

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

2013/0015(COD) - 26/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 601 to 68 with 8 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast).

The European Parliament's position at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Improving interoperability: Parliament underlined the need to improve the interlinking and interoperability of the national rail networks as well as access thereto, **including for passengers with disabilities**, in order to enable citizens of the Union, economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers and to attain the objective of territorial cohesion.

The amended text indicated that the pursuit of this objective should lead to the definition of an **optimal level of technical harmonisation** and make it possible to facilitate, improve and develop rail transport services within the Union and with third countries and contribute to the progressive creation of the internal market in equipment and services for the construction, renewal, upgrading and operation of the rail system within the Union.

Scope: the amendment retained the text in force, which allows the Member States to exclude urban rail. Excluded from the directive's scope would be tram-trains, privately owned railway infrastructure and vehicles, as well as infrastructure and vehicles reserved for a strictly local, historical or touristic use.

Strengthening the role of the European Railways Agency: Members considered that the Agency should be given the role of **guardian of the global vision for the rail system**, in order to ensure safety and interoperability.

Essential requirements: to enable all Union citizens to benefit fully from the advantages deriving from the establishment of an area without internal frontiers, Member States should ensure that the rail system is accessible to all.

Technical specifications for interoperability (TSI): TSIs should stipulate the verification procedures for compatibility between vehicles and the network before the beginning of any new operation.

Once the construction of a certain **subsystem** has started under a certain TSI, the authorisation to place it on the market should be granted according to the TSI in force by the time of granting the building permits. Each TSI should include a **list of the spare parts to be standardised** with a view to the creation of an internal market in railway equipment.

The Commission introduced the possibility of defining the deadlines for the application of TSIs. Members also recommended that this timetable fixing the stages should be linked to an assessment analysing the estimated costs and benefits of its implementation and the expected repercussions on the operators and economic agents affected.

The drafting, adoption and review of the TSIs should take account of the **opinion of the representative social partners** in all the Member States and in any other TSI that directly or indirectly affects the staff involved.

Interoperability constituents: an amendment seeks to reduce as much as possible the additional conditions that constituents that are already recognised for an area for which they are intended. It stipulates that it should be impossible for a State to place obstacles in the way of authorisation for placing in service if the area concerned is situated within its territory.

National rules: a Member State would have to justify the need for a given national rule (whether it already exists or it is new); this justification would have to be provided when the rule is communicated. If the Agency considers that this justification is acceptable, the rule may be notified and published; in the contrary case, it would need to be amended or withdrawn by the Member State.

The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of **facilitating cross-acceptance** in different Member States. The Agency shall classify, in accordance with those implementing acts, the national rules notified, and shall publish the corresponding register. That register shall also list any acceptable national means of compliance.

‘EC’ declaration of verification: Members considered it important that **interfaces** should also be covered, as is the case in the directive that is currently in force.

Placing in service of fixed installations: it is proposed that each national safety authority shall authorise the placing in service of the **subsystems and the trackside control-command and signalling** which is not ERTMS located or operated in the territory of its Member State. National safety authorities shall take into account the opinion of the Agency when TEN-T corridors or cross borders sections are involved. The Agency should authorise the European Rail Transport Management System (**ERTMS**) in close cooperation with the national safety agencies. Before any ERTMS authorisation is granted by the Agency, the national safety agency should verify the operational compatibility with the national networks. The Agency should monitor the uniform application of ERTMS throughout the Union.

Granting of authorisations for placing on the market of vehicles: Members proposed a **single type authorisation operation**. The Agency and the national safety authorities would have to provide detailed information on the means to obtain authorisation by type of vehicle.

The Agency may conclude **cooperation agreements** with national safety authorities.

Registration of authorised vehicles: before a vehicle is used for the first time, after authorisation in respect of it has been granted, it shall be registered at the request of the keeper.

European vehicle register: the amended text provides that the Agency should maintain a public register of vehicles in service in the Union.

For each vehicle, the register shall contain **at least the following information:** (i) the European Vehicle Number (EVN); (ii) the references of the ‘EC’ declaration of verification and the issuing body; (iii) references to the European register of authorised vehicle types; (iv) identification of the keeper and the owner of the vehicle; (v) restrictions on how the vehicle may be used; and (vi) the entity in charge of maintenance.

The national vehicle registers would be incorporated in the European vehicles register at the end of the transition period.

Sanctions : the Commission shall be empowered to adopt delegated acts in order to establish rules on penalties for **failure to comply with the deadlines** set in this Regulation for the adoption of decisions by the Agency. It shall also establish a **compensation scheme** for cases in which the Board of Appeal provided for in the Agency Regulation finds in favour of the addressee of an Agency decision.

Transitional regime: for **four years** after the entry into force of this Directive, the vehicle authorisations would be granted by the Agency. During that transitional period, a vehicle authorisation may be granted by the Agency or by the national safety authority, at the option of the applicant.

The deadline for transposition and the entry into force of the Directive was **brought forward from two years to one year**.