

# Community's railways: safety, licensing, levying of charges, certification. 2nd package

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The Commission presented a Communication on a progress report on the implementation of Directive 2004/49/EC of the European Parliament and the Council on railway safety. This Communication sets out the progress that has been made since the Commission adopted its second report in September 2009.

**Developments in the legal framework:** in the course of the last five years, secondary legislation in the railway safety sector has been developed and the **implementing acts** required by the Railway Safety Directive have entered into force. The European Railway Agency (ERA) has made a major contribution in drafting legislation and providing the Commission with its recommendations.

**Common safety indicators**, methods and targets have been developed. The national safety authorities are now able to issue safety certificates/authorisations and perform supervision according to a harmonised methodology. A harmonised system has been established for the **certification of entities in charge of maintenance for freight wagons**. The overall safety legislative framework is therefore operational.

**Some issues, however, remain problematic:**

- **Transposition of the Directive:** several Member States have transposed the provisions of the Railway Safety Directive incorrectly or unclearly. This could lead to inconsistent application of safety requirements across the European rail system and unequal conditions for railway undertakings.

At present, there are still six procedures at EU-Pilot stage and 14 infringement cases ongoing. Following these procedures, the Member States concerned are expected to adapt their national legislations so they are compliant with the provisions of the Railway Safety Directive.

- **National safety rules (NSRs):** because of the lack of transparency they engender, national safety rules (NSRs) are one of the major obstacles to the development of an internal market for rail. Although introduced for legitimate reasons, most NSRs are a legacy of old regulatory arrangements and are **redundant** in the safety system established by the Railway Safety Directive. Member States are expected to withdraw obsolete rules accordingly. A specific Task Force on National Safety Rules (2011-12) was set up to clarify some areas of uncertainty about NSRs and foster best practices.

New NSRs should be **limited in scope** and be no more prescriptive than is necessary to meet the safety objectives. Moreover, the national safety authorities should abstain from imposing prescriptive safety rules and rather oblige infrastructure managers and railway undertakings **fully to shoulder their responsibilities** for the safety of the system.

- **Railway safety performance:** over the last six years available railway safety has continued to improve across the EU, **with accident figures falling considerably** and casualty numbers seeing slight reductions.

More than 2 000 significant accidents occur each year on the Member States' railways. Accidents to persons caused by rolling stock in motion and level-crossing accidents constitute more than three quarters of all railway accidents, excluding suicides. In these accidents, around 1 200 people are killed each year.

According to the report, safety performance is in general **satisfactory** and better than that of the other land transport modes, but it **varies widely** across Member States, with **possible deterioration** identified in a

few. These Member States will receive particular attention from the Commission and ERA and are expected to send the Commission an explanation of the likely causes of the results.

In the coming years, with some Member States coming under greater scrutiny, more balanced results can be expected, with an overall rise in safety levels.

Also, recent Commission initiatives such as **the technical pillar of the 4th Railway Package** and the development of a Platform for Infrastructure Managers in Europe (**PRIME**) have real potential to bring further safety improvements.