

European Union Agency for Railways. 4th Railway Package

2013/0014(COD) - 26/01/2016 - Commission communication on Council's position

The Commission presented a communication concerning the position of the Council on the adoption of the new Regulation on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004.

The Commission considered that the position at first reading adopted by the Transport Council on 10 December 2015 **supports the main objectives of the Commission proposal** to strengthen the role of the Agency. However, **it deviates on some aspects**, in particular that railway undertakings/manufacturers operating in only one Member State would be given the choice to apply for a safety certificate or vehicle authorisation either to the Agency or to the domestic national safety authorities (NSAs).

In addition, the Council position:

- sets out detailed provisions on the functioning of the Agency's working group;
- provides the Agency with the tools needed to act as an one stop shop via an information and communication system;
- clarifies the Agency's role in progressive reduction of national rules;
- lists the Agency's additional tasks related to the monitoring of NSAs and notified bodies;
- specifies how the board of appeal will function;
- defines the conditions for adopting an implementing act on fees payable to the Agency.

The Commission regrets the fact that compared to the original proposal which it presented, the Council position **deviates from some key provisions agreed under the Common Approach on EU decentralised agencies**, by the European Parliament, the Council and the Commission in 2012. This concerns in particular:

- the appointment of **two Commission representatives** to the Management Board instead of four;
- granting the power to propose the **dismissal of the Executive Director** to one third of the members of the Management Board;
- the Commission also emphasises that appointing an **observer** from among the members of the Management Board to follow the Commission's procedure for selecting the Executive Director should not lead to any duplication of roles in the selection and appointment procedures.

In a spirit of compromise, the Commission **accepted the position adopted by the Council** thus allowing the European Parliament to adopt the final text in second reading, together with the other five proposals of the Fourth Railway Package.

Indeed, the Commission considers that **simultaneously adopting both the market and technical pillars** would maximise the benefits in terms of the quality of service, efficiency and the competitiveness of the railway industry.