

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

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The Council agreed on a general approach to a recast of the 2008 Directive on the interoperability of the EU rail system.

While the Commission proposed a **centralised authorisation procedure**, with the ERA granting the authorisations to place vehicles on the market, Member States had misgivings about such a transfer of competences from national authorities, fearing increased costs and administrative workload and pointing to liability issues and a possible negative impact on rail network safety.

The general approach agreed therefore provides for a **dual system of authorisations with a clear separation of tasks and responsibilities between the ERA and national safety authorities**. The ERA will issue authorisations for vehicles to be used in cross-border operations, based on assessments carried out by the national authorities. For vehicles used only in national traffic, however, the applicant may choose to request authorisation either from the ERA or from the national safety authority.

The general approach also stresses the **liability of the ERA for the authorisations it issues** and stipulates that the **national authorities may enter into specific cooperation arrangements with the agency should networks require specific expertise for geographical or historical reasons**.

In addition, the **Commission's reporting obligations will be extended** to cover aspects such as the **functioning of the ERA and of the cooperation agreements, convergence between national vehicle registers and traceability of safety-critical components**.

In addition, the **transition period for introducing the new vehicle authorisation procedure will be five years** rather than, as proposed by the Commission, two years.

Lastly, Ministers decided that, when reviewing the [ERA Regulation](#) as proposed under the "fourth railway package", a **new provision** will be included on a **specific framework for the financial aspects of the cooperation agreements between the ERA and the national safety authorities**, with a view to providing a model for the financial apportioning of the fees paid by the applicant for an authorisation.

The general approach also maintains a **wider scope of exemptions** than proposed by the Commission, including the **possibility to grant exemptions from the interoperability requirements for vehicles circulating between Member States and third countries with a different track gauge**. In addition, Ministers amended the compromise presented by the Presidency so as to further widen the exemptions by allowing Member States, under certain conditions and for connectivity purposes only, to also **exempt vehicles primarily used on light rail infrastructure** but equipped with some heavy rail components and **light rail infrastructure occasionally used by heavy rail vehicles**.

Moreover, Ministers agreed at the Council meeting to **remove the reference to "a maximum axle load of 120 kN"** in the definition of the terms "tram and light rail".