

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

2006/0272(COD) - 07/03/2008 - Commission communication on Council's position

The Commission recalls that an early agreement was not possible due to Parliamentary requests concerning the definition of the relationship between railway companies and vehicle keepers as regards maintenance. The Commission is of the view, however, that the Council's common position, which was adopted unanimously, does not undermine the essential objectives and underlying approach of the Commission's proposal. Further, the common position already incorporates some of the amendments adopted by Parliament and first reading as well as guaranteeing the needed consistency with the recast of the railway interoperability Directives, on which agreement was reached at first reading.

The most important element of the common position was the decision to transfer the content of Article 14 of the Railway Safety Directive (as well as the new Article 14a) to the new Interoperability Directive, the purpose of which is to gather in one single act all procedures relating to bringing railway vehicles into service.

Parliamentary amendments accepted by the Commission and incorporated in full or in part in the common position:

The most important amendment refers to the Parliamentary proposals concerning the National Vehicle Register (NVR). Although this is in keeping with the 2007 Commission Decision on the NVR this definition has been amended by the Council in its common position in order to make it consistent with the new article on vehicle maintenance.

Parliamentary amendments rejected by the Commission and not incorporated in the common position:

These refer, in summary, to:

- the link between the Interoperability Directive and the Directive on the introduction of measures to encourage improvements in the safety and health of workers and laying down specific provisions to minimise the risk of rail transport for employees. This amendment has been rejected on the grounds that it has already been commented on in Recital 14 of the Directive currently in force;
- a proposed change in the definition of "national safety rules". This amendment has been rejected on the grounds that this definition has never been challenged by any of the players involved. Further, not all national safety rules are related to the essential requirements of railway interoperability. Some, for example, cover the environment.
- an amendment concerning Common Safety Targets (CSTs) and the procedure for adopting them. Work has already made good progress and it would not be appropriate to change the assumptions on which it is based whilst the process is still underway. A cost-benefit analysis is already provided for in Article 6(4) of the original Directive;
- amendments that refer to a high level of safety. A more consistent formula was found in the common position of the Council;
- an amendment concerning requests for a technical opinion from the Railways Agency if the safety authority refused to issue safety certificates or safety approvals. This was rejected on the grounds that it goes beyond the stated objectives of the Commission's initial proposal.

Parliamentary amendments acceptable to the Commission but not incorporated in full or in part in the common position:

This refers to “the entity in charge of maintenance”, which is now part of the new Community regulatory framework. Whether the system for certifying owners is to be obligatory or voluntary should not be stipulated in the Directive but following the completion of an impact study, which the Agency is to carry out.

To conclude, the Commission considers that the common position, adopted by unanimity, contributes to the essential objectives and the underlying approach of its initial proposal and can therefore support it.