

# Railway safety. Recast. 4th Railway Package

2013/0016(COD) - 30/01/2013 - Legislative proposal

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

**PROPOSED ACT:** Directive of the European Parliament and of the Council (amendment of Directive 2004/49/EC on railway safety).

**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 2008/57/EC on interoperability](#), 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](#).

In order to pursue efforts to establish a single market for rail transport services, it is necessary to establish a **common regulatory framework for railway safety**. Member States have until now developed their safety rules and standards mainly on national lines. Differences in principles, approach and culture have made it difficult to break through the technical barriers and establish international transport operations.

**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 of the Treaty on the Functioning of the European Union.

**CONTENT:** the Commission is proposing to amend the current regulatory framework with a view to:

- facilitating the creation and implementation of a **single EU safety certificate**, in accordance with the recommendation of the European Railways Agency. Access to the railway infrastructure would only be granted to railway undertakings holding a safety certificate. In this regard, the proposal introduces amendments designed to take into account the new role of the national safety agencies in the transition process towards a single safety certificate and the reallocation of responsibilities between them and the Agency.
- **adapting the text to take into account developments in the rail market:** the current trend of outsourcing activities or services is leading to the emergence of new actors subject to increasing

economic and financial pressure, while internal control is decreasing. This may have consequences for safety, unless a new way of monitoring is established, through contractual or other arrangements, to ensure that risk control measures are duly implemented by all relevant actors.

Other proposed changes include:

- adapting the scope and definitions to improve consistency with the Interoperability Directive;
- adapting the provision regarding national rules to take into account the evolution of the legal framework (adoption of technical specifications for interoperability (TSIs)), in accordance with the conclusions of the Task Force established for the purpose;
- clarifying the cooperation between the national investigation body and the judicial authorities in case of investigation following an accident.

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.