

Rail transport: interoperability of the Community rail system. Recast

2006/0273(COD) - 17/06/2008 - Final act

PURPOSE: codification and recast of directives relating to the interoperability of high-speed and conventional rail systems.

LEGISLATIVE ACT: Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (Recast).

CONTENT: following agreement in 1st reading with the European Parliament, this directive sets out to establish the conditions to be met to achieve interoperability within the Community rail system in a manner compatible with the provisions of Directive 2004/49/EC. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance.

In order to lower barriers to the placing in service of railway vehicles, the 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. These procedures are 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.

In order to facilitate the identification of vehicle types that have already been authorised in Member States, a register of authorised types of rolling stock will be set up by the European Railway Agency. This register will be public and accessible to everyone electronically.

Every 3 years and for the first time 19 July 2011, the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the rail system. The Agency shall develop and regularly update a tool capable of providing, at the request of a Member State or the Commission, a chart of the interoperability level of the rail system.

ENTRY INTO FORCE: 19/07/2008.

TRANSPOSITION: 19/07/2010.