

Safety on the Community's railways (Railway Safety Directive)

2006/0272(COD) - 13/12/2006 - Legislative proposal

PURPOSE: to simplify the Community procedure for the certification of railway rolling stock.

PROPOSED ACT: Directive 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 the Rail Interoperability Directives (96/48/EC, 2001/16/EC, 2004/50/EC), Regulation 881/2004/EC on the European Railway, and the Railway Safety Directive (2004/49/EC). This last mentioned amendment is the subject of the present proposal.

CONTENT: the proposal seeks to simplify the procedure for the certification of railway rolling stock and is being presented alongside two other initiatives, namely a proposal to merge and recast the three interoperability Directives into one legislative act (see [COD/2006/0273](#)) and a proposal to extend the mission of the European Railway Agency (see [COD/2006/0274](#)). 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 particular proposal concerns amendments to Directive 2004/49/EC on safety on the Community's railways. The main thrust of the amendments relate to drawing up a procedure, at Community level, for the mutual recognition of rolling stock.

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.

To begin with, 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.

Secondly, 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.

In summary, the Commission is proposing the following amendments:

Certification of existing rolling stock (new Article 14 and new Annex VI):

- Rolling stock that has been authorised to enter into service in one Member State will be the subject of authorisation to enter into service in any other Member State .
- National safety authorities will not be allowed to question an application for authorisation – unless the safety authority is able to demonstrate the existence of a real safety risk.
- Strict deadlines are imposed for approval of an authorisation.
- All the technical and safety rules, in force in each of the Member States, will be classified under three groups. The rules will be collated and codified by the European Railway Agency and put into a reference document. (See also summary of COD/2006/0274). The list of parameters and the way in which the reference tool is to be made are outlined in a new Annex VI. The list of parameters include, *inter alia*, maintenance book; operational log book; on-board supply equipment and electromagnetic compatibility impact; load gauge etc. Of the three groups:
 - the first group will cover international rules along with any national rules that been declared equivalent and in respect of which a check carried out in a single Member State is sufficient in railway safety terms;
 - the second group will cover all other national rules as well as rules that have not yet been classified;
 - the third group will cover the rules that are needed to ensure technical compatibility between rolling stock featured in the authorisation application and the envisioned infrastructure.

Relationship between the railway companies and the wagon keepers (new Article 14 a):

The new COTIF Convention has brought in new rules governing the use of vehicles. Under the new arrangements wagon keepers are no longer obliged to register their wagons with a railway undertaking and the Railway Safety Directive needs to be amended accordingly. In particular it needs to be amended in order to define the concept of “keeper” and to specify the relationship between keepers and railway undertakings.