Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 24/01/2002 - Legislative proposal

PURPOSE : to amend Directives 96/48/CE et 2001/16/CE to take account of experience in implementing the Directives, and the development of the technical specifications for interoperability (TSIs), proposals on safety and an Agency, and the adoption of the infrastructure package.

CONTEXT : This proposal is part of a package to revitalise the Community railway system by creating an integrated European railway system. The directive is linked to other proposals in this same package, in particular the proposal to establish a common regulatory framework for railway safety 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 safety, the establishment of a European Railway Agency, and the integration of the rail freight market.

CONTENT : Directive 2001/16/EC on the interoperability of the conventional rail system, like that on the high-speed system, introduces Community procedures for the preparation and adoption of TSIs and common rules for assessing conformity to these specifications.

The directive requires a first group of priority TSIs to be adopted within three years, i.e. in 2004, in certain areas.

A number of lessons have been learned from the work on developing TSIs in the high-speed sector, the application of the directive to specific projects and the work of the Committee set up under Article 21 of Directive 96/48/EC, which have led the Commission to propose changes to the two rail interoperability directives.

They mainly concern the following points:

-precise objectives of the directive,

-geographical scope,

-technical scope,

-how the European specifications should be used,

-coordination of the notified bodies,

-application of the directive and of the TSIs in the case of upgrading, renewal and maintenance work,

-implementation strategy to be specified in the TSIs,

-verifications after placing in service, with TSIs not covering all the essential requirements,

-need for registers of infrastructure and rolling stock and

-independence of the notified bodies.

Furthermore, the establishment of an Agency and the adoption of a directive on safety, as proposed jointly with this proposal, (please see COD /2002/0022, COD/2002/0024, COD/2002/0025) mean that some provisions of the two rail interoperability directives need to be reformulated.

In particular, the mandates for developing and reviewing the TSIs would no longer be addressed to the joint representative body, but to the Agency, which would assume responsibility for the draft TSI while relying on the joint working groups proposed by the JRB.

Lastly, the adoption of the "infrastructure package" (Directives 2001/12, 13 and 14) means that the entry into force of these new directives also has an impact on the implementation of interoperability. In particular, the complete opening up of the rail network to international freight services, scheduled for 2008 by Directive 2001/12/EC, implies the need to implement interoperability on the whole network. It is therefore necessary to extend the geographical scope, in particular since the related proposal to amend Directive 91/440/EEC provides for opening up the network sooner.