

Based on article 17, par. 4 of the Railway Law («Narodne Novine» no. 123/03 and 30/04), the minister of the Sea, Tourism, Transport and Development

issues

## **Ordinance on conditions and manner of issuing safety certifications for railway infrastructure management**

### SCOPE OF APPLICATION

#### Article 1

This Rule Book prescribes the conditions for issuing a decision on safety to perform the management of the railway infrastructure (hereinafter: a safety order) to be met by the Administrator of the Infrastructure, a legal person authorized for the management and administration of the railway infrastructure, that will be defined by the owner of the railway infrastructure, (hereinafter: Administrator of the Infrastructure), and the procedure of issuing, the extension of validity and cancellation of a safety order.

#### Article 2

The Safety Order of the Administrator of the Infrastructure is issued by a ministry competent for railway transport (hereinafter: the ministry) in the administrative procedure based on an application of the Administrator of the Infrastructure.

### CONDITIONS FOR ISSUING A SAFETY ORDER

#### Article 3

For issuing a safety order for the management of the Railway Infrastructure, the Administrator of the Infrastructure must fulfil the following conditions:

1. to possess the licence to perform the management of the railway infrastructure
2. to fulfil corresponding technical conditions and the conditions for the organization and regulation of the railway transport
3. that the railway infrastructure managed by it meets the conditions prescribed by law regulating the safety of the railway traffic and other relevant regulations,
4. that the personnel employed is professionally enabled and with respect to health conditions, able to organize and regulate the railway transport, and the construction and modernization and maintenance of the railway infrastructure.

### PROCEDURE OF ESTABLISHING THE FULFILMENT OF THE CONDITIONS FOR ISSUING A SAFETY ORDER

#### Article 4

In the procedure of issuing a safety order, the Administrator of the Infrastructure evidences the fulfilment of the conditions from article the 3 of this Rule Book, in the following way:

1. by means of a valid licence to perform the management of the railway infrastructure issued by the ministry competent for the railway transport of the Republic of Croatia
2. by means of a contract concluded with the owner of the railway

- infrastructure on the management, organizing and regulation of the railway transport, and the maintenance and modernization as well as the construction of the railway infrastructure or a part of it,
3. by means of a declaration to meet the conditions of a professional ability and health ability of the personnel employed at the posts of the management and escorting the trains with respect to the safety regulations of the railway transport, and the confirmations on the ability of the personnel in accordance with the safety at work regulations and the regulations of fire-fighting protection,
  4. by means of an excerpt from the organizational scheme of internal structure of the firm from which one can see the method of performing the internal control and supervision of the traffic safety, and a responsible person for the implementing of the system of safety and control.

## PROCEDURE OF ISSUING, EXTENSION AND CANCELLING OF THE SAFETY DECISION

### Article 5

The Ministry competent for the railway transport will issue the safety order for the managing of the railway infrastructure or of a part of it to the Administrator of the Infrastructure which proves to fulfil all the conditions prescribed by the article 3 of this Rule Book within 30 days from the day of submitting an orderly application.

### Article 6

The Safety Order for performing the activity of the management of the railway infrastructure or of a part of it is issued for the time of 5 years, with the possibility of extension.

The Safety Order is issued to a legal person, the Administrator of the Infrastructure, to which it is addressed and cannot be transferred to another person.

With submitting an application for the licence extension, in the line with the par. 1 of this article, the Administrator of the Infrastructure must prove to fulfil all the conditions prescribed by the provisions of the article 3 of this Rule Book.

### Article 7

Control and supervision on the fulfilling of the conditions from the article 3 of this Rule Book is performed by the Ministry.

### Article 8

If it is established, through the performed control of the Ministry that the Administrator of the Infrastructure to whom a safety order has been issued does not fulfil the conditions prescribed by article 3 of this Rule Book, the Ministry will issue a decision revoking the safety order.

If, through the control, some irregularities are found, which do not influence essentially the safety of the railway transport, the Ministry will order, by means of its decision, to remove them, and define the time limit during which the Administrator of the Infrastructure is obliged to proceed so.

If the Administrator of the Infrastructure does not remove the established irregularities within the period foreseen for their removing, from the par. 2 of this

article, the Ministry will issue the decision cancelling the safety order.

#### Article 9

Against the order of the Ministry by means of which the safety order of the management of the railway infrastructure is cancelled, Administrator of the Infrastructure may initiate an administrative dispute before a competent court.

#### Article 10

The Ministry keeps records on the issued safety orders for the performing of the management of the railway infrastructure.

### CONCLUDING PROVISIONS

#### Article 11

This Rule Book comes into force on the eighth day from the day of publishing in "Narodne Novine", and it will be applied with the day of the start of the application of the Railway Law "Narodne Novine" no. 123/03 and 30/04.

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MINISTER OF  
SEA, TOURISM, TRANSPORT  
AND DEVELOPMENT

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