

Interoperability of the rail system within the EU. Recast. 4th Railway Package

2013/0015(COD) - 13/09/2018 - Follow-up document

The Commission presents a report on the progress made in preparing for the European Union Agency for Railways enhanced role under Directive (EU) 2016/797 on the interoperability of the rail system within the European Union.

With the entry into force of the Fourth Railway Package technical pillar, the European Union Agency for Railways will become, **as of 16 June 2019**, the EU authority responsible for issuing authorisations for placing railway vehicles on the market and also the system authority for the European Railway Traffic Management System (ERTMS).

The new Regulation establishing the Agency has introduced **many important modifications that strengthen the role to be played by the Agency** and provide it with necessary instruments to achieve this objective. Those modifications concern the governance of the Agency, its resources, capacities and capabilities as well as IT tools and various other skills.

The main conclusions of the report are the following:

- **Regulatory and organisational measures:** the Commission and the Agency have respectively taken regulatory and organisational steps to ensure that the Agency has a strengthened role as of 16 June 2019. The Agency is stepping up its effort to boost its capacity to meet the required targets set for its new role by 16 June 2019. The Commission is actively monitoring the Agency's preparedness through its membership of the Agency's Executive Board and Management Board and the close and regular cooperation between the two institutions.
- **Transposition by EU Member States:** much of the success of the Fourth Railway Package technical pillar depends on the timely and complete transposition by Member States. The Commission is closely following up on Member States' progress and providing them with guidance on how to organise the transition period between the old and the new regime. While indications are positive it is however, too early to confirm that a large number of Member States will transpose the Fourth Railway Package technical pillar by 16 June 2019. The Commission hopes that possible extensions of transposition deadlines will only be requested as a matter of exception, and on the basis of realistic, objective justification.
- **Resources, capacity and capabilities:** the Agency and the national safety authorities (NSAs) with input from other bodies in the rail sector are making the greatest possible effort in their respective spheres of responsibility to predict the future development of the Agency's workload. Beyond the new tasks of authorisation and certification, the Agency's capability to deliver on other core statutory tasks, such as technical assistance and policy recommendations to the Commission must be maintained. In particular, **the Agency requires specialised staff** with a high level of expertise and language skills. Introducing fee-based activities will also require the establishment of a resources system and internal procedures within the Agency, covering the necessary financial and human resources.
- **Cooperation agreements between the Agency and NSAs:** a particular source of uncertainty is the lack of predictability of the number of applications the Agency is expected to receive as of mid-2019 and beyond and as a consequence the revenue it will generate. In anticipating these risks a careful analysis of the needs for the Agency's transition budget is required. For the Agency to successfully assume its new role, the report stresses the need for open, effective, committed and

sincere cooperation with NSAs. Any serious delay in concluding cooperation agreements and actually delivering input to the Agency's authorisation and certification decisions could lead to formal proceedings against individual Member States for not applying EU law and for the infringement of the principle of sincere cooperation.

- **Approvals of ERTMS trackside projects:** the Commission and the European ERTMS Coordinator cooperate in a transparent and predictable manner in improving ERTMS deployment. However, the risk of excessive workload to deliver approvals of ERTMS trackside projects calls for more commitment from Member States and infrastructure managers to better forecast trackside procurement for both ERTMS European Deployment Plan commitments and other ERTMS infrastructure projects.

The railway sector requires the **Fourth Railway Package technical pillar to be urgently implemented** as it introduces a system of truly transparent and impartial railway rules at EU level by removing unnecessary national obstacles. The Commission invites Member States and NSAs to consolidate their efforts to make the single European railway area a reality.