

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

2006/0272(COD) - 11/09/2007

The Committee on Transport and Tourism adopted - at 1st reading under the codecision procedure and subject to amendments - the report by Paolo **COSTA** (ALDE, IT) on the proposal amending Directive 2004/49/EC on safety on the Community's railways.

The main amendments adopted in committee are as follows:

Objectives: MEPs have specified that the Directive aims to improve safety on the Community's railways by contributing to the achievement of the objectives of Directive 89/391/EEC on improving the safety and health of workers at work and laying down specific provisions in order to minimise the risks of railway operation for staff.

Definitions: MEPs consider that the imperatives of safety should not be used as an excuse to hinder the approval of rolling stock and the creation of new railway undertakings. To this end, a better definition of "national safety rules" has been proposed in order to give clarity to the fulfilment of the essential requirements. The amendment supplements the existing definition on national safety rules under Directive 2004/49/EC by determining the different elements that should be covered when issuing national safety rules.

Common Safety Targets (CST): according to the MEPs, before drafting or revising CSTs, a cost-benefit analysis must demonstrate that the expected effect of the development of CSTs shall improve the level of transport safety and the optimum use of the railway system.

Safety certificates: the report proposes to introduce a new wording ensuring that high level of safety instead of "complete safety" is provided for the services of railway network. For MEPs, there is no complete safety in absolute terms, requesting such condition could create obstacles.

Transfer of Article 14 and its measures on interoperability: provisions included into the new Article 14 - Placing in service of existing stock – as well as those of 14a – Classification of the national rules – and Annex - reference document – are transferred to the Interoperability directive for reasons of clarity and coherence of the text, thus simplifying the regulatory environment and avoiding the spread of the community rules.

Maintenance of the rolling stock: MEPs included an amendment clarifying that whenever a vehicle is placed in service, a keeper shall be designated for each vehicle. The keeper shall be responsible for the maintenance of the vehicle. A railway undertaking may be a keeper. The amendment also stipulates that the railway undertaking shall be responsible for the operating safety of vehicles placed in service on the network. Where a railway undertaking uses vehicles for which it is not the keeper, the railway undertaking shall put in place the procedures needed to verify compliance with the requirements in force including maintenance rules in accordance with the TSI provisions. In the event of a change of keeper, the previous keeper shall provide all the maintenance files in his possession to the new keeper before the change is recorded in the National Vehicle Register. The Commission shall establish, by 1 January 2010, a mandatory maintenance certification system for keepers of wagons and other vehicles based on a recommendation from the Agency.

National Safety Authority(decision criteria): where negative decisions are taken by the Safety Authorities in the Member States regarding the safety certificates or safety authorisations, applicants should have the possibility of requesting a technical opinion from the Agency.

Comitology: MEPs introduced a reference to the new regulatory procedure with scrutiny. The amendment makes the necessary adjustments in line with the new comitology procedure and provides additional transparency for the adoption of the revision of the relevant measures in this proposal.

Annexes: the relevant part of the Annex which set out the parameters to be checked in conjunction with the placing in service of existing stock and the classification of the national rules is transferred to the new Interoperability directive.