Basic information

1999/0252(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Rail transport: interoperability of the trans-European conventional rail system Repealed by 2006/0273(COD) Amended by 2002/0023(COD) **Subject** 3.20.02 Rail transport: passengers and freight 3.20.11 Trans-European transport networks	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	SAVARY Gilles (PSE)	26/01/2000

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	SAVARY Gilles (PSE)	26/01/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
JURI Legal Affairs and Internal Market	BRADBOURN Philip (PPE-DE)	29/02/2000
ITRE Industry, External Trade, Research, Energy	RÜBIG Paul (PPE-DE)	07/12/1999

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2252	2000-03-28
Transport, Telecommunications and Energy	2279	2000-06-26
Development	2304	2000-11-10

Key events

Date	Event	Reference	Summary
25/11/1999	Legislative proposal published	COM(1999)0617	Summary
17/01/2000	Committee referral announced in Parliament, 1st reading		
28/03/2000	Debate in Council		
18/04/2000	Vote in committee, 1st reading		Summary
18/04/2000	Committee report tabled for plenary, 1st reading	A5-0113/2000	
16/05/2000	Debate in Parliament		
17/05/2000	Decision by Parliament, 1st reading	T5-0220/2000	Summary
10/11/2000	Council position published	10185/1/2000	Summary
29/11/2000	Committee referral announced in Parliament, 2nd reading		
24/01/2001	Vote in committee, 2nd reading		Summary
24/01/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0016/2001	
12/02/2001	Debate in Parliament		
13/02/2001	Decision by Parliament, 2nd reading	T5-0062/2001	Summary
19/03/2001	Final act signed		
19/03/2001	End of procedure in Parliament		
20/04/2001	Final act published in Official Journal		

Technical information

Procedure reference	1999/0252(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2006/0273(COD) Amended by 2002/0023(COD)
Legal basis	EC Treaty (after Amsterdam) EC 156
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/13392

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0113/2000 OJ C 059 23.02.2001, p. 0003	18/04/2000	
Text adopted by Parliament, 1st reading/single reading		T5-0220/2000 OJ C 059 23.02.2001, p. 0070-0106	17/05/2000	Summary

Committee recommendation tabled for plenary, 2nd reading		A5-0016/2001	24/01/2001	
Text adopted by Parliament, 2nd reading		T5-0062/2001 OJ C 276 01.10.2001, p. 0022-0037	13/02/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	10185/1/2000 OJ C 023 24.01.2001, p. 0015	10/11/2000	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1999)0617 OJ C 089 28.03.2000, p. 0011	25/11/1999	Summary
Commission communication on Council's position	SEC(2000)2055	27/11/2000	Summary
Follow-up document	COM(2006)0660	06/11/2006	Summary
Follow-up document	COM(2009)0464	08/09/2009	Summary
Follow-up document	SEC(2009)1157	08/09/2009	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0583/2000 OJ C 204 18.07.2000, p. 0013	24/05/2000	
CofR	Committee of the Regions: opinion	CDR0094/2000 OJ C 317 06.11.2000, p. 0022	14/06/2000	
EU	Implementing legislative act	32004D0446 OJ L 155 30.04.2004, p. 0001-0068	29/04/2004	Summary
EU	Implementing legislative act	32006D0066 OJ L 037 08.02.2006, p. 0001-0049	23/12/2005	Summary
EU	Implementing legislative act	32006R0062 OJ L 013 18.01.2006, p. 0001-0072	23/12/2005	Summary
EU	Implementing legislative act	32006D0679 OJ L 284 16.10.2006, p. 0001-0176	28/03/2006	Summary
EU	Implementing legislative act	32006D0861 OJ L 344 08.12.2006, p. 0001-0467	28/07/2006	Summary
EU	Implementing legislative act	32006D0920	11/08/2006	
		32006D0860		

EU	Implementing legislative act	OJ L 342 07.12.2006, p. 0001-0160	07/11/2006	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 2001/0016 OJ L 110 20.04.2001, p. 0001	Summary

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 28/07/2006 - Implementing legislative act

ACT: Commission Decision concerning the technical specifications of interoperability relating to the subsystem rolling stock – freight wagons' of the trans-European conventional rail system.

CONTENT: this legislative act establishes the "Technical Specification for Interoperability", or TSI, for **rolling stock – freight wagons' subsystem of the trans-European conventional system**. The specifications of the new TSI are set out in Annex to this Decision.

The TSI will be fully applicable to the freight wagon rolling stock of the trans-European conventional rail system. Its specifications will apply to renewal but not to maintenance-related replacements. However, Member States are expected to apply the TSI to maintenance related replacements. Further, the putting into service of new, renewed or upgraded wagons must take full consideration of any impact they may have on the environment. In its current version the TSI does not deal fully with all aspects of interoperability. Those items which are not dealt with are classified as "Open Points" in Annex JJ of the TSI.

The Member States are required to notify the following items to the Commission and the other Member States within six months of this Decision being notified:

- The list of applicable technical rules relating to "Open points";
- The conformity assessment and checking procedures.
- The names of those bodies authorised to carry out conformity-assessment and checking procedures.

In additions, Member States will be obliged to notify:

- national, bilateral or multilateral agreements between the Member States and railway undertakings or infrastructure managers, agreed either on a permanent or a temporary basis, and necessitated by the very specific or local nature of the intended transport service;
- bilateral or multilateral agreements between railway undertakings, infrastructure managers or safety authorities which deliver significant levels of local or regional interoperability;
- international agreements between one or more Member State and at least one third country or between railway undertakings or infrastructure managers and at least one railway undertaking or infrastructure manager of a third country which deliver significant levels of local or regional interoperability.

Provisions set out in Decision 2004/446/EC and which concern the basic parameters of the trans-European conventional rail system will no longer apply once this Decision becomes applicable.

DATE OF NOTIFICATION: 28 July 2006.

DATE OF APPLICATION: 28 January 2007.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 23/12/2005 - Implementing legislative act

ACT : Commission Regulation 62/2006/EC concerning the technical specification for interoperability relating to the telematic applications for freight subsystem of the trans-European conventional rail system.

CONTENT : This Regulation sets out the technical specification for interoperability (TSI) relating to the ‘telematics applications for freight’ subsystem of the conventional rail system referred to in Article 6(1) of Directive 2001/16/EC.

The purpose of this TSI is to ensure also that efficient interchange of information is at all times best adapted, with regard to quality and quantity, to changing requirements so that the transport process may remain as economically viable as possible and that freight transport on rail maintains its hold on the market against the intense competition it has to face. This means the building or upgrading of the trans-European conventional rail system for conventional rail transport and intermodal transport.

The TSI telematic applications covers the applications for freight services and the management of connections with other modes of transport which means that it concentrates on the transport services of an RU in addition to the pure operation of trains. Safety aspects are only considered as far as the existence of data elements, e.g. wrong or not actual values, may have an impact on the safety operation of a train. The geographical scope of this TSI is the trans-European conventional rail system as described in Annex I to the Directive 2001/16/EC. But this TSI may also be applied to the complete freight transport rail network of the Member States of the EU, with the restriction that the requirements of this TSI are not mandatory for freight transport arriving from or going to a non-EU country.

Content of this TSI: this TSI:

- indicates its intended scope of the telematic applications subsystem for freight;

- lays down the essential requirements for this subsystem and its interface vis-à-vis other subsystems;

- establishes the functional and technical specifications to be met by the subsystem and its interfaces vis-à-vis other subsystems;

- determines the interoperability constituents and interfaces covered by European specifications, including European standards, which are necessary to achieve interoperability within the trans-European conventional rail system;

- states, in each case under consideration, the procedures for the assessment of conformity or suitability for use. This includes, in particular, the modules defined in Council Decision 93/465/EEC or, where appropriate, the specific procedures to be used to assess either the conformity to or the suitability for use of interoperability constituents and ‘EC’ verification of subsystems;

- indicates the strategy for implementing the TSI. In particular it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSI shall be the norm;

-indicates, for the staff concerned, the professional qualifications and health and safety conditions at work required for the operation and maintenance of this subsystem, as well as for the implementation of the TSI;

- provision is made for specific cases for this TSI.

Lastly, this TSI also comprises the operating and maintenance requirements specific to its technical and geographical scope.

Railway Undertakings and Infrastructure Managers shall contribute by providing functional and technical information about the existing individual telematics applications for freight not later than six months after the entry into force of the Regulation.

The representative bodies from the railway sector acting on a European level shall establish a Strategic European Deployment Plan for the TSI according with the criteria specified in the Annex to the Regulation. They shall forward this strategic plan to the Member States and the Commission not later than one year after the entry into force of the Regulation.

Those provisions of Decision 2004/446/EC which concern the basic parameters of the trans-European conventional rail system shall no longer apply as from the date of the entry into force of this Regulation.

ENTRY INTO FORCE : 19/01/2006.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 17/05/2000 - Text adopted by Parliament, 1st reading/single reading

The European Parliament in its first reading adopted its report drafted by Gilles SAVARY (PES, France) amending the proposal for a directive on the interoperability of the trans-European conventional rail system. The main amendments include: -an emphasis on establishing an order of priorities and a timetable. -an emphasis on staff qualifications and health and safety conditions at work required for the operation of and maintenance of the

subsystem concerned and for the application of each TSI. -an overall assessment of the foreseeable costs and benefits of the implementation of the TSI shall be attached to the draft TSI, and this assessment will indicate the estimated impact for all the economic operators and agents involved. -cost /benefits analysis will be considered in the drafting, adoption and reveiw of each TSI. -third countries, particularly candidate countries, may be allowed to take part from the beginning as observers in the meetings of the joint representative body. -the order of priority for production of TSIs is listed.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 06/11/2006 - Follow-up document

This is the second Commission report on progress towards greater inter-operability within the European rail network. It has been prepared in accordance with Article 24 of Directive 96/48/EC.

The report analyses the rate at which the inter-operability Directives have been implemented. These Directives have sought to open-up the rail transport market and to make the rail network capable of providing a seamless cross-border passenger and freight service. The Report also reviews the measures taken at both a national and a European level to fulfil the provisions of the Directives and their progress towards inter-operability. A further feature of this Report is its assessment of the Directive's relationship with the "European Railway Agency", which became operational in 2005.

The Report finds that the high speed inter-operability directive is now well established and fully implemented (with the exception of Slovakia). E xtensive experience has been gained in the implementation of the TSIs, their conformity assessment and the progression of the high speed rail network. With regards to Slovakia, the Commission has now referred the case to the Court of Justice. The conventional rail interoperability directive expands the scope of the interoperable rail network and the first group of TSIs are expected to come into force by mid 2006. The cost benefit analysis of supporting the TSIs is a crucial activity which will lead to a better understanding of the TSIs full impact on the rail transport market. Member States should be encouraged to participate early in the development process of the TSI with the Agency. The report considers the benefits of merging certain TSIs for high speed and conventional railways in order to reduce the regulatory burden on operators and to allow the rail transport system to be viewed as a 'total system' thus potentially reducing overall costs. A merger of both interoperability directives is also being considered in the context of simplification and better regulation. The monitoring of the derogations granted against TSI is an important activity of the Committee, as the scope and quantity of derogations has a direct impact on the progress of interoperability.

The following progress interoperability progress report will be undertaken by the European Rail Agency. The first of their reports will be made available in 2007.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 23/12/2005 - Implementing legislative act

ACT: Commission Decision concerning the technical specification for interoperability relating to the subsystem "rolling stock – noise" of the trans-European conventional rail system.

CONTENT: Directive 2001/16/EC obliges the EU to prepare technical specifications (TSIs) for the subsystem "noise". The European Association for Railway Interoperability (AEIF) was mandated by the Commission to prepare such specifications and in doing so relied on the best available expert knowledge. The basic parameters for the subsystem "noise" were adopted in 2004 by Commission Decision 2004/446. This latter Decision, sets out the basic parameters of the noise, freight wagons and telematic applications for freight technical specifications for interoperability. In adopting this Act, however, the provisions concerning the basic parameters of the tans-European conventional rail system shall no longer apply to Decision 2004/446.

In more specific terms, the TSI Noise is now adopted and refers to the trans-European conventional rail system as defined by Directive 2001/16, both in its Articles and in its Annexes. Under the terms of the Decision, Member States are expected to inform the EU of any agreements which contain requirements relating to noise emission limits. The types of agreements should include national agreements between the Member States and the railway undertakings, bi-lateral or multilateral agreements between railway undertakings, infrastructure managers or safety authorities and international agreements between one or more Member State and at least on third country or between railway undertakings of at least one Member State and at least one railway undertaking of a third country.

ENTRY INTO FORCE: 23 June 2006.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 25/11/1999 - Legislative proposal

PURPOSE : to propose a programme for the integration of conventional railway systems, including a directive on the interoperability of the trans-European conventional rail network. CONTENT : this communication responds to requests from the Council and the Parliament for proposals on the integration of conventional rail systems to accompany the creation of access rights for the provision of international freight services. It is an important element of the Commission's strategy to improve the operating efficiency and customer service quality of the Community's railways through a wide

ranging process of market liberalisation, improving conditions of utilisation of infrastructure (charging and capacity allocation), interoperability and technical harmonisation. The proposals in this communication and the draft directives already before the Council (the infrastructure package) are an initial step in fulfilling the Treaty obligation of a single market in rail transport services. As the market develops, the Commission intends to combine this legislative approach with TENs policy on relieving infrastructure bottlenecks, strict application of Community competition law and rules on public procurement as regards railway equipment and support for research and development. The three main objectives of this communication are: 1) to improve the organisation of international services, especially of freight in order to increase the competitiveness of international freight services. In addition, railway undertakings and infrastructure managers should adopt the immediate aim of reducing delays at border crossings to the time needed to change locomotives as well as trying to eliminate stops at borders entirely; 2) to promote the interoperability of the conventional rail networks through further harmonisation of technical and operating rules, so as to raise the performance of international services; 3) to help create a single market for railway equipment. Despite restructuring of the sector in the 1990s, the bigger national markets remain largely closed. Railways are locked into buying from national suppliers, which raises procurement costs and so adds to the price of rail transport. In addition, the Commission is convinced that the Community must tackle the technical, regulatory and operational differences that divide the conventional railway systems. This should be done by extending the process created for the high-speed system to conventional rail, with the changes necessary to fit specific characteristics. It therefore presents with this communication a proposal for directive on the interoperability of conventional rail. The directive would apply to the conventional trans-European network and would cover the renewal equipment as well as upgrading and construction. Furthermore, the Commission proposes giving immediate priority to harmonisation in these fields : signalling and command/control systems; data exchange, information technology and telecommunications, especially for freight transport; rolling stock used for international services; emissions of noise, particularly from freight wagons; qualifications oftrain crews for cross-border operations; assessment conformity with specifications; mutual recognition of maintenance and repairs. Moreover, in 2000, the Commission will launch preparatory technical work on emissions of railway noise, through a working group as well as a study of the qualifications specifically required for cross-border operations by train crews and the certification of competence, in consultation with the social partners. In 2001, the Commission will propose mandates to the joint representative body for: - the preparation of specifications for signalling and command/control systems for conventional rail, based on ERTMS; - the preparation of specifications for the interoperability of passenger carriages and freight wagons; - assessment of what specifications for multiple units and locomotives may be needed; - assessment of whether Community guidelines for testing railway equipment under operational conditions are required; - the preparation of specifications for procedures at border crossings, the interconnection of railway IT systems, and for their interface with other modes; - the preparation of the specification and procedures required for mutual recognition of maintences and repairs. In 2002, the Commission will also propose mandates to joint representative body for an assessment of whether harmonisation of catenary and pantograph design would be justified and an assessment on whether further harmonisation of infrastructure would be justified. In conclusion, every two years the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the trans-European conventional rail system. To this end, the joint representaive body shall develop and regulary update a tool capable of providing, at the request of a Member State or the Commission, a chart of the trans-European conventional rail system showing for each component of the system (lines and hubs, rolling stock series), the principle characteristics (e.g. basic parameters) and their compliance with the characteristics laid down by the TSIs (Technical Specifications for Interoperability).

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 28/03/2006 - Implementing legislative act

ACT: Commission Decision 2006/697/EC concerning the technical specifications for interoperability relating to the control-command and signalling subsystems of the trans-European conventional rail system.

CONTENT: this legislative act establishes the “Technical Specification for Interoperability”, or TSI, for the **control-command and signalling sub-system of the trans-European conventional rail system**. The specifications of the new TSI are set out in Annex to this Decision.

The purpose of the new TSI is to form a coherent implementing strategy for the design, construction, commissioning, upgrading, renewal and operation of the infrastructure and the rolling stock. A distinction is made between “renewal” and “maintenance”. Thus, the TSI will apply to renewals but not to maintenance related replacements although Member States are encouraged to apply the new TSI whenever possible.

The Decision also foresees the establishment of a “Change Control Management” process which will update and revise the TSI where technological advances require it. The updating process will be transferred from the AEIF to the European Railway Agency which is established by Regulation 881 /2004/EC.

The Member States are required to notify the following items to the Commission and the other Member States within six months of this Decision being notified:

- The list of applicable technical rules relating to “Open points”;
- The conformity assessment and checking procedures.
- The names of those bodies authorised to carry out conformity-assessment and checking procedures.

The Member States will need to establish a national implementation plan for the TSI and forward it to both the Commission and the other Member States. On the basis of these national plans the Commission will prepare an EU master plan.

The Member States must make every effort for the availability of an external Specific Transmission Module, or STM, for their legacy Class B command-and-control systems by 31 December 2007.

With regards to the infrastructure and rolling stock already in services, at the time of entry into force of this TSI, the TSI should be applied from the time when work is envisaged on these infrastructures and rolling stock.

The Decision will become applicable six months after the date of its notification.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 29/04/2004 - Implementing legislative act

ACT : Commission Decision 2004/446/EC specifying the basic parameters of the 'Noise', 'Freight Wagons' and 'Telematic applications for freight' Technical Specifications for Interoperability referred to in Directive 2001/16/EC CONTENT : in accordance with Article 2 (c) of Directive 2001/16/EC, the trans-European conventional rail system is subdivided into structural or functional subsystems. Each of the subsystems is to be covered by a technical specification for interoperability (TSI). The European Association for Railway Interoperability (AEIF) has been given a mandate to draw up draft TSIs on 'noise', 'freight wagons' and 'telematic applications for freight'. However, in accordance with Article 6(4) of Directive 2001/16/EC, the first stage in developing the above-mentioned TSIs is to establish the characteristics of their basic parameters to be used by the AEIF. Therefore, this Decision sets out, in the Annex, the definitions and characteristics to be respected for the basic parameters of the 'noise', 'freight wagons' and 'telematic applications for freight' as proposed by the AEIF. The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Directive 2001/16/EC.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 27/11/2000 - Commission communication on Council's position

The Commission endorses the text of the Common position which was not the subject of any Commission reservation. Generally speaking, the amendments adopted by the European Parliament on first reading have been incorporated into the Common Position by the Council, with the exception of European Parliament amendments concerning which the Commission expressed its disagreement. With regard to the European Parliament amendments rejected by the Council, the main one relates to the involvement of external bodies during the phases of the placing of the interoperability constituents on the market as well as the placing in service of the subsystems. The Commission is of the opinion that it does not seem wise at this stage to oblige Member States to resort to such bodies after the subsystems have been placed in service. Rather, this concept could be re-examined within five to ten years after the adoption and effective implementation of the technical specifications for interoperability (TSIs). With regard to European Parliament amendments partially incorporated into the Common Postion, the Commission agrees with the Council's decision to refer to another EP request rather than the EP opinion of 10.03.1999. Concering the concept of registers, the Commission contends that the infrastructure and rolling stock engines must be drawn up for whole subsystems and not only apply in cases where the TSI are not applied. Even when the TSIs are applied, specific cases and choices remain possible, and all the characteristics that have actually been installed must be recorded in the registers. In relation to the provisions concerning the application of the TSIs, the Commission is of the opinion that the wording must be looked at again and the time limit for incorporation into national law proposed by the Council is slightly longer (24 months instead of 18).

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 08/09/2009

This progress report on the implementation of the Railway Safety Directive and of the Railway interoperability Directives describes the stage reached so far in implementing the Railway Safety Directive and in achieving interoperability of the European rail system since the first report adopted by the Commission in November 2006 (see COM(2006)0660). It responds to Article 31 of the Railway Safety Directive, Article 24 of the high-speed Interoperability Directiveand Article 28 of the conventional rail Interoperability Directive.

Moreover, it builds on the findings of the first biennial report on the development of railway safety in the European Community issued by the European Railway Agency in 2008.

To prepare for this report, the European Commission commissioned a study analysing the degree of implementation of rail interoperability and safety legislation and progress in the field, and carried out a public consultation. The results of the consultation are summarised in the annex to this report.

It should be noted that recent amendments to the legal framework for railway safety and interoperability have not been considered in this report as they are still being transposed at national level (see COD/2006/0273 et COD/2006/0272).

The main finding are as follows:

- **Transposition by Member States**: all Member States have notified the Commission of their national measures implementing the Railway Safety Directive, except for Luxembourg, against which infringement proceedings are still open. However, in several cases transposition has been delayed and did not meet the legal deadline specified in the Directive (30 April 2006). The next step is to check that all provisions of the

Directive have been correctly implemented; this includes conformity checks and detailed analyses to verify, for example, the capacity of the national bodies to perform the tasks required by the Directives. These analyses are still in hand and it is therefore too early to draw final conclusions on this issue. However, some initial results are available on the notification of national safety rules and the setting up of national bodies.

- **National safety rules and notification**: almost 5000 national safety rules have been notified. On request of the Commission the Agency has examined these notifications and recommended asking for clarification or renotification of national safety rules by most Member States. As for the question of publishing the national safety rules, in 2009 the Agency is expected to propose ways to improve access.
- **Setting up of national authorities and bodies**: the role of the national safety authorities (NSA) is critical both in maintaining safety and in ensuring that safety is not a barrier to market opening when developing interoperability. Most of the NSAs were established in 2006 and 2007. At the end of 2008 there was only one Member State that had not yet established its NSA. Member States must also set up independent investigation bodies charged with investigating serious railway accidents. By April 2009, only one Member State had not yet set up its national investigation body (NIB). The Agency has established networks to facilitate cooperation and sharing of views and experience by these national bodies.
- **Development and implementation of secondary legislation at European level**: the Railway Safety Directive provides for a large amount of secondary legislation to be adopted by the Commission and drafted by the Agency based on mandates issued by the Commission. In 2007 the first instrument was adopted: Commission Regulation (EC) No 653/2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC and on the validity of safety certificates delivered under Directive 2001/14/EC. Common safety methods for risk assessment and to assess achievement of safety targets were respectively adopted on 24 April 2009 and 5 June 2009 while further legislation is in preparation.
- **Safety Certification**: further information on the status of safety certification, and a proposed strategy for migration towards a single Community safety certificate, will be produced by the Agency in 2010 based on an evaluation of the safety certification procedures in the Member States.
- **Safety Reporting**:NSAs must publish annual reports giving information on the railway safety situation. The Agency uses these reports to continuously monitor the development of railway safety in the EU. Overall, initial figures confirm that railways are very safe for rail users, with fewer than 100 fatalities annually compared to about 40 000 on EU roads. Furthermore, the development of railway safety in the EU Member States can be regarded as very positive, as the number of passenger fatalities went down from around 400 in 1970 to only 58 in 2006. However, figures show that there is high representation of third parties in fatal railway accidents such as trespassers and level crossing users (together around 1 500 fatalities per year). Suicides constitute another particular feature of rail accidents: these fatalities are not reported as accidents and they are seldom subject to press reports. In 2006 they accounted for about 2 300, i.e. more than 60% of all fatalities.
- **Implementation of the Interoperability Directives**: all Member States have notified national measures implementing the Interoperability Directives 96/48/EC (High-Speed), Directive 2001/16/EC (Conventional Rail) and Directive 2004/50 (alignment of High-Speed and Conventional Rail Directives and extension of the scope).

Main conclusions: the Commission considers that the progress made thanks to the Community regulatory framework for railway safety and interoperability should encourage **further development of the internal rail market**, helping the emergence of new businesses, the cutting of entry costs and, ultimately, the competitiveness of rail as compared to other modes of transport. The analyses carried out in this report show mixed results for the time being.

1) As for rail safety, statistics indicate that the railway system in the Community is safe and the organisational changes stemming from the Community framework not only had no negative impact on safety but are expected to raise safety levels in the short and medium terms. From the market perspective, **safety requirements still impose significant entry barriers**. These relate mainly to the cost and the duration of the procedures involved at national level, their disparity across Europe and the lack of transparency/predictability. Substantial progress in this field is expected, partly due to the harmonisation of safety certificates for railway undertakings and the introduction of **Common Safety Methods**, and partly due to the cross-acceptance of national rules when authorising the placing into service of rail vehicles.

The success of these activities will depend on two conditions:

- the **full establishment of the newly created bodies**, especially national safety authorities (NSAs), operating at similar levels of competence and efficiency. This is necessary to create mutual trust between NSAs. The Commission will therefore continue to check that Community legislation has been correctly transposed as far as new structures and tools are concerned;
- the leading **role of the European Railway Agency in gradually harmonising safety rules and procedures** and progressively replacing them with common methods. This role may evolve even further in the future towards complementing or supplementing the activities of NSAs in the certification and authorisation processes;

2) The secondary legislation on interoperability is expected to be completed in 2010 as far as the TEN-T network is concerned. This is certainly a priority for the Commission, as no real interoperability can be achieved without technical specifications for interoperability (TSIs) for all sub-systems. Another priority for the Commission is to manage the transition from the old regime to the new regime created by the TSIs and the registers of infrastructure and rolling stock.

Moreover, the increasing number of conformity certificates issued for sub-systems and the limited number of derogations indicate that, overall, the existing TSIs are being successfully applied. This also underlines the **importance of Notified Bodies** and their role in increasing competence and mutual trust. However, residual open points in TSIs and the limited geographical scope of the TSIs may hamper the future integration of the European rail system as they constitute obstacles to interoperability. Therefore it will be essential to close the open points and to extend the scope of TSIs in a reasonably short period of time.

The Commission also notes that **progress towards interoperability is a slow process**. Because of the long lifetime of rail infrastructure and rolling stock and the need to keep investment costs for the sector at an acceptable level, radical changes towards harmonised solutions are not possible. That is why the Commission intends to concentrate efforts on implementing those technical specifications that will deliver significant benefits in the short and medium term, namely the CCS, TAF, TAP and OPE TSIs.

Lastly, it will also be necessary for future revisions of **TSIs** to give a higher consideration to the principles developed under the strategy for **simplifying the regulatory environment** and to ensure the relevance, effectiveness and proportionality of the railway legislation. For example, more use of voluntary European standards will be considered.

The Commission will continue to check how the legal framework for railway safety and interoperability is implemented in practice, ensuring that all the secondary legislation is introduced (mainly TSIs for conventional rail and common safety methods) and the new Directives are transposed. It then intends to **prepare a Communication reviewing its policies** on interoperability and the safety of the Community railway system.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 07/11/2006 - Implementing legislative act

ACT: Commission Decision concerning a technical specification for interoperability relating to the control-command and signalling sub-system of the trans-European ***High Speed*** rail system and modifying Annex A to Decision 2006/697/EC concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European ***conventional*** rail system.

CONTENT: this act updates and renews the 2004 Technical Specification for Interoperability or "TSI" *relating to control and command and signalling subsystem of the* ***High Speed*** *rails system* in order to take account of technical progress and experience gained. The new TSI is based on work conducted by the AEIF.

At the same time the Decision corrects erroneous references in Annex A to the TSI *laying down the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European* ***conventional*** *rail system* (Council Decision 2006/679/EC. For a summary see above.)

In summary, this Decision:

- Adopts a TSI relating to the control and signalling subsystem of the trans-European High Speed railway. The TSI is set out in the Annex to this Decision.
- It will apply to all new, upgraded or renewed rolling stock or lines of trans-European high speed rail systems.

Member States must notify, within six months of notification the following to the European Commission:

- a list of applicable technical rules which are considered "Open Points";
- a list of the subsystem signalling, radio and transmission matrix (Annex B);
- a list of the conformity assessment and checking procedures; and
- a list of the bodies appointed for carrying out conformity assessment.

Member States must establish a national implementation plan of the TSI and forward this plan to the other Member States and the Commission. On the basis of these national plans the Commission will draft an EU Master Plan.

- Annex A to the TSI "laying down the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European ***conventional*** rail system", (Council Decision 2006/679/EC) will be replaced by Annex A to the high speed rail system TSI. This allows for an update of the 1529 mm track gauge locomotives and trains.

REPEAL: Decision 2002/731/EC is repealed. Its provisions will continue to apply in relation to the maintenance of projects authorised in accordance with the TSI annexed to that Decision. It will also apply to projects for a new line and for the renewal or upgrading of an existing line which are at an advanced stage of development – or which are the subject of a contract at the date of notifying the present Decision. Member States are obliged to notify an exhaustive list of the sub-systems and interoperability constituents which continue to apply the 2002 TSI to the Commission.

DATE OF NOTIFICATION: 7 November 2006.

DATE OF APPLICATION: 7 November 2006.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 19/03/2001 - Final act

PURPOSE: to initiate a programme for the integration of conventional railway systems, including a directive on the interoperability of the trans-European conventional rail network. COMMUNITY MEASURE: Directive 2001/16/EC of the European Parliament and of the Council. CONTENT: the Directive sets out to establish the conditions to be met to achieve interoperability within the Community territory of the trans-European conventional rail system. These conditions concern the design, construction, putting into service, upgrading, renewal, operation and maintenance of the parts of this

system put into service after the date of entry into force of this Directive, as well as the professional qualifications and health and safety conditions of the staff who contribute to this operations. The Directive shall apply to the provisions concerning, for each subsystem (due to complexity, it is necessary to break the trans-European conventional rail system down into subsystems), the interoperability constituents, the interfaces and procedures as well as the conditions of overall compatability of the trans-European conventional rail system required to achieve its interoperability. Against this background, the main provisions of the directive are the following: - technical specifications for interoperability (TSIs); - interoperability constituents; - subsystems; - notified bodies The Commission shall be assisted by a Committee established by Article 21 of Directive 96/48/EC. The Member States shall ensure that registers of infrastructure and of rolling stock are published and updated annually. Those registers shall indicate the main features of each subsystem or part subsystem involved (e.g. the basic parameters) and their correlation with the features laid down by the applicable TSIs. To that end, each TSI shall indicate precisely which information must be included in the registers of infrastructure and of rolling stock. ENTRY INTO FORCE: 20/04/01.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 13/02/2001 - Text adopted by Parliament, 2nd reading

The European Parliament endorsed, without amendment, the text drafted by Mr Gilles SAVARY (PES, F) on the interoperability of the trans-European rail network.

Rail transport: interoperability of the trans-European conventional rail system

1999/0252(COD) - 10/11/2000 - Council position

In adopting the common postion concering the interoperability of the trans-European conventional rail system, the Council amended the Commission's proposal and adopted either fully or partially the amendments of the European Parliament. The main amendments of the European Parliament not adopted by the Council relate to the monitoring of the operation of installations of rolling stock, rules applicable to the common procedure and a uniform standard for tracks and electricity supply. The main amendments incoporated into the common position other than those based on the European Parliament's amendments are the following: - stress on the link between the development of railways and environmental protection; - the addition of references to the needs of people with reduced mobility.