

Community's railways: safety, licensing, levying of charges, certification. 2nd package

2002/0022(COD) - 25/06/2003 - Council position

The Council adopted, by qualified majority, the "Second Railway Package", the Belgian, French and Luxembourg delegations voting against, establishing a single market for rail transport service. This package includes the following legal texts: - the Directive on the interoperability of the trans-European rail system; - the Directive on safety on the Community's railways; - the Directive on the development of the Community's railways (market access); - the Regulation establishing a European Railway Agency. Concerning the draft Directive on safety and in particular on the notification procedures of new national safety rules demanding a higher level of security than those set out in the Common Safety Objectives, the Council has accepted in total or in substance 8 of the Parliament's amendments. More specifically, it should be noted that as regards the national safety rules following the adoption of the Common Safety Objectives at Community level, the common position's approach is very different from that of Parliament. The latter supported the Commission's initial proposal and even called for going further by establishing a prior authorisation system for national rules. While it retains the principle of examining draft national rules and the possibility, where appropriate, of questioning them if they do not enable the levels required by the Common Security Objectives to be achieved, if they are incompatible with a TSI, or if they constitute a means of disguised discrimination, the common position has however not adopted the prior authorisation system. In addition, for reasons of clarity, a separate article is now devoted to the common safety targets (CST) and the common safety methods CSM. Furthermore, their more gradual introduction has now been foreseen. Thus, for a first and second set of CST and CSM to be developed, specified deadlines and further details as regards their content are now provided. The Council agrees that the establishment of a common regulatory framework should not prevent Member States from seeking further improvements of safety levels - beyond those flowing from the common standards - of their railway systems; at the same time the correct functioning of the internal market should not be compromised. The main elements of the common position are as follows: - a Member State may, after the adoption of CSTs, introduce a new national safety rule, which requires a higher safety level than the CSTs. Before adopting such a rule, the Member State shall consult all interested parties in due time and shall inform the Commission which shall submit the draft safety rule to a special Committee for its opinion; - if the Commission finds that the draft safety rule is incompatible with the CSMs or with achieving at least the CSTs, or that it constitutes a means of arbitrary discrimination or a disguised restriction on rail transport operations between Member States, a Decision, addressed to the Member State concerned, shall be adopted; - a new article concerning the safety authorisation for infrastructure managers. - the provisions for the access to training facilities were strengthened; at the same time, the basic requirements to be met by train staff were deleted, since they would soon be laid down in a technical specifications for interoperability (TSI). - as regards the harmonisation of safety certificates, it was felt that the intermediate stage with non-binding guidelines was not necessary; - many more changes of a technical nature were incorporated, among which those regarding the tasks of the safety authority and several changes to the technical Annexes.