

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

2013/0015(COD) - 11/03/2013

The Council held a debate on a proposal for a recast of the 2008 directive on the interoperability of the EU rail system, thereby starting its work on the "fourth railway package" published by the Commission in January 2013. To recap, the package, which consists of **six legislative proposals** aimed at removing the remaining barriers to the completion of the Single European Railway Area, contains **three groups of measures**, with a view to:

- renewing rules on **governance structure** in relation to infrastructure management and transport operations (governance pillar);
- ensuring **further opening of the market for domestic passenger transport services** by rail (market opening pillar); and
- reinforcing the **harmonisation of interoperability and safety requirements** (technical pillar).

This proposal is part of the technical pillar of the package, together with [proposed amendments to the 2004 directive on railway safety](#) and [the 2004 regulation establishing a European Railway Agency](#). This technical pillar essentially provides that the authorisation and certification procedures required to ensure the technical interoperability and safety of railways across the EU should be entrusted to a central body, the European Railway Agency (ERA), in order to reduce costs and facilitate the entrance of new operators.

During the debate, ministers broadly acknowledged the **need to increase the efficiency of the authorisation process**. However, misgivings were expressed about the **transfer of competences from national authorities to the European Rail Agency**, as proposed by the Commission. More specifically,

- several Member States pointed out that **responsibility for the authorisation of vehicles used only on the national territory or on local or regional networks should remain with national authorities**, so that the specific situations in the different countries can be properly taken into account;
- some delegations argued that the **harmonisation of railway infrastructure was not yet advanced enough to justify a centralised authorisation procedure** and suggested that the role of the ERA should be enhanced gradually;
- several delegations were of the opinion that the **ERA should be given a stronger supervisory role, but not responsibility for authorisations**;
- the issue of **liability in the event of accidents** was also raised.

Discussion of the proposal will continue in the Council's preparatory bodies in the light of the comments made by the ministers.