

European Railway Agency: new tasks

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The European Parliament adopted the report by Paolo **COSTA** (ALDE, IT) making some amendments to the proposal amending Regulation (EC) N° 881/2004 establishing a European Railway Agency.

The main amendments are as follows:

Working parties: for drawing up certain recommendations, the Agency shall establish a limited number of working parties. These working parties shall take as a basis, on the one hand, the expertise built up by professionals from the railway sector, in particular the experience gained by the European Association for Railway Interoperability (AEIF), and, on the other hand, the expertise of the competent national authorities. The Agency shall ensure that its working parties are competent and representative and that they include adequate representation of those sectors of industry and of those users affected by measures which might be proposed by the Commission on the basis of the recommendations addressed to it by the Agency. The work of the working parties shall be carried out in a transparent manner. Whenever the work provided for in the relevant provisions has a direct impact on the working conditions and the health and safety of workers in the industry, representatives from the workers' organisations shall participate in the relevant working parties.

National safety rules: as important differences between Member States exist between infrastructures and rolling stock, MEPs believe that special attention should be made on safety clearance for infrastructure and rolling stock. They propose that, initially, the Agency shall identify and compare the differences between Member States regarding safety clearance for infrastructure and rolling stock. For the purposes of such work, a working party shall be set up and the involvement of stakeholders and the social partners shall be secured. Before 1 January 2010, the Agency, after consultation with the national safety authorities, shall propose solutions to reduce the number and the scope of the national rules relating to the classification of rolling stock in Group B. Moreover, as from 2015, and in cooperation with national competent safety authorities, the Agency shall be entrusted with the task of granting authorisations for placing in service vehicles conforming to TSIs.

Technical opinions: the Agency may be requested, by an applicant, to provide a technical opinion on a negative decision which has been taken by a safety authority as regards the granting of a safety certificate or a safety authorisation pursuant to Articles 10 and 11 of Directive 2004/49/EC. The Agency may be called upon to provide a technical opinion on the application of the appropriate version of ERTMS system. At the request of a railway undertaking, an infrastructure manager or supplier, the Agency shall provide a technical opinion on which version of the ERTMS system specifications should apply.

Relationship between vehicle keepers and railway undertakings: within a period of 1 year for wagons and 2 years for other vehicles, from the date on which this Regulation enters into force, the Agency shall assess the relationship between vehicle keepers and railway undertakings with regard to maintenance. Within the same period, the Agency shall send to the Commission a report setting out, if necessary, recommendations on the implementation of a mandatory system of certification for vehicle keepers. The Agency's recommendations shall

cover in particular the following aspects: i) the content and the specifications of a mandatory and mutually recognised system of certification for vehicle keepers; ii) the type of certification bodies in charge of implementing a mandatory system with national safety authorities or notified bodies in accordance with the provisions of Directive 2004/49/EC; iii) the technical and operational inspections and controls to be carried out by the authorities of Member States; iv) whether the keeper is capable, from the point of view

of organisation, staff and equipment, of ensuring the maintenance of the types of vehicle which the keeper manages and of assuming the responsibilities of a contracting entity where new vehicles and subsystems are ordered or vehicles and subsystems are to be upgraded or renewed, in accordance with the Interoperability Directive; v) whether a condition relating to insurance should be introduced in the specifications of the certification system.

European register: the Agency shall set up and keep a European Register of authorised types of vehicle. This register shall include the types of rail vehicle authorised by Member States and shall be accessible electronically. Member States shall inform the Agency regularly of any authorisations granted or suspended.

Staff: the Agency's staff may include temporary employees recruited by the Agency, for a maximum of five years, from professionals in the sector on the basis of their qualifications and experience in the field of railway safety and interoperability.