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NB-RAIL COORDINATION GROUP RULES OF OPERATIONS

Version 12.0

This document defines the activities and rules of operations of the sectoral group of notified bodies defined in Article 44 of the Interoperability Directive (NB-Rail Coordination Group). NB-Rail Coordination Group has asked that this document is endorsed by RISC in order to validate that it is in line with the objectives of the Directive.



NB-RAIL COORDINATION GROUP

RULES OF OPERATIONS

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NOTE

This document has been drafted by an *ad hoc* task force composed by representatives of the following organisations:

- **NB-Rail Coordination Group:** the European coordination group set up by the Commission according to Article 44 of the Interoperability Directive (EU) 2016/797
- **The Agency:** the European Union Agency for Railways

The European Commission Directorate-General for Mobility and Transport provided comments that were taken into account in the present version of this document.

In the context of this document:

- “shall” indicates a requirement;
- “should” indicates a recommendation;
- “may” indicates a permission;
- “can” indicates a possibility or a capability.

Several informative NOTES *in italic* font can be found throughout the document.

This document can be:

- photocopied with black/white machines without any loss of information, and
- printed on A4 format paper, two sides.



1 REFERENCES AND DEFINITIONS

Table 1

Ref. N°	Title	Reference
1	Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union	OJ L 138, 26.05.2016
2	Commission Decision of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (2010/713/EU)	OJ L 319, 04.12.2010
3	Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004	OJ L 138, 26.05.2016
4	Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system	OJ L 235, 17. 09.1996

Table 2

Abbreviation, acronym	Meaning
The Agency	European Union Agency for Railways
CCS	ERTMS/Command Control and Signalling
Decision 2010/713/EU	Decision on railway modules , document 2 described in table 1
DG MOVE	European Commission Directorate-General for Mobility and Transport



Abbreviation, acronym	Meaning
EC	European Commission
ENE	Energy
ERTMS	European Rail Traffic Management System
INF	Infrastructure
IOD	Interoperability Directive, document 1 described in table 1
NB-Rail Coordination Group	Notified bodies coordination group
NoBo	Notified body under the IOD
Q&C	Question and Clarification
RFU	Recommendation for Use
RISC	The Railway Interoperability and Safety Committee as established by Article 21 of Council Directive 96/48/EC
RST	Rolling Stock
TSI	Technical Specification for Interoperability

2 INTRODUCTION

According to Article 44¹ of IOD, the Commission shall ensure appropriate coordination and cooperation between bodies notified under this Directive through the establishment of a sectoral group of notified bodies.

¹ Article 44 of the Interoperability Directive states:

“Coordination of notified bodies

The Commission shall ensure appropriate coordination and cooperation between bodies notified under this Directive through the establishment of a sectoral group of notified bodies. The Agency shall support the activities of notified bodies in accordance with Article 24 of Regulation (EU) 2016/796.

Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives.”



This coordination group is commonly known as NB-Rail Coordination Group and it will be referred to as such hereafter. In this framework, the Agency (according to Article 24² of Regulation 2016/796), assists the Commission in organizing and facilitating the cooperation of notified bodies for IOD. Representatives of RISC, European Commission and the Agency take part in the work of NB-Rail Coordination Group.

3 SCOPE AND PURPOSE OF THIS DOCUMENT

This document defines the activities of NB-Rail Coordination Group. The purpose of this document is to describe the:

- a. purpose and scope of the NB-Rail Coordination Group;
- b. tasks of NB-Rail Coordination Group;
- c. documents produced by NB-Rail Coordination Group;
- d. roles established in NB-Rail Coordination Group;
- e. work organisation and meeting arrangements in NB-Rail Coordination Group.

NOTE: This document does not describe and does not apply to the functioning of the ERTMS group as set up and chaired by the Agency (Article 29 of Regulation (EU) 2016/796) neither to its (of the ERTMS group) relations with NB-Rail Coordination Group.

4 TASKS OF NB-RAIL COORDINATION

The scope of NB-Rail Coordination Group is the conformity assessment procedures described in IOD including TSIs and Decision 2010/713/EU on railway modules. Therefore, NB-Rail Coordination Group has the following tasks:

² Article 24 of 2016/796 states:

“Support for notified conformity assessment bodies

1. The Agency shall support the activities of notified conformity assessment bodies as referred to in Article 30 of Directive (EU) 2016/797. That support shall include, in particular, the issue of drafting guidelines for assessing the conformity or suitability for use of an interoperability constituent as referred to in Article 9 of Directive (EU) 2016/797 and of guidelines for the ‘EC’ verification procedure referred to in Articles 10 and 15 of Directive (EU) 2016/797.
2. The Agency may facilitate cooperation between notified conformity assessment bodies, in accordance with Article 44 of Directive (EU) 2016/797, and may, in particular, act as the technical secretariat for their coordination group.”



- a. to discuss, draft and issue recommendations for use containing common understandings and best practices in line with the European legislation concerning EC conformity assessment or suitability for use of interoperability constituents and EC verification procedures;
- b. to discuss, draft and issue questions for clarification to be addressed to the European Commission;
- c. to discuss, draft and issue other documents to support the purpose of NB-Rail Coordination Group;
- d. to interface with other stakeholders.

5 OBLIGATIONS OF NOTIFIED BODIES

Notified Bodies shall ensure their participation to all activities of NB-Rail Coordination Group through their representatives as per their notification.

Notified Bodies shall:

- a. follow the provisions outlined in this document;
- b. be represented at the Plenary Meetings³;
- c. contribute to the subgroup activities;
- d. apply the approved RFUs;
- e. apply the answered Q&Cs.

Under specific circumstances described in a separate document, a NoBo may be represented by means of a proxy issued to a peer.

6 DOCUMENTS PRODUCED BY NB-RAIL COORDINATION GROUP

In order to address its purposes and tasks, NB-Rail Coordination Group issues:

- a. Recommendations for Use (RFU);
- b. Questions and Clarifications (Q&C), which shall be submitted to EC;

³ Refer to chapter 8 for the definition of Plenary, Strategy and Subgroup meetings



- c. Working Documents (WKD), which cover internal NB-Rail Coordination Group management processes;
- d. Any other document for public dissemination.

The above mentioned documents are intended to be part of a continuous improvement process aiming at supporting the evolution of the European railway sector legal framework.

6.1 RECOMMENDATION FOR USE (RFU)

An RFU is a document recording questions, doubts or concerns about a specific TSI content or some aspects regarding its application together with a common solution/interpretation. An RFU is never intended to change the text of a TSI or any other European legislation; it is only meant to provide a common understanding on relevant issues or parts of a legal text. The suggested solution must remain within the legal requirements set out by the relevant European legislation.

RFUs are documents of public domain and shall be made available free of charge on internet.

NB-Rail Coordination Group shall describe in a working document the internal procedure to approve an RFU.

An RFU enters into force once it is approved by the Plenary Meeting. Once approved by the Plenary meeting, NB-Rail Coordination Group forwards the RFU to EC and RISC for information and comments. These information and comments shall be taken into account in subsequent revisions of the RFU.

6.2 QUESTION AND CLARIFICATION (Q&C)

A Q&C is a document recording questions, doubts or concerns about legislation which cannot be solved internally within NB-Rail Coordination Group. A Q&C requires an external action, approval or input. The author of the Q&C shall describe the problem and, possibly, propose one or more solutions.

Q&Cs are documents of public domain and shall be made available free of charge on Internet.



NB-Rail Coordination Group shall describe in a working document the internal procedure to approve a Q&C.

Once approved by the Plenary meeting, NB-Rail Coordination Group forwards the Q&C to EC for follow up. The Q&C is updated with the official answer from EC and enters consequently into force.

6.3 WORKING DOCUMENTS

Working Documents (WKD) cover internal NB-Rail Coordination Group management processes. Working documents are not documents of public domain. They are approved by the Plenary meeting.

6.4 OTHER DOCUMENTS

The NB-Rail Coordination Group can decide to establish and approve other documents than listed above. These documents can be of public domain or for internal purpose only. Examples for these documents are guidelines, application guides, position papers or letters to other stakeholders.

7 ROLES

The roles established within the NB-Rail Coordination Group framework are the following.

7.1 Chairman

The chairman shall be a member of the personnel of a NoBo and is nominated by the Plenary Meeting. NB-Rail Coordination Group shall describe in a working document the internal procedure for nomination and term of the Chairman.

The main task of the Chairman is to represent NB-Rail Coordination Group towards all stakeholders. The Chairman shall ensure, amongst others:

- a. the correct overall development of the NB-Rail Coordination Group activities in collaboration with other stakeholders involved;



- b. that the provisions of the IOD and purpose and scope of NB-Rail Coordination Group, as defined in this document, are performed adequately by NB-Rail Coordination Group;
- c. the drafting, approval and subsequent follow up of relevant documents;
- d. that all NoBos are informed about NB-Rail activities (e.g. meetings, documents etc.)
- e. to duly report, if required by the EC, about participation in meetings.

In his/her functions, the Chairman is supported by the Technical Secretariat (§ 7.8). The Chairman has also special arrangements concerning reimbursement for participation in the Plenary Meetings; these arrangements are provided and managed by the Administrative Secretariat (§ 7.9).

7.2 Vice-chairman

The Vice-chairman shall be a member of the personnel of a NoBo and is nominated by the Plenary Meeting. NB-Rail Coordination Group shall describe in a working document the internal procedure for nomination and term of the Vice-Chairman.

The main task of the Vice-chairman is to support the Chairman in all his/her tasks.

The involvement of the vice-chairman depends on the delegations given to him/her by the Chairman. He can also deputize for the Chairman in case he/she cannot execute his/her duties.

In his/her functions, the Vice-chairman is supported by the Technical Secretariat (§ 7.8).

7.3 Subgroup leaders

Within NB-Rail Coordination Group, four subgroups are established in order to discuss topics related to: Infrastructure (INF), Energy (ENE), Rolling Stock (RST) and ERTMS/Command Control and Signalling (CCS). Each of these subgroups is led by a subgroup leader.

The subgroup leader shall be a member of the personnel of a NoBo. The main task of the subgroup leader is to represent the subgroup within NB-Rail Coordination Group and also



to external stakeholders. The subgroup leader shall co-ordinate the subgroup work, support the drafting of documents and follow-up.

NB-Rail Coordination Group shall describe in a working document the internal procedure for nomination and term of the subgroup leaders.

The subgroup leaders are supported by the Technical Secretariat in performing their tasks.

7.4 Notified bodies representatives

Each Notified Body shall appoint at least one representative who shall:

- a. participate to the Plenary meetings;
- b. openly share their experiences in conformity assessment procedures;
- c. actively participate in the NB-Rail Coordination Group activities related to its scope of notification (e.g. subgroup meetings);
- d. actively contribute to the different documents of NB-Rail Coordination Group.

7.5 Representatives of the European Commission

Within the NB-Rail Coordination Group activities, especially during the meetings, EC representatives should:

- a. actively participate in the Plenary Meetings and, to the extent required, also in the Strategy Meetings;
- b. provide regular information about the strategic view of the EC on the railway sector;
- c. provide comments on RFUs in due time during the approval process;
- d. inform the Plenary Meeting about the latest documents issued by the EC and the status of the Q&Cs;
- e. act as the interface between EC and NB-Rail Coordination Group, hence ensuring transparency and smoothness in NB-Rail Coordination Group operation;
- f. support the NB-Rail Coordination Group Chairman and Vice-chairman in informing RISC about specific matters.



7.6 Representatives of the Agency

Within the NB-Rail Coordination Group activities, especially during the meetings, representatives of the Agency should:

- a. actively participate in the Plenary, Strategy and subgroup meetings and other activities;
- b. actively and openly provide informal and timely advices and comments for the drafting of Q&Cs and RFUs;
- c. inform about the development of EU railway legislation, its implementation and especially on the documents produced by the Agency;
- d. facilitate the communication between NB-Rail Coordination Group and the Agency;
- e. facilitate the communication and the technical coordination between the European Standardisation Organisations and NB-Rail Coordination Group.

7.7 Member States representative

Member States representatives are invited as observers to the Plenary Meetings in order to facilitate the collaboration between the NoBos and Member States. They can inform the committee referred to in Article 21 of Council Directive 96/48/EC of the work carried out in the framework of the Coordination Group.

Member States' representatives may contribute to the process of drawing up RFUs and Q&Cs.

7.8 Technical Secretariat

The Technical Secretariat assists the Chairman and the Vice-chairman in the Plenary and Strategy Meetings, and subgroup leaders in the subgroup meetings.

The tasks of the Technical Secretariat are described within the service contract with DG MOVE. They include the following:

- a. prepare the agenda of the meetings, including providing the relevant meeting documents to the participants in due time;
- b. attend the meetings and assist the Chairman, the Vice-Chairman and the subgroup leaders during the development of the meetings;



- c. take notes during the meetings, prepare and distribute the minutes and ensure the appropriate follow up of the decisions taken.

The Technical Secretariat shall also file and organize all the relevant information and documentation in order to enable NB-Rail Coordination Group members to exercise and co-ordinate their activities as efficiently as possible. This task implies, amongst other, a storing structure, the use of templates and the management of the IT tools provided (namely, the relevant section of the CIRCABC web site and the NB-Rail Coordination Group website).

The Technical Secretariat is responsible for following up all documents (mainly RFUs and Q&Cs) between the different meetings and subgroups, storing them according to the storing structure, organizing the status of the documents and distributing them to the relevant people.

Technical Secretariat shall also interface with the Agency and EC representatives in order to keep updated the status of the issued documents.

7.9 Administrative secretariat

The Administrative Secretariat provides general logistics for the Plenary Meetings. The tasks of the Administrative Secretariat are described within the service contract with DG Growth.

8 NB-RAIL COORDINATION GROUP MEETINGS

To accomplish the tasks described in chapter 4, the following meeting organisation has been established within NB-Rail Coordination Group:

- a. Plenary meetings
- b. Strategy meetings
- c. Subgroup meetings for INF, ENE, RST and CCS



8.1 Plenary meetings

Plenary meetings are where final decisions are taken within the NB-Rail Coordination Group. Details are described in the appropriate working document.

All NoBos shall attend the Plenary Meetings; EC and representatives of the Agency should also participate to the Plenary Meetings. Member States' representatives are invited to participate to the Plenary Meetings.

Other roles proposed by the NoBos and approved by the Chairman can attend the Plenary meetings.

Plenary Meetings are organized by the Chairman in collaboration with the Administrative Secretariat and the Technical Secretariat. The Administrative Secretariat is responsible for the logistics of the meetings.

8.2 Strategy Meetings

Strategy meetings are meetings where all the documents are collected and organized in order to be presented to the Plenary meetings.

The Strategy meeting can also propose additional documents to the Plenary meetings covering topics transversal to all subgroups.

The following roles shall attend the Strategy meetings:

- a. Chairman;
- b. Vice-chairman;
- c. Subgroup leaders (or their delegated);

EC and Agency representatives are invited to attend the Strategy meetings.

Other roles proposed by the NoBos and approved by the Chairman can attend the Strategy meetings.

Strategy Meetings are organized by the Chairman in collaboration with the Technical Secretariat.

The Subgroups leaders attending the Strategy meeting shall report about their subgroup's activities.



8.3 Subgroup Meetings

The organisation of the subgroup meetings is independent from that of the other meetings, depending on the distribution of workload to the different subgroup members. Each subgroup shall state their internal rules in a document. The subgroup leader organizes and chairs the meetings according to the proposals made by the NoBos representatives and internal subgroup rules. Representatives of the Agency should attend the meetings.



9 MODIFICATION AND APPROVAL OF THIS DOCUMENT

Once approved this document may be modified only by the Plenary Meeting. This document has been approved by the following signatories:

Date: 09/11/2016

A handwritten signature in blue ink, appearing to read "C. Handel".

Christoph Handel
Chairman of
NB-Rail Coordination Group

Date 09/11/2016

A handwritten signature in blue ink, appearing to read "F. Parmentier".

Francis Parmentier
Vice-Chairman of
NB-Rail Coordination Group