

# European Railway Agency: new tasks

2006/0274(COD) - 09/07/2008 - Text adopted by Parliament, 2nd reading

The European Parliament adopted, under the 2<sup>nd</sup> reading of the codecision procedure, a legislative resolution amending the Council's common position for adopting a regulation of the European Parliament and of the Council amending Regulation (EC) No 881/2004 establishing a European Railway Agency (Agency Regulation). The recommendation for 2<sup>nd</sup> 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:

**Certification of entities in charge of maintenance:** 18 months after the entry into force of this Regulation, the Agency shall send to the Commission a recommendation in view of the implementation of the system of certification of entities in charge of maintenance in accordance with the Railway Safety Directive. The Agency's assessment and recommendation shall in particular cover certain aspects, inter alia, the content and the specifications of a system of certification adapted to the maintenance of wagons; the type of bodies competent for certification and the requirements to be imposed on such bodies; and the format and validity of the certificates to be delivered to the entities in charge of maintenance. Within a period of three years from the adoption by the Commission of the system of certification of maintenance referred to in the Railway Safety Directive, the Agency shall send to the Commission a report evaluating the implementation of such system, and shall also send a recommendation with a view to defining the content and the specifications of a similar certification system in the case of entities in charge of the maintenance for other vehicles, such as locomotives, passenger cars, electric multiple units (EMUs) and diesel multiple units (DMUs).

The Agency must analyse the alternative measures decided in accordance with the Railway Safety Directive in the context of its report on safety performance.

**ERTMS:** The Agency, in coordination with the Commission, shall assume its prescribed tasks with a view to ensuring a coherent development of the ERTMS, and to contributing to the compliance of ERTMS equipment as implemented in Member States with the specifications in force.

The Agency shall recommend the adoption of a new version only when the previous version has been deployed at a sufficient rate. The development of new versions shall not be detrimental to the rate of deployment of the ERTMS, the stability of the specifications which is needed for the optimisation of the production of ERTMS equipment, the return of investment for railway undertakings and the efficient planning of the deployment of the ERTMS.

In accordance with the Railway Interoperability Directive, the Agency shall ensure that successive versions of ERTMS equipment are backward compatible, as from the version adopted by the Commission on 23 April 2008. With regard to ERTMS equipment which were placed in service before 23 April 2008 or whose installation or upgrading was at an advanced stage of deployment on that date, the Agency shall prepare an assessment report which shall identify: the additional costs to be borne by early implementers as a consequence of the introduction of the version adopted by the Commission on 23 April 2008; and all possible mechanisms, including financial ones, to support the migration from the earlier versions to the version adopted by the Commission on 23 April 2008.

The Agency shall set up and chair an ad hoc working group of notified bodies with a view to checking that the EC procedures of verification carried out by notified bodies in the context of specific ERTMS projects are applied consistently. It will also cooperate with national safety authorities with a view to checking that the procedures of authorisations of placing in service are applied consistently. Where the Agency finds that there is a risk of lack of technical and operational compatibility between networks and vehicles fitted with equipments being subject to these procedures, it must inform the Commission which will take the appropriate measures.

Should technical incompatibilities emerge between networks and vehicles in the context of specific ERTMS projects, notified bodies and national safety authorities shall ensure that the Agency can obtain any relevant information on the applied procedures for "EC" verification and placing in service as well as on the operational conditions. The Agency shall, if necessary, recommend appropriate measures to the Commission.

The Agency will evaluate the certification process of the ERTMS equipment within 2 years of entry into force of the Regulation.

Lastly, on the basis of the Agency report, the Commission shall assess the costs and benefits to use a single laboratory equipment, a single reference track and/or a single certification body at Community level. Such certification body needs to comply with the criteria of Annex VIII of the Railway Interoperability Directive. The Commission may present a report and, if appropriate, bring forward a legislative proposal to improve the ERTMS certification system.