

EUROPEAN RAILWAY AGENCY			
Joint Network Secretariat Overarching Rules			
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Document history		
Version	Date	Comments
Draft A	29/02/2012	Internal only
Draft B	12/03/2012	Internal only
Draft C	20/03/2013	Success criteria and objectives modified and less ambitious. Process and responsibilities described more clearly.
Draft D	22/03/2012	For Agency Management - Changes to wording and relationship to migration strategy made clearer
Draft 1	30/03/2012	External stakeholders - Objectives separated and amended
Draft 2	14/09/2012	JNS members - Amended to; - Remove NIB Network - reflect agreement 10/09/2012 on working processes
Adopted 3	24/09/2012	Distributed to all Networks incorporating NSA member comments
Draft 4	30/10/ 2013	Incorporating JNS Urgent Procedure for internal review
Draft 5	30/04/ 2014	Following agreement with QMS lead. For sharing with JNS Core Panel
Draft 6	31/08/ 2014	NSA Network and JNS Core Panel members comments incorporated
Adopted 4	30/09/2014	Adopted with changes by JNS Core Panel members

PROCESS DEPLOYMENT	Strategic processes > Strategic Planning and Reporting> Facilitating >
PROCESS OWNER	Head of the Safety Unit
PURPOSE	To set out the vision, objectives, governance arrangements and high level responsibilities of the Joint Network Secretariat Panel.
SCOPE	This document applies to the work of the Joint Network Secretariat and how the Networks (NSA and NRB) and the Agency interact with the Joint Network Secretariat. Detailed procedures (work flows) are contained in separate documents.
LEGAL BASIS	The Joint Network Secretariat was established in application of Articles 6(2), 30.2 (b) and (d) of the Agency Regulation.
RELATED DOCUMENTS	JNS Normal Procedure Document, JNS Urgent Procedure Document
ENABLERS	A functional mailbox JNS@era.europa.eu

GENERAL PROCESS RISK		
IDENTIFIED RISK	RISK LEVEL	MITIGATION PLAN
Insufficient contributions from members	Medium	Regular review of success criteria
Previously discussed issues are re-opened without supporting evidence	High	Each issue will be supported by brief history of decisions and key discussions to date, prepared by Agency;
Disagreements over how to progress work and delegate tasks	Medium	Proposal are planned and supported by clear evidence Plenary members organise internal discussions and communications to negotiate lines to take
Responsibilities as set out in the EU safety regulatory framework are confused or not fulfilled following an accident or incident	Medium	Agency does not take or impose operational safety decisions. NSAs impose requirements or rules only in accordance with Directive EU/2004/49. RUs and IMs control the risks of their operations in accordance with their Safety Management Systems.
Loss of independence of National Investigation Bodies because of dialogue with other stakeholders regarding the regulatory framework	Low	Decision by NIBs to participate taken on a case by case basis depending on topic proposed
Loss of continuity through rotating membership	Medium	NSA and NRB Networks to agree process for rotation and handover of members of the Joint Network Secretariat Permanent agenda item to update on discussions at plenary meetings
RISC by-passed and governance of Agency work undermined	Low	Use existing Agency work planning process Where appropriate, work is delegated to existing Working Parties under their existing or amended mandates.
High number of notifications are introduced	High	The Panel exercises a systematic filtering of the notifications, learns from doing, gives feedback to customers and evaluates the processes.
Panel may not receive all the appropriate information.	High	The Panel can request to have more detailed information or to hear concerned parties.
Notifications are not considered in due time	Medium	The Panel is composed of full members and deputies. One of the selection criteria to be a member of the Panel is availability.

I. REFERENCE DOCUMENTS			
[Ref. N°]	Title	Reference	Version
[1]	Directive 2004/49/EC on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44)	Directive 2004/49/EC	Last amended by Directive 2009/149/EC (OJ L 313, 28.11.2009, p.65)
[1]	Directive <u>2008/57/EC</u> on the interoperability of the rail system within the Community (repealing Directives 96/48/EC and 2001/16/EC from 19 July 2010)	Directive 2008/57/EC	Last amended by Directive 2011/18/EU (OJ L 57, 2.3.2011, p.21)
[2]	(OJ L 191, 18.7.2008, p. 1)		
[3]	Directive 2007/59/EC on the certification of train drivers operating locomotives and trains on the railway system in the Community	Directive 2007/59/EC	
[4]	Regulation (EC) No 881/2004 establishing a European railway agency (Agency Regulation) (OJ L 164, 21.6.2004, p. 1)	Agency Regulation	Last amended by Regulation (EC) No 1335/2008 (OJ L 354, 31.12.2008, p.5)

II. DEFINITIONS AND ABBREVIATIONS	
Term	Definition
Agency	The European Railway Agency (ERA) such as established by the Regulation 881/2004.
Core Panel	Permanent members selected in accordance with the adopted this document and with the competencies and capabilities set out in Appendix 1.
Discussion	An agreed and planned meeting or other forum where stakeholders meet to discuss an identified issue or problem or systemic inefficiency.
EC	European Commission
Extended Panel	JNS Core Panel + temporary members
Extended Panel	JNS Core Panel + temporary members
EU	European Union
IM	Infrastructure Manager
Issues	Including, but not limited to, a need for new or improved risk control measures, barriers to safe and competitive operations created by EU or national safety measures, systemic failures and inefficiencies in harmonised processes, interpretation of legislation, implementation of legislation, roles and responsibilities, developments in the railway sector,
Joint Network Secretariat	Organisation composed of members that are nominated by Network NSA and Network NRB to organize the processes of addressing issues that are raised by the above mentioned Networks either to the JNS Normal or Urgent Procedure.
JNS Urgent Procedure	A commonly recognised procedure that falls within the agreed criteria and scope, initiated where there is a need to take urgent and coordinated action as described in the document JNS Urgent Procedure.
Networks	NSA and NRB Networks
NIB	National Investigating Body
NSA	National Safety Authority
NRB	Network or Representative Bodies
Proposer	A person or organisation who notifies an issue to the Joint Network Secretariat. This can be any of National Safety Authorities, Representative Bodies, Railway Undertakings, Infrastructure Managers, Keepers, ECMs, Manufacturers and other railway actors likely to be directly or indirectly affected by the issues raised or any possibly solution.
RB	Representative Bodies as defined in line with Article 3(3) of Regulation (EC) 881/2004
RISC	Railway Interoperability and Safety Committee
RU	Railway Undertaking
Safety Information System	A platform on the extranet of the Agency for sharing urgent safety-relevant information among the national safety authorities (NSA) and the national investigation bodies (NIB).
Temporary Members	Members chosen to participate in specific meetings of the Panel in relation to the JNS Urgent Procedure only, in accordance with JNS Urgent Procedure document

I. VISION

A Joint Secretariat for the Networks, supporting the Agency to:

- identify urgent and non-urgent issues and
- organize the exchange of opinions and solutions amongst railway actors; and
- improve communication within and between the Networks.

II. PROBLEM STATEMENT

The European Regulatory Framework requires a high level of communication and coordination in order to identify, [understand/quantify] and manage risks. This is relevant both within and between authorities and the railway sector. Gathering information to support the identification and [understanding/quantification] of risks can, and should, be both proactive and also reactive, following accidents and incidents.

In the current situation, authorities, Member States and sector enterprises take isolated decisions and implement measures that could impede EU legal rules and standards, interoperability and the safety or efficiency of rail transport. There is currently no European method for deciding whether there is an urgent need to take measures following serious accidents, repetitive incidents, and severe risks and how to define harmonised, targeted and proportionate measures to the considered risks.

This work to assess and improve the functioning of the current regulatory framework will be increasingly important if the Commission develops and implements a strategy for migrating to a single safety certificate. It is clear from our own evidence and listening to our stakeholders that there is a great deal of work to do before the single EU safety certificate can be put in place.

The legislative framework based on the Directive 2004/49/EC identifies three different levels of actors with responsibilities for the safety regulatory framework.:

- Infrastructure Managers (IMs) and Railway Undertakings (RUs) (and by extension also Manufacturers, Maintenance Suppliers, Wagon Keepers, etc.),
- Member states responsible for implementation of EU legislation, National Safety Authorities (NSAs), National Investigating Bodies (NIBs), and
- EU bodies responsible for developing, monitoring and reviewing the effectiveness/efficiency of the legislative framework.

After adoption of 4th Railway Package the list of actors might be amended.

Effective dialogue between all those with responsibilities will be challenging, but essential if EC and the Agency are to succeed in improving safety performance through an effective safety regulatory framework.

Today, dialogue with and between our stakeholders is fragmented:

- Existing Plenaries are important forums, but only allow isolated discussions amongst organizations of similar legal and structural positions.
- Most Working Groups are open to all NSAs and NRBs, but are necessarily very focused on specific, working-level topics.
- Too often, actors are obliged to fulfil their safety responsibilities by taking in isolation decisions to manage risks.

III. BENEFITS

- A. Flexible and targeted working methods and arrangements, dependent on urgency, can be established to discuss and resolve identified Issues.
- B. All members of NSA and NRB Networks have access to open discussions at an early stage, allowing greater equality of influence and efficiencies in the development process of measures and proposals for further work.
- C. Agreed and coordinated measures are more effective in controlling risks and better support the wider EU rail objectives of provision of more, higher quality rail services to passengers and freight customers, at an efficient cost.
- D. Over time, further opportunities for open discussions support better understanding, stronger cross-sector relationships and alignment of incentives.
- E. The Joint Network Secretariat may facilitate the decision making process in RISC and an improvement in the progress of work from working parties to the Commission and RISC, supported by planned discussions.
- F. Problems related to implementation of legislation and measures based on Directive 2004/49/EC are identified and managed earlier. This contributes to a shared vision of implementation of the existing legal framework.

IV. OBJECTIVES

- A. All those with **responsibilities** as set out in Directives 2004/49/EC, 2008/57/EC and 2007/59/EC, are better able to fulfil those responsibilities.
- B. The members of the Networks **identify progress** and, where possible, **solve relevant issues**, in a timely manner.
- C. To **improve communication** within and between the Networks, so that relevant high-level issues with a European impact are shared and analysed collaboratively and effectively, and dialogue is more mature.
- D. This communication and analysis leads to a better understanding and **alignment of stakeholder goals**, so that decision-making is harmonised and **minimises regulatory barriers** to the European rail market.

V. CONSTRAINTS

These rules are without prejudice to the respective responsibilities and competences assigned to each of the parties to the Joint Network Secretariat under the applicable EU or national legislation.

Achievement of the objectives and the success criteria that supports them is dependent on the contribution, work and commitment of the members of the Networks. Without this, it will not be possible to demonstrate success.

VI. SCOPE

The following are out of scope:

The Core Panel of the Joint Network Secretariat is not a decision-making body. It will therefore not be empowered to:

- have any substantive discussions concerning the regulatory framework,
- interfere with legal acts of the European Railway Agency,
- make any decisions concerning action to resolve issues,
- interfere with, delay or influence the investigation process of NIBs,
- adopt legally enforceable measures; or
- issues concerning an incident or dispute relevant or specific to only,

- two parties or one associated set of circumstances or facts,
- one country¹ or actors active in only one country,
- the consequences, rather than causes or associated risks of the issue.

VII. ROLES AND RESPONSIBILITIES

The Agency

The Agency will moderate panel meetings and provide resource for the Joint Network Secretariat to meet. The Head of Safety Unit of the Agency is not a member of the Panel.

As Secretary, the Agency will be responsible for proposing the agenda of Joint Network Secretariat meetings and formulating the outputs of Joint Network Secretariat meetings and working with the members of the Joint Network Secretariat. The Agency's role in the work of Joint Network Secretariat Urgent Procedure Task Forces related to notified issues will be limited to explaining and clarifying the European Regulatory Framework and its application. The Agency will not be empowered to give formal or informal opinions based on specific facts or the roles and responsibilities of specific actors.

To support the communication of issues and views of the Joint Network Secretariat the Agency will liaise with and inform both the Commission and relevant Task Forces organised by the Commission, including communicating proposals agreed at discussions and making any requested presentations to their meetings, including RISC.

Governance of the Agency's work will continue to be in accordance with the Agency Regulation and specific mandates provided by the Commission.

Members of the Joint Network Secretariat

The Panel of the Joint Network Secretariat will consist of a Core Panel plus temporary members that will be invited by the Agency on the request of the Core Panel members to discuss how to address specific issues if specific competence is required.

The Panel will be primarily responsible for deciding on the admissibility of notified issues, in accordance with the criteria set out in this document and the JNS Urgent Procedure and JNS Normal Procedure, and activating either the JNS Normal or Urgent Procedure, as well as appointing Temporary Members where relevant.

Members of the Panel will not be empowered to represent the views of non-members in respect of any other decisions and, in particular, hold discussions or take decisions concerning the substance of the issues notified if it is not necessary to decide about how to address these issues.

The Core Panel will be a permanent body with:

- two permanent members of each of the Networks,
- two deputies members of each of the Networks,
- the Commission (observer status only).

The Networks will each decide how to select their own members and deputy members of the Core Panel.

In the event that a plenary meeting fails to select their members and deputy members, the Agency will propose a method for selection of members and deputy members, to be completed no later than one month after the last day of the relevant Network meeting.

¹ "Country" covers the countries that are members to the Agency administrative board and Switzerland when there is an EU-Switzerland Agreement on the field on Railway Safety and Interoperability that will make the participation of Switzerland in the Agency work possible.

Temporary Members can be invited to join Panel meetings by the Core Panel where a quick reaction is requested or agreed, in accordance with the procedure and criteria set out in the JNS Urgent Procedure document. There can be up to 2 temporary members from each of the Networks of NRB and the NSA Network.

Competences and capabilities for Core Panel members and Temporary Members are set out in the Appendix to this document.

Members are to attend all meetings or telephone meetings to which they are invited in person. Only if they are unable to attend, deputy members may attend in person. No other substitute attendees will be accepted.

Deputy members of the Joint Network Secretariat will receive all communications sent by the Secretary to the Joint Network Secretariat.

In accordance with the project vision, objectives and success criteria, the members of the Core Panel of the Joint Network Secretariat will communicate with the Networks to:

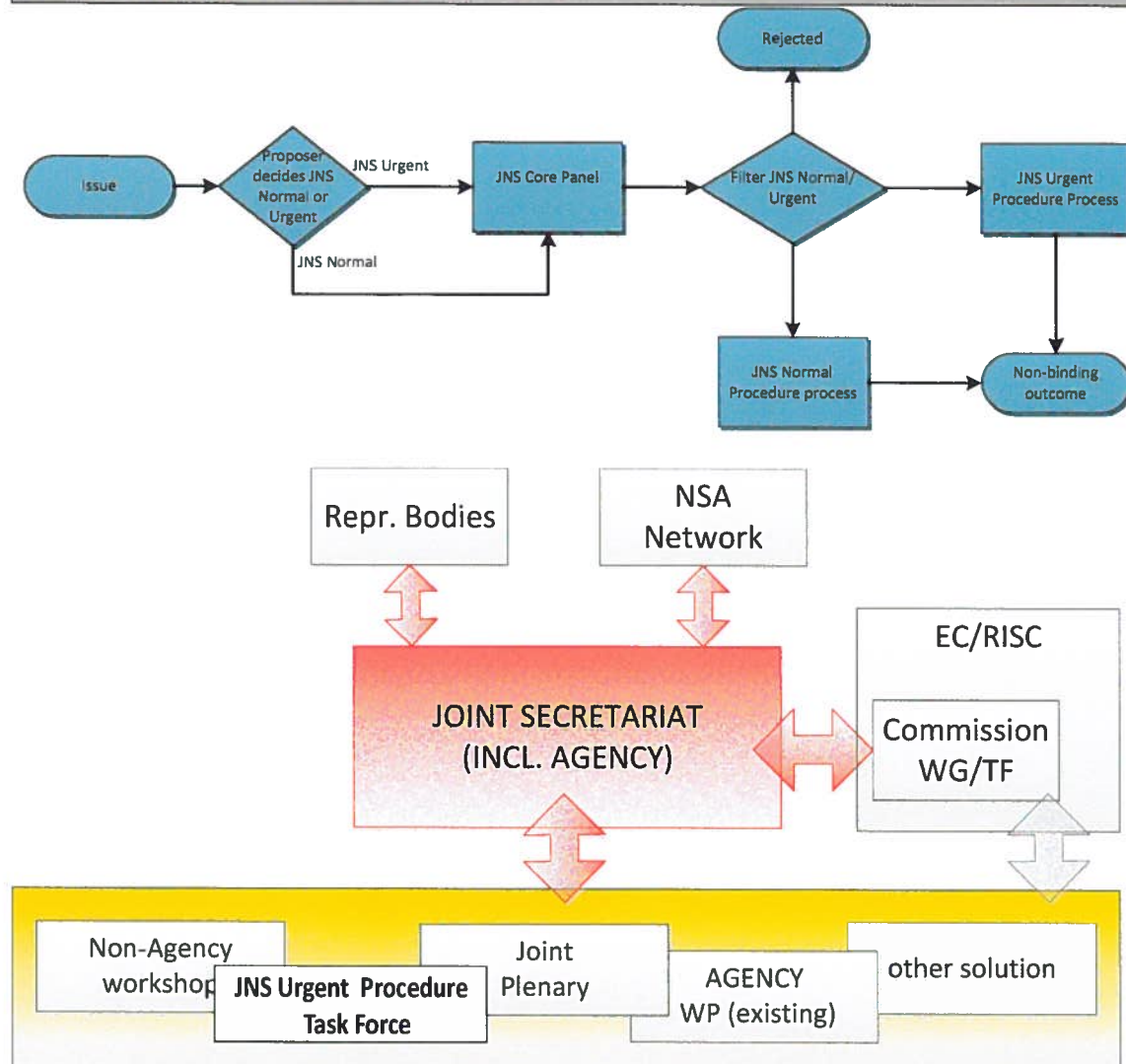
- disseminate information about Issues received, including sharing views of other members of the Joint Network Secretariat,
- agree and invite Temporary Members to attend meetings,
- discuss and agree the structure and participants for the planned discussion,
- supported by the Agency, organize the agreed planned discussion,
- collect and disseminate the results of planned discussions, either at Network meetings or using other methods of communication,
- monitor implementation of the results of planned discussions,
- oversee the work of the Proposer and the Networks to prepare for planned discussions, including evidence and data gathering,
- monitor the work of the Agency to prepare for planned discussions, including planned analysis and research and meeting arrangements.

Members of the NRB and NSA Networks

Members of the NSA and NRB Networks will be responsible for:

- proactively preparing and proposing issues for planned discussion,
- providing evidence to support issues for planned discussion,
- engaging and participating in planned discussions, including agreeing in good faith shared goals for discussions,
- implementing any agreed solutions to the extent within their control and powers, and
- taking all reasonably practicable measures to influence other decision-makers with the necessary control and powers to implement agreed solutions.

VIII. JNS WORKING METHODS



The Joint Network Secretariat will as far as possible do its work by exchange of e-Mails. In order to enable the Joint Network Secretariat to exchange views on a regular base, at least three meetings a year will be organised by the Agency, in person or by telephone, no later than 4 weeks before the earliest next NSA Network meeting. The Joint Network Secretariat will be able to make use of any other means of communication, which will be facilitated wherever possible by the Agency.

Extraordinary or additional meetings can be organized, either

- when requested by members; or
- during the initial stages of the project.

Members of the Joint Network Secretariat may be invited to meetings of the Networks, in order to support better communication, understanding and constructive dialogue. If necessary, members of the Joint Network Secretariat will be excluded from confidential or sensitive items on the agenda of Network meetings, to be decided by the members of that Network meeting.

IX. SUCCESS CRITERIA

Annual survey of all members of the NSA and NRB Networks to assess:

- 360 degree understanding and awareness of views and concerns,
- whether issues have been dealt with at the right level and in the right way,
- whether NSA and NRB Network meetings and the outcomes of discussions have been improved,
- some NSA or NRB Network meeting agenda items originate from Joint Network Secretariat proposals,
- members of NSA and NRB Network take effective decisions, within their individual competence and authority, based on JNS proposals.

At the end of the 2 years pilot, the contribution of the Joint Network Secretariat can be demonstrated so that the use of it is extended to all other fields of the Agency.

X. PROCEDURE REVIEW

After

- one year of implementation,
- 10 notified issues, or
- if the Panel wishes,

the Panel will carry out a review of the project and achievement of the objectives according to the success criteria. Further criteria can be developed by the Core Panel in collaboration with their respective Networks.

XI. PROLONGATION OF PILOT PHASE

To incorporate JNS Normal and JNS Urgent Procedure efficiently, the JNS Core Panel and the NSA and NRB Networks decided to prolong the pilot phase for another year after the two year pilot phase has come to an end. The next survey of the NSA and NRB Network is planned when the prolongation period has ended.

Appendix

The aim of the nomination grid is to ensure competent Panel, thus Networks are invited to justify if the named representative fulfil(s) the competencies required in the Joint Network Secretariat Normal and Urgent Procedure.

Family name, first name	Number	Member or Deputy ² (M/A)	Competency 1 Good railway operational knowledge	Competency 2 Familiarity with the European Regulatory Framework	Competency 3 Competence in the field of risk assessment and evaluation	Competency 4 availability	Competency 5 Dispose of a good command of English as working language and of good communication skills	Level of English skills ³	Company Name
	1								
	2								
	3								
	4								
	5								
	6								

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² There are two types of participants to the Panel: 'Member' (also called 'speaker' but normally ERA does not use this expression'), and "Deputy". Reply by indicating M/D.

³ Indicate EU language level (e.g. Basic user (levels A1 and A2); Independent user (levels B1 and B2); Proficient user (levels C1 and C2) or use basic; normal; fluent
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