

## The One-Stop Shop Terms of Use

The One-Shop Stop (OSS) is an information and communications system developed and maintained by the European Union Agency for Railways (ERA) pursuant to Article 12 of [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<sup>1</sup> \(the Agency Regulation\)](#). The technical and functional specifications of the OSS have been adopted by the [ERA Management Board Decision No 178](#) (the Specifications) which also govern these Terms of Use where relevant.

The use of the OSS is mandatory for submitting and managing applications and related files for:

- authorisations for the placing on the market of vehicles and vehicle types, as well as for placing in service of trackside control-command and signaling subsystems (ERTMS trackside approvals) in accordance with 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<sup>2</sup>, and the practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process<sup>3</sup>
- single safety certificates in accordance with Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety<sup>4</sup> and the practical arrangements for issuing single safety certificates to railway undertakings<sup>5</sup>.

These Terms of Use are binding for any user of the OSS. By signing up and using the OSS functionalities<sup>6</sup>, you accept automatically and irrevocably these Terms of Use. Please read them carefully before the first use of the OSS.

The Agency reserves its right to amend these Terms of Use from time to time following an exchange of views with the national safety authorities and with a prior notice to all registered users of thirty days. Users will be bound by the amended Terms.

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<sup>1</sup>OJ L 138, 26.5.2016, p. 1.

<sup>2</sup>OJ L 138, 26.5.2016, p. 44.

<sup>3</sup> Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66).

<sup>4</sup>OJ L 138, 26.5.2016, p. 102.

<sup>5</sup> Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (OJ L 129, 25.5.2018, p. 49).

<sup>6</sup> In accordance with the OSS User Guide available on the ERA website.

## 1. OSS functionalities

Pursuant to Article 12 of the Agency Regulation and to the Specifications, the OSS functionalities include:

- a) A **single entry point** through which the applicant shall submit its application files for type authorisation, vehicle authorisations for placing on the market and single safety certificates.
- b) A **common information exchange platform**, providing ERA, the national safety authorities and the applicants with information about applications they are concerned by, for the purposes of vehicle authorisations, safety certifications and approvals of ERTMS trackside projects, stages of these procedures and their outcome, and, where applicable, the requests and decisions of the Board of Appeal.
- c) An **early-warning system** able to identify at an early stage the needs for coordination between decisions to be taken by national safety authorities and ERA in the case of different applications requesting similar authorisations or single safety certificates.
- d) A seamless **integration mechanism with relevant ERA registers**.

In addition to the legal requirements, the following technical and functional requirements are also implemented to make the OSS a useful and efficient tool for all users as:

- a) A single entry point through which the applicant may request pre-engagement.
- b) An interface with the ERA enterprise system (Stakeholder Relationship Management – SRM) for identity management.
- c) A service-oriented design for the infrastructure and software components, allowing integration of the national safety authorities' IT platform with the OSS.
- d) An interface with the ERA enterprise system for project and program management (Microsoft Project).
- e) The functionality to support processes internal to ERA for assessing the application files. This functionality is also made available to all interested national safety authorities without limitation.

The OSS satisfies the following conditions:

- a) only authorised users may have access to documents transmitted through it in relation to each specific application;
- b) only authorised users may transmit a document through the OSS;
- c) authorised users are identified through the OSS by established means;
- d) the time and date of documents uploaded in OSS are determined precisely;
- e) the integrity of documents is preserved;
- f) the availability of documents is preserved;
- g) where appropriate, the confidentiality of documents is preserved

## 2. Pre-requisites for using the OSS

In order to access the functions of the OSS, you need to have:

1. A stable internet service;
2. An updated Google Chrome or Mozilla Firefox browser. Using other internet browsers might result in poor performance or errors.
3. A valid email address that will be used at registration stage for the creation of an account.

The service hours of OSS are Monday to Friday, from 08:00 to 18.00 Central European Time (CET), with the exception of ERA's public holidays. The target system availability within the service hours is 99%.

### 3. Who is authorised to use the OSS

Access to the OSS is reserved solely to ERA and to persons working on its behalf, national safety authorities of the European Economic Area and Switzerland and to persons working on their behalf and, applicants either for type authorisations, vehicle authorisations for placing on the market, single safety certificates, approvals of ERTMS trackside projects pursuant to [Directive \(EU\) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety](#) and [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](#) or to third parties contracted under the full responsibility of the above mentioned.

An applicant is an organisation represented by one or more natural persons in the OSS authorised and empowered by the organisation to file and manage an application in the OSS on its behalf. The application may be shared among several persons within the organisation under its full responsibility.

The applicant's user account is personal and requires credentials, as chosen by the user, in order to be accessed and used. ERA does not perform any check as to the powers of a natural person to represent the organisation on behalf of which such person acts. ERA cannot be held liable for the consequences of acts done or not done by a user on behalf of an organisation.

ERA reserves the right to deactivate user account(s) who do not comply with these Terms of Use or, whose profile does not correspond to any of the aforementioned types of users. Similarly ERA may have to suspend or deactivate users' account(s) in case of conflicting requests in OSS for a same organisation or in case of claims from some organisations concerning acts performed on their behalf by some users.

In case of fraud or other similar abuses of the OSS, ERA reserves the right to file a complaint with competent national authorities or to proceed before competent national courts. In such cases, the user(s) concerned shall indemnify ERA for and keep it harmless from any adverse consequences resulting from their wrong doings.

**4. What users can do when using the OSS**

| User                        | Can  |
|-----------------------------|--|
| Applicants                  | <ul style="list-style-type: none"> <li>• Create an applicant user account and provide access rights to the application file(s) and other documents they upload in the OSS (based on email addresses).</li> <li>• Create and submit applications for type authorisations, vehicle authorisations for placing on the market, single safety certificates, approvals of ERTMS trackside projects, being solely responsible for any document(s) uploaded in the OSS.</li> <li>• View the progress status of the assessment.</li> <li>• Retrieve contact information (where applicable) from the authorities concerned with the assessment.</li> <li>• Reply to issues identified by or requests from the authorities concerned with the assessment of their application(s).</li> <li>• Update their application files on request of the authorities.</li> <li>• Receive notifications from the system, e.g. the acknowledgement of completeness of their files, the decision to issue the authorisation, certificate or approval.</li> <li>• Receive and read the decision on their application, including the final assessment report.</li> <li>• Download a copy of their application file(s) and all documents related to the assessment of their application(s).</li> <li>• Receive the invoice(s) of the fees and charges related to the assessment of his/her application(s).</li> <li>• Terminate an application at any time.</li> </ul> |
| National safety authorities | <ul style="list-style-type: none"> <li>• Assign users to specific applications.</li> <li>• View and upload information relevant for the assessment of an application such as reports or opinions, when applicable.</li> <li>• Communicate through the system with other users by identifying and managing issues during the course of the assessment, when applicable.</li> <li>• Manage the dashboard of the project for the part(s) of the assessment they are responsible for.</li> <li>• Submit their assessment report.</li> <li>• View reports of other authorities concerned, when applicable.</li> <li>• Prepare a decision and submit it to the applicant when the NSA is acting as issuing entity</li> </ul>   |

| User | Can   |
|------|---|
| ERA  | <ul style="list-style-type: none"> <li>• Assign users to specific applications when ERA is acting as issuing entity.</li> <li>• View and create information relevant for the assessment of an application such as reports.</li> <li>• Communicate through the system with other users by identifying and managing issues during the course of the assessment.</li> <li>• Manage the dashboard of the project for the part(s) of the assessment they are responsible for.</li> <li>• Submit their assessment report.</li> <li>• View reports of other authorities concerned.</li> <li>• Prepare a decision and make it available to the applicant when ERA is acting as issuing entity</li> <li>• ERA being responsible for the administration of the OSS, administrators have access to functions that ensure the system operations in agreed standards, can view logs and help with the troubleshooting in case of system malfunctions. They may also monitor the system performance and functions as the system backup as well as import/export data.</li> <li>• Provide service desk assistance to all users for troubleshooting.</li> </ul> |

As a user, by using the OSS, you agree and accept without any reservation to:

- *Have the right to use OSS in accordance with applicable legislation and these Terms of Use*
- *Assume the legal consequences of your acts as user and being solely liable therefore*
- *Comply with the restrictions and obligations stemming from the EU legislation and national civil, administrative and criminal legislation applicable to you.*
- *Use the system only for the purpose for which it has been designed.*
- *Refrain from signing up to OSS for any purpose other than those described in the applicable EU railway legislation and these Terms of Use.*
- *Avoid introducing fake content of any type in the OSS.*
- *Avoid introducing malicious content of any type.*
- *Acknowledge reception and knowledge of content and all information uploaded and available in OSS.*
- *Respect the applicable EU and national legislation on personal data protection and national legislation on confidentiality.*

ERA cannot be held liable for any act or omission, including assessments carried out and decisions taken by a natural person on behalf of any national safety authority, whether such natural person is authorised or not to submit and upload such act, assessment or decision.

ERA reserves its right to proceed before the competent courts or authorities for non-compliance of users with the applicable legislation and/or these Terms of Use.

Except in the frame of a request for review of a decision or following an appeal to a Board of Appeal made by the applicant in accordance with the applicable legislation, ERA is not entitled to modify or withdraw any assessment and/ or decision uploaded in the OSS by its staff of or by a person working on behalf of a national safety authority.

## 5. Intellectual property rights and confidentiality

The OSS facilitates the assessment of applications, without prejudice to the required confidentiality level of the information it contains. All data managed in the OSS are considered sensitive and restricted to the authorised users only, as they contain information of commercial interest and value.

Neither ERA nor the national safety authorities have any ownership rights over either the original documents or their copies or the content of these documents. The OSS is solely hosting these copies. Electronic copies, any document uploaded in the OSS, information in any document and copies and the original documents are intellectual property of the person or entity who issued them. However all documents uploaded in the OSS will remain unchanged in the OSS and archived by ERA in accordance with applicable legislation. None of such documents will be returned to the users.

To the extent permitted by their respective applicable legal framework, in particular on public access to documents, all users of OSS undertake to treat in the strictest confidence and not to divulge to third parties any sensitive documents and content of documents available in OSS.

Without prejudice to their respective applicable legal framework, ERA and the NSAs of the EEA and Switzerland shall promptly inform and may consult each other in case of any request raised to ERA and/or the NSA for access to documents and/or content of documents and/ or information available in OSS. The users shall also inform each other of their decisions regarding the request to access said documents and/or content of documents and/or information available in OSS.

Neither ERA nor any NSA of the EEA and of Switzerland have any power or right to distribute further any document, and information received through OSS to any party. Nevertheless, ERA is subject to the requirements of [Regulation \(EC\) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents](#) and NSAs are subject to their obligations stemming from their national law on access to documents.

In case a NSA receives a request to o a document to which it has access in OSS and such document originates from ERA, it shall apply article 5 of Regulation (EC) 1049/2001.

In case an NSA receives a request to access a document to which it has access in OSS and such document does not originate from ERA, it shall apply its relevant national legal framework.

In case ERA receives a request to access a document to which it has access in OSS and such document originates from an NSA, it shall apply Regulation (EC) 1049/2001, in particular article 4(5) thereof.

In case ERA receives a request to access a document in OSS but a NSA is acting as issuing authority (in which case ERA does not have access to it), ERA shall promptly pass such request to the NSA who shall reply to it according to its national law governing access to documents.

If ERA receives a request to access a document to which it has access in OSS and such document originates from a user other than ERA and a NSA, it shall apply Regulation (EC) 1049/2001, in particular article 4(4) thereof.

Assessment reports, opinions, the content of such reports and opinions, documentation and any content related to the assessment of an application are all considered to be ownership of the legal person on behalf of whom the content/report has been produced.

## 6. Protection of personal data submitted in the OSS

Any user must read and accept the privacy statement before signing up to OSS.

ERA is bound to process the personal information in the OSS in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation \(EC\) No 45/2001 and Decision No 1247/2002/EC.](#)

When processing personal data, the NSAs of the European Economic Area and Switzerland as well as applicants are subject to [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.](#)

## 7. Force Majeure

Force majeure shall mean any unforeseeable and exceptional situation or event beyond the control ERA which prevents or delays either of them from performing any of their obligations related to the OSS, which was not due to error or negligence of ERA, and which could not have been avoided by the exercise of due diligence. Defects in equipment or material internal labour disputes, strikes or financial problems cannot be invoked as force majeure unless they stem directly from a relevant case of force majeure.

If either of the users is faced with force majeure, it shall notify to the users without delay by any acceptable means of communication, stating the nature, likely duration and foreseeable effects. ERA shall not be held in breach of its obligations hereunder if it has been prevented or delayed from performing them by force majeure. The users shall take the necessary measures to reduce damage to a minimum.

ERA aims to minimise disruption of the OSS caused by technical failures or other unforeseen circumstances. However, ERA cannot guarantee that the OSS will not be interrupted or otherwise affected by any technical problem or other circumstances. ERA will bear no liability with regard to such problems if caused by force majeure.

## 8. Applicable law and competent court

These Terms of Use shall be governed by the European Union law supplemented where necessary by the national substantive laws of France.

For any dispute between one or more users and ERA which is related to the development, management and operation of the OSS, the Court of Justice of the European Union (CJEU) is the sole competent court.

Any claim against ERA must be addressed to:

The General Court of the European Union

Postal Address

L-2925 Luxembourg

<http://curia.europa.eu/>

It is also possible to complain against ERA to the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the Decision of the European Parliament of 9 March 1994 on the regulations and the general conditions governing the performance of the Ombudsman's duties (Official Journal of the European Union, L 113 of 4 May 1994):

European Ombudsman

1, Avenue du Président Robert Schuman – CS 30403

FR – 67001 Strasbourg Cedex

<http://www.ombudsman.europa.eu>

Any dispute between one or more users other than ERA is to be dealt with at national level according to the applicable national legal framework(s).

## **9. Contact details**

In case of questions and technical issues related to OSS, please contact the ERA Service Desk by sending an email to [servicedesk@era.europa.eu](mailto:servicedesk@era.europa.eu).