

European Railway Agency: new tasks

2006/0274(COD) - 13/12/2006 - Legislative proposal

PURPOSE: to extend the mission of the European Railway Agency.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: at present, the national procedures for the approval of locomotives are regarded as among the most serious barriers to the creation of new railway undertakings in the freight sector and as a major stumbling block affecting the interoperability of the European rail system. As no Member State has the power to determine unilaterally that the operating authorisation it has issued will be valid on the territory of other Member States, a Community initiative is needed to harmonise and simplify the national procedures and to have more systematic recourse to the principle of mutual recognition. This extension will entail amending Regulation 881/2004/EC establishing the European Railway Agency which is the aim of the present proposed Regulation, and the Interoperability Directives (96/48/EC, 2001/16/EC, 2004/50/EC) and the Railway Safety Directive (2004/49/EC).

CONTENT: this initiative seeks to deal with the problem of rolling stock authorised for entry into service in one Member State but not automatically accepted in another Member State .

The proposed solution involves drawing up a procedure at Community level covering two aspects:

- the Agency is to be asked to identify the different national procedures and technical rules in force, and to draw up and update a list of requirements that can be verified only once. At the same time, the Member States are being asked, pending the amendment of the legislation, to apply on a voluntary basis those Working Party recommendations already published by the Commission;
- recourse to the principle of mutual recognition of entry-into-service authorisations already issued by Member States is to be made compulsory. In keeping with this principle, rolling stock in respect of which an entry-into-service authorisation has already been issued in one Member State will not, in appropriate cases, need to undergo further certification in another Member State except with regard to additional national requirements attributable, for instance, to the local system specifications. At the same time, however, the Agency Regulation must be updated to include any new tasks with which the Agency has been entrusted.

The proposal to extend the mission of the European Railway Agency is being presented alongside two other initiatives, namely a proposal to merge and recast the three inter-operability Directives into one legislative act (see [COD/2006/0273](#)) and a proposal to amend Article 14 of the Railway Safety Directive (see [COD/2006/0272](#)). The Commission is proposing amendments to all of these acts for three reasons: firstly, to simplify and streamline legislation for the sake of clarity; secondly, to facilitate the free movement of trains across the EU; and thirdly, to propose several technical improvements.

This proposal concerns amendments to Regulation 881/2004/EC establishing the European Railway Agency. The main thrust of the amendments relate to facilitating the cross-border acceptance of rolling stock, although other amendments not related to this matter are being proposed at the same time. In summary, the proposed amendments are as follows:

Cross-referencing requirements:

- The Agency will be asked to create a “reference document”, which will list all national rules and specifications on rolling stock. The document will act as a valuable cross-reference tool for applying the principle of mutual recognition. The Agency will be responsible for ensuring that the applicable national rules comply with each Community set parameter. This provision (Article 8a) needs to be viewed in the context of the proposed amendment to the European Railway Safety Directive (2004/49/EC), and its procedures for authorising the use of rolling stock.

Interoperability of the rail system:

- Following a Commission request the Agency may be asked to examine projects for which an application for Community financial aid has been submitted. The Agency will be asked if the proposed project conforms with the relevant TSI's.

Relationship between wagon keepers and railway undertakings:

- The Agency is asked to assess the relationship between “wagon keepers” on the one hand and “railway undertakings” on the other. It will be asked to examine, in particular, whether the keeper is capable of ensuring wagon maintenance; whether they have the correct information needed to perform maintenance activities (such as records or plans) and whether they are in possession of the necessary tools for monitoring the state of the wagons.

Certification of train crews:

- Following adoption of the third railway package the Agency Regulation needs to be updated and reference made to the Directive on the “certification of train personnel responsible for safety”. (See COD /2004/0048). The Agency will be given the task of developing standard models for licences and complementary certificates as well as conducting a study on the use of smart cards.

New ERTMS tasks:

- It is being proposed that the Agency assume the role of systems' authority for developing and implementing the “European Rail Traffic Management System” or ERTMS. Accordingly, the Agency will set up a procedure for managing requests for changes to ERTMS specifications; it will be expected to support the Commission in migrating ERTMS and coordinating installation of the ERTMS along the trans-European transport corridors; to supervise the application of “EC” verification; to assess the technical compatibility between existing infrastructure and rolling stock; and to develop a strategy for managing the different versions of the ERTMS with a view to ensuring technical and operational compatibility between infrastructure and rolling stock fitted with different versions.

- In other tasks, the Agency, following a Commission request or in agreement with the Commission, may perform *ad hoc* tasks – even if that task is not expressly set out in either the Regulation or in the Agency's work programme.