

Based on article 13, par. 9 of the Railway Law («Narodne Novine» no. 123/03 and 30/04), the minister of sea, tourism, transport and development

issues

Ordinance on conditions and manner of issuing safety certification for providing railway transport services

SCOPE OF APPLICATION

Article 1

This Rule Book prescribes the conditions for issuing a decision on safety to perform the railway transport services (hereinafter: a safety decision) to be met by a domestic or a foreign legal person, and the international group registered for performing public transport services in the railway transport, (hereinafter: a railway carrier), and the procedure of issuing, the extension of validity and cancellation of a safety order.

Article 2

The Safety Decision is issued by a ministry competent for railway transport (hereinafter: the ministry) in the administrative procedure based on an application of a railway carrier for the services from the licence to perform the services of railway transport.

CONDITIONS FOR ISSUING A SAFETY DECISION

Article 3

For issuing a safety decision, a railway carrier must fulfil the following conditions:

1. to possess the licence to perform services in the railway transport
2. that the rolling stock intended to be used for performing the activity of transport at the lines of the railway network in the Republic of Croatia fulfils all the technical conditions and law prescribed standards regulating safety in the railway transport
3. that the staff employed for the management and escorting of the trains by means of which the services are rendered is adequately professionally trained and as regards health, fit in conformity with the regulations and standards regulated by the safety regulation of the railway transport.
4. to have an organized service of the control of carrying out the railway transport and traffic safety.

PROCEDURE OF ESTABLISHING THE FULFILMENT OF THE CONDITIONS FOR ISSUING A SAFETY DECISION

Article 4

In the procedure of issuing a safety decision, the railway carrier 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 services in the railway transport issued by the ministry competent for the railway transport of the Republic of Croatia or by means of a licence issued by the competent bodies of other countries with which the Republic of Croatia has concluded

- international treaties on mutual recognition of the licences
2. by means of a declaration on the application of the provisions with respect to the use, maintenance, use and the traffic of railway vehicles in conformity with the regulations regulating safety in the railway transport
 3. by means of a declaration to possess the professionally fit staff for the jobs of transporting dangerous substances if the carrier is registered for performing the activities of transporting dangerous substance
 4. by means of a declaration to meet the conditions of a professional and health abilities of the personnel employed at the jobs of the management and escorting of the trains in the line with the railway transport safety regulations, and by means of the certificates on the enabled personnel in accordance with the regulations on safety at work and fire protection
 5. 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 decision to the railway carrier 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.

The safety solution is issued to a railway carrier to which it is addressed and it cannot be transferred to another carrier.

Article 6

The Safety Decision is issued to the time of 5 years, with the possibility of being extended at the request of the railway carrier.

With submitting an application for the licence extension, in the line with the par. 1 of this article, the railway carrier 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 a competent inspector or another authorized civil servant of the Ministry upon which he/she draws up a record.

Railway carriers are obliged, at the request of the Ministry, enable the control and review of the documents on the fulfilled conditions from the safety decision.

Article 8

If it is established, through the performed control and inspection supervision that the railway carrier to whom a safety decision has been issued does not fulfil the conditions prescribed by article 3 of this Rule Book, the Ministry will, based on the finding and opinion of a competent inspector or authorized civil servant, issue an order cancelling the safety decision.

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 carrier is obliged to proceed so.

If the carrier 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 order cancelling the safety decision.

Article 9

Against the order of the Ministry by means of which the safety decision is cancelled, the carrier may initiate an administrative dispute before a competent court.

Article 10

The provisions of this Rule Book are, in a corresponding way, applied also to the legal persons which perform the transport for the own needs, except at the part referring to the fulfilling the conditions from article 3, par. 1, item 1 of this Rule Book.

Article 11

The Ministry keep records on the issued safety decisions for performing the services in the railway transport.

CONCLUDING PROVISIONS

Article 12

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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AND DEVELOPMENT

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