European railway area: European Railway Agency for interoperability and safety. 2nd package

2002/0024(COD) - 29/04/2004

PURPOSE : to establish a European Railway Agency.

LEGISLATIVE ACT : Regulation 881/2004/EC of the European Parliament and of the Council establishing a European Railway Agency (Agency Regulation). (Corrigendum of the Regulation published in OJ L164 of 30 April 2004).

CONTENT : this Regulation has been adopted as part of the second railway package which was agreed upon in conciliation. The Second Railway Package will help to accelerate the integration of the market by removing important obstacles to cross-border services. It will guarantee a high level of safety for railway operation and will contribute to reducing costs and facilitating operations through a greater harmonisation of technical standards in the railway sector.

It should be stressed that rail's share of the freight market has continued to decline and is now under 8%. In half of the EU countries the volume of goods transported by rail diminished, making a total decline of one per cent between 2002 and 2003. Equally, the opening of the railway freight market is too slow and new entrants share only 3 to 4% of the market.

In order to promote the establishment of a European railway area without borders and to help revitalise the railway sector while reinforcing its essential advantages in terms of safety, this Agency shall contribute to the development of a genuine European railway culture and form an essential tool of dialogue, consultation and exchange between all the actors in the railway sector, having due regard for their individual competences.

It shall provide technical support for the interoperability and safety work. Its remit will be, firstly, to develop common safety standards and devise and manage a system for monitoring safety performance and, secondly, to manage in the long-term the system for establishing, registering and monitoring the technical specifications for interoperability.

The Agency's Administrative Board shall be composed of one representative of each Member State and four representatives of the Commission, as well as of six representatives, without the right to vote, the latter representing at European level the following groups: railway undertakings; infrastructure managers; railway industry; worker unions; passengers; freight customers.

This agency, with a staff of around 100, will have a pivotal role in moving forward the work on approximating the technical railway systems. It will be independent, but work closely with experts in the field. The agency will not have decision-making powers as such, but will make proposals to the Commission. These proposals would be adopted by the Commission through committee procedure, as is already the case in the context of interoperability.

More specifically, the objective of the Agency shall be to contribute, on technical matters, to the implementation of the Community legislation aimed at improving the competitive position of the railway

sector by enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system, in order to contribute to creating a European railway area without frontiers and guaranteeing a high level of safety.

In pursuing these objectives, the Agency shall take full account of the process of enlargement of the European Union and of the specific constraints relating to rail links with third countries.

The Agency shall have sole responsibility in the context of the functions and powers assigned to it.

On the issue of safety certificates, the Regulation stipulates that in order to facilitate the procedures for issuing safety certificates to railway undertakings, it is essential to develop a harmonised format for safety certificates and a harmonised format for applications for safety certificates. Therefore, the Agency shall draft and recommend a harmonised format for safety certificates, including an electronic version, and a harmonised format for applications for safety certificates, including a list of the essential details to be provided.

As regards the monitoring of safety performance, the Agency shall establish a network with the national authorities responsible for safety and the national authorities responsible for the investigations provided for by the Railway Safety Directive in order to define the content of the common safety indicators listed in Annex I to that Directive and to collect relevant data on railway safety. On the basis of the common safety indicators, national reports on safety and accidents and its own information, the Agency shall submit every two years a report on safety performance, which shall be made public. The first such report shall be published during the Agency's third year of operation. The Agency shall draw on the data collected by Eurostat and shall cooperate with Eurostat to avoid any duplication of work and to ensure methodological consistency between the common safety indicators and the indicators used in other modes of transport.

The Agency shall be operational within 24 months of the entry into force of this Regulation.

Five years after the Agency takes up its duties, the Commission shall carry out an evaluation of implementation of this Regulation, the results obtained by the Agency and its working methods. This evaluation shall take account of the views of the representatives of the railways sector, of the social partners and of customers' organisations. The findings of the evaluation shall be made public. The Commission shall propose, if necessary, an amendment to this Regulation. In that context, the Commission shall, if appropriate, present a proposal for revision of the provisions of this Regulation in light of developments in respect of regulatory agencies, in accordance with the procedure laid down in Article 251 of the Treaty. The European Parliament and Council shall examine this proposal and in particular consider whether the composition of the Administrative Board needs to be revised, in accordance with the general framework to be adopted for regulatory agencies.

ENTRY INTO FORCE : 1 May 2004.