Republic of Latvia

Cabinet

Regulation No. 67

Adopted 14 February 2023

**Regulations Regarding the Rolling Stock Units Not to Be Registered in the European Vehicle Register and the Procedures by Which the State Railway Technical Inspectorate Authorises the Use of Such Rolling Stock Units**

*Issued pursuant to*

*Section 36.1, Paragraph 4.1 of the Railway Law*

1. The Regulation prescribes the types of rolling stock units not to be registered in the European Vehicle Register (hereinafter – the units not to be registered), the requirements for them, and also the procedures by which the State Railway Technical Inspectorate (hereinafter – the Inspectorate) authorises the use of such rolling stock units.

2. The types of the units not to be registered shall be as follows:

2.1. heritage railway rolling stock;

2.2. rolling stock which does not move as a train and is not intended to be detected by means of the traffic management system:

2.2.1. drivable self-propelled cars;

2.2.2. rail cranes;

2.2.3. track repair equipment;

2.2.4. machines and devices which move or are able to move by rail due to their technical features:

2.2.4.1. shunting equipment;

2.2.4.2. combined road-rail transport;

2.2.4.3. demountable machines;

2.2.4.4. trailers;

2.2.4.5. mobile work platforms.

3. Shunting equipment shall be constructed and designed for shunting within a closed territory.

4. Combined road-rail transport shall constitute a road vehicle adapted for moving also along rail or a specially constructed rolling stock unit which can also move on motor roads. Such transport may have restrictions on use, including use on public motor roads.

5. Demountable machine can only move and work on a railway track. The demountable machine can be placed on a track by technical means of the machine itself or other lifting equipment.

6. A trailer shall constitute a machine which is not self-propelled and which is intended for moving on a track on rail wheels, and on which equipment for servicing railway infrastructure is mounted or not.

7. A mobile work platform shall be intended for lifting persons in an operating position so that persons would step on and off the work platform in one specific access position. The mobile work platform shall consist of at least a work platform with controls, a lifting structure, and a chassis with rail wheels.

8. The units not to be registered shall meet the following requirements:

8.1. general requirements for safety and operational capacity:

8.1.1. design, manufacture and assembly, maintenance and supervision of the elements affecting safety shall guarantee such safety which corresponds to the objective of the rail network, including the operation in degraded situations;

8.1.2. wheel-rail contact parameters shall conform to the stability requirements required in order to guarantee safe movement at the maximum authorised speed. While moving at the maximum authorised speed, the parameters of brake equipment shall provide a possibility to stop within a specified brake distance;

8.1.3. the elements used shall withstand any normal or exceptional operational load throughout the entire service life. The safety repercussions of any accidental failures are limited appropriately;

8.1.4. design of the unit not to be registered has been created and the materials to be used have been selected so that the generation, propagation, and effects of fire and smoke are limited in the event of fire;

8.1.5. any devices shall be designed so as not to impair the safe operation of such devices or the health and safety of staff if they are used in a foreseeable manner safeguarding against erroneous use;

8.1.6. supervision and maintenance of the units not to be registered shall be organised, carried out, and evaluated in such a manner as to ensure operation thereof under the intended conditions;

8.2. general requirements for health protection:

8.2.1. it is prohibited to use in the units not to be registered the materials which, when used for the intended purpose, constitute a health hazard to the persons having access to them;

8.2.2. materials shall be selected, deployed, and used in such a way as to restrict the emission of harmful or dangerous fumes or gases, particularly in the event of fire;

8.3. general requirements for environmental protection:

8.3.1. materials not causing fumes or gases which are harmful or dangerous to the environment, particularly in the event of fire, shall be used in the unit not to be registered;

8.3.2. the units not to be registered shall be designed and manufactured in such a manner as to be electromagnetically compatible with the installations, equipment, and public or private communication systems with which they might interfere;

8.3.3. the units not to be registered shall be created and used in such a manner as not to cause inadmissible level of noise;

8.3.4. operation of the units not to be registered under normal maintenance conditions shall not give rise to an inadmissible level of ground vibrations for the areas close to the tracks which interfere with the performance of other activities.

9. The requirements of Paragraph 8 of this Regulation shall be considered met if the relevant requirements of the standards applicable to the railway equipment are applied.

10. Conformity to the requirements of Paragraph 8 of this Regulation shall be attested by the manufacturer’s declaration of conformity which is based on the relevant technical documentation.

11. If the manufacturer’s declaration of conformity is not available, conformity to the requirements of Paragraph 8 of this Regulation may be attested by an assessor’s report on the application of the common safety method for risk assessment in accordance with Commission Implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009 (hereinafter – Regulation No 402/2013) which is based on the evaluation of the conformity of technical characteristics of the units not to be registered.

12. A natural or legal person who uses the unit not to be registered within the rail system (hereinafter – the user) shall prepare an operational manual for the unit not to be registered indicating conditions for and restrictions on the operation thereof and also the repair and maintenance requirements.

13. The user of the unit not to be registered shall provide the unit not to be registered with a labelling identifying the unit not to be registered and user thereof and specifying restrictions on the use, maximum transportation speed, and maximum speed in operating mode.

14. The user of the unit not to be registered shall consider safe inclusion of the unit not to be registered in the safety management system of the user or the established system which is capable of ensuring operation thereof in the relevant field of commercial activity in the railway sector by complying with the Railway Technical Operations Regulations and applying Regulation No 402/2013.

15. In order to obtain an authorisation for use of the unit not to be registered, the user thereof shall submit a submission to the Inspectorate identifying the unit not to be registered and intended use thereof. The submission shall be accompanied by the following:

15.1. the documentation indicated in Paragraph 10 or 11 of this Regulation;

15.2. the documentation indicated in Paragraphs 12 and 14 of this Regulation;

15.3. results of the checks carried out in the railway infrastructure (if any).

16. The Inspectorate shall evaluate the documentation referred to in Paragraph 15 of this Regulation in order to verify completeness of the documentation and conformity thereof to the requirements of this Regulation.

17. The user of the unit not to be registered shall present to the Inspectorate the unit not to be registered in operating mode and transportation condition at the time and place agreed in advance. The Inspectorate shall examine operational capacity of the unit not to be registered and the labelling referred to in Paragraph 13 of this Regulation.

18. If checks need to be carried out in the railway infrastructure prior to obtaining the authorisation for the use of the unit not to be registered, the user of the unit not to be registered shall prepare a programme of checks and carry out the checks in the railway infrastructure in cooperation with the railway infrastructure manager.

19. If the unit not to be registered conforms to the requirements of this Regulation, the Inspectorate shall issue the authorisation for the use of the unit not to be registered indicating the following:

19.1. the user of the unit not to be registered;

19.2. the manufacturer of the unit not to be registered;

19.3. the identification of the unit not to be registered;

19.4. the conditions for and restrictions on the use.

20. If, when performing monitoring during operation of the unit not to be registered in accordance with the requirements of the Railway Law, the Inspectorate establishes that the unit not to be registered does not conform to any of the applicable essential requirements, the Inspectorate shall apply temporary safety measures, including restricting or prohibiting the use of the unit not to be registered.

21. In case of any changes to the information indicated in the authorisation referred to in Paragraph 19 of this Regulation, the user of the unit not to be registered shall submit to the Inspectorate a submission for obtaining a new authorisation accompanied only by such documents which contain the changes. When issuing the new authorisation, the Inspectorate shall take into account the documents submitted and checks carried out previously.

22. The rolling stock units of the types referred to in Paragraph 2 of this Regulation which are permitted to be used in accordance with Cabinet Regulation No. 374 of 9 June 2020, Regulations Regarding Railway Interoperability, until the moment of coming into force of this Regulation may be used without obtaining the authorisation referred to in Paragraph 19 of this Regulation.

Prime Minister A. K. Kariņš

Minister for Transport J. Vitenbergs