

Rail transport: interoperability of the Community rail system. Recast

2006/0273(COD) - 11/09/2007

The Committee on Transport and Tourism adopted - at 1st reading of the codecision procedure - the report drawn up by Josu **ORTUONDOLARREA** (ALDE, ES) amending the proposal for a directive of the European Parliament and of the Council on the interoperability of the Community rail system.

In general, the report welcomes the new initiative of the Commission. The proposed amendments to the revision of the existing regulatory framework on interoperability aim to boost the free movement of trains and to reduce the administrative and technical burdens for the approval of locomotives and rolling stock, whilst a high level of safety is to be ensured. In particular, the proposed amendments are subscribed towards the simplification of the regulatory environment regarding the approval procedures to be applied for locomotives and traction units.

More specifically, the main amendments adopted by the committee are as follows:

Scope: thereport specifies that this Directive sets out to establish the essential conditions to be met in order to achieve interoperability within the Community territory of the rail system in a manner compatible with the provisions of Directive 2004/49/EC on safety on the Community's railways. In this regard, the transfer of the Article 14 of the European Safety Directive and its relevant provisions 'classification of the national rules' and 'reference document' in this proposed Directive was considered necessary for the coherence of the new legislative text.

According to the MEPs, the proposed Directive should contribute to the development of the entire rail network within the European Union and with third countries. The Members propose to define the concept of '**railway vehicle**' which is basic to the text. It shall mean a railway vehicle able to move on its own wheels on railway lines, by its own traction or otherwise, including locomotives, trainsets (multiple units), passenger coaches, wagons and other moving devices used for the construction and maintenance of rail line infrastructures. A vehicle consists of one or more structural or functional subsystems or parts of such subsystems.

Technical Specifications of Interoperability (TSI): an amendment states that subsystems shall comply with the TSIs in force at the time of their entry into service, upgrading or renewal; such compliance shall be permanently maintained while each subsystem is in use. An updated TSI shall be compatible with the previous version; should this not be possible, the new TSI shall indicate the transitional process to be applied to the subsystems put into operation under the rules of the previous version of the TSI. Lastly, the TSIs must be published in all the official languages of the EU.

According to the report, a Member States need not apply one or more TSIs, including those relating to rolling stock for a proposed new line or for the proposed renewal or upgrading of an existing line in the territory of that Member State when its rail network is separated or isolated as a result of special geographical conditions (and not only isolated from the sea) from the rail network of the rest of the Community. All Member States shall be informed of the results of the analyses and of the acceptance or rejection of the request for exemption.

In cases provided by the Directive, all Member States shall, during the first year that each TSI is in force, send the Commission a list of the projects within its territory that are in an advanced state of development. Where necessary, it shall draw up a recommendation concerning the specifications to be applied. In the absence of such a decision the request shall be deemed to have been accepted.

Interoperability constituents: MEPs adopted an amendment stipulating that spare parts for any interoperability constituent belonging to a series or type whose use has already been authorised may be installed in existing subsystems without having to undergo a new evaluation or certification procedure.

Chapter IV (Sub-systems): the report introduces a new division in Chapter IV: part “A” refers to subsystems and part B to the placing in service of railway vehicles:

a) sub-systems: according to the report, the Commission should be able to consult the Agency on matters concerning the conformity or suitability of interoperability constituents. Each Member State shall check when they put into service any subsystem, that the TSI rules devised to ensure that these subsystems are operated and maintained in accordance with the essential requirements concerning them, are complied with. To that end, the assessment and verification procedures laid down in the respective structural and functional TSIs shall be used before any authorisation is granted for placing them in service.

The renewal or upgrading of any subsystem shall be provided for in the corresponding TSI, which shall indicate the conditions and circumstances that may necessitate a new evaluation or authorisation.

The Member State shall examine this file and decide whether the size of the works means that a new authorisation for placing in service within the meaning of this Directive is needed. This decision shall be taken within three months of the date of submission of the file by the applicant.

According the report, Member States shall consider as being interoperable and meeting the essential requirements concerning them, those structural subsystems authorised to be placed in service in any other Member State, except as regards their compatibility with infrastructure characteristics specific to the Member State concerned. Similarly, Member States shall consider as being interoperable and meeting the essential requirements concerning them, those structural subsystems constituting the rail system which are covered by the 'EC' declaration of verification. Member States should also check the compatibility of subsystems with the existing system into which they are integrated if that system is not consistent with the corresponding TSIs. Member States shall send the Commission, for each subsystem, a list of the rules in use for implementing the essential requirements. In addition, in the framework of the certification of subsystems, it is necessary to pay particular attention to ergonomometry, safety and health protection.

b) authorisation for placing in service of vehicles: a vehicle shall be authorised to be placed in service in each Member State , unless otherwise stated. A contracting entity that intends to place in service a railway vehicle in a Member State shall submit a request to the competent national safety authority. An authorisation granted by one Member State shall be recognised in all the other Member States. The committee also introduced new articles concerning the placing in service of TSI conform vehicles, additional authorisations for placing in service of TSI conform vehicles, initial authorisation for placing in service of non-TSI conform vehicles, additional authorisations for placing in service of non-TSI conform vehicles, authorisation for types of vehicle and classification of national rules.

Notified bodies: if it is to take a decision, it is essential that the Commission should be able to consult and seek the opinion of the Agency on matters relating to the officially approved status of notified bodies.

Vehicle numbering system: a new article stipulates that any vehicle placed in service on the Community's railway system shall be assigned a European Vehicle Number (EVN) at the time of being granted the initial authorisation for placing in service. The applicant for initial authorisation shall be responsible for marking the vehicle in question with the EVN assigned to it.

National vehicle register: each Member State shall keep a register of authorised railway vehicles on its territory. The register shall be kept and updated by a body independent of any railway undertaking and shall be accessible to the safety authorities and investigating bodies.

European Register of Authorised Types: the Agency shall establish and keep a European register of the vehicle types authorised by the Member States for placing in service on the European Community's rail system. That register shall be public and accessible to everyone electronically. The Agency shall make a compilation at European level of the national registers of infrastructure and rolling stock. This compilation shall be published on its website or in another appropriate form.

Role of the European Railway Agency: before 1 January 2015, the Agency shall be entrusted with the task of granting authorisations for vehicles that conform with the TSI and which are to be placed in service on the Community rail system. This transfer of competences shall be done with the cooperation of Member State national authorities. Member States may promote the retrofitting of rolling stock already placed in service and railway infrastructure that meet the requirements of interoperability.

Reports: every 2 years the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the rail system and on the impact of relative measures or actions adopted in Member States. Every 2 years Member States shall communicate to the Agency and the Commission a report on the progress made towards achieving interoperability, including quantitative and qualitative aspects of its implementation. The report shall also include an analysis of the possible extension of the Agency's tasks, with the aim of further simplifying and centralising the procedures relating to the authorisation of vehicles that conform with the TSI. This review process shall be carried out in cooperation with Member States.

Comitology: the report includes amendments necessary to bring the Directive into line with the changes made by Council Decision 2006/512/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (new comitology procedure with scrutiny). These amendments make the necessary adjustments and add transparency.

Annexes: amendments have been made to the annexes in order to specify that rolling stock will also comprise all the stock capable of travelling on all or part of the trans-European high-speed network whose maximum speed is less than 190 km/h (200km/h according to the proposal).

Lastly, a new annex has been introduced concerning the parameters of brake equipment must guarantee the maximum authorised speed and stopping in the given brake distance in an emergency.