European railway area: European Railway Agency for interoperability and safety. 2nd package

2002/0024(COD) - 24/01/2002 - Legislative proposal

PURPOSE : to establish a European Railway Agency.

PROPOSED ACT : Regulation 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 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 on amending directives on interoperability of rail systems. 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, amendments of the directives on interoperability, and the integration of the rail freight market.

CONTENT : Creation of an integrated railway area in Europe entails putting in place common technical regulations monitored, as in other sectors of the economy, by the public authorities. As a first step, the Community established a framework for progressively setting standards on the interoperability of rail systems (Directives 96/48/EC and 2001/16/EC).

This second package of measures on rail transport is designed to expand this approach, by adding the safety aspects, extending the work on interoperability to new areas and putting it all into a comprehensive, clear and consistent context. (See COD/2002/0022 and COD/2002/0023.)

In order to perform these tasks and prepare the individual proposals, a balance must be struck between, on the one hand, the public authorities, which must be subject to democratic control, and, on the other, the players on the market, whose expertise lies at the heart of the process. The balance existing, to one degree or another, in the Member States must also be maintained at European level. To achieve this, it is essential to create a centre of expertise at Community level alongside the public authorities to give guidance on this process. The most appropriate instrument for performing these technical tasks with experts from the industry is an Agency.

This proposal envisages the creation of a European Railway Agency. The objective of the Agency will be to contribute, on technical matters, to implementation of the Community legislation aiming at enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system, in order to contribute to creating a European railway area without frontiers and guaranteeing a high level of safety. The Agency must take full account of the process of enlargement of the European Union and of the specific constraints relating to rail links with third countries.

To this end it will adopt recommendations addressed to the Commission and opinions issued to the Commission or to the authorities concerned in the Member States. It is foreseen that the Agency will be operational towards 2005.

With a view to application of the Directive on railway safety concerning the harmonisation of safety certificates, the Agency must recommend a harmonised format for safety certificates and a harmonised format for applications for safety certificates.

There are provisions for the structure and management of the Agency. The Executive Director should preferably be appointed by the administrative board on a proposal from the Commission.

The proposal goes on to suggest a budget allocation large enough for the Agency to hire its personnel, to carry out its tasks and to function smoothly. For the first year this annual budget can be estimated at approximately EUR 5 million, increasing to around EUR 14.5 million when the Agency is fully operational. The Agency's budget will be financed mainly by a contribution from the Community. The Agency may charge fees for its publications or for its training activities or other services. However, the amount from these fees will remain minor in relation to the total budget of the Agency.

The number of staff required is estimated at around 100 persons, employed on temporary contracts with a maximum duration of five years.