national level

Contact details for National Legal Framework						
Reporting country	Organisation Name	Office phone number				
ROMANIA	Romanian Railway Safety Authority (ASFR)					
Contact name	E-mail	Mobile phone number				
1.Vasile Belibou	valibelibou@ofer.ro	40758760003				
2.Ciofalca Marian	mciofalca@ofer.ro	40758760023				

	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		Government Decision 877/2010	RO + EN*	
National guideline	Yes		Order of Minister 1545/2008	RO	
Additional authorisation required	Yes(1)		Art.23 and 25 Government Decision 877/2010	RO + EN*	N/A
Definitions:	Vehicle type	Yes	General Art.2u Government Decision 877/2010	RO + EN*	
	Time validity of a type	No			
	Upgrading	Yes	General Art.2m Government decision 877/201	RO + EN*	
	Renewal	Yes	General Art. 2n Government Decision 877/201	RO + EN*	
Specific national arrangements for on track tests	Yes		OMT 290/2000	RO	
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	Yes	Nx1170 Euro	hourly rate = 15 / hour 78 hours for one subsystem	OMT 791/2001	RO
For refusal of authorisation	No				
For the appeal procedure to NSA	No				
For the appeal procedure to Appeal Body	Yes	Art.2 and 3 Legea 146/1997	Fixed	1. Legea 554/2004 - Contencios Administrativ 2. Legea 146/1997 - Taxa judiciara de timbru	RO
For the NSA acting as assessment body (DeBo/CSM)	N/A				
For NSA issuing certificates (DeBo/CSM)	N/A				

N = number of subsystems

Government decision nr.877/2010 end order of minister 1545/2008, 791/2007

(1) - a specific OMT for additional autorisation will be published

EN* not official translations, version of the document and is not consolidated

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								
Requirement on the actor for the role	Applicant	IM	NoBo	DeBo	NSA	MS	Assessment Body (CSM)	Appeal Body
Detailed reference of the rule(s)	Art. 1.18 Government Decision 877/2010	Art. 22.6 and 25.4 Government Decision 877/2010	Art. 28 Government Decision 877/2010	Art. 17.4 Government Decision 877/2010	Legea 55/2006 & HG 1561/2006	Legea 55/2006 & HG 1561/2006	Regulation 352/2009	Legea 554/2004 - Contencios Administrativ
Language(s) that the rule(s) are available in:	RO	RO	RO	RO	RO	RO	All EU languages	RO
List of acceptance criteria		OMT 101/2007	Annex VIII	Annex VI	Appointed by law	Appinted by law		
List of actors entitled to act as:	No restriction	1. CNCF "CFR"SA 2. RCCF TRANS 3. TFG	ONFR	ONFR	ASFR	ASFR	Art.11 352/2009	Administrative Court
(*) please describe the role and legal basis for the involvement of any "other" actor not mentioned in the Interoperability and Safety Directives								

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	4 months	Art.20.2 Gouvernement Decision 877/2010	RO + 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	1 month	Art.21.7 Gouvernement Decision 877/2010	RO + 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	no limitation		
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: (a) after submission of the authorisation file	2 months	Art. 23.7 Gouvernement Decision 877/2010	RO + EN*
	(b) after provision of any additional information requested by the national safety authority, where applicable	1 month		
	(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 : (a) after submission of the authorisation file	4 months	Art.25.5 Gouvernement Decision 877/2010	RO + EN*
	(b) after provision of any additional information requested by the national safety authority, where applicable	2 months		
	(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	Art.23.6 and 25.4 Gouvernement Decision 877/2010	RO + EN*
	when there is a deemed authorisation according to Art.21.8 of Directive 2008/57/EC	3 months		
EN* not official translations, version of the document and 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
1.I	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	Art.20: HG 877/2010	RO + EN
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)	No	
		Requirements for the content of the records on maintenance, operation and modifications	No(1)	
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	No	

(1) - under progress

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	no	
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	No	
3.II	Perform verification of conformity to type, and establish evidences	The requirements for evidences	1. HG 877/2010 2. Regulamentul 201/2011	1.RO + EN* 2. RO
3.III	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	OMT 1545 - Art.7(3) - Annex	RO
3.IV	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidences	OMT 1545 - Art.7(3) - Annex	RO
3.V	Apply CSM Regulation for safe integration	The requirements for risk assessment	NO	
3.VI	Provide certificate(s) from assessment against applicable TSIs requirements to applicant	The requirements for evidences	HG 877/2010 (1)	RO + EN *
3.VII	Provide certificate(s) from assessment against applicable NRs requirements to applicant	The requirements for evidences	HG 877/2010 (1)	RO + EN *
3.VIII	Provide safety assessment report to applicant	The requirements for the content of the safety assessment report	NO	

(1) - OMT 290/2000 under progress

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the	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	HG 877/2010	RO+EN*
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	OMT 290/2000 Annex 5, art 1(2)a and art7& 8	RO
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	HG 877/2010	RO+EN*
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	OMT 290/2000 Annex 5, art 1(2)a and art 8	RO
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.	No	
6.IV	Compile the authorisation file	The requirements and the content for the official application	OMT 1545/2008 Annex - Art.7	RO
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 servcie 	The requirements and the content for the official application	OMT 1545/2008 Annex - Art.7 and Annex2	RO
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	

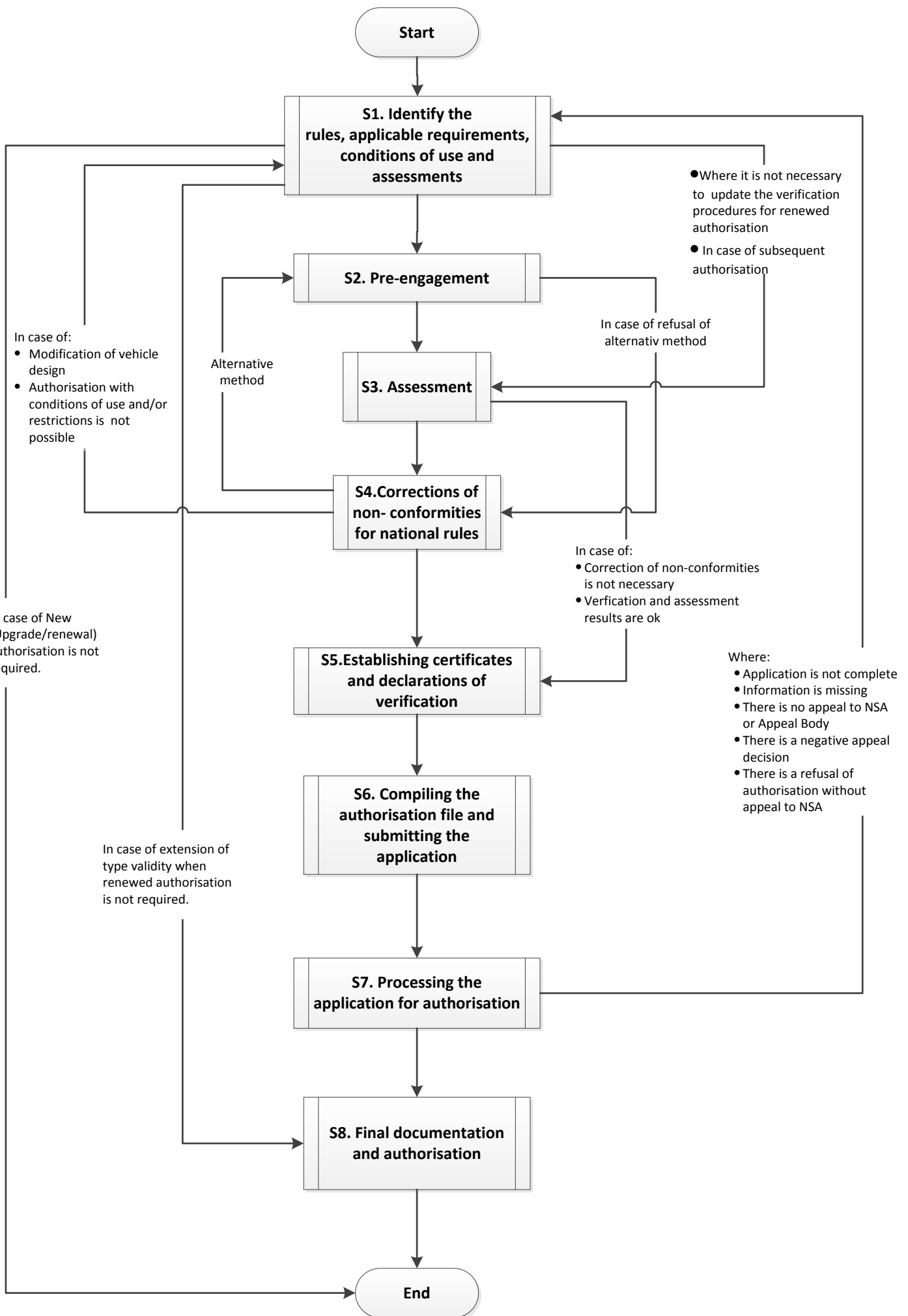
(1) - under progress

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	ASFR procedure - website : www.afer.ro	RO
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	OMT 1545 Art.13	RO
		The requirements for the content of justification of appeal to NSA	No	
		The requirements for launching appeal to the appeal body	No	
7.IV	Issuing the authorisation	The requirements for issuing authorisation	OMT 1545 Art.9	RO
7.V	Identify conditions for archiving the authorisation file	The requirements for NSA archiving the authorisation file	ASFR procedure - website : www.afer.ro	RO

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)	OMT 1545/2008 Annex 2	RO
8.II	Form for authorisation for type of vehicle	The format of issued authorisation of vehicle type	OMT 1545/2008 Annex 2	RO
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

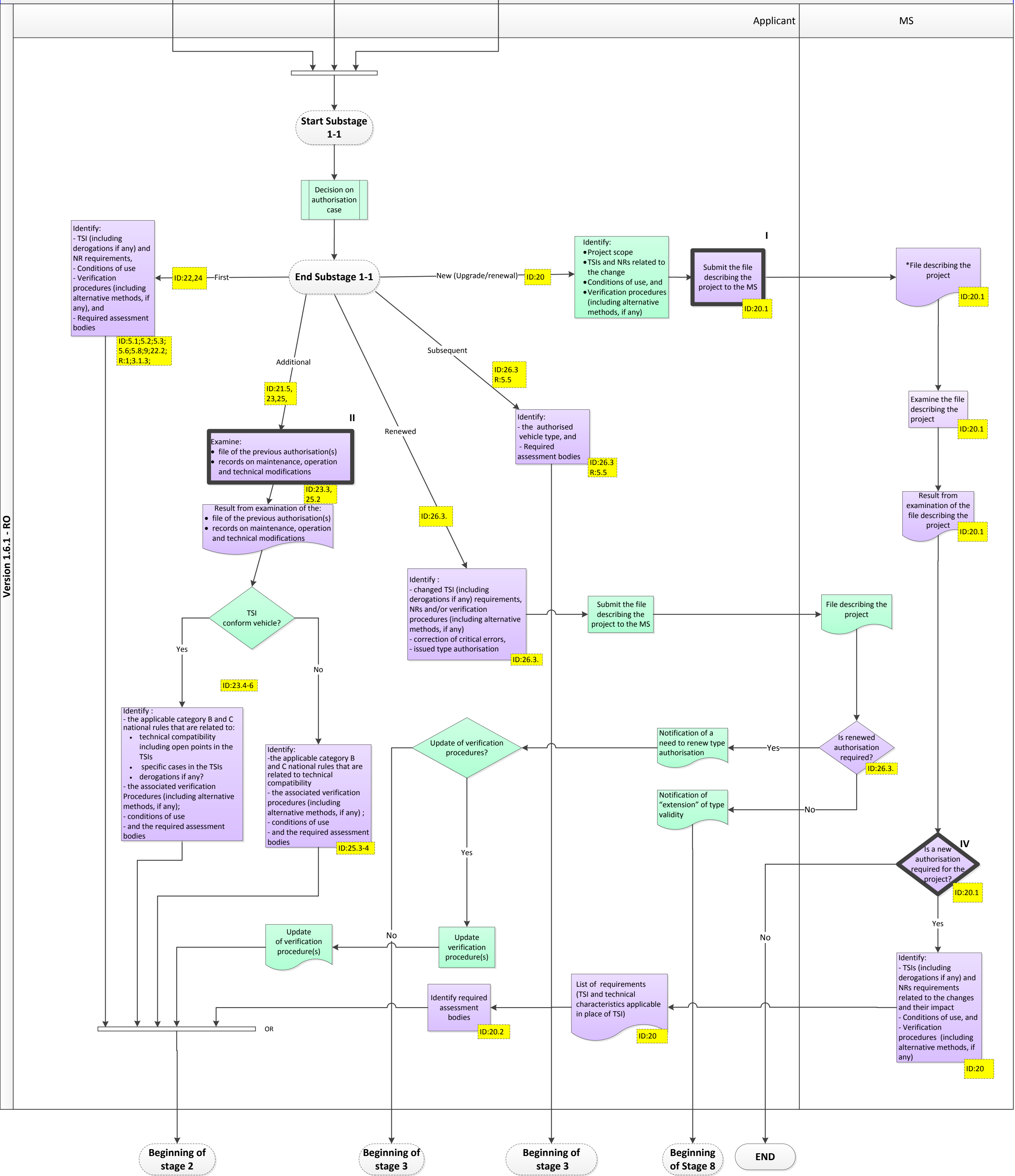
End of stage 7 where:

- 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

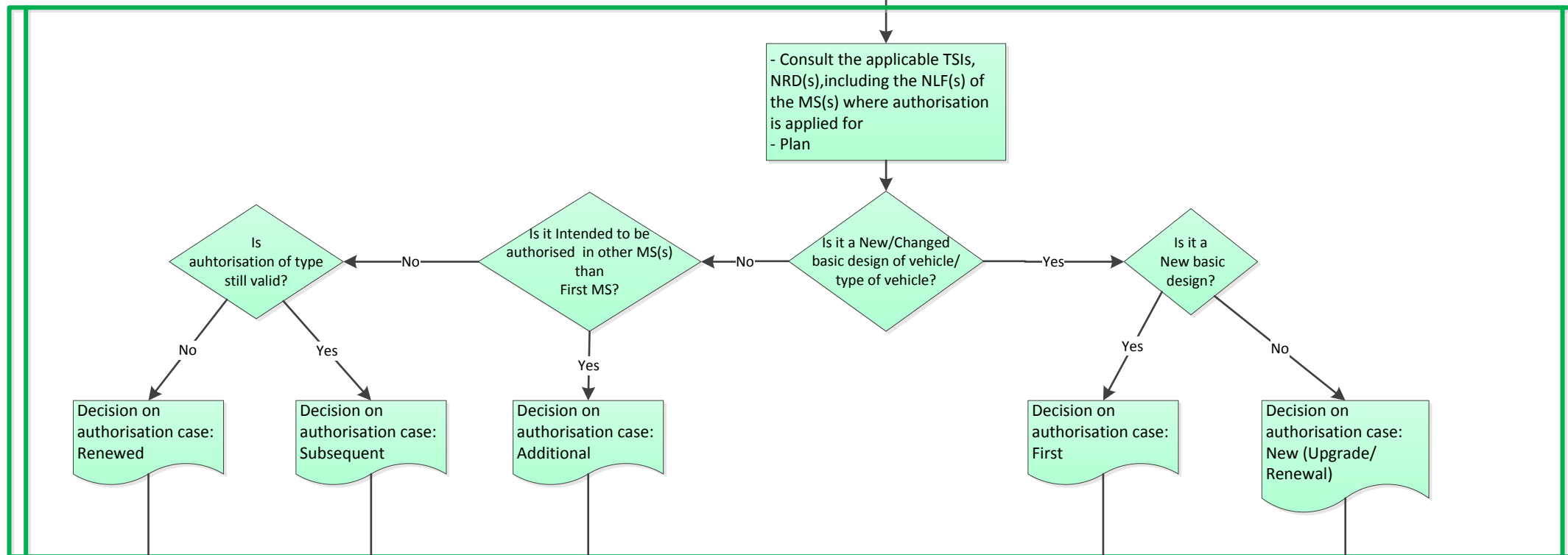


Version 1.6.1 - RO

Non mandatory/
Common practice

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

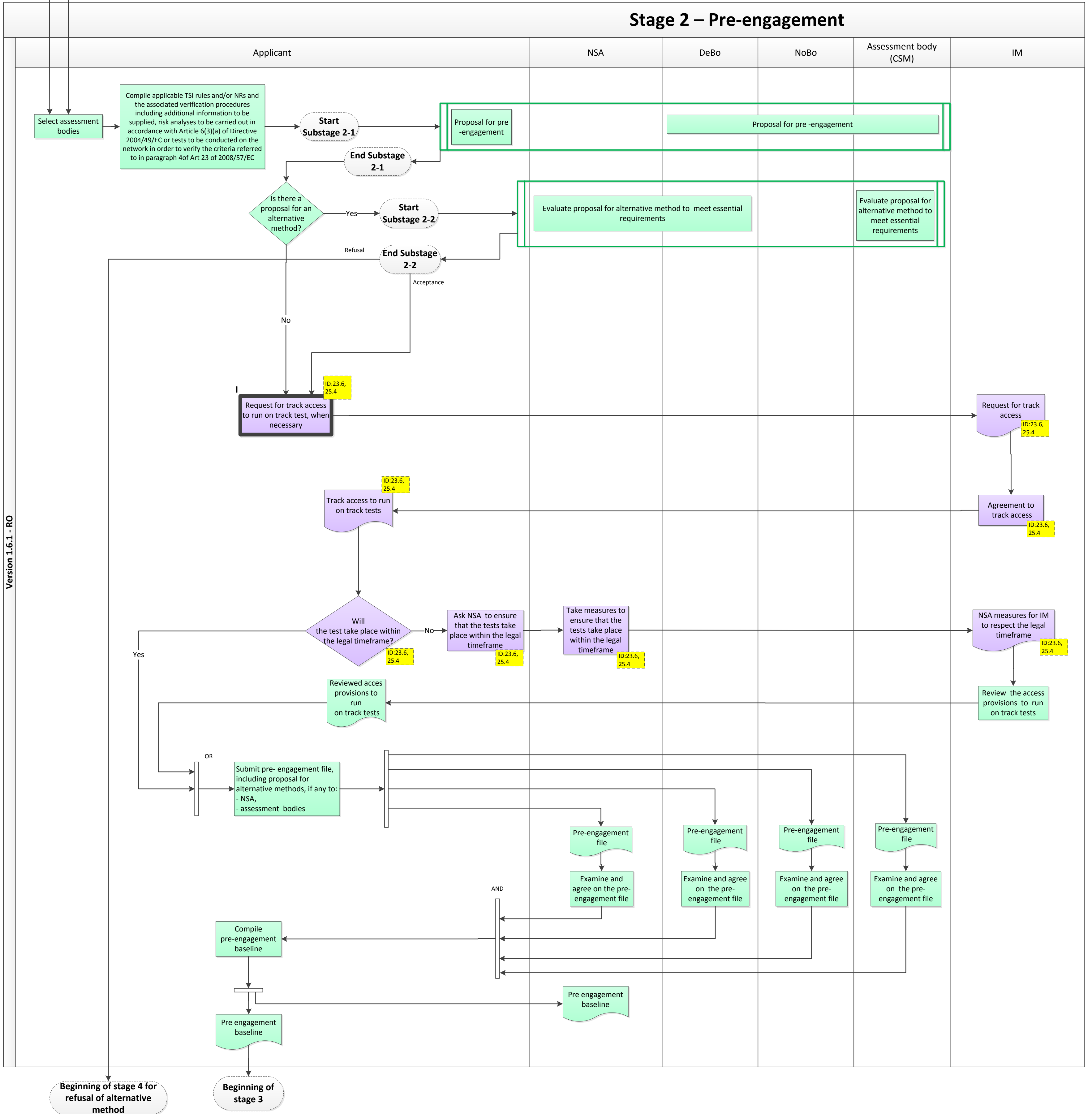
Applicant



Version 1.6.1 - RO

End Substage 1-1

Stage 2 – Pre-engagement



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End of stage 1
End of stage 4 for alternative method

Select assessment bodies

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

Proposal for pre-engagement

Proposal for pre-engagement

End Substage 2-1

Is there a proposal for an alternative method?

Yes

Start Substage 2-2

Evaluate proposal for alternative method to meet essential requirements

Evaluate proposal for alternative method to meet essential requirements

Refusal

End Substage 2-2

Acceptance

No

Request for track access to run on track test, when necessary

ID:23.6, 25.4

Request for track access

ID:23.6, 25.4

Track access to run on track tests

ID:23.6, 25.4

Agreement to track access

ID:23.6, 25.4

Will the test take place within the legal timeframe?

ID:23.6, 25.4

Ask NSA to ensure that the tests take place within the legal timeframe

ID:23.6, 25.4

Take measures to ensure that the tests take place within the legal timeframe

ID:23.6, 25.4

NSA measures for IM to respect the legal timeframe

ID:23.6, 25.4

Yes

Reviewed access provisions to run on track tests

Review the access provisions to run on track tests

OR

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

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

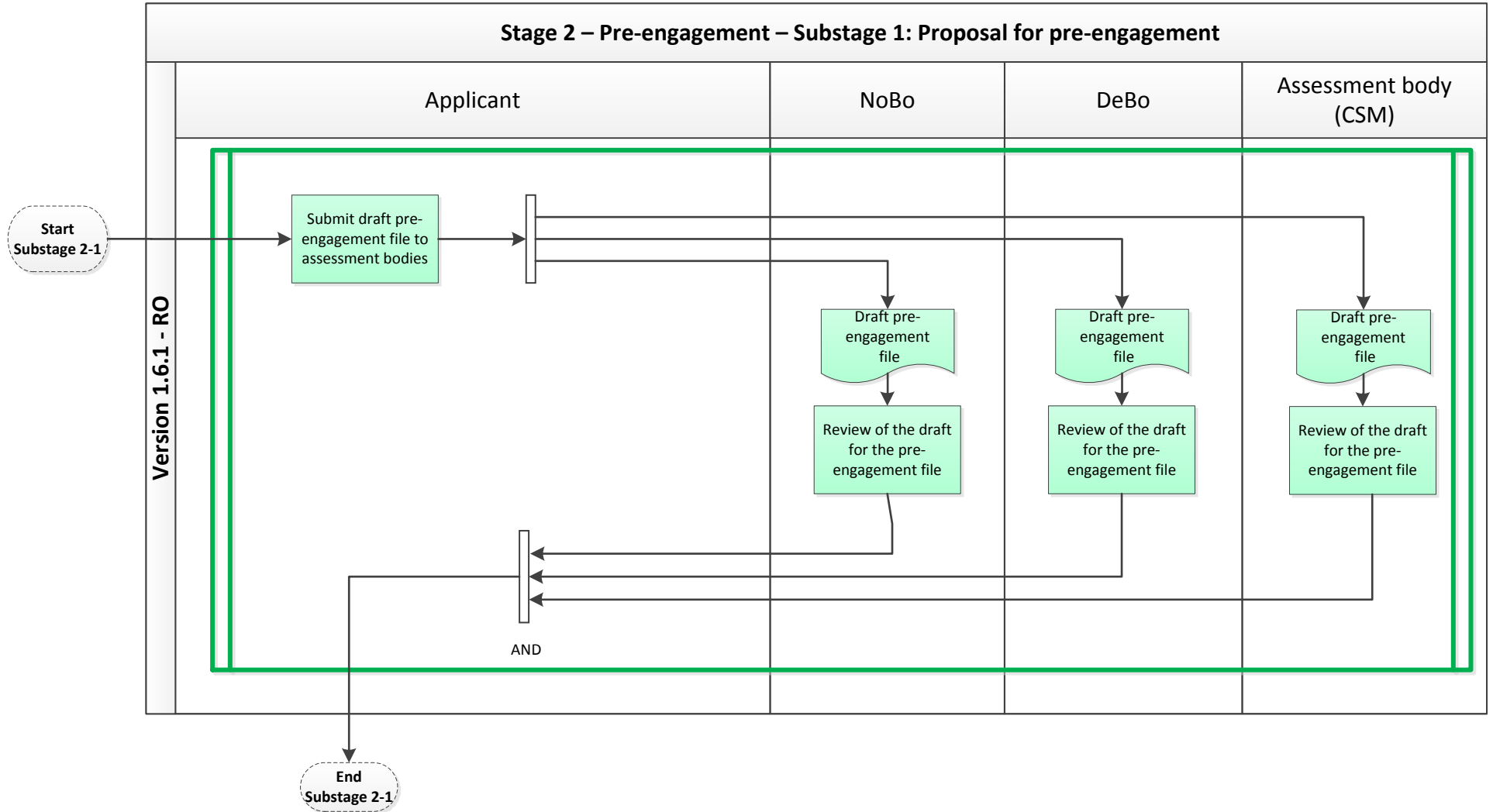
Beginning of stage 4 for refusal of alternative method

Beginning of stage 3

Non mandatory/
Common practice

Annex C

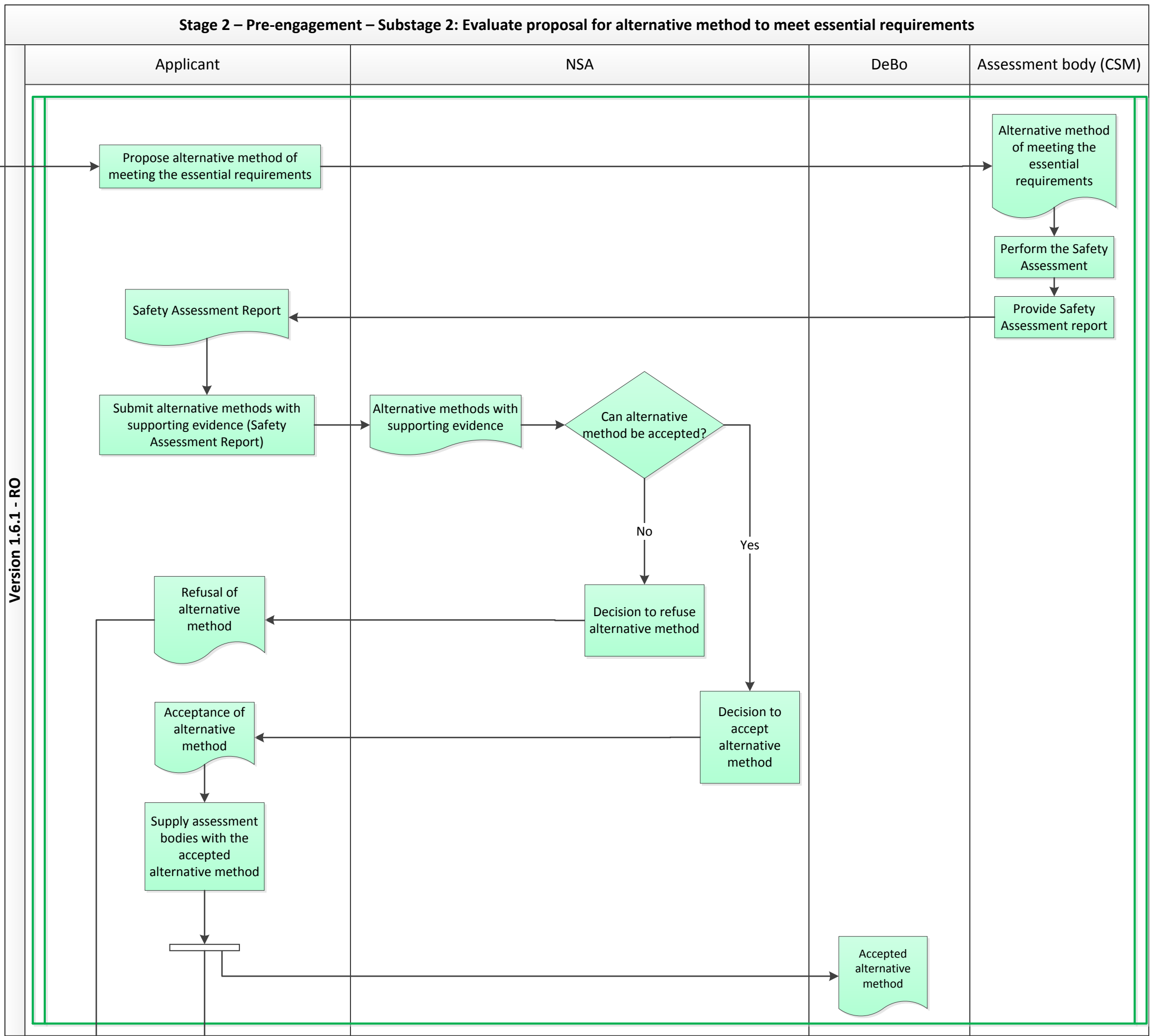
Stage 2 – Pre-engagement – Substage 1: Proposal for pre-engagement



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

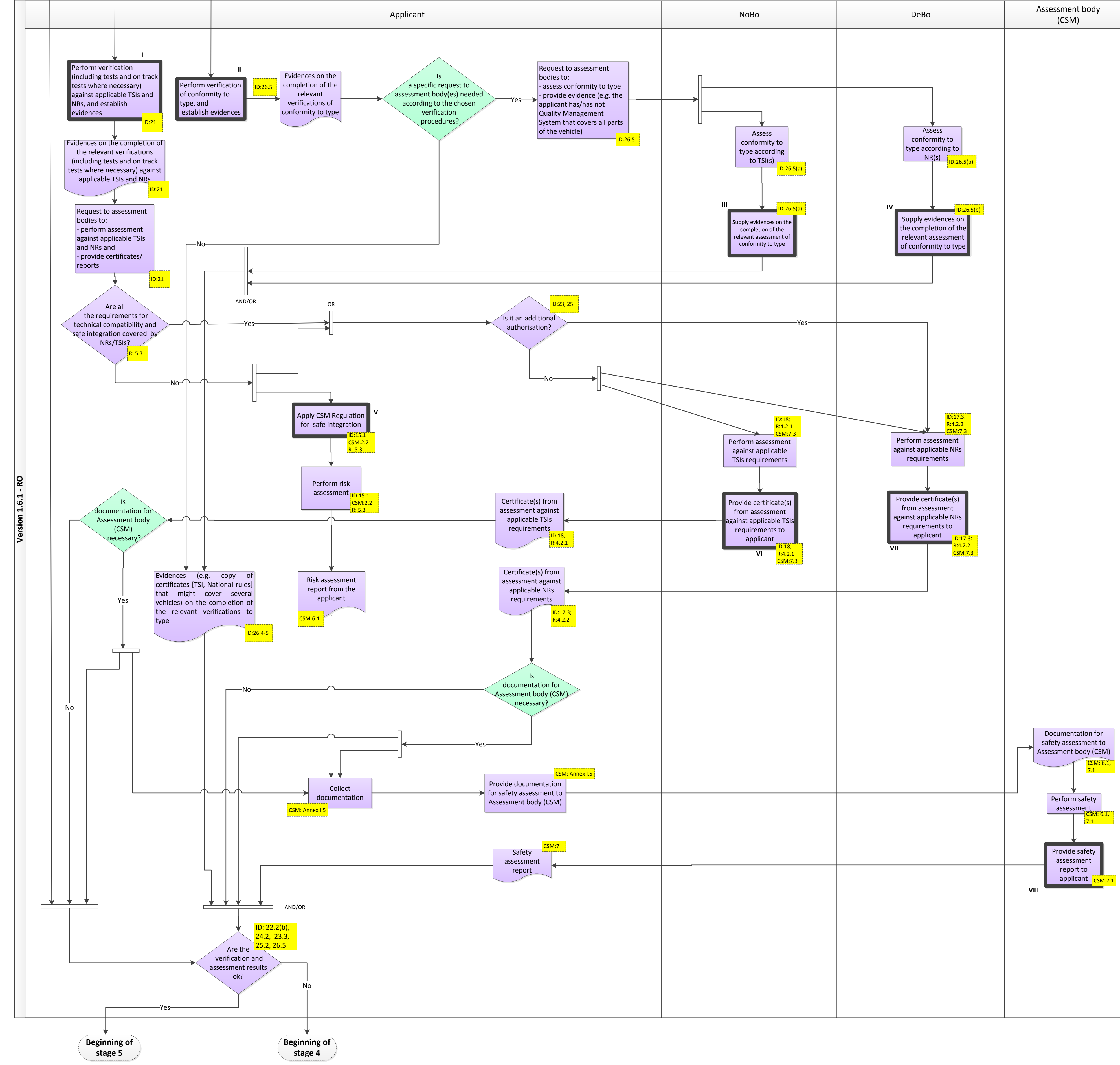
Start
Substage 2-2

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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

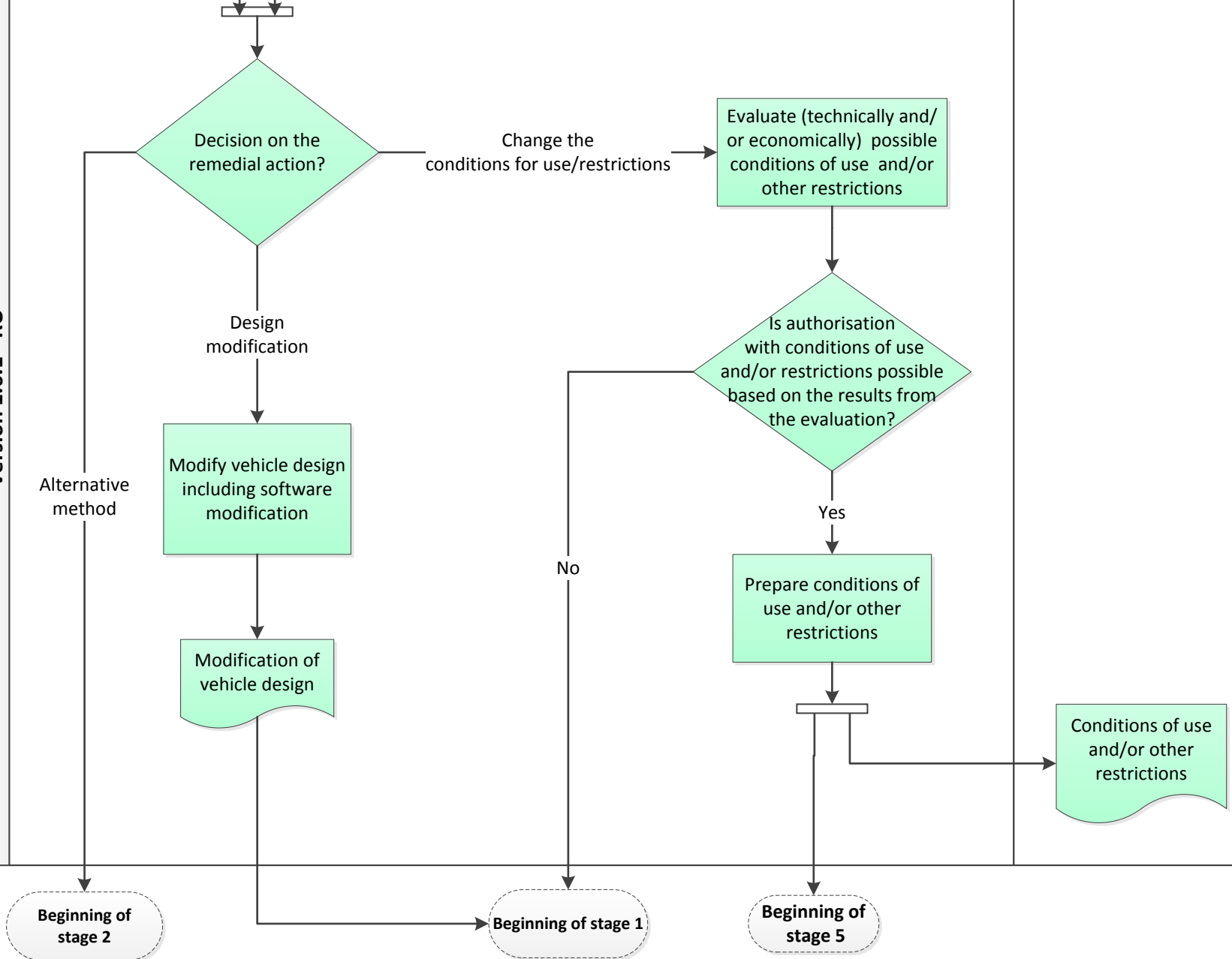
Annex E

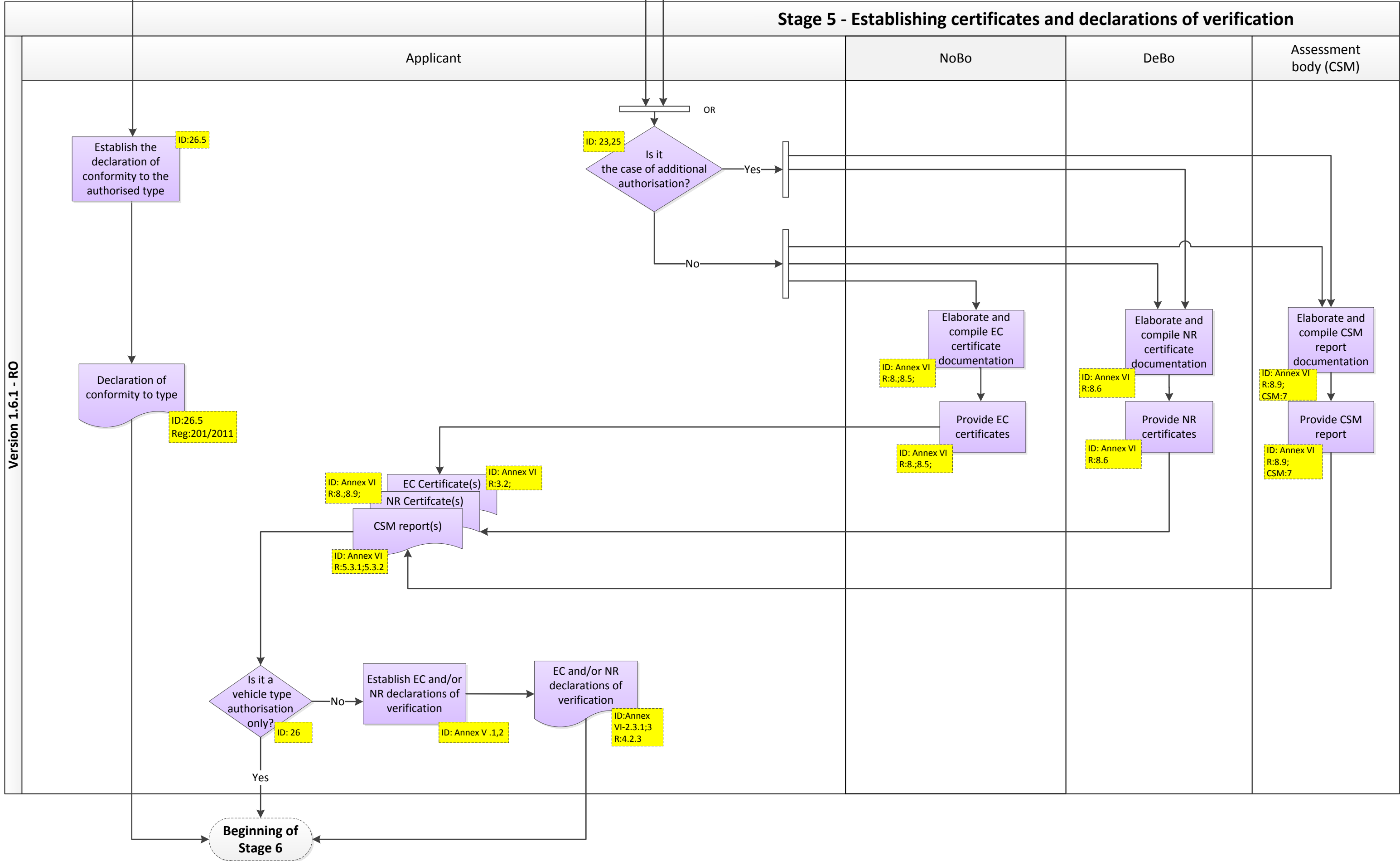
Stage 4 - Correction of non-conformities

Applicant

DeBo

Version 1.6.1 - RO





Version 1.6.1 - RO

End of stage 5

Stage 6 - Compiling the authorisation file and submitting the application

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

V

Identify the format and documentation of the application for authorisation:

- Vehicle type and/or
- Vehicle placing in servcie

ID:21.6;23.7;25.5 Annex VI:2.6 R:8.1;

VI

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)

End of stage 6

Legal option

Non mandatory/
Common practice

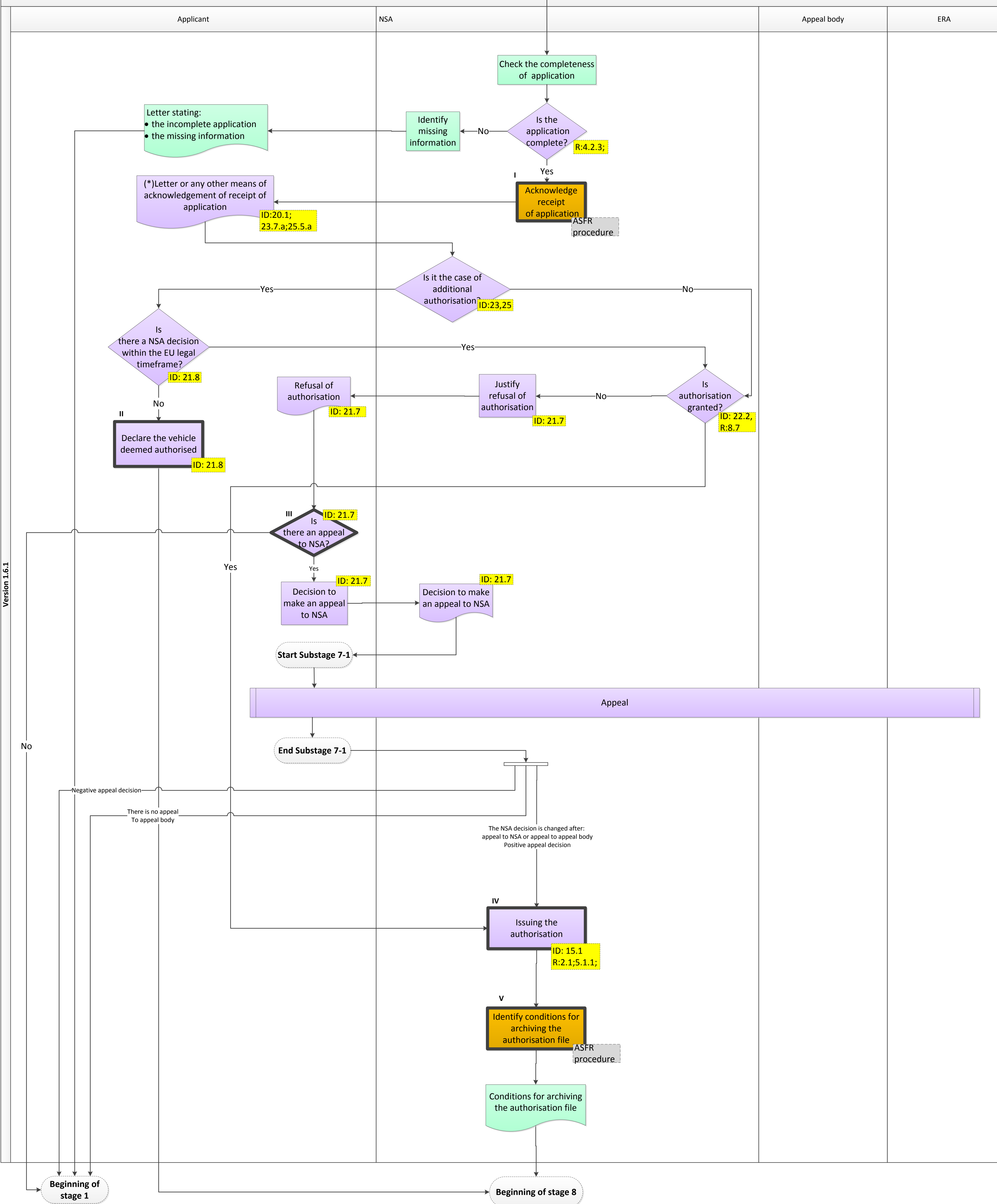
R: Recommendation 2011/217/EU
ID: Interoperability Directive 2008/57/EC

Annex H

Legal option at
national level

ASFR internal procedure available on www.afer.ro

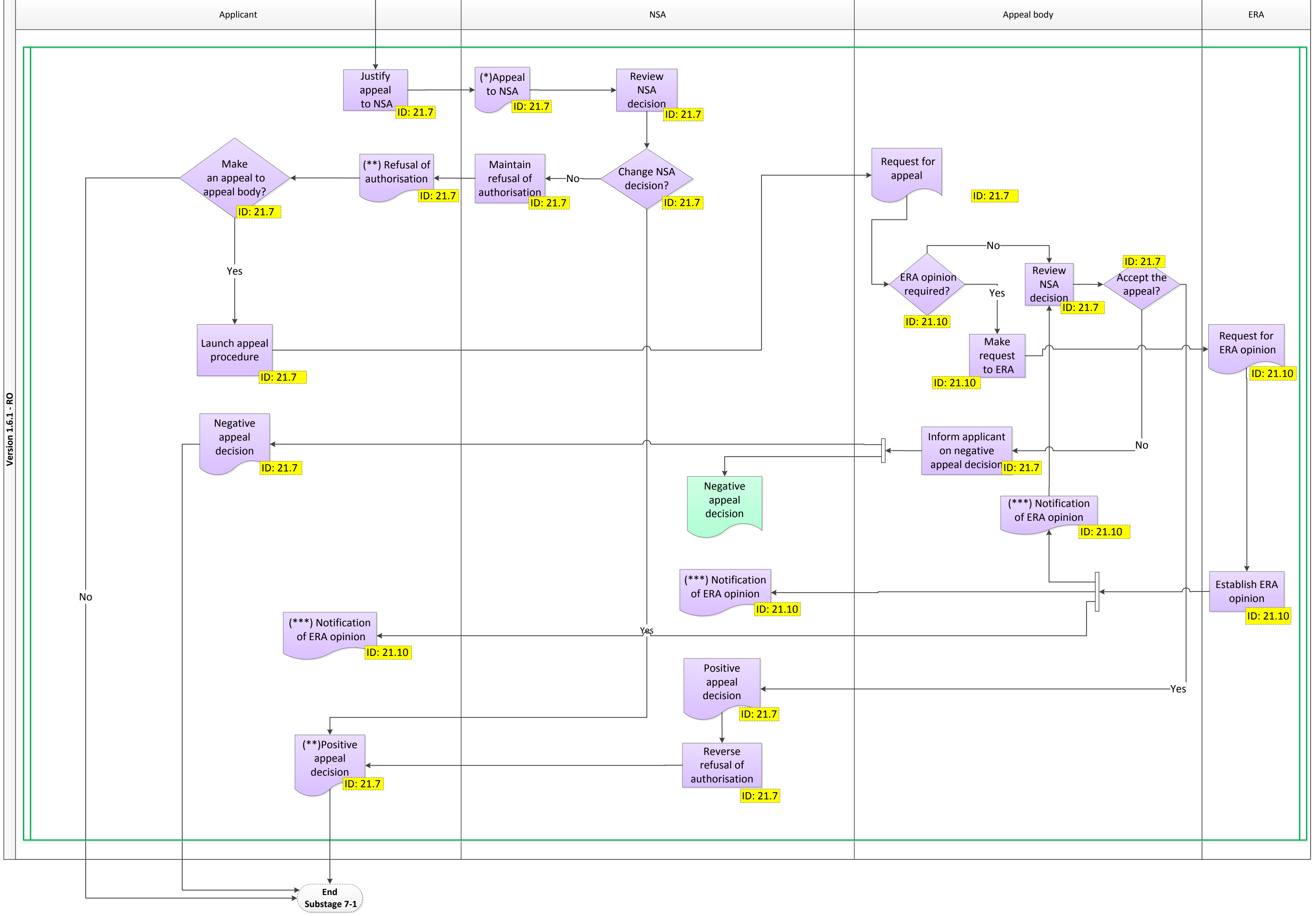
Stage 7 - Processing the application for authorisation



Version 1.6.1

(*) 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

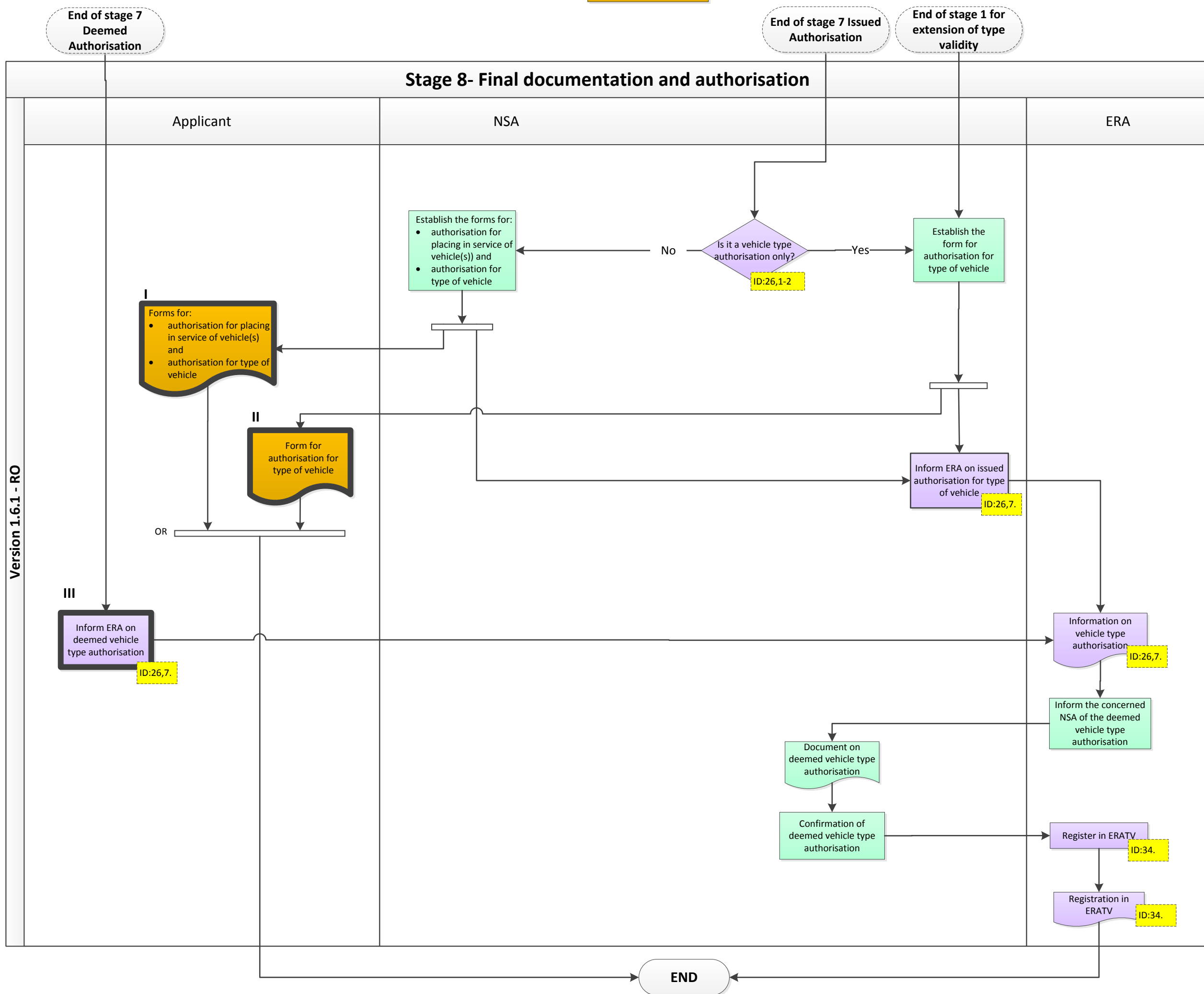


Legal option

Non mandatory/
Common practice

ID: Interoperability Directive 2008/57/EC

Legal option at
national level



Version 1.6.1 - RO

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

Version 1.6.1 - RO

