

# Railway safety. Recast. 4th Railway Package

2013/0016(COD) - 26/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 617 votes to 54 with 8 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on railway safety (recast).

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

**Minimum provisions:** the Directive lays down minimum provisions, beyond which Member States may legislate only in accordance with the rules. The aim would be to **ensure the further improvement of safety of the Union's railways** and improved access to the market for rail transport services by:

- developing **common safety targets** and common safety methods with a view to greater harmonisation of national rules at a high safety level;
- introducing a **single safety certificate that is valid and recognised** in all Member States within the specified areas of operation;
- requiring the Agency to publish guidelines on railway safety and safety certification, including lists of examples of good practice, in particular for cross-border transport.

According to the Parliament, safety should be ensured not only for passengers and employees, including the staff of contractors, but also for users of level crossings and persons residing near railway lines.

**Role of actors in the rail system:** Members recommended that there be a **clear distinction between tasks** and responsibilities between the Agency and the national safety authorities.

The Agency would become a **one-stop shop** for safety certificates in the Union, using the valuable expertise, local knowledge and experience of national safety authorities. It should have **exclusive competence** to issue, renew, amend or revoke safety certificates for both railway undertakings and infrastructure managers.

Member States, the Agency and all actors of the rail system shall establish a '**just culture**' that ensures the consistent reporting in confidence of accidents, incidents and potential safety risks. Member States should support the Agency in its work of monitoring the development of railway safety on a Union level.

The Agency would set up and manage a **centralised database** containing all information submitted in relation to incidents and accidents.

**National rules:** Member States would be able to draft new national rules after the entry into force of the Directive **only in a certain number of cases**. After receipt of the draft national rule, the Agency should initiate a coordination process involving all national safety authorities in order to ensure the highest possible degree of harmonisation across the Union. The new national rule may not remain in force or enter into force if the Commission, upon a recommendation of the Agency, objects to it, providing a statement of reasons for its objection.

The Agency would establish and publish **common guidelines** for the adoption of new, or the amendment of existing, national rules.

**Safety management system:** this would ensure the control of all risks associated with the activity of the infrastructure manager or railway undertaking, including **proper qualification and training of staff**, as well as the supply of maintenance and material and the use of contractors.

The Commission shall establish, by means of **delegated acts**, elements of the safety management system, including an internally approved and communicated safety policy; qualitative and quantitative safety targets and procedures to reach those targets.

For **cross-border infrastructure**, and in particular for cross-border tunnels, specific safety management systems would be developed and improved in order to ensure the necessary coordination and preparedness of the competent emergency services on both sides of the border.

Infrastructure managers would also establish a **system for coordination** with managers in neighbouring countries with which the network is linked.

**Applications for single safety certificates:** Members considered that the Agency should take a decision on an application without delay and in any event **not more than three months** after receipt of the application.

Safety certificates for railway undertakings operating exclusively on an **isolated network** may also be granted by a national safety authority of those Member States which possess such a network. In such cases, the applicant may choose between applying to the Agency or to the national safety authorities of the Member States concerned.

**Maintenance of vehicles:** the Agency should set up and make public, and subsequently update without delay, a **register of certified entities in charge of maintenance**. When drafting or amending TSIs, the Agency should harmonise rules on minimum maintenance requirements in order to ensure the safety of the entire rail system.

No later than six months after this Directive comes into force, the Agency shall **identify railway components** that are critical for railway safety and shall develop a system that enables those components to be traced.

**National safety authority:** the amended text provided for the possibility of Member States also deciding to jointly establish a safety authority competent for their territories. The tasks of the national safety agency would include:

- monitoring compliance with **working, driving and rest time rules** for locomotive drivers in the railway companies and on the track;
- monitoring compliance with applicable rules on the safe maintenance and operation of **rail freight wagons** and other rolling stock;
- drawing up a **general emergency plan** for the rail network covering, in particular: (i) channels for communicating with victims' families following a serious accident; (ii) a system for providing care for victims following an accident, which will guide them in the complaints procedures.

**Transition period:** until four years after the date of entry into force, the national safety authorities may continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC.

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

