

European Union Agency for Railways. 4th Railway Package

2013/0014(COD) - 14/03/2014

The Council agreed a **general approach** regarding a proposal aimed at defining the new tasks of the European Railway Agency (ERA) to reflect its stronger role in the future in safety certification and vehicle authorisation.

According to the general approach adopted on the interoperability and safety directives, a dual system of vehicle authorisations and safety certifications will be set up, with the ERA acting as a one-stop-shop for authorising vehicles intended for cross-border operations and for issuing safety certificates to railway undertakings involved in cross-border traffic. National safety authorities will still have an important role in carrying out the necessary assessments.

The compromise also stipulates that, for vehicles and railway undertakings involved in national transport only, there will be a choice between submitting a request for authorisation or certification to the Agency or to the national safety authority.

The main elements of the general approach are as follows:

Examination of national rules: where the Agency's assessment of national rules is negative, it can, after consulting the member state, issue an opinion. In addition, it is stated that only national rules which have already been adopted at national level can be the subject of a Commission decision, while draft national rules may only lead to an opinion by the Agency.

Actions to be taken following audits and inspections: the Agency will monitor, through audits and inspections, how national safety authorities carry out their tasks related to safety and interoperability. If deficiencies are spotted and if, following certain steps, the member state's response is still considered insufficient, the Commission may take appropriate actions concerning the steps to be taken as a result of the audit.

Fees to be charged by the Agency: these will be set in a transparent manner, with due regard to the principle that they must not lead to an unnecessary burden on companies. They should, however, cover the cost of the services delivered.

Accountability: the ERA will be held accountable when carrying out its tasks related to safety certifications and vehicle authorisations.

System of appeals: a system of appeals will be set up, with the possibility for any natural or legal person to appeal against a decision addressed to them, or of direct and individual concern to them. In the event of a disagreement between the Agency and the national safety authorities, an arbitration procedure will be launched at the national authority's request.

Cooperation agreements: the general approach on the interoperability and safety directives provides for the possibility of concluding cooperation agreements between the Agency and national safety authorities to facilitate the practical implementation of the new certification and authorisation system.

Isolated networks: in specific cases of isolated networks, the Agency may subcontract certain certification and authorisation tasks to the national authorities.

Governance: the text also includes new rules on the ERA's governance, in line with the [recommendations on the decentralised agencies](#) agreed between the European Parliament, Council and Commission in 2012, inter alia regarding the composition of the Management Board and the conditions of employment of the Executive Director.