

Safety on the Community's railways (Railway Safety Directive)

2006/0272(COD) - 09/07/2008 - Text adopted by Parliament, 2nd reading

The European Parliament adopted, under the 2nd reading of the codecision procedure, a legislative resolution amending the Council's common position for adopting a directive of the European Parliament and of the Council amending Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive). The recommendation for second reading (under the codecision procedure) had been tabled for consideration in plenary by Paolo **COSTA** (ALDE IT), on behalf of the Committee on Transport and Tourism.

The amendments are the result of a compromise agreement between Parliament and Council. The main ones are as follows:

Heritage, museum and tourist railways: heritage museum and tourist railways are exempt from this directive provided they comply with national safety rules or are operating on their own network.

Maintenance of vehicles: Parliament inserted some new provisions, inter alia:

- before a vehicle is placed in service, an entity in charge of its maintenance should be identified. A railway undertaking, an infrastructure manager or a keeper could be an entity in charge of maintenance;

- the entity shall ensure that the vehicles for which it is in charge of maintenance are in a safe state of running by means of a system for maintenance. To this end, the entity in charge of maintenance shall ensure that vehicles are maintained in accordance with: the maintenance file of each vehicle; and the requirements in force including maintenance rules and TSI provisions;

- in the case of **freight wagons**, each entity in charge of maintenance shall be certified by a body to be accredited or recognised in accordance with the text, or by a National Safety Authority. The accreditation process shall be based on criteria of independence, competence and impartiality, such as the relevant EN 45 000 series European standards. The recognition process shall also be based on criteria of independence, competence and impartiality.

Based on a recommendation by the Agency, the Commission shall, two years after the entry into force of the Directive, adopt a measure establishing a **system of certification** of the entity in charge of maintenance for freight wagons. Certificates granted in accordance with this system shall confirm compliance with the requirements referred to above. The measure shall include the requirements concerning: the maintenance system established by the entity; the format and validity of the certificate delivered to the entity; the criteria for accreditation or recognition of body or bodies responsible for issuing certificates and ensuring controls necessary for the functioning of the certification system; the date of application of the certification system, including a transition period of one year for existing entities in charge of maintenance. Based on a recommendation by the Agency, the Commission shall, by not later than ten years after the entry into force of the Directive, review this measure in order to include all vehicles and to update, if necessary, the certification system applicable to freight wagons.

The Agency shall evaluate the certification process by submitting a report to the Commission, no later than three years after the entry into force of the relevant measure. Member States may decide to fulfil the obligations to identify the entity in charge of maintenance and to certify it through alternative measures, in certain prescribed cases, such as if vehicles registered in a third country and maintained according to the

law of that country. Alternative measures shall be implemented through derogations to be granted by the relevant National Safety Authority, and identified and justified in the annual safety report. Where it appears that undue safety risks are being taken on the Community rail system, the Agency must inform the Commission, which in turn will make contact with the parties involved and, where appropriate, request the Member State to withdraw its derogation decision.