

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

2013/0015(COD) - 11/05/2016 - Final act

PURPOSE: to improve the efficiency and competitiveness of the Single European Railway Area in the field of interoperability (fourth railway package).

LEGISLATIVE ACT: Directive (EU) 2016/797 of the European Parliament and of the Council (recast).

CONTENT: the Directive on interoperability, together with the [Directive](#) on safety and the [Regulation](#) on the European Railways Agency (ERA) are part of the technical pillar of the fourth railway package. It consists of a **recast of Directive 2008/57/EC** of the European Parliament and of the Council.

The new Directive establishes the conditions to be met to achieve **interoperability within the Union rail system** in order to:

- define an optimal level of technical harmonisation,
- make it possible to facilitate, improve and develop rail transport services within the Union and with third countries and
- contribute to the completion of the single European railway area and the progressive achievement of the internal market.

Those conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of that system as well as the professional qualifications of, and health and safety conditions applying to, the staff who contribute to its operation and maintenance.

The main points of the Directive are as follows:

Scope: the Directive includes a new provision concerning **technical specifications for interoperability** ('TSIs'), which will apply to **existing subsystems**. It lays down the provisions relating to, for each subsystem, the interoperability constituents, the interfaces and procedures, and the conditions of overall compatibility of the Union rail system required in order to achieve its interoperability.

It will not apply to: (i) metros; (ii) trams and light rail vehicles, and infrastructure used exclusively by those vehicles; (iii) networks that are functionally separate from the rest of the Union rail system and intended only for the operation of local, urban or suburban passenger services, as well as undertakings operating solely on those networks.

Vehicle authorisation for placing on the market: the Directive provides for a **dual system of authorisations** in relation to the issuing of vehicle authorisations for placing on the market, depending on the intended area of use.

According to this approach, the European Railway Agency (ERA) Agency acts as a **one-stop-shop for vehicles intended for cross-border operations**, but national safety authorities keep an important role in carrying out the assessments necessary to the issuing of these authorisations.

For vehicles involved in national traffic only, **a choice exists for the applicant** to submit a request for authorisation either to the Agency or to the national safety authority. In cases, the procedure and the decision criteria remain the same.

The Directive provides that the **Agency takes full responsibility for the authorisations it issues**, including contractual and non-contractual liabilities.

Placing in service of fixed installations: the Directive provides that the national safety authorities should continue to authorise the placing in service of **track-side control-command and signalling**, including the European signalling system ERTMS (European Rail Traffic Management System).

In order to reinforce harmonisation of ERTMS and interoperability at EU level, the Agency will be in charge of assessing the technical solutions envisaged conform to the TSIs before any call for tenders relating to ERTMS trackside equipment is launched.

Cooperation between the Agency and national safety authorities: the Directive provides for the option to conclude cooperation agreements between the Agency and one or more national safety authorities in the context of authorisations issued for vehicles intended for cross-border operations.

Vehicle registers: each Member State will keep a **national vehicle register** until the European Vehicle Register is operational. The Commission will adopt, through implementing acts, by 16 June 2018, the technical and functional specifications for the **European Vehicle Register**, which would incorporate the national vehicle registers with a view to providing a harmonised interface to all users for the registration of vehicles and data management. The European Vehicle Register shall be operational by 16 June 2021.

Transitional period: vehicles which need to be authorised between 15 June 2016 and 16 June 2019 shall be subject to the provisions set out in Chapter V of Directive 2008/57/EC.

ENTRY INTO FORCE: 15.6.2016.

TRANSPOSITION: by 16.6.2019. Member States may extend the transposition period by 1 year. Member States shall notify the Agency and the Commission and present the reasons for such an extension.

DELEGATED ACTS: the Commission may adopt delegated acts in order to supplement and amend certain non-essential elements of this Directive. The power to adopt delegated acts shall be conferred on the Commission for a period of **5 years (which may be tacitly extended) from 15 June 2016**. The European Parliament or the Council may raise objections to a delegated act within two months from the date of notification (which may be extended by two months). If the European Parliament or the Commission raise objections, the delegated act will not enter into force.