

Rail transport: interoperability of the Community rail system. Recast

2006/0273(COD) - 11/12/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the proposal for a on the interoperability of the Community rail system. Based on the report drafted by Josu **ORTUONDO LARREA** (ALDE, ES), it approved the Commission's proposal, subject to several amendments. The text adopted in plenary was the result of an agreement negotiated with the Council.

The main elements of the compromise were as follows:

Objective and scope: all the provisions of Directive 2004/49/EC (the Safety Directive on authorisation of vehicles) that are already in use are transferred to the Interoperability Directive. As a result, the directive applies to all existing rolling stock.

Member States may exclude from the measures they adopt in implementation of the Directive: (a) metros, trams and other light rail systems;(b) networks that are functionally separate from the rest of the railway system and intended only for the operation of local, urban or suburban passenger services, as well as railway undertakings operating solely on these networks; (c) privately owned railway infrastructure and vehicles exclusively used on such infrastructure that exist solely for use by the owner for its own freight operations; (d) infrastructure and vehicles reserved for a strictly local, historical or touristic use.

Vehicles: Parliament introduced a new definition of "vehicle" which means a railway vehicle suitable to circulate on its own wheels on railway lines, with or without traction. A vehicle is composed of one or more structural and functional subsystems or parts of such subsystems.

Technical specifications for interoperability (TSIs): when developing new TSIs the aim should always be to ensure compatibility with the existing authorised system. The text states that if certain technical aspects corresponding to the essential requirements cannot be explicitly covered in a TSI, they are identified in an Annex to the TSI as "open points'. When a TSI conform vehicle has already been authorised in one Member State, additional authorisations should only consider those open points that relate to the technical compatibility between the vehicle and the network. The list of parameters to be checked in conjunction with the placing in service of non TSI conform vehicles is a key element in order to achieve interoperability of railway systems, in particular with regard to existing vehicles. This list takes into account experience across a limited number of networks. Therefore, the European Railway Agency will review the parameters in Annex VIa and make the recommendations it considers appropriate to the Commission. Moreover, TSI will be revised at regular intervals. However, when critical errors are discovered, an ad hoc rapid procedure will be set up in such a way that a provisional corrigendum is first agreed in the context of the Committee and then published by ERA. This will allow an earlier use of this corrigendum by all stakeholders, pending a formal revision of the TSI by the Commission.

Authorisation procedure: the draft directive establishes an authorisation procedure for placing in service which will apply to existing or new rolling stock, whether these conform to the TSIs or not. Members aimed to simplify and clarify the procedures for authorising vehicles, based on the following four principles:

(1) the general principle that one authorisation is sufficient for the whole Community rail network;

(2) the procedure for authorising vehicles which are TSI conform should be simpler and quicker than in the case of non TSI conform;

(3) the principle of mutual recognition should be applied as far as possible: when a vehicle has already been placed in service in one Member States, other Member States should not invoke national rules for imposing unnecessary requirements and redundant verifications, unless these are strictly necessary for verifying technical compatibility of the vehicle with the relevant network. To this end national rules should be classified and compared according to a check-list in order to determine to which extend national rules can be declared as equivalent in terms of requirements, performances and safety;

(4) the principle of legal certainty of the outcome of the procedure will be pursued. To this end in the absence of a decision of a national safety authority in the prescribed time limits an applicant should be authorised to place in service a vehicle. Such an authorisation would only be possible if the vehicle has already been authorised in another Member State. In addition the use of such a vehicle would only be possible by a railway undertaking or by an infrastructure manager duly certified according to the railway safety directive, and under their full responsibility.

Furthermore, with a view to facilitating the placing in service of vehicles and reducing the administrative burden, a procedure for authorisation of vehicle types is added.

Registers of network and vehicles: any vehicle placed in service in the Community rail system shall carry a European vehicle number (EVN) assigned when the first authorisation of placing in service was issued. The compromise text states that each Member State shall keep a National Vehicle Register (NVR) of the rail vehicles authorised in its territory. In addition, the Agency will set up and keep a register of types of rail vehicles authorised by the Member States for placing in service on the European Community's rail network. That register shall be public and accessible to everyone electronically. Each Member State shall ensure that a register of infrastructure is published and updated.

Reports: every three years and for the first time three years after entry into force of the Directive the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the rail system. The Commission shall publish within 5 years from the entry into force of this Directive, a report including an analysis of the application of chapter V (Vehicles) and of the improvements in the cross-acceptance of railway vehicles in the Community in terms of length and costs of the procedures for the applicants. Where appropriate, the report shall also assess the impact of various options for the further simplifying of procedures relating to the authorisation of vehicles. In this case several options concerning the cooperation between national safety authorities and the Agency shall be analysed.