

European Union Agency for Railways. 4th Railway Package

2013/0014(COD) - 11/05/2016 - Final act

PURPOSE: to replace the original founding Regulation of the European Railway Agency, and make the latter a truly European railway authority in the field of interoperability and safety (fourth railway package).

LEGISLATIVE ACT: Regulation (EU) 2016/796 of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004.

CONTENT: the Regulation on the European Railway Agency (ERA), together with the Directives on [rail safety](#) and on [interoperability](#), is part of the technical pillar of the fourth railway package. It repeals Regulation (EC) No 881/2004.

The **objectives of the Agency** are to:

- contribute to the further development and effective functioning of a single European railway area without frontiers, by guaranteeing a high level of railway safety and interoperability, while improving the competitive position of the railway sector;
- follow the development of national railway rules in order to support the performance of national authorities acting in the fields of railway safety and interoperability and to promote the optimisation of procedures.

One-stop shop: the Agency shall **establish and manage an information and communications system** with at least the following one-stop-shop functions:

- **a single entry point** through which the applicant shall submit its application files for type authorisation, vehicle authorisations for placing on the market and single safety certificates;
- **a common information-exchange platform**, providing the Agency and national safety authorities with information about all applications for authorisations and single safety certificates, the stages of these procedures and their outcome;
- **an early-warning system** able to identify at an early stage the needs for coordination between decisions to be taken by national safety authorities and the Agency in the case of different applications requesting similar authorisations or single safety certificates.

The one-stop shop **must be operational by 16 June 2019**.

With respect to **rail safety**, the Agency will have the following tasks:

- to address recommendations to the Commission on the common safety indicators (CSIs), common safety methods (CSMs) and common safety targets (CSTs);
- to issue, renew, suspend and amend single safety certificates and cooperate with national safety authorities in that respect;

- to assist the Commission with regard to the system of certification of entities in charge of maintenance;
- to cooperate with national investigating bodies;
- to follow developments in the legislation dealing with the transport of dangerous goods by rail;
- to encourage, the exchange of information on safety-related accidents, incidents and near misses, taking into account the experience of the railway actors.
- With respect to interoperability, the Agency's tasks are:
 - to address recommendations to the Commission on the technical specifications for interoperability (TSIs) and their revision;
 - to issue authorisations for the placing on the market of railway vehicles, and shall be empowered to renew, amend, suspend and revoke authorisations issued by it;
 - before any call for tenders relating to ERTMS trackside equipment, to check that the technical solutions are fully compliant with the relevant TSIs and are therefore fully interoperable, and take a decision for approval;
 - to act as the system authority to ensure the coordinated development of telematics applications in the Union, in accordance with relevant TSIs.

Furthermore, the Agency shall:

- act as the system authority to **ensure the coordinated development of the ERTMS** within the Union, in accordance with relevant TSIs;
- monitor the performance and decision-making of the national safety authorities and the notified conformity assessment bodies through audits and inspections;
- monitor the overall safety performance of the Union rail system.

Cooperation of the Agency with national safety authorities: the Directive lays down that the Agency and the national safety authorities shall conclude cooperation agreements in the context of vehicle authorisations and safety certificates to facilitate the practical implementation of the new certification and authorisation system.

Governance: the Agency's administrative and management structure shall comprise: (a) a Management Board; (b) an Executive Board; (c) an Executive Director; (d) one or more Boards of Appeal.

The Directive provides for: (i) the appointment of two representatives of the Commission within the Management Board; (ii) a new obligation for the Commission to propose a list of at least three candidates for the appointment of the Executive Director; (iii) the option for one-third of the Management Board to remove the Executive Director.

Lastly, the Directive lays down provisions related to matters concerning deficiencies noted in the tasks carried out by national authorities regarding safety and interoperability, the **fees** that the ERA might charge for its services and the establishing of an **appeal mechanism**.

ENTRY INTO FORCE: 15.6.2016.