



THE ROLE OF THE NOTIFIED BODY IN THE RAILWAY

Krzysztof Warmiński

■ The primary objective of the European Community is to ensure so the products covered by the free movement of goods meet high requirements for the protection of public interests in health and general safety, health and workplace safety, consumer protection, the environment and public safety, while ensuring that the free movement of goods is limited in extent not greater than it is allowed by the community harmonization legislation or other relevant community regulation. Therefore the regulations are established on the principles of accreditation, market surveillance, control of products manufactured in the EU and from third parties and their identification. Accreditation is a part of the general system covering conformity assessment and market surveillance, which serves to assess and to ensure conformity with applicable requirements in a specific area which is also railway. The purpose of the accreditation is to provide authoritative statement of the competence of the unit to perform activities of conformity assessment.

■ Therefore EU Member States notify to European Commission bodies previously authorized to perform activities of conformity assessment as the third parties. Notified body must be established

under national law and have legal personality. It must be the third party independent of organization or product it assesses. Basic requirements for conformity assessing bodies (notified) are defined in the Regulation by the European Parliament and of the Council No. 765/2008 of 9 July 2008 *setting out the requirements for accreditation and market surveillance relating to the marketing of products*¹ and the Decision of the European Parliament and of the Council No. 768/2008/EC of 9 July 2008 *on common framework for the marketing of products*². Tasks on accreditation and authorization in Poland are governed by the Act of 30 August 2002 *on conformity assessment system*³. Notified bodies must provide resources necessary to perform conformity assessment specified in the relevant directive in a competitive, transparent, neutral, independent and impartial manner. They must employ necessary personnel with sufficient and proper knowledge and experience, who will carry out conformity assessment pursuant to the provisions of the directive. Notified bodies must have also appropriate insurance covering their activities. There must be ensured confidentiality of information obtained during the assessment. Notified bodies must participate in the activities and processes in the field of European

standardization. To ensure impartiality the notified body and its personnel cannot be under any commercial, financial or other pressures, which might affect their judgment. The notified body must implement the relevant procedures to ensure that the external factors will not affect its activities. The structure of the notified body must ensure its impartiality.

■ The railway tasks and the role of the notified body is laid down in the new directive 2008/57/EC of the European parliament and of the Council of 17 June 2008 *on the interoperability of the rail system within the Community*⁴. On this basis Member States are obliged to provide the Commission and other Member States information about units responsible for carrying out the verification procedure for subsystems and conformity assessment procedure or suitability to use interoperability components, with indication of the responsibility scope of each body and identification numbers obtained previously from the Commission in the field of railway products. The European Commission publishes in the Official Journal of the European Union list of bodies, their identification numbers and areas of responsibility, and ensures that it is updated on its website⁵. Bodies

¹ DUUE L218 of 13.08.2008

² DUUE L218 of 13.08.2008

³ Dz. U. of 2010 No. 138 item 935 with amendments

⁴ DUUE L191 of 18.07.2008

⁵ http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=notification.pdf&dir_id=30&ntf_id=239281

⁶ Dz. U. of 2011 No. 230 item 1372 with amendments

⁷ Dz. U. of 2011 No. 102, item 586

⁸ DUWE L 181 of 9.07.1997

⁹ DUWE L 264 of 8.10.2009

¹⁰ DUWE L 165 of 30.06.2010

¹¹ DUWE L 157 of 9.06.2006

¹² DUWE L 213 of 7.09.1995

¹³ DUWE L 106 of 3.05.2000

¹⁴ DUWE L40 of 11.02.1989

that meet the assessment criteria laid down in the relevant European standards are deemed to meet these criteria. The directive on interoperability of the railway was implemented in the national law by the Act of 16 September 2011 *on amendment the act on rail transport*⁶, in January of this year. Three notified subjects are specified in the Polish legislation in the field of railway: notified inspection body, notified certification body and notified laboratory. *Notified inspection body is a subject responsible for verification of fulfillment of the conformity conditions or suitability for use of certified previously interoperability constituent or subsystem in order to determine the maintenance of their compliance with the essential requirements for interoperability of the rail system. Notified certification body is a subject responsible for the assessment of conformity or suitability for use of an interoperability constituent and in charge of verification procedures of EC subsystems. Notified laboratory is a subject responsible for performing examinations or measurements necessary to implement procedures of conformity assessment or suitability for use of interoperability*

*constituent and procedures of EC subsystems verification in order to determine compliance with the essential requirements for interoperability of the rail system. The current Act of 15 April 2011 amending the law on conformity assessment system*⁷ introduced definition of a conformity assessment body, coherent with the definition in the Regulation of the European Parliament and of the Council No. 765/2008, setting out that it is „*a body which performs conformity assessment activities including calibration, examination, certification and inspection*”. Confirming the idea that certification bodies, inspection bodies and laboratories in order to obtain notification may apply for authorization not exceeding the scope of the accreditation. The accreditation is consistent with the definition in the Regulation and means „*confirmation by the national accreditation body that a conformity assessment body meets requirements specified in harmonized standards and in the certain cases all additional requirements, including requirements defined in the relevant sector systems necessary to carry out specific activities related to conformity assessment*”. The amendment of

the Act on conformity assessment system took into consideration European requirements and currently there is no division among notified bodies: certification, inspection and laboratories. Division into certification, inspection bodies and laboratories remained defined at the level of accreditation.

■ In Poland there are six notified bodies under the directive on railway. An example of a competent and substantially prepared notified body is Transportowy Dozór Techniczny (TDT), which acts as a Notified Body No. 1468, in the scope of the directive on the interoperability of the rail system. It performs its tasks on the basis of the authorization granted by the President of the Office of the Rail Transportation as a certification body and as the only inspection body in Poland. TDT has also a notification in the scope of Directives: 97/23/EC on pressure equipment⁸; 2009/105/EC on simple pressure vessels⁹; 2010/35/WE on transportable pressure equipment¹⁰, 2006/42/EC on machinery¹¹, 95/16/EC on cranes¹², 2000/9/EC on cableways¹³ and 89/106/EEC on construction¹⁴.



■ Transportowy Dozór Techniczny (TDT) acts as a state legal person in accordance with the act of law of 21 December 2000 *on technical supervision*¹⁵. Technical supervision performed by the Transportation Technical Supervision are certain measures to ensure the safe operation of technical devices, that could pose a threat to human life or health, property and the environment as a result of: decompression of liquids or gases being under pressure different from the atmospheric, release of potential or kinetic energy by the movement of people or loads, in a limited range, spread of dangerous materials during their storage or transport.

■ Recently due to the amendment to the implementing regulations to the act on railway transport, Transportowy Dozór Techniczny has been included in the list as an *authorized unit* i.e. organizational unit authorized to perform tests necessary to obtain certificates of type approval for operation, in the Regulation of Ministry of Transport, Construction and Maritime Economy of 7 August 2012 *on certificates of type approval for operation*¹⁶.

■ Transportowy Dozór Techniczny performs also certification of: management systems, products, processes, technology, factory production control and performs the technical inspection of materials, elements of railway infrastructure (e.g. rails, railway sleepers, springy elements, etc.) and technical inspection of materials, parts and assemblies and components of rail transport.

■ In the described scope Transportowy Dozór Techniczny has certificates of accreditation issued by the Polish Centre of Accreditation:

- Accreditation certificate of inspection body – Accreditation No. AK 005;
- Accreditation certificate of testing laboratory – Accreditation No. AB 1141;
- Accreditation certificate for management systems certification body – Accreditation No. AC 111;

- Accreditation certificate for product certification body – Accreditation No. AC 126.
- Accreditation certificate for persons certification body – Accreditation No. AC 163.

■ Transportowy Dozór Techniczny has been cooperating for many years with companies in the rail sector in the EU Member States and beyond EU. In the scope of railway the suitability for use of interoperability constituents and subsystems are assessed in terms of safety, reliability and availability, health, environmental protection and technical compatibility. Certification performed by TDT in scope of railway includes **product certification**: interoperability constituents vessels and tanks mounted on vehicles, pressure vessels, cryogenic tanks, pipelines and pipeline components, metal fittings, flanges, couplings and joints, valves, diagnostics, operation and testing equipment, equipment for the construction and maintenance of railway, lifting equipment. **Certification of processes** is conducted for compliance with the requirements of standard PN-EN ISO 3834 *Quality requirements for welding of metallic materials* and standard PN-EN 15085-2 *Railway. Welding of railway vehicles and their components – Part 2: Quality requirements and certification of welding plants*.

■ TDT conducts **certification of factory production control** for system 2+ defined in the Regulation of the Minister of Infrastructure of 11 August 2004 *on ways of declaring the conformity of construction products and the method of marking them with a construction mark*¹⁷, introducing a Commission Decision No. 97/176/EC of 17 February 1997 *on the procedure for attesting the conformity of construction products pursuant to art. 20, paragraph 2 of Council Directive 89/106/EEC as regards structural timber products and ancillaries*¹⁹ as required by the standard: PN-EN 13145 *Railway. Track. Wooden sleepers and crossing timber* and implementing Commission Decision No. 98/214/EC of 9 March 1998 *on the procedure for attesting the conformity of*

*construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards structural metallic products and ancillaries*¹⁹ as required in standard **PN - EN 1090 - 1** *Execution of steel and aluminum structures. Part 1: Requirements for conformity assessment of structural components*. In terms of this standard TDT has also notifications in the field of the construction directive. Products manufactured in conformity with this standard are widely used in railway especially in the area of energy infrastructure: traction poles and gates, construction elements of platform umbrella roof and roof structure of constructed and modernized railway stations.

■ Transportowy Dozór Techniczny carries out also **certification of technology** for welding, pressure welding, plastic processing and heat treatment. In terms of people, TDT is performing **competence certification** of non destructive testing personnel in the rail sector in accordance with PN-EN 473 *Non-destructive testing – Qualification and certification of NDT personnel – General principles* and welders in accordance with PN-EN 287-1 *Qualification test of welders – welding – Part 1: steels*, as well as PN-EN ISO 9606-2 *Qualification test of welders – welding – Part 2: Aluminum and aluminum alloys*; thermite welders according to EN 14730-2 and operators of welding equipment and welding resistance setters for fully mechanized and automatic metal bonding in accordance with PN-EN 1418.

■ Transportowy Dozór Techniczny certifies management systems for compliance with the requirements of standards PN-EN ISO 9001 *Quality Management Systems*, PN-EN ISO 14001 *Environmental Management Systems* and PN-N 18001 *Occupational health and safety management systems* and PN-EN 12798 *Quality system for transport – road transport, rail and inland waterways – the quality system requirements*, supplementary to EN ISO 9001 *on safety in the transport of dangerous goods*.

¹⁵Dz. U. of 2000 No. 122 item 1321 with amendments

¹⁶Dz. U. of 2012 item 919



■ It should be noted that the new editions of the Technical Specifications for Interoperability (TSI) more and more often refer to European standards, needed for a detail assessment of the product, so that the ongoing certification on conformity with requirements of these standards and conditions set out in TSI fulfill essential requirements for the interoperability of the rail system. The main barrier are national technical requirements in different EU countries. Until they are consistent with the European requirements they will cause lengthening the time of approving products and services in each country separately.

■ Transportowy Dozór Techniczny carries out also technical acceptance inspection in the field of railways, such as wood and concrete sleepers, rail fastening components to the sleepers, steel products, parts and assemblies for rolling stock (axles, wheels, wheel sets, suspension springs, springs, buffing and draw gears, brake parts, items of rolling stock, etc.). TDT performs technical inspection for German railways Deutsche Bahn (DB), for the Austrian railways (ÖBB) and others in Poland and abroad: the elements of the rail vehicle body, bo-

ogie frames, complete wheel sets, wheels, axles, buffing and draw gears, components for brake systems. TDT offers for railways and rail transport (such as underground and tram) verification of the technical documentation of ordered rolling stock; supervision of the construction of vehicles; technical inspection of whole vehicles; inspection of elements for the

construction of vehicles, such as brake fittings; bodies; frames, etc.; carts, wheel sets, axles, wheels, bearings, bumpers and screw couplers; steel products for railway rolling stock and railway tracks.

■ Complete implementation of the new European law in the field of interoperability in all European countries at a similar level will allow Polish manufacturers and service providers to increase their chances to enter foreign markets with their products. Observing rules and principles set out and included in the notification principles will result in full liberalization across the EU as well as in this special field as railway is. Introduction of the supranational regulations should allow to overcome barriers and thus allow Polish manufacturers and service providers to appear on European markets.

■ A chance for entering European markets by our manufacturers and service providers is the quality of products and services and the competence of the units assessing them such as Transportowy Dozór Techniczny, which is a notified body recognized by the European and national authorities.



Transportowy Dozór Techniczny

ul. Chałubińskiego 4
00-928 Warszawa
tel. + 48 22 490 29 02
fax: + 48 22 830 00 62
info@tdt.pl, www.tdt.pl