

# Interoperability of the rail system within the EU. Recast. 4th Railway Package

2013/0015(COD) - 26/01/2016 - Commission communication on Council's position

The Commission presented a communication concerning the position of the Council on the adoption of a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast).

The Commission considered that the position at first reading adopted by the Transport Council on 10 December 2015 **supports the main objectives of the Commission proposal** recasting the Interoperability Directive (2008/57/EC) which seeks to introduce a Single Vehicle Authorisation.

The Council position also includes **new provisions addressing specific cases and the concerns of some Member States**: (i) placing in service of trackside control-command and signalling subsystem: the competence of placing this subsystem in service in the hands of the national safety authorities;

(ii) a transitional period of three years for Chapter V of Directive 2008/57/EC instead of the proposed two years; and (iii) the deadlines for implementing the Technical Specifications for Interoperability (TSI). The Council position has diluted the proposed text which allowed a clear indication of deadlines for the application of TSIs to existing subsystems.

**The Commission welcomes that the Council position added:**

- a one stop shop for vehicle authorisations;
- a new provision requesting the Agency to set up a **new European Vehicle Register**, because this will simplify the current situation with 26 National Vehicle Registers and is consistent with the new role of the Agency in terms of vehicle authorisation.

**However, the Commission regrets:**

- all modifications introduced in relation to **delegated and implementing powers**, including the systematic recourse to the non-opinion clause, which is contrary to the letter and to the spirit of Article 5§4 second subparagraph, point b) of Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing power;
- the suppression of the obligation of the Member State to supply to the Commission information which is clear and precise as regards the **transposition of Directives** in national law, as acknowledged by the European parliament, the Council and the Commission in their Joint Political Declaration of 27 October 2011 on explanatory documents.

In a spirit of compromise, the Commission **accepted the position adopted by the Council** thus allowing the European Parliament to adopt the final text in second reading, together with the other five proposals of the Fourth Railway Package.

Indeed, the Commission considers that **simultaneously adopting both the market and technical pillars** would maximise the benefits in terms of the quality of service, efficiency and the competitiveness of the railway industry.