

Interoperability of the rail system within the EU. Recast. 4th Railway Package

2013/0015(COD) - 30/01/2013 - Legislative proposal

PURPOSE: to improve the efficiency and competitiveness of the Single European Railway Area in the field of interoperability (**fourth railway package**).

PROPOSED ACT: Directive of the European Parliament and of the Council (recast of Directive 2008/57/EC on railway interoperability).

PARLIAMENT'S ROLE: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in the last decade, the EU railway market has witnessed profound changes, gradually introduced by three legislative 'railway packages' intended to open up the national markets and make railways more competitive and interoperable at the EU level, while maintaining high level of safety. However, the modal share of rail in intra-EU transport has remained modest. This is why the Commission has put forward the **Fourth Railway Package in order to enhance the quality and efficiency of rail services by removing the remaining market obstacles**.

This proposal for a Directive, along with the [proposal to recast Directive 2004/49/EC on rail safety](#), are part of this fourth package which focuses on the removal of remaining administrative and technical barriers by:

- establishing a common approach to safety and interoperability rules to increase economies of scale for railway undertakings active across the EU;
- decreasing administrative costs,
- accelerating administrative procedures, as well as avoiding disguised discrimination,
- relying on the [European Railways Agency](#).

Several lessons have been learned based on the work done on developing technical specifications for interoperability (TSIs) and the application of the interoperability Directives to specific projects. Furthermore, the legislative context for the marketing of products has evolved in recent years, with the result that the interoperability legislation needs to be updated.

IMPACT ASSESSMENT: the Commission undertook an [impact assessment](#). In order to support the Commission in the impact assessment process, an external consultant was tasked to prepare an impact assessment support study and to undertake a targeted consultation of stakeholders.

LEGAL BASIS: Article 91(1), Article 170 and Article 171 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the Commission's proposal to amend Directive 2008/57/EC may be summarised as follows:

- as regards the scope, the interoperability of local, urban and suburban systems is considered to have been adequately addressed in the voluntary field and does not need to be covered by this Directive;
- several definitions were reworded or added;

- **further provisions are to be specified in the TSIs to cover existing subsystems** and to enable railway undertakings to check compatibility between vehicles and routes on which these vehicles are intended to be operated;
- the use of Agency opinions pending the amendment of TSIs as a result of deficiencies discovered, is clarified;
- the cases of possible non-application of TSIs have been reduced;
- the role of national rules, the cases in which national rules may be introduced, and the procedures for their withdrawal and their publication have been clarified, as have the circumstances which trigger a new EC declaration of verification;
- the placing on the market of mobile subsystems, which can be done by both railway undertakings and manufacturers;
- a new provision introduces the **notion of vehicle authorisation for placing on the market**. This authorisation is issued by the Agency and contains all information needed later by the railway undertaking to place a vehicle in commercial service. An optional complementary statement will facilitate the railway undertaking in its task of placing the vehicle in service;
- the role of railway undertakings and infrastructure managers in checking the technical compatibility of the vehicle with the route and the safe integration of the vehicle in the system in which it is intended to operate is clarified;
- two new articles concerning conformity assessment bodies replace and complement some existing provisions to include the provisions of the new legislative framework for the marketing of products as defined in Decision 768/2008/EC;
- articles on European Vehicle Number (EVN) and registers have been updated;
- as a consequence of the Lisbon Treaty, a certain number of the annexes of Directive 2008/57/EC into implementing acts to be adopted by the Commission.

It should be noted that the fourth railway package also includes: (i) [a proposal to amend Regulation \(EC\) No 1370/2007](#) concerning the opening of the market for domestic passenger transport services by rail and (ii) [a proposal amending Directive 2012/34/EU](#) establishing a single European railway area.

BUDGETARY IMPLICATIONS: there are no implications for the Union budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.