

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

2006/0272(COD) - 29/11/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Paolo **COSTA** (ALDE, IT) and made some amendments to the proposal amending Directive 2004/49/EC on safety on the Community's railways. These amendments transferred the rolling stock provisions of Article 14 on the placing in service of railway vehicles to the Interoperability Directive. They also introduced the regulatory procedure with scrutiny to some provisions and introduced new provisions on the maintenance of vehicles.

The main amendments are as follows:

Objectives: Parliament added that the Directive aims to improve safety on the Community's railways by contributing to the achievement of the objectives of Directive 89/391/EEC on improving the safety and health of workers at work and laying down specific provisions in order to minimise the risks of railway operation for staff.

Definitions: "national safety rules" are defined as all rules laying down railway safety requirements imposed at Member State level in order to ensure that the rail system, the subsystems, the constituents, including the interfaces, meet the essential requirements and are applicable to more than one railway undertaking or one or more infrastructure managers, irrespective of the body issuing them. It added a definition of "essential requirements", meaning all the conditions set out in Annex III of Interoperability Directive, which must be met by the rail system, the subsystems, and the interoperability constituents, including interfaces.

Keeper: Parliament stated that this must be a person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the National Vehicle Register referred to in the Interoperability Directive.

Common Safety Targets (CST): a new clause states that before drafting or revising CSTs, a cost-benefit analysis must demonstrate that the expected effect of the development of CSTs shall improve the level of transport safety and the optimum use of the railway system.

Safety certificates: the report introduces new wording ensuring that high level of safety instead of "complete safety" is provided for the services of railway network.

Transfer of Article 14 and its measures on interoperability: provisions included into the new Article 14 - Placing in service of existing stock - are transferred to the Interoperability Directive. Article 14a on classification of the national rules is deleted. Parliament stated that railway vehicles that have been authorised to be placed in service in one Member State shall be subject to a further authorisation prior to being placed in service in any other Member State pursuant to the requirements laid down in the Interoperability Directive.

Maintenance of the rolling stock: these provisions are amended. Whenever a vehicle is placed in service, a keeper shall be designated for each vehicle. The keeper shall be responsible for the maintenance of the vehicle. A railway undertaking may be a keeper. The railway undertaking shall be responsible for the operating safety of vehicles placed in service on the network. In order to demonstrate, in the context of safety certification, that the rolling stock is being maintained in accordance with the requirements in force, the railway undertaking shall give details of the keepers and shall provide documentation explaining the

procedures applied by those keepers in carrying out such maintenance. Where a railway undertaking uses vehicles for which it is not the keeper, the railway undertaking shall put in place the procedures needed to verify compliance with the requirements in force including maintenance rules in accordance with the TSI provisions. In the event of a change of keeper, the previous keeper shall provide all the maintenance files in his possession to the new keeper before the change is recorded in the National Vehicle Register. The Commission shall establish, by 1 January 2010, a mandatory maintenance certification system for keepers of wagons and other vehicles based on a recommendation from the Agency. The measures will be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a). On imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in Article 27 (2b).

Decisions subject to opinions by the Agency: the Agency may be requested, by an applicant, to provide a technical opinion on a decision in the negative taken by a safety authority as regards the granting of a safety certificate or a safety authorisation.

Comitology: Parliament made several amendments to ensure that certain measures are aligned to the regulatory procedure with scrutiny. This includes the revision of Annex I with a view to incorporating the CSI common definitions and the common methods for calculating the cost of accidents. It also includes the revision of CSMs at regular intervals, taking into account the experience gained from their application and the global development of railway safety and the obligations on Member States, and the second set of draft CSTs. On imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in Article 27 (2b).