

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

2006/0272(COD) - 16/12/2008 - Final act

PURPOSE: to support the revitalisation of the railway sector by removing obstacles to the movement of trains throughout the European rail network and to improve safety on the Community's railways.

LEGISLATIVE ACT: Directive 2008/110/EC of the European Parliament and of the Council amending Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive).

CONTENT: the Council adopted a Directive on safety on the Community's railways by approving the European Parliament's amendments at second reading.

This Directive amending existing Directive 2004/49/EC forms part of a series of Commission proposals comprising a draft [Directive on interoperability](#) of the Community rail system and a draft [Regulation establishing a European Railway Agency](#). The aim of these proposals is to improve the cross-acceptance of railway vehicles in the EU and, hence, the operation of the internal market.

Cross-acceptance will be improved through a more systematic application of the principle of mutual recognition to national authorisation procedures and harmonisation of certain provisions. This will help improve the conditions for the competitiveness of railways in Europe.

The main elements of the amending Directive are as follows:

Scope: the following shall be excluded from the scope: (a) heritage vehicles that run on national networks provided that they comply with national safety rules and regulations with a view to ensuring safe circulation of such vehicles; (b) heritage, museum and tourist railways that operate on their own network, including workshops, vehicles and staff.

Role and responsibilities: the Directive specifies the different roles and responsibilities of those concerned by rail transport (railway undertakings, infrastructure managers, keepers and entities in charge of maintenance), particularly with regard to the maintenance of railway vehicles.

Maintenance of vehicles: pursuant to the Directive, a railway undertaking, an infrastructure manager or a keeper could be an entity in charge of maintenance. The keeper should be clearly identified in the National Vehicle Register (NVR) provided for in the Railway Interoperability Directive. The entity shall ensure that the vehicles for which it is in charge of maintenance are in a safe state of running. To this end, the entity in charge of maintenance shall ensure that vehicles are maintained in accordance with: (a) the maintenance file of each vehicle; (b) the requirements in force including maintenance rules and the "rolling stock" technical specifications for interoperability (TSIs) provisions.

In the case of **freight wagons**, each entity in charge of maintenance shall be certified by a body accredited or recognised in accordance with the Directive, or by a national safety authority. The accreditation process shall be based on criteria of independence, competence and impartiality, such as the relevant EN 45 000 series European standards.

Certification: the Directive establishes a system of certification of the entity in charge of maintenance. The certificates shall be valid throughout the Community and shall guarantee that the maintenance requirements of this Directive are met for any vehicle of which it is in charge.

Based on a recommendation by the Agency, the Commission shall, by 24 December 2010, adopt a measure establishing a system of certification of the entity in charge of maintenance for freight wagons. It shall, by 24 December 2018 review this measure in order to include all vehicles and to update, if necessary, the certification system applicable to freight wagons.

The Agency shall evaluate the certification process by submitting a report to the Commission, no later than three years after the entry into force of the relevant measure.

Derogations: Member States may decide to fulfil the obligations to identify the entity in charge of maintenance and to certify it through alternative measures, in the following cases: (a) vehicles registered in a third country and maintained according to the law of that country; (b) vehicles which are used on networks or lines the track gauge of which is different from that of the main rail network within the Community; (c) military equipment and special transport requiring an ad hoc national safety authority permit to be delivered prior to the service. Such alternative measures shall be implemented through derogations to be granted by the relevant national safety authority.

Comitology: the Commission should be empowered to revise and adapt the Annexes to Directive 2004/49/EC, to adopt and revise common safety methods and common safety targets, and also to establish a maintenance certification system. These measures shall be adopted in accordance with the regulatory procedure with scrutiny.

ENTRY INTO FORCE: 24/12/2008.

TRANSPOSITION: 24/12/2010. The obligations for transposition and implementation of this Directive shall not apply to the Republic of Cyprus and the Republic of Malta for as long as no railway system is established within their respective territories.