

Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2013/0015(COD)	Procedure completed	
Interoperability of the rail system within the EU. Recast. 4th Railway Package			
Repealing Directive 2008/57/EC 2006/0273(COD) See also 2013/0013(COD) See also 2013/0014(COD) See also 2013/0016(COD) See also 2013/0028(COD) See also 2013/0029(COD) Amended by 2020/0071(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			
Key players			
European Parliament	Committee responsible  TRAN Transport and Tourism	Rapporteur  BILBAO BARANDICA Izaskun	Appointed 16/07/2014
		Shadow rapporteur  DE GRANDES PASCUAL Luis	
		 AYALA SENDER Inés	
		 ZÍLE Roberts	
		 CRAMER Michael	
		 PAKSAS Rolandas	
Former committee responsible			
	 TRAN Transport and Tourism		14/03/2013
		 ALDE BILBAO BARANDICA Izaskun	
Former committee for opinion			
	 ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	 IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

PPE SANCHEZ-SCHMID
Marie-Thérèse

JURI Legal Affairs

20/02/2013

EFD SPERONI Francesco
Enrico

Council of the European Union	Council configuration	Meeting	Date
	<u>Transport, Telecommunications and Energy</u>	<u>3436</u>	14/12/2015
	<u>Transport, Telecommunications and Energy</u>	<u>3318</u>	05/06/2014
	<u>Transport, Telecommunications and Energy</u>	<u>3243</u>	06/06/2013
	<u>Transport, Telecommunications and Energy</u>	<u>3229</u>	11/03/2013
European Commission	Commission DG	Commissioner	
	<u>Mobility and Transport</u>	BULC Violeta	
European Economic and Social Committee			
European Committee of the Regions			

Key events

30/01/2013	Legislative proposal published	<u>COM(2013)0030</u>	Summary
07/02/2013	Committee referral announced in Parliament, 1st reading		
11/03/2013	Debate in Council	<u>3229</u>	Summary
06/06/2013	Debate in Council	<u>3243</u>	Summary
17/12/2013	Vote in committee, 1st reading		
16/01/2014	Committee report tabled for plenary, 1st reading	<u>A7-0033/2014</u>	Summary
25/02/2014	Debate in Parliament		
26/02/2014	Results of vote in Parliament		
26/02/2014	Decision by Parliament, 1st reading	<u>T7-0149/2014</u>	Summary
13/10/2014	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
10/11/2015	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	PE615.256	
10/11/2015	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	GEDA/A/(2017)009240	
15/12/2015	Council position published	<u>10579/1/2015</u>	Summary
04/02/2016	Committee referral announced in Parliament, 2nd reading		
15/03/2016	Vote in committee, 2nd reading		

31/03/2016	Committee recommendation tabled for plenary, 2nd reading	A8-0071/2016	Summary
28/04/2016	Debate in Parliament		
28/04/2016	Decision by Parliament, 2nd reading	T8-0144/2016	Summary
11/05/2016	Final act signed		
11/05/2016	End of procedure in Parliament		
26/05/2016	Final act published in Official Journal		

Technical information

Procedure reference	2013/0015(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
	<p>Repealing Directive 2008/57/EC 2006/0273(COD)</p> <p>See also 2013/0013(COD)</p> <p>See also 2013/0014(COD)</p> <p>See also 2013/0016(COD)</p> <p>See also 2013/0028(COD)</p> <p>See also 2013/0029(COD)</p> <p>Amended by 2020/0071(COD)</p>
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1; Treaty on the Functioning of the EU TFEU 170; Treaty on the Functioning of the EU TFEU 171
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/00565

Documentation gateway

Legislative proposal		COM(2013)0030	30/01/2013	EC	Summary
Document attached to the procedure		SWD(2013)0008	30/01/2013	EC	
Document attached to the procedure		SWD(2013)0009	30/01/2013	EC	
Committee draft report		PE513.305	18/06/2013	EP	
Amendments tabled in committee		PE519.531	20/09/2013	EP	
Amendments tabled in committee		PE519.503	01/10/2013	EP	
Committee of the Regions: opinion		CDR0027/2013	08/10/2013	CofR	
Committee opinion		PE514.700	16/10/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0033/2014	16/01/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0149/2014	26/02/2014	EP	Summary

Commission response to text adopted in plenary	SP(2014)446	20/05/2014	EC	
Coreper letter confirming interinstitutional agreement	GEDA/A/(2017)009240	30/06/2015	CSL	
Council statement on its position	14525/1/2015	01/12/2015	CSL	
Council position	10579/1/2015	15/12/2015	CSL	Summary
Committee draft report	PE575.344	25/01/2016	EP	
Commission communication on Council's position	COM(2016)0035	26/01/2016	EC	Summary
Amendments tabled in committee	PE577.062	22/02/2016	EP	
Committee recommendation tabled for plenary, 2nd reading	A8-0071/2016	31/03/2016	EP	Summary
Text adopted by Parliament, 2nd reading	T8-0144/2016	28/04/2016	EP	Summary
Draft final act	00011/2016/LEX	11/05/2016	CSL	
Follow-up document	COM(2018)0623	13/09/2018	EC	Summary
Follow-up document	COM(2022)0007	13/01/2022	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Directive 2016/797 OJ L 138 26.05.2016, p. 0044 Summary
Final legislative act with provisions for delegated acts

Delegated acts

2017/2734(DEA)	Examination of delegated act
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Interoperability of the rail system within the EU. Recast. 4th Railway Package

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

PROPOSED ACT: Directive of the European Parliament and of the Council (recast of Directive 2008/57/EC on railway interoperability).

PARLIAMENTS ROLE: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in the last decade, the EU railway market has witnessed profound changes, gradually introduced by three legislative railway packages intended to open up the national markets and make railways more competitive and interoperable at the EU level, while maintaining high level of safety. However, the modal share of rail in intra-EU transport has remained modest. This is why the Commission has put forward the Fourth Railway Package in order to enhance the quality and efficiency of rail services by removing the remaining market obstacles.

This proposal for a Directive, along with the [proposal to recast Directive 2004/49/EC on rail safety](#), are part of this fourth package which focuses on the removal of remaining administrative and technical barriers by:

- establishing a common approach to safety and interoperability rules to increase economies of scale for railway undertakings active across the EU;
- decreasing administrative costs,
- accelerating administrative procedures, as well as avoiding disguised discrimination,
- relying on the [European Railways Agency](#).

Several lessons have been learned based on the work done on developing technical specifications for interoperability (TSIs) and the application of the interoperability Directives to specific projects. Furthermore, the legislative context for the marketing of products has evolved in recent years, with the result that the interoperability legislation needs to be updated.

IMPACT ASSESSMENT: the Commission undertook an [impact assessment](#). In order to support the Commission in the impact assessment process, an external consultant was tasked to prepare an impact assessment support study and to undertake a targeted consultation of stakeholders.

LEGAL BASIS: Article 91(1), Article 170 and Article 171 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the Commissions proposal to amend Directive 2008/57/EC may be summarised as follows:

- as regards the scope, the interoperability of local, urban and suburban systems is considered to have been adequately addressed in the voluntary field and does not need to be covered by this Directive;
- several definitions were reworded or added;
- further provisions are to be specified in the TSIs to cover existing subsystems and to enable railway undertakings to check compatibility between vehicles and routes on which these vehicles are intended to be operated;
- the use of Agency opinions pending the amendment of TSIs as a result of deficiencies discovered, is clarified;
- the cases of possible non-application of TSIs have been reduced;
- the role of national rules, the cases in which national rules may be introduced, and the procedures for their withdrawal and their publication have been clarified, as have the circumstances which trigger a new EC declaration of verification;
- the placing on the market of mobile subsystems, which can be done by both railway undertakings and manufacturers;
- a new provision introduces the notion of vehicle authorisation for placing on the market. This authorisation is issued by the Agency and contains all information needed later by the railway undertaking to place a vehicle in commercial service. An optional complementary statement will facilitate the railway undertaking in its task of placing the vehicle in service;
- the role of railway undertakings and infrastructure managers in checking the technical compatibility of the vehicle with the route and the safe integration of the vehicle in the system in which it is intended to operate is clarified;
- two new articles concerning conformity assessment bodies replace and complement some existing provisions to include the provisions of the new legislative framework for the marketing of products as defined in Decision 768/2008/EC;
- articles on European Vehicle Number (EVN) and registers have been updated;
- as a consequence of the Lisbon Treaty, a certain number of the annexes of Directive 2008/57/EC into implementing acts to be adopted by the Commission.

It should be noted that the fourth railway package also includes: (i) [a proposal to amend Regulation \(EC\) No 1370/2007](#) concerning the opening of the market for domestic passenger transport services by rail and (ii) [a proposal amending Directive 2012/34/EU](#) establishing a single European railway area.

BUDGETARY IMPLICATIONS: there are no implications for the Union budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

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

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.

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

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".

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

The Committee on Transport and Tourism adopted the report by Izaskun BILBAO BARANDICA (ALDE, ES) on the proposal for a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast).

The parliamentary committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should be to amend the Commissions proposal as follows:

Purpose and scope: the amendment retained the text in force, which allows the Member States to exclude urban rail. Excluded from the directives scope would be tram-trains, privately owned railway infrastructure and vehicles, as well as infrastructure and vehicles reserved for a strictly local, historical or touristic use.

Strengthening the role of the European Railways Agency: Members considered that the Agency should be given the role of guardian of the global vision for the rail system, in order to ensure safety and interoperability.

Essential requirements: to enable all Union citizens to benefit fully from the advantages deriving from the establishment of an area without internal frontiers, Member States should ensure that the rail system is accessible to all.

Technical specifications for interoperability (TSI): TSIs should stipulate the verification procedures for compatibility between vehicles and the network before the beginning of any new operation.

Once the construction of a certain subsystem has started under a certain TSI, the authorisation to place it on the market should be granted according to the TSI in force by the time of granting the building permits. Each TSI should include a list of the spare parts to be standardised with a view to the creation of an internal market in railway equipment.

The Commission introduced the possibility of defining the deadlines for the application of TSIs. Members also recommended that this timetable fixing the stages should be linked to an assessment analysing the estimated costs and benefits of its implementation and the expected repercussions on the operators and economic agents affected.

The drafting, adoption and review of the TSIs should take account of the opinion of the representative social partners in all the Member States and in any other TSI that directly or indirectly affects the staff involved.

Interoperability constituents: an amendment seeks to reduce as much as possible the additional conditions that constituents that are already recognised for an area for which they are intended. It stipulates that it should be impossible for a State to place obstacles in the way of authorisation for placing in service if the area concerned is situated within its territory.

National rules: a Member State would have to justify the need for a given national rule (whether it already exists or it is new); this justification would have to be provided when the rule is communicated. If the Agency considers that this justification is acceptable, the rule may be notified and published; in the contrary case, it would need to be amended or withdrawn by the Member State.

EC declaration of verification: Members considered it important that interfaces should also be covered, as is the case in the directive that is currently in force.

Placing in service of fixed installations: the Agency should authorise the European Rail Transport Management System (ERTMS) in close cooperation with the national safety agencies. Before any ERTMS authorisation is granted by the Agency, the national safety agency should verify the operational compatibility with the national networks. The Agency should monitor the uniform application of ERTMS throughout the

Union.

Granting of authorisations for placing on the market of vehicles: Members proposed a single type authorisation operation. The Agency and the national safety authorities would have to provide detailed information on the means to obtain authorisation by type of vehicle.

Registration of authorised vehicles: before a vehicle is used for the first time, after authorisation in respect of it has been granted, it shall be registered at the request of the keeper.

European vehicle register: the amended text provides that the Agency should maintain a public register of vehicles in service in the Union.

For each vehicle, the register shall contain at least the following information: (i) the European Vehicle Number (EVN); (ii) the references of the EC declaration of verification and the issuing body; (iii) references to the European register of authorised vehicle types; (iv) identification of the keeper and the owner of the vehicle; (v) restrictions on how the vehicle may be used; and (vi) the entity in charge of maintenance.

The national vehicle registers would be incorporated in the European vehicles register at the end of the transition period.

Transitional regime: for four years after the entry into force of this Directive, the vehicle authorisations would be granted by the Agency. During that transitional period, a vehicle authorisation may be granted by the Agency or by the national safety authority, at the option of the applicant.

The deadline for transposition and the entry into force of the Directive was brought forward from two years to one year.

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

The European Parliament adopted by 601 to 68 with 8 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast).

The European Parliaments position at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Improving interoperability: Parliament underlined the need to improve the interlinking and interoperability of the national rail networks as well as access thereto, including for passengers with disabilities, in order to enable citizens of the Union, economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers and to attain the objective of territorial cohesion.

The amended text indicated that he pursuit of this objective should lead to the definition of an optimal level of technical harmonisation and make it possible to facilitate, improve and develop rail transport services within the Union and with third countries and contribute to the progressive creation of the internal market in equipment and services for the construction, renewal, upgrading and operation of the rail system within the Union.

Scope: the amendment retained the text in force, which allows the Member States to exclude urban rail. Excluded from the directives scope would be tram-trains, privately owned railway infrastructure and vehicles, as well as infrastructure and vehicles reserved for a strictly local, historical or touristic use.

Strengthening the role of the European Railways Agency: Members considered that the Agency should be given the role of guardian of the global vision for the rail system, in order to ensure safety and interoperability.

Essential requirements: to enable all Union citizens to benefit fully from the advantages deriving from the establishment of an area without internal frontiers, Member States should ensure that the rail system is accessible to all.

Technical specifications for interoperability (TSI): TSIs should stipulate the verification procedures for compatibility between vehicles and the network before the beginning of any new operation.

Once the construction of a certain subsystem has started under a certain TSI, the authorisation to place it on the market should be granted according to the TSI in force by the time of granting the building permits. Each TSI should include a list of the spare parts to be standardised with a view to the creation of an internal market in railway equipment.

The Commission introduced the possibility of defining the deadlines for the application of TSIs. Members also recommended that this timetable fixing the stages should be linked to an assessment analysing the estimated costs and benefits of its implementation and the expected repercussions on the operators and economic agents affected.

The drafting, adoption and review of the TSIs should take account of the opinion of the representative social partners in all the Member States and in any other TSI that directly or indirectly affects the staff involved.

Interoperability constituents: an amendment seeks to reduce as much as possible the additional conditions that constituents that are already recognised for an area for which they are intended. It stipulates that it should be impossible for a State to place obstacles in the way of authorisation for placing in service if the area concerned is situated within its territory.

National rules: a Member State would have to justify the need for a given national rule (whether it already exists or it is new); this justification would have to be provided when the rule is communicated. If the Agency considers that this justification is acceptable, the rule may be notified and published; in the contrary case, it would need to be amended or withdrawn by the Member State.

The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of facilitating cross-acceptance in different Member States. The Agency shall classify, in accordance with those implementing acts, the national rules notified, and shall publish the corresponding register. That register shall also list any acceptable national means of compliance.

EC declaration of verification: Members considered it important that interfaces should also be covered, as is the case in the directive that is currently in force.

Placing in service of fixed installations: it is proposed that each national safety authority shall authorise the placing in service of the subsystems and the trackside control-command and signalling which is not ERTMS located or operated in the territory of its Member State. National safety authorities shall take into account the opinion of the Agency when TEN-T corridors or cross borders sections are involved. The Agency should authorise the European Rail Transport Management System (ERTMS) in close cooperation with the national safety agencies.

Before any ERTMS authorisation is granted by the Agency, the national safety agency should verify the operational compatibility with the national networks. The Agency should monitor the uniform application of ERTMS throughout the Union.

Granting of authorisations for placing on the market of vehicles: Members proposed a single type authorisation operation. The Agency and the national safety authorities would have to provide detailed information on the means to obtain authorisation by type of vehicle.

The Agency may conclude cooperation agreements with national safety authorities.

Registration of authorised vehicles: before a vehicle is used for the first time, after authorisation in respect of it has been granted, it shall be registered at the request of the keeper.

European vehicle register: the amended text provides that the Agency should maintain a public register of vehicles in service in the Union.

For each vehicle, the register shall contain at least the following information: (i) the European Vehicle Number (EVN); (ii) the references of the EC declaration of verification and the issuing body; (iii) references to the European register of authorised vehicle types; (iv) identification of the keeper and the owner of the vehicle; (v) restrictions on how the vehicle may be used; and (vi) the entity in charge of maintenance.

The national vehicle registers would be incorporated in the European vehicles register at the end of the transition period.

Sanctions : the Commission shall be empowered to adopt delegated acts in order to establish rules on penalties for failure to comply with the deadlines set in this Regulation for the adoption of decisions by the Agency. It shall also establish a compensation scheme for cases in which the Board of Appeal provided for in the Agency Regulation finds in favour of the addressee of an Agency decision.

Transitional regime: for four years after the entry into force of this Directive, the vehicle authorisations would be granted by the Agency. During that transitional period, a vehicle authorisation may be granted by the Agency or by the national safety authority, at the option of the applicant.

The deadline for transposition and the entry into force of the Directive was brought forward from two years to one year.

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

The Council adopted its position in first reading with a view to the adoption of the directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast).

The proposal is part of the fourth railway package, which consists of six legislative proposals aimed at removing the remaining barriers to the completion of the Single European Railway Area. It aims to establish 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 intention is to increase the efficiency of the vehicle authorisation process, encouraging the recognition of interoperability authorisations across the EU and improving the coherence of the national legal frameworks related to the interoperability aspects of the internal market for railways.

The main points of the Council position are as follows:

Vehicle authorisation for placing on the market: the Council position 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 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 both cases, the procedure and the decision criteria remain the same.

Liability of the Agency: the Council's text clarifies that the Agency takes full responsibility for the authorisations it issues, including contractual and non-contractual liabilities.

Appeal and arbitration procedure: the Council's text reflects the option given to the applicant of referring the matter to a national court in case of disagreement with the measure taken by the national safety authority. It also provides for an appeal procedure in case of a disagreement between the national safety authority and the Agency.

Placing in service: the Council text 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.

In order to reinforce harmonisation of ERTMS at EU level through increased interoperability from the outset of the procedure, the Council's text provides for the Agency to be consulted before any call for tenders relating to ERTMS track-side equipment.

Cooperation between the Agency and national safety authorities: the Council's text provides for the conclusion of 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.

Such cooperation agreements may include specific cooperation arrangements in cases of networks requiring specific expertise due to geographical or historical reasons and/or share a track gauge with neighbouring third countries. Therefore, Member States with specific railway network characteristics may cooperate in the authorisation process under the umbrella of the Agency. These cooperation agreements may also include provisions to facilitate the extension of the area of use in the three Baltic States once a vehicle has been authorised in one of them.

Adoption of national rules: the Council position aims at establishing a flexible procedure on existing and new national interoperability rules. It clarifies the procedures to be applied for the notification of existing and new national rules, as well as on the assessment to be made by the Agency (up to a period of 8 months). The approach aims at avoiding the validation of national rules without their prior assessment by the Agency.

Vehicle registers: each Member State will keep a national vehicle register until the European Vehicle Register is operational. The Commission will adopt a specification for a European Vehicle Register that would incorporate national vehicle registers, with a view to creating a common tool, while, at the same time, allowing for the maintenance of additional functions relevant to Member States' specific needs. The European Vehicle Register shall be operational five years after the entry into force of the Directive.

New provisions in the text lay down the information to be contained in the European and national vehicle registers.

Duration of the transitional period and transposition period: Member States may continue to apply the existing provisions of Directive 2008/57/EC until three years after the date of entry into force of the Directive. This period may be extended for one more year. In such case, Member States have to notify the Commission and the Agency of their decision and provide justification. The same procedure applies for ERTMS pre-authorisations. A similar scheme of three plus one year applies to the transposition period.

Delegated acts/implementing acts: with regard to technical specifications for interoperability (TSIs), the Council proposes a combination of delegated and implementing acts. The Commission will adopt delegated acts for the setting out of specific objectives of technical specifications for interoperability, followed by implementing acts in order to implement those specific objectives.

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

The Commission presented a communication concerning the position of the Council on the adoption of a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast).

The Commission considered that the position at first reading adopted by the Transport Council on 10 December 2015 supports the main objectives of the Commission proposal recasting the Interoperability Directive (2008/57/EC) which seeks to introduce a Single Vehicle Authorisation.

The Council position also includes new provisions addressing specific cases and the concerns of some Member States: (i) placing in service of trackside control-command and signalling subsystem: the competence of placing this subsystem in service in the hands of the national safety authorities;

(ii) a transitional period of three years for Chapter V of Directive 2008/57/EC instead of the proposed two years; and (iii) the deadlines for implementing the Technical Specifications for Interoperability (TSI). The Council position has diluted the proposed text which allowed a clear indication of deadlines for the application of TSIs to existing subsystems.

The Commission welcomes that the Council position added:

- a one stop shop for vehicle authorisations;
- a new provision requesting the Agency to set up a new European Vehicle Register, because this will simplify the current situation with 26 National Vehicle Registers and is consistent with the new role of the Agency in terms of vehicle authorisation.

However, the Commission regrets:

- all modifications introduced in relation to delegated and implementing powers, including the systematic recourse to the non-opinion clause, which is contrary to the letter and to the spirit of Article 5§4 second subparagraph, point b) of Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commissions exercise of implementing power;
- the suppression of the obligation of the Member State to supply to the Commission information which is clear and precise as regards the transposition of Directives in national law, as acknowledged by the European parliament, the Council and the Commission in their Joint Political Declaration of 27 October 2011 on explanatory documents.

In a spirit of compromise, the Commission accepted the position adopted by the Council thus allowing the European Parliament to adopt the final text in second reading, together with the other five proposals of the Fourth Railway Package.

Indeed, the Commission considers that simultaneously adopting both the market and technical pillars would maximise the benefits in terms of the quality of service, efficiency and the competitiveness of the railway industry.

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

The Committee on Transport and Tourism adopted the recommendation for second reading contained in the report by Izaskun BILBAO BARANDICA (ADLE, ES) on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast).

As Councils first reading position is in conformity with the agreement reached in the trilogues, the committee recommended accepting it without further amendment.

The committee also took note of a Commission statement annexed to this resolution on explanatory documents. In this declaration, the Commission recalled that the European Parliament, the Council and the Commission acknowledged that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' in order to facilitate the achievement by the Commission of its task overseeing the application of Union law. In the present case, explanatory documents could have been useful to this end. It regretted that the final text does not contain provisions to this effect.

At the end of informal negotiations between Parliament and Council, an agreement was reached which will:

- save firms from having to make multiple applications. ERA will authorise vehicles intended for cross-border operations while, for those involved only in national transport, the applicant will be able to choose whether the Agency or the national authority processes its application;
- create a "one-stop-shop" which will act as a single entry point for all applications. This information and communication system will make the procedures easy and transparent;
- introduce clear time limits for the different steps in the procedures;
- ensure that European Rail Traffic Management System (ERTMS) projects are interoperable;
- significantly reduce the number of national rules in areas where harmonised EU-level regulation is being introduced.

The ERA will take on its authorisation tasks within three years after the entry into force of the directive. Member States will have one additional year to continue with the current system if they consider it necessary. In that case, they will have to inform the Agency and the Commission of their decision and provide a justification.

The ERA and national safety authorities will also conclude cooperation agreements which will ensure consistency in the case of different applications for similar authorisations.

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

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast).

Parliament approved the Council position at first reading.

It also took note of the Commission statement on explanatory documents annexed to this resolution. In the statement, the Commission recalled that the European Parliament, the Council and the Commission acknowledged that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' in order to facilitate the achievement by the Commission of its task overseeing the application of Union law. In the present case, explanatory documents could have been useful to this end. The Commission regretted that the final text does not contain provisions to this effect.

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

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.

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

The Commission presents a report on the progress made in preparing for the European Union Agency for Railways enhanced role under Directive (EU) 2016/797 on the interoperability of the rail system within the European Union.

With the entry into force of the Fourth Railway Package technical pillar, the European Union Agency for Railways will become, as of 16 June 2019, the EU authority responsible for issuing authorisations for placing railway vehicles on the market and also the system authority for the European Railway Traffic Management System (ERTMS).

The new Regulation establishing the Agency has introduced many important modifications that strengthen the role to be played by the Agency and provide it with necessary instruments to achieve this objective. Those modifications concern the governance of the Agency, its resources, capacities and capabilities as well as IT tools and various other skills.

The main conclusions of the report are the following:

- Regulatory and organisational measures: the Commission and the Agency have respectively taken regulatory and organisational steps to ensure that the Agency has a strengthened role as of 16 June 2019. The Agency is stepping up its effort to boost its capacity to meet the required targets set for its new role by 16 June 2019. The Commission is actively monitoring the Agency's preparedness through its membership of the Agency's Executive Board and Management Board and the close and regular cooperation between the two institutions.
- Transposition by EU Member States: much of the success of the Fourth Railway Package technical pillar depends on the timely and complete transposition by Member States. The Commission is closely following up on Member States' progress and providing them with guidance on how to organise the transition period between the old and the new regime. While indications are positive, it is however, too early to confirm that a large number of Member States will transpose the Fourth Railway Package technical pillar by 16 June 2019. The Commission hopes that possible extensions of transposition deadlines will only be requested as a matter of exception, and on the basis of realistic, objective justification.
- Resources, capacity and capabilities: the Agency and the national safety authorities (NSAs) with input from other bodies in the rail sector are making the greatest possible effort in their respective spheres of responsibility to predict the future development of the Agency's workload. Beyond the new tasks of authorisation and certification, the Agency's capability to deliver on other core statutory tasks, such as technical assistance and policy recommendations to the Commission must be maintained. In particular, the Agency requires specialised staff with a high level of expertise and language skills. Introducing fee-based activities will also require the establishment of a resources system and internal procedures within the Agency, covering the necessary financial and human resources.
- Cooperation agreements between the Agency and NSAs: a particular source of uncertainty is the lack of predictability of the number of applications the Agency is expected to receive as of mid-2019 and beyond and as a consequence the revenue it will generate. In anticipating these risks a careful analysis of the needs for the Agency's transition budget is required. For the Agency to successfully assume its new role, the report stresses the need for open, effective, committed and sincere cooperation with NSAs. Any serious delay in concluding cooperation agreements and actually delivering input to the Agency's authorisation and certification decisions could lead to formal proceedings against individual Member States for not applying EU law and for the infringement of the principle of sincere cooperation.
- Approvals of ERTMS trackside projects: the Commission and the European ERTMS Coordinator cooperate in a transparent and predictable manner in improving ERTMS deployment. However, the risk of excessive workload to deliver approvals of ERTMS trackside projects calls for more commitment from Member States and infrastructure managers to better forecast trackside procurement for both ERTMS European Deployment Plan commitments and other ERTMS infrastructure projects.

The railway sector requires the Fourth Railway Package technical pillar to be urgently implemented as it introduces a system of truly transparent and impartial railway rules at EU level by removing unnecessary national obstacles. The Commission invites Member States and NSAs to consolidate their efforts to make the single European railway area a reality.

