

Basic information	
2017/2734(DEA) DEA - Delegated acts procedure Specific objectives for the drafting, adoption and review of technical specifications for interoperability Supplementing 2013/0015(COD) Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.20.02 Rail transport: passengers and freight 3.20.11 Trans-European transport networks	Procedure completed - delegated act enters into force

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		

Key events			
Date	Event	Reference	Summary
08/06/2017	Non-legislative basic document published	C(2017)03800	
08/06/2017	Initial period for examining delegated act 2 month(s)		
14/06/2017	Committee referral announced in Parliament		
17/07/2017	Delegated act not objected by Council		
17/08/2017	Delegated act not objected by Parliament		

Technical information	
Procedure reference	2017/2734(DEA)
Procedure type	DEA - Delegated acts procedure
Procedure subtype	Examination of delegated act
	Supplementing 2013/0015(COD)
Stage reached in procedure	Procedure completed - delegated act enters into force
Committee dossier	TRAN/8/10134

Documentation gateway			
European Commission			
Document type	Reference	Date	Summary
Non-legislative basic document	C(2017)03800	08/06/2017	

Specific objectives for the drafting, adoption and review of technical specifications for interoperability

2017/2734(DEA) - 11/03/2013

The Council held a debate on a proposal for a recast of the 2008 directive on the interoperability of the EU rail system, thereby starting its work on the "fourth railway package" published by the Commission in January 2013. To recap, the package, which consists of **six legislative proposals** aimed at removing the remaining barriers to the completion of the Single European Railway Area, contains **three groups of measures**, with a view to:

- renewing rules on **governance structure** in relation to infrastructure management and transport operations (governance pillar);
- ensuring **further opening of the market for domestic passenger transport services** by rail (market opening pillar); and
- reinforcing the **harmonisation of interoperability and safety requirements** (technical pillar).

This proposal is part of the technical pillar of the package, together with [proposed amendments to the 2004 directive on railway safety](#) and [the 2004 regulation establishing a European Railway Agency](#). This technical pillar essentially provides that the authorisation and certification procedures required to ensure the technical interoperability and safety of railways across the EU should be entrusted to a central body, the European Railway Agency (ERA), in order to reduce costs and facilitate the entrance of new operators.

During the debate, ministers broadly acknowledged the **need to increase the efficiency of the authorisation process**. However, misgivings were expressed about the **transfer of competences from national authorities to the European Rail Agency**, as proposed by the Commission. More specifically,

- several Member States pointed out that **responsibility for the authorisation of vehicles used only on the national territory or on local or regional networks should remain with national authorities**, so that the specific situations in the different countries can be properly taken into account;
- some delegations argued that the **harmonisation of railway infrastructure was not yet advanced enough to justify a centralised authorisation procedure** and suggested that the role of the ERA should be enhanced gradually;
- several delegations were of the opinion that the **ERA should be given a stronger supervisory role, but not responsibility for authorisations**;
- the issue of **liability in the event of accidents** was also raised.

Discussion of the proposal will continue in the Council's preparatory bodies in the light of the comments made by the ministers.

Specific objectives for the drafting, adoption and review of technical specifications for interoperability

2017/2734(DEA) - 06/06/2013

The Council agreed on a general approach to a recast of the 2008 Directive on the interoperability of the EU rail system.

While the Commission proposed a **centralised authorisation procedure**, with the ERA granting the authorisations to place vehicles on the market, Member States had misgivings about such a transfer of competences from national authorities, fearing increased costs and administrative workload and pointing to liability issues and a possible negative impact on rail network safety.

The general approach agreed therefore provides for a **dual system of authorisations with a clear separation of tasks and responsibilities between the ERA and national safety authorities**. The ERA will issue authorisations for vehicles to be used in cross-border operations, based on assessments carried out by the national authorities. For vehicles used only in national traffic, however, the applicant may choose to request authorisation either from the ERA or from the national safety authority.

The general approach also stresses the **liability of the ERA for the authorisations it issues** and stipulates that the **national authorities may enter into specific cooperation arrangements with the agency should networks require specific expertise for geographical or historical reasons**.

In addition, the **Commission's reporting obligations will be extended** to cover aspects such as the **functioning of the ERA and of the cooperation agreements, convergence between national vehicle registers and traceability of safety-critical components**.

In addition, the **transition period for introducing the new vehicle authorisation procedure will be five years** rather than, as proposed by the Commission, two years.

Lastly, Ministers decided that, when reviewing the [ERA Regulation](#) as proposed under the "fourth railway package", a **new provision** will be included on a **specific framework for the financial aspects of the cooperation agreements between the ERA and the national safety authorities**, with a view to providing a model for the financial apportioning of the fees paid by the applicant for an authorisation.

The general approach also maintains a **wider scope of exemptions** than proposed by the Commission, including the **possibility to grant exemptions from the interoperability requirements for vehicles circulating between Member States and third countries with a different track gauge**. In addition, Ministers amended the compromise presented by the Presidency so as to further widen the exemptions by allowing Member States, under certain conditions and for connectivity purposes only, to also **exempt vehicles primarily used on light rail infrastructure** but equipped with some heavy rail components and **light rail infrastructure occasionally used by heavy rail vehicles**.

Moreover, Ministers agreed at the Council meeting to **remove the reference to "a maximum axle load of 120 kN"** in the definition of the terms "tram and light rail".

