

Rail transport: interoperability of the Community rail system. Recast

2006/0273(COD) - 13/12/2006 - Legislative proposal

PURPOSE: to merge the interoperability Directives on high-speed and conventional rail systems.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: national procedures for the approval of locomotives are currently regarded as one of the biggest barriers to the creation of new railway companies in the freight sector and a major obstacle to the interoperability of the European railway system. Since no Member State can decide on its own that the authorisation for placing in service which it issues will be valid on the territory of other Member States, a Community initiative is needed to harmonise national procedures, simplify them and apply more systematically the principle of mutual recognition. Furthermore, with a view to simplifying and modernising the present legal framework, the consolidation and merging of the interoperability directives is proposed.

CONTENT: this proposal concerns amendments to i) Directive 96/48/EC and 1882/2003/EC on the interoperability of the trans-European **high speed** rail systems ii) Directive 2001/16/EC on the interoperability of the trans-European **conventional** rail systems and iii) Directive 2004/50/EC, which amends both of the aforementioned Directives. In particular, it aims to merge the two interoperability Directives on high speed and conventional rail systems is being presented alongside two other initiatives, namely a proposal to amend the Railway Safety Directive ([COD/2006/0272](#)) and a proposal to extend the mission of the European Railway Agency ([COD/2006/0274](#)). The Commission is proposing amendments to all of these acts for three reasons: firstly, to simplify and streamline legislation for the sake of clarity; secondly, to facilitate the free movement of trains across the EU; and thirdly, to propose several technical improvements.

This initiative is part of a set of proposals aimed at resolving the problem of rolling stock for which placing in service has been authorised in one Member State but which is not automatically accepted in another Member State. To this end, it is proposed to simplify the procedure for placing in service. For wagons and passenger carriages placed in service after this Directive has entered into force, a single authorisation for placing in service issued by one Member State of the Community should suffice. In the case of rolling stock placed in service before this Directive enters into force and not bearing an "EC" declaration of verification, it should be made clear that the Railway Safety Directive applies. In the case of rolling stock bearing an "EC" declaration of verification as provided for in Article 18, the only criteria which a safety authority may check with a view to issuing an authorisation for placing in service should be comprehensively identified. In the case of vehicle series produced from a type, Member States should be allowed to issue batch authorisations for placing in service. Furthermore, it makes it possible to reduce the administrative costs associated with the

activities of the national safety authorities.

Other changes are being proposed. They relate to:

The geographical scope of the new Directive and its extension:

- When the proposed new single Directive comes into force it will cover both high speed and conventional rail networks across Europe. The proposed scope will, therefore, need to be progressively extended to

cover the entire network and all rolling stock. Any new TSI's will be dependent on an Agency Impact Assessment.

Definitions:

- A number of new definitions are proposed including: contracting entity; keeper and project at an advanced stage of development.

Derogations:

- Amendments are being proposed which allow the Commission to verify whether a derogation, based on the notion of "at an advanced stage of development", are indeed justified.

Transition periods:

- The Commission is proposing a transition period for a number of interoperability constituents that are already being applied when a new TSI comes into force.

Technical annexes of TSIs:

- An amendment is being proposed whereby the Agency will be able to publish technical annexes in the case of rapid technological advances. This is being proposed in a bid to shorten the time of TSI adoptions – particularly in the case of rapid changes, such as control, command and signalling subsystems.

Operation and maintenance requirements:

- Allowing Member States to check that operators are in compliance with provisions set out in the Railway Safety Directive.

Procedure for placing rolling stock in service (Article 14):

- A proposed simplification of the procedure for placing rolling stock into service. (See also COD/2006 /0272 and 0274).

Urgent amendments of a TSI:

- This is being proposed in a bid to speed up approval for urgent changes to TSIs, which is currently a cumbersome and lengthy procedure. The Commission proposes that in future the Agency should request a "Technical Opinion" and that the Commission should decide whether or not a Technical Opinion can be used – pending review of the TSI.

Certificate for intermediate verification:

- This proposed amendment would make it possible to acknowledge the procedure for verifying a subsystem.

Infrastructure and rolling stock registers:

- The Commission is proposing a clarification of the scope of the various registers including their scope; their contents; how they interconnect and how they are used by the various players such as national safety authorities; infrastructure managers; railway companies; keeper; manufacturers etc.