

# European Union Agency for Railways. 4th Railway Package

2013/0014(COD) - 26/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 597 votes to 68 with 11 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004.

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

Purpose: Members sought to clarify Agency's objectives in the text. The Agency shall be to ensure a high level of rail safety and to help complete the Single European Rail Area. These objectives shall be achieved by:

- contributing, on technical matters, to the implementation of Union legislation aimed at enhancing the level of interoperability of the railway system and developing a common approach to safety on the Union railway system;
- acting as a European authority, in cooperation with the Member States, for authorising the placing of vehicles on the market and issuing safety certificates to railway undertakings;
- harmonising national rules and optimising procedures;
- monitoring action taken by the national safety authorities on interoperability and rail safety.

The regulation should also apply to the certification of train drivers foreseen in Directive 2007/59/EC but also the certification of all railway staff entrusted with safety-critical tasks.

Promoting the European rail traffic management system (ERTMS): the Agency should be given a more prominent role in this field to ensure consistent development of the ERTMS, to contribute to ensuring that ERTMS equipment complies with the specifications in force and to ensure that ERTMS-related European research programmes are coordinated with the development of ERTMS technical specifications.

Moreover, the Agency should:

- take full responsibility, including accepting contractual and non-contractual liability, for the authorisations and certifications that it issues.
- seek to facilitate the principle of reciprocity between access for third countries to the Union market and access for Union undertakings to the markets of third countries;
- take utmost account of external railway expertise, such as experts from the national safety authorities and other relevant national authorities as well as professionals from the railway sector, including representative bodies and independent notified conformity assessment bodies;
- have the task of developing an on-board registration device which registers the driving and rest time of locomotive drivers, on the basis of a proposal from the Commission;
- set up a certification system similar to the certification of locomotive drivers for on-board personnel in order to guarantee a high level of qualifications and competences, to recognise the importance of this professional group for safe rail services and also in order to facilitate the mobility of workers;
- work on harmonised compulsory requirements for regular maintenance intervals for freight wagons;
- monitor the national safety authorities through audits and inspections;
- define the characteristics of the European registers and create a European Vehicles Register.

The Agency may also cooperate with national authorities carrying out civil or criminal investigations, and give the maximum possible assistance to, when the investigations concern issues for which the Agency has responsibility.

Spontaneous reporting of incidents: the Agency should (i) establish a system enabling the spontaneous and anonymous reporting of any incident that may jeopardise the system's safety; (ii) create a mechanism for informing the responsible actors automatically; (iii) coordinate the communication of reports from national agencies, in particular where they affect safety in more than one State.

Technical assistance in the field of rail interoperability: the Agency could, among other things, issue recommendations to the Commission: (i) on European standards to be developed by the relevant European standardisation bodies, particularly concerning spare parts; (ii) on the training and certification of on-board personnel with safety tasks; (iii) on the harmonisation of national rules, particularly in cases where one rule concerns several Member States; (iv) on minimum inspection intervals (time periods and kilometrage) in respect of rolling stock (goods wagons, passenger carriages and locomotives).

Management Board: the Management Board shall be composed of one representative from each Member State and two representatives of the Commission, all with a right to vote. The term of office of the members shall be five years and may be renewed once. The term of office of the Chairperson and Deputy Chairperson shall be five years and may be renewed once.

Boards of Appeal: these should be independent in terms of decision-making. To achieve this, they should be functionally and organisationally distinct from other parts of the Agency.

It is proposed that an act adopted by the committee for rail interoperability and safety should define the required qualifications for each member of the Board of Appeal, the power of each member at the preparatory stage at which decisions are taken and opinions issued, and the voting conditions.

Another amendment defined the procedure according to which the parties may request that a member of the board be excluded with a view to ensuring full impartiality and, at the same time, to preventing the use of any delaying tactics.

Charges: the level of charges should be differentiated according to the extent of operations and areas of use specified. In addition, any task or obligation in addition to the tasks stemming from Union legislation should be subject to an assessment and to compensation from the budget of the Union. The Agency's independence and impartiality should not be compromised by any financial contributions that it receives from

Member States, third countries or other entities.

Conflict of interest: an amendment proposes a legal base that would permit the Agency to set in place a complete set of rules for managing and preventing conflict of interest. The governing bodies of the Agency shall be responsible of developing and implementing this policy taking into consideration the particularities of the Agency to get the best technical knowledge as well as sensitive, classified and commercial information that might be involved.