

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

2002/0022(COD) - 23/01/2002 - Legislative proposal

**PURPOSE** : to establish a common regulatory framework for railway safety in Europe and thereby facilitate interoperability on the European rail system.

**PROPOSED ACT** : Directive of the European Parliament and of the Council.

**CONTEXT** : this proposal is part of a package to revitalise the Community railway system by creating an integrated European railway system. The directive aims at completing the regulatory structure for a single European rail system and is linked to other proposals in this same package, in particular the proposal to amend the directives on interoperability and the proposal to create a European Rail Agency. It applies a gradual approach to harmonisation and the development of common principles, taking into account the great differences that exist between the Member States. The other measures in the package relate to interoperability, the establishment of a European Railway Agency, and the integration of the rail freight market.

**CONTENT** : [The proposal on the regulation of safety and investigation of accidents and incidents on the Community's railways addresses four main problem areas related to the development of safe railways in Europe: harmonisation of the safety regulatory structure and the content of safety rules; remaining obstacles to further market opening; the provision of transparency and information on safety; and investigation of serious accidents and incidents.](#)

The purpose of this Directive is to ensure the development and improvement of safety on the Community's railways by:

- harmonising the regulatory structure in the Member States,
- defining responsibilities between the actors,
- developing common safety targets and common safety methods,
- requiring the establishment, in every Member State, of national safety authorities and independent national bodies for accident investigation,
- defining common principles for the management, regulation and supervision of railway safety.

The proposal also establishes a clear procedure for granting safety certificates. The safety certificate as outlined in the current directives consists of different parts: certification of the railway undertakings internal organisation; its commitment to adhere to national rules for the operation; the certification of its rolling stock; and the certification of the staff used in the operation. All railway undertakings must possess a safety certificate before using the European network. The concept of different national safety certificates is, however, still an impediment to the development of a single European rail system. Ultimately there should be one single Community certificate subject to recognition by all Member States. The directive imposes on the Agency an obligation to develop a migration strategy to reach this goal.