



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0033/2014

16.1.2014

*****I**
REPORT

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) (COM(2013)0030 – C7-0027/2013 – 2013/0015(COD))

Committee on Transport and Tourism

Rapporteur: Izaskun Bilbao Barandica

(Recast – Rule 87 of the Rules of Procedure)

RR\1015748EN.doc

PE513.305v02-00

EN

United in diversity

EN

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	89
ANNEX :LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS.....	92
ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION	94
OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT	96
PROCEDURE.....	125

DRAFT EUROPEAN PARLIAMENT 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)
(COM(2013)0030 – C7-0027/2013 – 2013/0015(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0030),
- having regard to Article 294(2) and Articles 91(1), 170 and 171 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0027/2013),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Seimas of the Republic of Lithuania and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to the opinion of the European Economic and Social Committee of 11 July 2013¹,
- having regard to the opinion of the Committee of the Regions of 7 October 2013²,
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
- having regard to the letter of 16 December 2013 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 87(3) of its Rules of Procedure,
- having regard to Rules 87 and 55 of its Rules of Procedure,
- having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Regional Development (A7-0033/2014),

¹ OJ C 327, 12.11.2013, p. 122.

² OJ C 356, 5.12.2013, p. 92.

³ OJ C 77, 28.3.2002, p. 1.

- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) 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, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, implementing any measures that may prove necessary in the field of technical standardisation.

Amendment

(2) 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**, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, **including for passengers with disabilities**, implementing any measures that may prove necessary in the field of technical standardisation.

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The pursuit of interoperability within the Union's rail system should lead to the definition of an optimal level of technical harmonisation and make it possible to facilitate, improve and develop **international** 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

Amendment

(3) The pursuit of interoperability within the Union's rail system 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

and operation of the rail system within the Union.

operation of the rail system within the Union.

Justification

Achieving interoperability will not only bring benefits to international rail services, but to all transport by rail, e.g. through savings in time and costs.

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The commercial operation of trains throughout the rail network requires in particular excellent compatibility between the characteristics of the infrastructure and those of the vehicles, as well as efficient interconnection of the information **and** communication systems of the different infrastructure managers and railway undertakings. Performance levels, safety, quality of service and cost depend upon such compatibility and interconnection, as does, in particular, the interoperability of the rail system.

Amendment

(4) The commercial operation of trains throughout the rail network requires in particular excellent compatibility between the characteristics of the infrastructure and those of the vehicles, as well as efficient interconnection of the information, communication **and ticketing** systems of the different infrastructure managers and railway undertakings. Performance levels, safety, quality of service and cost depend upon such compatibility and interconnection, as does, in particular, the interoperability of the rail system.

Justification

From a passengers' perspective, ticketing schemes also need to become interoperable in order to benefit from this initiative.

Amendment 4

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The railway regulatory framework should set clear responsibilities for ensuring compliance with the safety, health and consumer protection rules applying to the railway networks .

Amendment

(5) The railway regulatory framework should set clear responsibilities for ensuring compliance with the safety, health, **social** and consumer protection rules applying to the railway networks.

Justification

Harmonisation of the social aspects - e.g. working, driving and rest times - needs to go hand in hand with technical efforts for the sake of interoperability, safety and quality.

Amendment 5

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) There are major differences between national regulations, internal rules and technical specifications applicable to rail systems, subsystems and components, since they incorporate techniques that are specific to the national industries and prescribe specific dimensions and devices and special characteristics. This situation prevents trains from being able to run without hindrance throughout the Union.

Amendment

(6) There are major differences between national regulations, internal rules and technical specifications applicable to rail systems, subsystems and components, since they incorporate techniques that are specific to the national industries and prescribe specific dimensions and devices and special characteristics. This situation prevents trains from being able to run without hindrance throughout the Union **and from reaping the benefits of standardisation and economies of scale in the single market.**

Justification

The current diversity in the European rail systems prevents companies from producing large series of rail systems, subsystems and components, which prevents reaping the benefits from mass production, namely lower prices and shorter production cycles.

Amendment 6

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) In view of the extent and complexity of the rail system, it has proved necessary, for practical reasons, to break it down into the following subsystems: infrastructure, trackside control-command and signalling, on-board control-command and signalling, energy, rolling stock, operation and traffic management, maintenance and telematics applications for passenger and freight services. For each of these subsystems the essential requirements must be specified and the technical specifications determined, particularly in respect of constituents and interfaces, in order to meet these essential requirements. The same system is broken down into fixed and mobile elements comprising, on the one hand, the network, composed of the lines, stations, terminals, and all kinds of fixed equipment needed to ensure safe and continuous operation of the system and, on the other hand, all vehicles travelling on this network. Therefore, for the purposes of this Directive, a vehicle is composed of one subsystem (rolling stock) and where applicable other subsystems (mainly the on-board control-command and signalling subsystem).

Amendment

(23) In view of the extent and complexity of the rail system, it has proved necessary, for practical reasons, to break it down into the following subsystems: infrastructure, trackside control-command and signalling, on-board control-command and signalling, energy, rolling stock, operation and traffic management, maintenance and telematics applications for passenger and freight services. For each of these subsystems the essential requirements must be specified and the technical specifications determined, particularly in respect of constituents and interfaces, in order to meet these essential requirements. The same system is broken down into fixed and mobile elements comprising, on the one hand, the network, composed of the lines, stations, terminals, and all kinds of fixed equipment needed to ensure safe and continuous operation of the system and, on the other hand, all vehicles travelling on this network. Therefore, for the purposes of this Directive, a vehicle is composed of one subsystem (rolling stock) and where applicable other subsystems (mainly the on-board control-command and signalling subsystem). ***Although the system is divided into several elements, the European Union Agency for Railways ('the Agency') should retain an overview of the system, in order to guarantee safety and interoperability.***

Justification

The Agency should have the role of guardian of the global vision for the rail system.

Amendment 7

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) The United Nations Convention on the Rights of Persons with Disabilities to which the Union is a party establishes accessibility as one of its general principles and requires States Parties to take appropriate measures to ensure to persons with disabilities access on an equal basis with others, including by developing, promulgating and monitoring the implementation of minimum standards and guidelines for accessibility. Accessibility is therefore an important requirement for the interoperability of the rail system.

Amendment

(24) The United Nations Convention on the Rights of Persons with Disabilities to which the Union is a party establishes accessibility as one of its general principles and requires States Parties to take appropriate measures to ensure to persons with disabilities access on an equal basis with others, including by developing, promulgating and monitoring the implementation of minimum standards and guidelines for accessibility. Accessibility ***for persons with disabilities and persons with reduced mobility*** is therefore an important requirement for the interoperability of the rail system, ***in line with Union legislation on passengers with reduced mobility***.

Amendment 8

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) TSIs also have an impact on the conditions of use of rail transport by users, and it is therefore necessary to consult these users on aspects concerning them.

Amendment

(26) TSIs also have an impact on the conditions of use of rail transport by users, and it is therefore necessary to consult these users on aspects concerning them,

including organisations of persons with disabilities.

Amendment 9

Proposal for a directive Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) In order to create the single European railway area, reduce the costs and duration of authorisation procedures and improve railway safety, authorisation procedures need to be streamlined and harmonised at Union level. This requires a clear distribution of tasks and responsibilities between the Agency and the national safety authorities during the transitional period.

The Agency should use the valuable expertise, local knowledge and experience of national safety authorities. It should delegate specific tasks and responsibilities to national safety authorities on the basis of contractual agreements as referred to in Article 22a but should take the final decision in all authorisation procedures.

Amendment 10

Proposal for a directive Recital 40

Text proposed by the Commission

Amendment

(40) To ensure traceability of the vehicles and their history, the references of the vehicle authorisations *for placing on the*

(40) To ensure traceability of the vehicles and their history, the references of the vehicle authorisations should be recorded

market should be recorded together with the other vehicle data.

together with the other vehicle data.

Justification

There should be a European vehicle authorisation so that vehicles can be purchased "ready for use". The proposed distinction between "placing on the market" and "placing in service" does not remove the hurdles for easy and quicker purchase and use of rolling stock.

Amendment 11

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) The TSIs should specify the procedures for checking the compatibility between vehicles and network *after the delivery of the vehicle authorisation for placing on the market and* before the *decision to place into service*.

Amendment

(41) The TSIs should specify the procedures for checking the compatibility between vehicles and network *before the start of a new operation*.

Amendment 12

Proposal for a directive

Recital 46 a (new)

Text proposed by the Commission

Amendment

(46a) Regulatory measures should be complemented by initiatives aimed at providing financial support to innovative and interoperable technologies in the rail sector, such as the "Shift2Rail" project.

Amendment 13

Proposal for a directive Recital 48

Text proposed by the Commission

(48) In order to amend non-essential elements of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adaptation to technical progress of Annex II regarding the breakdown of the rail system into subsystems and to the description of these subsystems, the content of the TSIs and the amendments to TSIs, including those amendments needed to remedy TSIs deficiencies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(48) In order to amend non-essential elements of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adaptation to technical progress of Annex II regarding the breakdown of the rail system into subsystems and to the description of these subsystems, the content of the TSIs and the amendments to TSIs, including those amendments needed to remedy TSIs deficiencies, ***the scope and the content of the 'EC' declaration of conformity and suitability for use of interoperability constituents, the verification procedures for subsystems, including the general principles, the content, procedure and documents related to the 'EC' verification procedure, and to the verification procedure in the case of national rules.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment 14

Proposal for a directive Recital 51

Text proposed by the Commission

(51) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission relating to: the content of the file which shall accompany the request of non-application of one or more TSIs or parts of them, the details, the format and the transmission modalities of that file; ***the scope and the content of the EC declaration of conformity and suitability for use of interoperability constituents, its format and the details of the information included in it;*** the classification of the notified national rules in different groups with the aim of facilitating the compatibility checks between fixed and mobile equipment; ***the verification procedures for subsystems, including the general principles, the content, procedure and documents related to the 'EC' verification procedure, and to the verification procedure in the case of national rules;*** the templates for the 'EC' declaration of verification and for the declaration of verification in the case of national rules and templates for documents of the technical file that has to accompany the declaration of verification; the common specifications relating to content, data format, functional and technical architecture, operating mode and rules for data input and consultation for the register of infrastructure. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing

Amendment

(51) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission relating to: the content of the file which shall accompany the request of non-application of one or more TSIs or parts of them, the details, the format and the transmission modalities of that file; ***the format and the details of the information included in*** the EC declaration of conformity and suitability for use of interoperability constituents; the classification of the notified national rules in different groups with the aim of facilitating the compatibility checks between fixed and mobile equipment; the templates for the 'EC' declaration of verification and for the declaration of verification in the case of national rules and templates for documents of the technical file that has to accompany the declaration of verification; the common specifications relating to content, data format, functional and technical architecture, operating mode and rules for data input and consultation for the register of infrastructure. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹³.

powers¹³.

¹³ OJ L 55, 28.2.2011, p.13.

¹³ OJ L 55, 28.2.2011, p.13.

Amendment 15

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive establishes the conditions to be met to achieve interoperability within the Union's rail system in a manner compatible with the provisions of Directive [.../...on the safety of the rail system within the Union]. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance.

Amendment

1. This Directive establishes the conditions to be met to achieve interoperability within the Union's rail system in a manner compatible with the provisions of Directive [.../...on the safety of the rail system within the Union] . These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance. ***The pursuit of that objective necessarily entails the determination of an optimum level of technical harmonisation, making it possible to contribute to the progressive creation of the internal market in equipment and services for the construction, renewal, upgrading and operation of the rail system in the Union.***

Justification

The existing objectives outlined in the directive on interoperability (current Article 1(2)(b)) must be retained, since they set the overall objectives for the directive (optimum level of technical harmonisation and progressive creation of the internal market in equipment, services and operation).

Amendment 16

Proposal for a directive

Article 1 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. *The following systems are excluded* from the scope of this Directive:

3. *Member States may exclude* from the scope of *the measures implementing* this Directive:

Justification

This amendment maintains the current text under which Member States may exclude urban rail. The Commission argues that, while the standardisation bodies were given a mandate to create standards, these should remain voluntary. Constructors and some stakeholders believe that there is potential for a European market and there is therefore no reason to exclude a sector that is used by thousands of passengers in the EU.

Amendment 17

Proposal for a directive

Article 1 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) metros, trams and light rail systems;

(a) metros, trams, *tram-trains* and light rail systems;

Justification

In several Member States, systems exist where tram vehicles partly run on rail infrastructure. These vehicles shall not be covered by this Directive as they are essentially tram services. Compare also with my amendment for the Safety Directive. Compare also with my amendment for the Safety Directive.

Amendment 18

Proposal for a directive

Article 1 – paragraph 3 – point a

Text proposed by the Commission

(a) metros, trams and light rail systems;

Amendment

(Does not affect English version)

Amendment 19

Proposal for a directive

Article 1 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) privately owned railway infrastructure and vehicles exclusively used on such infrastructure where this exists solely for use by the owner for its own freight operations;

Amendment 20

Proposal for a directive

Article 1 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) infrastructure and vehicles reserved for a strictly local, historical or touristic use.

Amendment 21

Proposal for a directive

Article 1 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States may exclude from the

deleted

scope of the measures implementing this Directive:

(a) privately owned railway infrastructure and vehicles exclusively used on such infrastructure where this exists solely for use by the owner for its own freight operations;

(b) infrastructure and vehicles reserved for a strictly local, historical or touristic use.

Amendment 22

Proposal for a directive Article 2 – point 1

Text proposed by the Commission

(1) ‘Union rail system’ means the elements listed in Annex I;

Amendment

(1) ‘Union rail system’ means the elements ***of the conventional and high-speed rail systems*** listed in ***points 1 and 2*** of Annex I;

Justification

It is vital that a distinction should continue to be made between the conventional and the high-speed networks.

Amendment 23

Proposal for a directive Article 2 – point 2

Text proposed by the Commission

(2) ‘interoperability’ means the ability of a rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of

Amendment

(2) ‘interoperability’ means the ability of a rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of

performance for these lines.

performance for these lines. ***This ability depends on all regulatory, technical and operational conditions that need to be applied in order to meet essential requirements.***

Justification

This sentence, which already appears in the current EU legislative framework, is still necessary because it provides greater clarity.

Amendment 24
Proposal for a directive
Article 2 – point 3

Text proposed by the Commission

(3) ‘vehicle’ means a railway vehicle suitable for circulation on ***its own*** wheels on railway lines, with or without traction, ***in a fixed or variable composition*** . A vehicle is composed of one or more structural ***and functional*** subsystems ;

Amendment

(3) ‘vehicle’ means a railway vehicle suitable for circulation on wheels on railway lines, with or without traction. A vehicle is composed of one or more structural subsystems;

Amendment 25

Proposal for a directive
Article 2 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) ‘mobile subsystem’ means the rolling stock subsystem, the on-board control-command and signalling subsystem and the vehicle, when it is composed of one subsystem;

Amendment 26

Proposal for a directive Article 2 – point 7

Text proposed by the Commission

(7) ‘essential requirements’ means all the conditions set out in Annex III which must be met by the rail system, the subsystems, and the interoperability constituents, including interfaces;

Amendment

(Does not affect English version.)

Amendment 27

Proposal for a directive Article 2 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) ‘conformity assessment body’ means a body that has been notified or designated to be responsible for conformity assessment activities, including calibration, testing, certification and inspection. A conformity assessment body is classified as a ‘notified body’ following notification of its existence by a Member State. A conformity assessment body is classified as a ‘designated body’ following its designation by a Member State;

Amendment 28

Proposal for a directive Article 2 – point 12

Text proposed by the Commission

(12) ‘upgrading’ means any modification work on a subsystem or part of it which results in a change in the technical file accompanying the ‘EC’ declaration of verification, if this technical file exists, and which improves the overall performance of the subsystem;

Amendment

(12) ‘upgrading’ means any **major** modification work on a subsystem or part of it which results in a change in the technical file accompanying the ‘EC’ declaration of verification, if this technical file exists, and which improves the overall performance of the subsystem. . **Where modification work is to be carried out in respect of a subsystem or vehicle, the relevant TSI shall specify whether or not the work in question is to be classified as major and, if it is, the reasons for such classification;**

Justification

Not every minor modification should require a new authorisation. At the same time, there needs to be a common understanding of when changes are considered as major, which should be developed through TSIs.

Amendment 29

**Proposal for a directive
Article 2 – point 13**

Text proposed by the Commission

(13) ‘renewal’ means any substitution work on a subsystem or part of it which does not change the overall performance of the subsystem;

Amendment

(13) ‘renewal’ means any **major** substitution work on a subsystem or part of it which does not change the overall performance of the subsystem. **Where substitution work is to be carried out in respect of a subsystem or vehicle, the relevant TSI shall specify whether or not the work in question is to be classified as major and, if it is, the reasons for such classification;**

Justification

Not every minor renewal should require a new authorisation. At the same time, there needs to be a common understanding of when renewals are considered as major, which should be developed through TSIs.

Amendment 30

Proposal for a directive Article 2 – point 17

Text proposed by the Commission

(17) ‘contracting entity’ means public or private entity which orders the design and/or construction or the renewal or upgrading of a subsystem. This entity may be a railway undertaking, an infrastructure manager or a keeper, or a concession holder responsible for carrying out a project;

Amendment

(17) ‘contracting entity’ means public or private entity which orders the design and/or construction or the renewal or upgrading of a subsystem. This entity may be a railway undertaking, an infrastructure manager or a keeper, ***an entity in charge of maintenance*** or a concession holder responsible for carrying out a project;

Amendment 31

Proposal for a directive Article 2 – point 18

Text proposed by the Commission

(18) ‘keeper’ means the person or entity that, being the owner of a vehicle or having the right to use ***it***, exploits ***the vehicle*** as a means of transport and is registered as such in the ***national*** vehicle ***register*** referred to in ***Article 43***;

Amendment

(18) ‘keeper’ means the person or entity that, being the owner of a vehicle or having the right to use ***the vehicle***, exploits ***it*** as a means of transport and is registered as such in the vehicle ***registers*** referred to in ***Articles 43 and 43a***;

Amendment 32

Proposal for a directive

Article 2 – point 18 a (new)

Text proposed by the Commission

Amendment

(18a) ‘owner’ means the person or entity that is the owner of a vehicle and is registered as such in the vehicle registers referred to in Articles 43 and 43a;

Justification

Information on the waggon owner needs to be included in the European Vehicle Register for safety and accountability reasons.

Amendment 33

Proposal for a directive

Article 2 – point 26

Text proposed by the Commission

Amendment

(26) ‘national rules’ means all binding rules containing railway safety or technical requirements imposed at Member State level and applicable to railway ***undertakings***, irrespective of the body issuing them;

(26) ‘national rules’ means all binding rules ***notified by a Member State*** containing railway safety or technical requirements imposed at Member State level and applicable to railway ***actors***, irrespective of the body issuing them;

Justification

According to Article 14 – National Rules – of the Interoperability Directive, Member States shall notify to the Commission the list of national rules. National rules apply to all actors in the railway sector, not exclusively to Railway Undertakings.

Amendment 34

Proposal for a directive

Article 2 – point 27 a (new)

Text proposed by the Commission

Amendment

(27a) ‘area of use’ means a network or networks in the Union, whether within a Member State or a group of Member States, on which a vehicle is technically compatible according to its technical file;

Amendment 35

Proposal for a directive Article 2 – point 27 b (new)

Text proposed by the Commission

Amendment

(27b) ‘isolated rail network’ means the rail network of a Member State, or a part thereof, with a track gauge of 1520 mm, which is geographically or technically detached from the European network with standard nominal track gauge (1435mm - hereafter ‘standard gauge’) and well integrated in the rail network of 1520 mm track gauge together with third countries, but isolated from the Union’s standard network.

Amendment 36

Proposal for a directive Article 2 – point 28

Text proposed by the Commission

Amendment

(28) ‘acceptable means of compliance’ means non-binding opinions issued by the Agency to define ways of establishing compliance with the essential

(28) ‘acceptable means of compliance’ means non-binding opinions issued by the Agency to define ways of establishing compliance with the essential

requirements;

requirements, *so as to offset temporarily shortcomings in a TSI until such time as that TSI has been amended*;

Justification

The Agency may lay down temporary means of compliance if there is no clear definition in a TSI.

Amendment 37

**Proposal for a directive
Article 2 – point 28 a (new)**

Text proposed by the Commission

Amendment

(28a) ‘acceptable national means of compliance’ means other means of compliance laid down in a Member State which give rise to a presumption of compliance with the relevant section of the national rules. Those acceptable national means of compliance shall be notified to the Agency.

Amendment 38

**Proposal for a directive
Article 2 – point 31**

Text proposed by the Commission

Amendment

(31) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;

(31) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer *or a contracting entity* to act on his *or its* behalf in relation to specified tasks;

Amendment 39

Proposal for a directive Article 2 – point 32

Text proposed by the Commission

(32) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, process or service;

Amendment

(32) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, **subsystem**, process or service;

Justification

Technical specifications may also concern subsystems.

Amendment 40

Proposal for a directive Article 2 – point 37

Text proposed by the Commission

(37) ‘**disabled** person and person with reduced mobility’ shall include any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder their full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced due to age.

Amendment

(37) ‘person **with disabilities** and person with reduced mobility’ shall include any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder their full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced due to age **and who thus requires special services**.

Amendment 41

Proposal for a directive Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. No person shall be discriminated against, either directly or indirectly, on the basis of a disability. In order to ensure that all Union citizens can enjoy the benefits resulting from the establishment of an area without internal borders, Member States shall ensure that the railway system is barrier-free.

Amendment 42

Proposal for a directive Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Subsystems shall comply with the TSIs in force at the time of ***their placing in service, upgrading or renewal, in accordance with this Directive; this*** compliance shall be permanently maintained while each subsystem is in use.

3. ***Fixed*** subsystems shall comply with the TSIs in force at the time of ***first appointment of a notified body and at the latest at the time of the granting of building permits. Vehicles shall be in conformity with the TSIs and shall comply with national rules in force at the time of the first appointment of a notified body. Such conformity and*** compliance shall be permanently maintained while each subsystem is in use.

Justification

Fixed subsystems often have complex planning, approval and construction processes. Therefore, it is important that 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. If this very TSI changes during the construction process it shall have no impact on the authorisation procedure.

Amendment 43

Proposal for a directive

Article 4 – paragraph 4 – point d

Text proposed by the Commission

(d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the rail system;

Amendment

(d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the rail system. ***This shall include the identification of the rail spare parts to be standardised in accordance with Article 41 of Regulation (EU) No ... of the European Parliament and of the Council^{13a}. The list of spare parts to be standardised, including existing parts, shall be included in each TSI.***

^{13a} Regulation (EU) No ... of the European Parliament and of the Council of ... on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L ...).

Justification

Each TSI should include a list of spare parts to be standardised with a view to creating an internal market in rail equipment. This is consistent with the Commission proposal concerning Article 41 of the ERA Rules.

Amendment 44

Proposal for a directive

Article 4 – paragraph 4 – point f

Text proposed by the Commission

(f) indicate the strategy for the application of the TSIs. In particular, it is necessary to

Amendment

(f) indicate the strategy for the application of the TSIs. In particular, it is necessary to

specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm including setting deadlines for completion of those stages where necessary;

specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm including setting deadlines for completion of those stages. ***The timetable fixing the stages shall 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;***

Justification

The Commission is making it possible to set deadlines for the implementation of TSIs. The timetable for implementation should also be established, in line with an assessment that takes account of the estimated costs and benefits of its implementation and the expected repercussions on the operators and economic actors affected.

Amendment 45

Proposal for a directive Article 4 – paragraph 4 – point i

Text proposed by the Commission

(i) indicate the parameters to be checked ***by the railway undertaking and the procedures to be applied to check those parameters after the delivery of the vehicle authorisation for placing on the market and before the decision for placing in service*** to ensure the compatibility between vehicles and routes on which they are intended to be operated;

Amendment

(i) indicate the parameters to be checked to ensure the compatibility between vehicles and routes on which they are intended to be operated;

Amendment 46

Proposal for a directive

Article 4 – paragraph 4 – point i a (new)

Text proposed by the Commission

Amendment

(ia) indicate the specific parameters to be verified and provide descriptions for the renewal, improvement or replacement of spare parts or interoperability constituents to be dealt with in conjunction with Article 21(3).

Amendment 47

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The drafting, adoption and review of each TSI, including the basic parameters, shall take account of the estimated costs and benefits of all the technical solutions considered, together with the interfaces between them, so as to establish and implement the most viable solutions.

Amendment 48

Proposal for a directive

Article 5 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the Agency shall draw up the draft TSI on the basis of these basic parameters. Where appropriate, the Agency shall take account of technical progress, of standardisation work already carried out, of working parties already in place and of acknowledged research work.

An overall assessment of the estimated

(b) the Agency shall draw up the draft TSI on the basis of these basic parameters. Where appropriate, the Agency shall take account of technical progress, of standardisation work already carried out, of working parties already in place and of acknowledged research work.

An overall assessment of the estimated

costs and benefits of the implementation of the TSIs shall be attached to the draft TSI. This assessment shall indicate the likely impact for all the operators and economic agents involved.

costs and benefits of the implementation of the TSIs shall be attached to the draft TSI. This assessment shall indicate the likely impact for all the operators and economic agents involved, ***and shall take due account of the requirements of Directive .../... on the safety of the rail system within the European Union. The Member States shall participate in that assessment by providing, where appropriate, the requisite data.***

Amendment 49

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

4. ***During*** the preparatory work on TSIs the Commission may formulate any terms of reference or useful recommendations concerning the design of the TSIs and the cost-benefit analysis. In particular, the Commission may, require that alternative solutions be examined and that the assessment of the cost and benefits of these alternative solutions be set out in the report annexed to the draft TSI.

Amendment

4. ***The committee referred to in Article 48 shall be kept regularly informed of*** the preparatory work on ***the*** TSIs. ***During that work***, the Commission may, ***at the request of the committee***, formulate any terms of reference or useful recommendations concerning the design of the TSIs and the cost-benefit analysis. In particular, the Commission may, ***at the request of a Member State***, require that alternative solutions be examined and that the assessment of the cost and benefits of these alternative solutions be set out in the report annexed to the draft TSI.

Justification

According to Article 48 the Commission shall be assisted by the committee established by Article 21 of Directive 96/48/EC.

Amendment 50

Proposal for a directive Article 5 – paragraph 7

Text proposed by the Commission

(7) In accordance with Article 6 of Regulation (EU) No .../... [Agency Regulation], the Agency shall draw up and regularly update the list of users' associations and bodies to be consulted . This list may be re-examined and updated at the request of a Member State or upon the initiative of the Commission.

Amendment

(7) In accordance with Article 6 of Regulation (EU) No .../... [Agency Regulation], the Agency shall draw up and regularly update the list of users' associations and bodies to be consulted . This list ***shall necessarily include representative associations and bodies from all the Member States and*** may be re-examined and updated at the request of a Member State or upon the initiative of the Commission.

Amendment 51

Proposal for a directive Article 5 – paragraph 8

Text proposed by the Commission

(8) The drafting, adoption and review of the TSIs shall take account of the opinion of the social partners as regards the conditions referred to in Article 4(4)(g). To this end, the Agency shall consult the social partners before submitting to the Commission recommendations on TSIs and their amendments. The social partners shall be consulted in the context of the Sectoral Dialogue Committee set up in accordance with Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level¹⁵. The social partners shall issue their

Amendment

(8) The drafting, adoption and review of the TSIs shall take account of the opinion of the ***representative*** social partners ***in all the Member States*** as regards the conditions referred to in Article 4(4)(g), ***and in any other TSI that directly or indirectly affects the staff involved***. To this end, the Agency shall consult the social partners before submitting to the Commission recommendations on TSIs and their amendments. The social partners shall be consulted in the context of the Sectoral Dialogue Committee set up in accordance with Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue

opinion within three months.

Committees promoting the Dialogue between the social partners at European level¹⁵. The social partners shall issue their opinion within three months.

¹⁵ OJ L 225, 12.8.1998, p. 27. Decision as last amended by Regulation (EC) No 1792/2006 (OJ L 362, 20.12.2006, p. 1).

¹⁵ OJ L 225, 12.8.1998, p. 27. Decision as last amended by Regulation (EC) No 1792/2006 (OJ L 362, 20.12.2006, p. 1).

Amendment 52

Proposal for a directive Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. A member of the network of representative bodies can act as applicant to request opinions about deficiencies in TSIs via the Commission. The applicant shall be informed of the decision taken. The Commission shall duly provide a statement of reasons for any refusal.

Justification

Since the railway sector bears the risks and costs of a project delay, it should have the right not only to give input but also to be informed about the reasons when being refused.

Amendment 53

Proposal for a directive Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part

of it , when the application of these TSIs would compromise the economic viability of the project.

of it , when the application of these TSIs would *seriously* compromise the economic viability of the project.

Justification

The economic viability of a project must not serve as a pretext for not applying TSIs.

Amendment 54

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) are used in their area of use as intended and are suitably installed and maintained.

Amendment

(b) are used in their area of use as intended *in accordance with the area of use as defined in point (27a) of Article 2* and are suitably installed and maintained.

Justification

Reference should be made to the definition of 'area of use as intended' in order to make the text clearer and avoid any misunderstanding.

Amendment 55

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may not, in their territory and on the basis of this Directive, prohibit, restrict or hinder the placing on the market of interoperability constituents for use in the rail system where they comply with this Directive. In particular, they may not require checks which have already been carried out as part of the procedure of 'EC' declaration of conformity or suitability for

Amendment

Member States may not, in their territory and on the basis of this Directive, prohibit, restrict or hinder the placing on the market of interoperability constituents for use in the rail system where they comply with this Directive. In particular, they may not require checks which have already been carried out as part of the procedure of 'EC' declaration of conformity or suitability for

use.

use.

A Member State may not prohibit, restrict or hinder the placing in service of interoperability constituents that have been recognised for an area for which they are intended, if that area is situated within its territory.

Justification

This new subparagraph supports the idea of reducing the additional requirements for a constituent that has already been recognised for a particular area to a minimum. It explicitly prevents a State from placing obstacles in the way of authorisation for placing in service if the area concerned is situated within its territory. Clearly, this constituent will not be interoperable outside the area for which it has been recognised.

Amendment 56

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall ***establish, by means of implementing acts***, the scope and the content of the EC declaration of conformity and suitability for use of interoperability constituents, ***its format and the details of the information included in it. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).***

Amendment

The Commission shall ***be empowered to adopt delegated acts in accordance with Article 46 concerning*** the scope and the content of the EC declaration of conformity and suitability for use of interoperability constituents.

Amendment 57

Proposal for a directive

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall establish, by means of implementing acts, the format and the details of the information included in the EC declaration of conformity and suitability for use of interoperability constituents. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).

Amendment 58

Proposal for a directive Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The **Commission shall consult the parties concerned as quickly as possible. Where, following that consultation, the Commission establishes that the measure is justified it shall forthwith inform the Member State that has taken the initiative thereof. Where, after that consultation, the Commission establishes that the measure is unjustified it shall forthwith inform the Member State that has taken the initiative and the manufacturer or his authorised representative established within the Union thereof.**

2. The **Agency, on a mandate from the Commission, shall start the consultation process with the parties concerned without delay, and in any case within 20 days. Following that consultation, the Agency shall establish whether the measure is justified. The Agency shall forthwith inform the Commission, the Member State that has taken the initiative in that regard and the manufacturer or his authorised representative established within the Union thereof.**

Amendment 59

Proposal for a directive Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall ensure that the Member States are kept informed of the course and results of that procedure.

deleted

Amendment 60

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States and the Agency shall consider as being interoperable and meeting the essential requirements, those structural subsystems constituting the rail system which are covered by the 'EC' declaration of verification.

1. Member States and the Agency shall consider as being interoperable, and **as** meeting the essential requirements, those structural subsystems constituting the rail system which are covered, **as appropriate**, by the 'EC' declaration of verification **established by reference to TSIs in accordance with Article 15 or by the declaration of verification established by reference to notified national rules in accordance with Article 15a, or both.**

Amendment 61

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Verification of the interoperability, in accordance with the essential requirements, of a structural subsystem constituting the rail system shall be established by reference to TSIs, and national rules notified in accordance with paragraph 3.

deleted

Amendment 62

Proposal for a directive Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Decisions on granting authorisation shall be based on TSIs and on notified national rules applicable when the application was made.

Justification

Grundlage der Entscheidung über eine Fahrzeugzulassung sind bisher die Bestimmungen, wie sie zum Zeitpunkt der Entscheidung der Behörde gelten. Da zwischen Antragsstellung und Entscheidung in der Vergangenheit teilweise mehrere Jahre liegen konnten, mussten Neuregelungen, die in diesem Zeitraum erlassen wurden, im laufenden Verfahren nachträglich berücksichtigt werden. Mit dem "Einfrieren" der Zulassungsaufforderung zum Zeitpunkt der Antragsstellung wird Planungssicherheit für den Antragsteller hergestellt und die Kosten sowie die Dauer des Genehmigungsverfahrens reduziert.

Amendment 63

Proposal for a directive Article 13 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Member States shall draw up, for each subsystem, a list of the national rules in use for implementing the essential requirements in the following cases:

3. Member States shall draw up, for each subsystem, a list of the national rules in use for implementing the essential requirements ***and/or acceptable national means of compliance*** in the following cases:

Amendment 64

Proposal for a directive Article 13 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) in the case of networks and vehicles not covered by TSIs;

Amendment 65

Proposal for a directive

Article 13 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) for safety reasons specific to one or more Member States, provided that they have been substantiated and without prejudice to the prerogatives of the Agency.

Amendment 66

Proposal for a directive

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall notify to the Commission the list of national rules referred to in Article 13(3) ***either***:

1. Member States shall notify to the Commission ***and to the Agency*** the list of national rules ***in use, as*** referred to in Article 13(3), ***in the following cases***:

Amendment 67

Proposal for a directive

Article 14 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) each time the list of rules is changed, ***or***

(a) each time the list of rules is changed,

Amendment 68

Proposal for a directive

Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) *after* a request for non-application of the TSI has been submitted in accordance with Article 7, *or*

Amendment

(b) *when* a request for non-application of the TSI has been submitted in accordance with Article 7,

Amendment 69

Proposal for a directive

Article 14 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) where the national rule(s) has/have not yet been notified by the date of entry into force of this Directive.

Amendment 70

Proposal for a directive

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Within one month after the entry into force of this Directive, Member States shall notify to the Commission any existing national rule which has not been notified by the date of entry into force of this Directive.

Amendment 71

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. Member States shall notify the full text of existing national rules **to the Agency and the Commission** through the appropriate IT system in accordance with *article 23* of Regulation (EU) No .../... [Agency Regulation].

Amendment

2. Member States shall notify the full text of existing national rules through the appropriate IT system in accordance with *Article 23* of Regulation (EU) No .../... [Agency Regulation].

Amendment 72

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. If a Member State intends to introduce a new national rule, it shall **notify** the draft to the Agency and the Commission through the appropriate IT system in accordance with Article 23 of Regulation (EU) No .../... [Agency Regulation].

Amendment

4. If a Member State intends to introduce a new national rule, it shall **submit** the draft to the Agency and the Commission **for consideration at least three months before the scheduled entry into force of the proposed new rule, giving the reason for its introduction, in accordance with Article 21 of Regulation (EU) No .../... [Agency Regulation]**, through the appropriate IT system in accordance with Article 23 of Regulation (EU) No .../... [Agency Regulation].

Justification

A procedure should be drawn up so that emergency preventive measures can be taken if need be (for example following an accident or incident). In such cases the ERA would always validate the rule, but provision should be made for the immediate application of the rule for a restricted period (two months) irrespective of whether the Agency validates it or not. The ERA should harmonise these rules if they concern several Member States.

Amendment 73

Proposal for a directive

Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When notifying an existing or new national rule, Member States shall provide proof of the need for that rule in order to fulfil an essential requirement not already covered by the relevant TSI. Member States shall not be permitted to notify any national rule without substantiating that need.

The Agency shall have two months in which to consider the draft rule and to make a recommendation to the Commission. The Commission shall approve or reject the draft rule. Only in the case of emergency preventive measures, Member States may adopt and apply a new rule immediately and that rule shall be valid for two months. If such a rule affects several Member States, the Commission, working in cooperation with the Agency and the national safety authorities, shall harmonise the rule at Union level.

Justification

The Member State shall justify the need of a specific national rule (existing or new); this proof shall be given together with the notified rule. If this justification is acceptable to the Agency, the rule can be notified and published, otherwise it has to be modified or withdrawn by the member state.

Amendment 74

Proposal for a directive

Article 14 – paragraph 8 – subparagraph 1

Text proposed by the Commission

1. The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of facilitating the compatibility checks between fixed and mobile equipment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).

Amendment

1. 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 and*** the compatibility checks between fixed and mobile equipment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3). ***The Agency shall classify, in accordance with those implementing acts, the national rules notified pursuant to this Article, and shall publish the corresponding register. That register shall also list any acceptable national means of compliance.***

Justification

This amendment reintroduces the big step forward made by the current directive in terms of cross-acceptance. The national rules should also be classified to facilitate cross-acceptance. Nowadays, national rules classified “A” are only verified once. The register shall contain the acceptable national means of compliance.

Amendment 75

**Proposal for a directive
Article 15 – paragraph 2**

Text proposed by the Commission

2. The task of the notified conformity assessment body responsible for the 'EC' verification of a subsystem shall begin at the design stage and cover the entire manufacturing period through to the acceptance stage before the subsystem is

Amendment

2. The task of the notified conformity assessment body responsible for the 'EC' verification of a subsystem shall begin at the design stage and cover the entire manufacturing period through to the acceptance stage before the subsystem is

placed in service. It *may* also cover verification of the interfaces of the subsystem in question with the system into which it is incorporated, based on the information available in the relevant TSI and in the registers provided for in Articles 44 and 45.

placed in service. It *shall* also cover verification of the interfaces of the subsystem in question with the system into which it is incorporated, based on the information available in the relevant TSI and in the registers provided for in Articles 44 and 45.

Justification

It is essential that the interfaces are also covered, as is the case in the current Directive.

Amendment 76

**Proposal for a directive
Article 15 – paragraph 4**

Text proposed by the Commission

4. Any *amendment of the technical file referred to in paragraph 3 that has an impact on the verifications carried out implies* the need to establish a new ‘EC’ declaration of verification.

Amendment

4. Any *upgrading shall entail* the need to establish a new 'EC' declaration of verification.

Justification

This paragraph should be simplified in line with the definition of upgrading provided in art. 2.12

Amendment 77

**Proposal for a directive
Article 15 a (new)**

Text proposed by the Commission

Amendment

Article 15a

*Procedure for establishing the declaration
of verification in the case of national*

rules

The procedures for establishing the 'EC' declaration of verification referred to in Article 15 shall also apply, where appropriate, for the establishment of the declaration of verification in respect of national rules.

Member States shall designate the bodies responsible for carrying out the verification procedure in respect of national rules in accordance with Chapter VI.

Amendment 78

Proposal for a directive Article 15 – paragraph 7

Text proposed by the Commission

Amendment

7. The Commission shall establish, by means of implementing acts:

deleted

(a) the verification procedures for subsystems, including the general principles, the content, procedure and documents related to the 'EC' verification procedure, and to the verification procedure in the case of national rules.

(b) the templates for the 'EC' declaration of verification and for the declaration of verification in the case of national rules and templates for documents of the technical file that has to accompany the declaration of verification.

Those implementing acts shall be adopted in accordance with the examination procedure referred to Article 48(3).

Amendment 79

Proposal for a directive Article 15 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission shall be empowered to adopt delegated acts in accordance with Article 46 in order to establish the verification procedures for subsystems, including the general principles, the content, procedure and documents related to the 'EC' verification procedure, and the verification procedure in the case of national rules.

Amendment 80

Proposal for a directive Article 15 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. The Commission shall establish, by means of implementing acts, the templates for the 'EC' declaration of verification and for the declaration of verification in the case of national rules and templates for documents to be contained in the technical file that has to accompany the declaration of verification.

Those implementing acts shall be adopted in accordance with the examination procedure referred to Article 48(3).

Amendment 81

Proposal for a directive Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Each national safety authority shall authorise the placing in service of the energy *and infrastructure subsystems* which *are* located or operated in the territory of its Member State.

Amendment

Each national safety authority shall authorise the placing in service of the energy *and infrastructure 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 shall authorise cross-border infrastructures with one single infrastructure manager.

Amendment 82

**Proposal for a directive
Article 18 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

The Agency shall *grant decisions authorising the placing in service of the trackside control-command and signalling subsystems located or operated throughout* the Union.

Amendment

The Agency shall *authorise the ERTMS in close cooperation with the national safety authorities. Before the Agency authorises the ERTMS, the national safety authority shall be competent for verifying the operational compatibility with the national networks. The Agency shall ensure the uniform application of the ERTMS in* the Union.

Amendment 83

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the case of the ERTMS, the Agency shall consult the national safety authority concerned within one month of receipt of the complete application in order to ensure a coherent development of the ERTMS within the Union. The national safety authority shall issue an opinion to the Agency regarding the technical and operational compatibility of the subsystem with the vehicles intended to operate on the relevant part of the network within two months. The Agency shall, to the extent possible, take that opinion into account before issuing the authorisation and, in the event of disagreement, shall inform the national safety authority, stating the reasons therefor. This Article is without prejudice to the Agency's obligations as a system authority under Chapter 6 of Regulation (EU) No .../...[Agency Regulation].

When the Agency disagrees with a negative assessment carried out by a national safety authority, it shall inform the authority in question to that effect, giving reasons for the disagreement. The Agency and the national safety authority shall cooperate with a view to reaching a mutually acceptable assessment. Where necessary, as decided by the Agency and the national safety authority, this process shall also involve the applicant. If no mutually acceptable assessment can be found within one month after the Agency has informed the national safety authority of its disagreement, the Agency shall take

its final decision unless the national safety authority has referred the matter for arbitration to the Board of Appeal established under Article 51 of Regulation (EU) No .../...[Agency Regulation]. The Board of Appeal shall decide whether to confirm the Agency's draft decision within one month of the request of the national safety authority.

Any decision refusing the request for an authorisation for placing in service of fixed installations shall be duly substantiated by the Agency. The applicant may, within one month of receipt of the negative decision, submit a request that the Agency review its decision. That request shall be accompanied by a statement of grounds. The Agency shall have two months from the date of receipt of the request for review in which to confirm or reverse its decision. If the negative decision of the Agency is confirmed, the applicant may bring an appeal before the Board of Appeal established under Article 51 of Regulation (EU) No .../...[Agency Regulation].

Amendment 84

Proposal for a directive Article 18 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the declaration of verification in the case of national rules.

Amendment 85

Proposal for a directive

Article 18 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Within one month of receipt of the request of the applicant, the Agency or the national safety authority, depending on which is the competent authority, shall inform the applicant that the file is complete or ask for relevant supplementary information, setting a reasonable deadline for the provision of that information.

Amendment 86

Proposal for a directive

Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. In the event of renewal or upgrading of existing subsystems, the applicant shall send to the national safety authority (for energy ***and*** infrastructure subsystems) or the Agency (for ***trackside control-command and signalling subsystems***), ***a file describing the project***. The national safety authority or the Agency shall examine this file and shall decide, on the basis of the criteria set out in paragraph 5, whether a new authorisation for placing in service is needed. The national safety authority and the Agency shall take their decisions within a pre-determined, reasonable time, and, in any case, within ***four*** months from receipt of all relevant

4. In the event of renewal or upgrading of existing subsystems, the applicant shall send ***a file describing the project*** to the national safety authority (for energy and infrastructure subsystems ***and for trackside control-command and signalling subsystems which are not ERTMS***) or the Agency (for ***ERTMS and for cross-border infrastructures with one single infrastructure manager***). The national safety authority or the Agency shall examine this file and shall decide, on the basis of the criteria set out in paragraph 5, whether a new authorisation for placing in service is needed. The national safety authority and the Agency shall take their

information.

decisions within a pre-determined, reasonable time, and, in any case, within **three** months from receipt of all relevant information.

Amendment 87

Proposal for a directive Article 19 – paragraph 1

Text proposed by the Commission

1. ***The rolling stock subsystem and the on-board control-command and signalling subsystem*** shall be placed on the market by the applicant only if they are designed, constructed and installed in such a way as to meet the essential requirements as set out in Annex III.

Amendment

1. ***Mobile subsystems*** shall be placed on the market by the applicant only if they are designed, constructed and installed in such a way as to meet the essential requirements as set out in Annex III.

Amendment 88

Proposal for a directive Article 20 – paragraph 1

Text proposed by the Commission

1. A vehicle shall be placed on the market only after having received ***the*** vehicle authorisation ***for placing on the market issued by the Agency*** in accordance with ***paragraph 5***.

Amendment

1. A vehicle shall be placed on the market only after having received ***a*** vehicle authorisation in accordance with ***this Article***.

Amendment 89

Proposal for a directive Article 20 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The vehicle authorisation shall state:

(a) the area of use;

(b) the values of the parameters set out in the TSIs and, where applicable, in the national rules, as relevant for checking the technical compatibility between the vehicle and the area of use;

(c) the vehicle's compliance with the relevant TSIs and sets of national rules, in relation to the parameters referred to in point (b);

(d) the conditions for the use of the vehicle and any other restrictions.

Amendment 90

Proposal for a directive Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. The Agency shall ***issue decisions granting vehicle authorisations for placing on the market. Those authorisations attest the values of the parameters relevant for checking the technical compatibility between the vehicle and the fixed installations as set out in the TSIs.*** The vehicle ***authorisation for placing on the market shall also provide information about the vehicle's compliance with the relevant TSIs and sets of national rules, related to these parameters.***

2. The ***vehicle authorisation*** shall ***be issued on the basis of a file in respect of the vehicle or type of vehicle produced by the applicant and including documentary evidence of the following:***

– in relation to the mobile subsystems composing the vehicle:

(a) the appropriate declaration of verification in accordance with Article 19;

(b) the technical compatibility within the vehicle;

(c) the safe integration within the vehicle;

– in relation to the vehicle:

the technical compatibility of the vehicle with the networks in the area of use.

Amendment 91

Proposal for a directive

Article 20 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The technical compatibility shall be established on the basis of the relevant TSIs and, where applicable, national rules and registers. Whenever tests are necessary in order to obtain documentary evidence of the technical compatibility, the national safety authorities involved may issue temporary authorisations to the applicant to use the vehicle for practical verifications on the network. The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests take place within one month of receipt of the applicant's request. Where appropriate, the national safety authority shall take measures to ensure that tests take place.

The safe integration of the subsystems within the vehicle shall be established on

the basis of the relevant TSIs, the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union] and, where applicable, national rules.

Amendment 92

Proposal for a directive Article 20 – paragraph 3

Text proposed by the Commission

3. The vehicle authorisation *for placing on the market may stipulate conditions for the use of the vehicle and other restrictions.*

Amendment

3. The Agency *shall grant a* vehicle authorisation *after having assessed the elements of the file referred to in paragraph 2 within a pre-determined, reasonable time, and, in any case, within four months from receipt of all relevant information from the applicant. Within one month, the Agency shall indicate to the applicant whether or not the file is complete. Any negative decision made in relation to an application shall be duly substantiated.*

Authorisations shall be recognised in all Member States.

The Agency shall assume full responsibility for the authorisations it issues.

Amendment 93

Proposal for a directive Article 20 – paragraph 4

Text proposed by the Commission

Amendment

4. The vehicle authorisation for placing on the market shall be issued on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the documentary evidence of:

deleted

(i) the placing on the market of the mobile subsystems composing the vehicle according to Article 19;

(j) the technical compatibility of the subsystems referred to in point (a) within the vehicle, established on the basis of the relevant TSIs, national rules and registers;

(k) the safe integration of the subsystems referred to in point (a) within the vehicle, established on the basis of the relevant TSIs, national rules, and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

Amendment 94

Proposal for a directive Article 20 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. During the transitional period referred to in article Xa, the applicant may choose to submit its application for vehicle authorisation to the Agency or to the relevant national safety authority.

Amendment 95

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Agency shall take the decisions referred to in paragraph 2 within a pre-determined, reasonable time, and, in any case, within four months from receipt of all relevant information. These authorisations shall be valid in all Member States.

Amendment

Any decision refusing the authorisation of a vehicle shall be duly substantiated. The applicant may, within a period of one month from receipt of the negative decision, request that the Agency or the national safety authority, as appropriate, review the decision. The Agency or the national safety authority shall have two months from the date of receipt of the request for review in which to confirm or reverse its decision.

Amendment 96

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

If a negative decision is confirmed by the Agency, the applicant may bring an appeal before the Board of Appeal designated under Article 51 of Regulation (EU) No .../... [establishing a European railway agency].

Amendment 97

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

If the negative decision of a national safety authority is confirmed, the applicant may bring an appeal before the appeal body designated by the competent Member State under Article 17(3) of Directive .../... [Railway Safety Directive]. Member States may designate the regulatory body set out in Article 56 of Directive 2012/34/EU for the purposes of that appeal procedure.

Amendment 98

Proposal for a directive

Article 20 – paragraph 6

Text proposed by the Commission

Amendment

6. The Agency *may issue* vehicle authorisation ***for placing on the market for a series of vehicles. Those authorisations shall be valid in all Member States.***

6. The Agency ***may amend or revoke*** a vehicle authorisation ***if it no longer satisfies the conditions according to which it was issued, giving reasons for its decision in that regard. The Agency shall immediately update the European register defined in Article 43a.***

If a national safety authority finds that an authorised vehicle does not comply with essential requirements, it shall immediately inform the Agency and all other relevant national safety authorities. The Agency shall decide on the necessary measures within one month. In cases necessitating urgent preventive measures, the Agency may immediately restrict or

suspend the authorisation before taking its decision.

Amendment 99

Proposal for a directive Article 20 – paragraph 7

Text proposed by the Commission

7. The *applicant may bring an appeal before the Board of Appeal designated under Article 51 of Regulation (EU) No .../... [establishing a European railway agency] against decisions of the Agency or its failure to act within the time limits referred to in paragraph 5.*

Amendment

7. The *Commission shall be empowered to adopt, not later than six months after the adoption of this Directive, delegated acts in accordance with Article 46, concerning detailed rules on the authorisation procedure, including:*

(a) detailed guidance describing and explaining the requirements for the vehicle authorisation and the documents required;

(b) procedural arrangements for the authorisation process, such as content and timeframes for each stage of the process;

(c) criteria for assessment of the applicants' files.

Amendment 100

Proposal for a directive Article 20 – paragraph 8 – point b

Text proposed by the Commission

(b) a new vehicle authorisation *for placing on the market* shall be required if any changes are made to the values of the parameters included in the vehicle

Amendment

(b) a new vehicle authorisation shall be required if any *major* changes are made to the values of the parameters included in the

authorisation already granted.

vehicle authorisation already granted

Amendment 101

Proposal for a directive Article 20 – paragraph 9

Text proposed by the Commission

Amendment

9. At the request of the applicant, the vehicle authorisation for placing on the market may include a clear indication of the networks or lines or groups of networks or lines where the railway undertaking may place such a vehicle in service without further verifications, checks or tests concerning the technical compatibility between the vehicle and these networks or lines. In that case, the applicant shall include in its request the proof of the technical compatibility of the vehicle with the networks or lines concerned.

deleted

This indication may be also added, at the request of the original or another applicant, after the relevant authorisation for placing on the market has been issued.

(

Amendment 102

Proposal for a directive Article 20 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Authorisation for vehicles operated or

intended to be operated on railway infrastructure of isolated rail networks may also be granted by national safety authorities of the Member States in which the network in question is located. In such cases, the applicant may choose between applying to the Agency or to the national safety authorities of those Member States.

Within the transitional period referred to in Article 50a, the national safety authorities of the Member States in which an isolated rail network is located shall establish common vehicle authorisation procedures and ensure mutual recognition of vehicle authorisations issued by them. In the case of conflicting decisions of the national safety authorities and in the absence of any mutually acceptable decision, the Agency shall take a decision in accordance with Article 16 of Regulation .../[Agency Regulation] accordingly.

If by the end of the transitional period referred to in Article 50a, those national safety authorities have not established arrangements for common authorisation procedures and mutual recognition of vehicle authorisations, the authorisations referred to in this Article shall be granted only by the Agency.

If the arrangements for common authorisation procedures and mutual recognition of vehicle authorisations are established, the national safety authorities of the Member States having isolated rail networks may continue to issue vehicle authorisations and the applicant may choose to apply for vehicle authorisation to the Agency or to the relevant national safety authorities after the end of the transitional period referred in Article 50a.

Ten years after the entry into force of this Directive, the Commission shall present to the European Parliament and the Council a report on the progress achieved towards interoperability on the isolated rail network and shall, if necessary, submit the appropriate legislative proposal.

Amendment 103

Proposal for a directive Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Registration of authorised vehicles

Before a vehicle is used for the first time, after authorisation in respect of it has been granted in accordance with Article 20, it shall be registered at the request of the keeper.

When the authorisation has been granted by the Agency, the vehicle shall be registered in the European Register in accordance with Article 43a.

When the area of use of the vehicle is restricted to the territory of one Member State and the authorisation has been granted by a national safety authority, it shall be registered in the national vehicle register of that Member State in accordance with Article 43.

Amendment 104

Proposal for a directive

Article 21 – title

Text proposed by the Commission

Amendment

Placing in service of vehicles

Use of vehicles

Amendment 105

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. *Railway undertakings shall place in service a vehicle only after having checked, , in consultation with the infrastructure manager, the technical compatibility between the vehicle and the route and the safe integration of the vehicle into the system in which it is intended to operate, established on the basis of the relevant TSIs, national rules, registers, and the common safety methods set out in Article 6 of Directive.*

1. *Before a railway undertaking uses a vehicle in the area of use specified in the vehicle authorisation, it shall ensure, using its safety management system:*

Amendment 106

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

To this aim, vehicles shall first receive the vehicle authorisation for placing on the market in accordance with Article 20.

(a) that the vehicle has been authorised in accordance with Article 20 and is duly registered;

Amendment 107

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

b) the technical compatibility between the vehicle and the route on the basis of the infrastructure register, the relevant TSIs and any other information to be provided by the infrastructure manager free of charge and within a reasonable period of time, where the infrastructure register does not exist or is incomplete; and

Amendment 108

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

c) the integration of the vehicle into the composition of the train in which it is intended to operate, on the basis of safety management systems as set out in Article 9 of the Safety directive and the TSI on operation and management.

Amendment 109

Proposal for a directive

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to help the railway undertakings to check the technical

compatibility and safe integration as between the vehicle and the route(s), the infrastructure manager shall, upon request, provide the railway undertakings with additional information relating to the characteristics of the route(s).

Amendment 110

Proposal for a directive Article 21 – paragraph 2

Text proposed by the Commission

2. The railway undertaking shall communicate its decisions with respect to the **placing in service** of vehicles to the Agency, the infrastructure manager and the national safety authority concerned. These decisions shall be recorded in the national vehicle **registers** referred to in Article 43.

Amendment

2. The railway undertaking shall communicate its decisions with respect to the **operation** of vehicles to the Agency, the infrastructure manager and the national safety authority concerned. These decisions shall be recorded in the national vehicle **register** referred to in Article 43 **and in the European Register referred to in Article 43a**.

Amendment 111

Proposal for a directive Article 21 – paragraph 3

Text proposed by the Commission

3. In the event of renewal or upgrading of existing vehicles, a new ‘EC’ declaration of verification shall be needed as set out in Article 15(4). In addition, a new decision taken by the railway undertaking for placing in service of these vehicles shall be required when:

Amendment

deleted

- (a) the overall safety level of the subsystem concerned may be adversely affected by the works envisaged, or*
(b) it is required by the relevant TSIs.

Amendment 112

Proposal for a directive Article 22 – title

Text proposed by the Commission

Amendment

Authorisation to place vehicle types on the market

Vehicle type authorisation

Amendment 113

Proposal for a directive Article 22 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The Agency shall grant authorisations to place vehicle types on the market .

The Agency, or the national safety authorities during the transitional period referred to in Article 50a, shall grant vehicle type authorisations.

Amendment 114

Proposal for a directive Article 22 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The Agency shall provide detailed guidance on how to obtain the

The Agency and the national safety authorities shall provide detailed guidance

authorisation **to place** vehicle **types on the market**. An application guidance document describing and explaining the requirements for the authorisation **to place vehicle types on the market** and listing the required documents shall be made available to applicants free of charge. The national safety authorities shall cooperate with the Agency in disseminating such information.

on how to obtain the vehicle **type** authorisation. An application guidance document describing and explaining the requirements for the authorisation and listing the required documents shall be made available to applicants free of charge. The national safety authorities shall cooperate with the Agency in disseminating such information.

Amendment 115

Proposal for a directive Article 22 – paragraph 2

Text proposed by the Commission

2. However, if the Agency **issues a** vehicle authorisation **for placing on the market, it shall** at the same time **issue the authorisation to place the corresponding vehicle type on the market** .

Amendment

2. However, if **a vehicle authorisation is issued by** the Agency **or by the national safety authorities**, the vehicle **type** authorisation **shall be issued** at the same time.

Amendment 116

Proposal for a directive Article 22 – paragraph 3

Text proposed by the Commission

3. A vehicle which is in conformity with a vehicle type for which an authorisation **to place the corresponding vehicle type on the market** has been already issued shall, without further checks, receive a vehicle authorisation **for placing on the market** on the basis of a declaration of conformity to this type submitted by the applicant.

Amendment

3. A vehicle which is in conformity with a vehicle type for which an authorisation has been already issued shall, without further checks, receive a vehicle authorisation on the basis of a declaration of conformity to this type submitted by the applicant.

Amendment 117

Proposal for a directive Article 22 – paragraph 4

Text proposed by the Commission

4. In the event of changes to any relevant provisions in TSIs or national rules, on the basis of which *an* authorisation *to place a vehicle type on the market* has been issued, the TSI or national rule shall determine whether the authorisation *to place that* vehicle type *on the market* already granted remains valid or needs to be renewed. If that authorisation needs to be renewed, the checks performed by the Agency may only concern the changed rules. The renewal of the authorisation *to place a vehicle type on the market* does not affect vehicle authorisations *for placing on the market* already issued on the basis of the previous authorisation *to place that vehicle type on the market*.

Amendment

4. In the event of changes to any relevant provisions in TSIs or national rules, on the basis of which *a vehicle type* authorisation has been issued, the TSI or national rule shall determine whether the *vehicle type* authorisation already granted remains valid or needs to be renewed. If that authorisation needs to be renewed, the checks performed by the Agency may only concern the changed rules. The renewal of the *vehicle type* authorisation does not affect *the* vehicle authorisations already issued on the basis of the previous *vehicle type* authorisation.

Amendment 118

Proposal for a directive Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Cooperation between the Agency and the national safety authorities

For the purposes of Articles 18, 20 and 22, the Agency may conclude cooperation

agreements with national safety authorities in accordance with Article 69 of Regulation .../... [establishing a European railway agency].

Such agreements may be specific or framework agreements, and may involve one or more national safety authorities. They shall contain a detailed description of tasks and conditions for deliverables and shall specify the time-limits applying to their delivery, as well as details of the apportionment of the fees paid by the applicant.

They may also include specific cooperation arrangements in the case of networks requiring specific expertise due to geographical, advanced ERTMS deployment or a different gauge, or for historical reasons, with a view to reducing the administrative burden and the costs to be borne by the applicant. Such agreements shall be in place before the Agency is entitled to receive applications in accordance with this Directive, and in any case by six months following the date of entry into force of this Directive.

The Commission shall be empowered to adopt delegated acts in accordance with Article 46 concerning such cooperation agreements. Those delegated acts shall be adopted at the latest six months following the date of entry into force of this Directive.

Five years after the conclusion of the first cooperation agreement, and every three years thereafter, the Commission shall present to the European Parliament and to the Council a report assessing the cooperation agreements concluded by the Agency.

Amendment 119

Proposal for a directive Article 29 – paragraph 1 – point a

Text proposed by the Commission

(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

Amendment

(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified, ***as well as training concerning accessibility issues;***

Amendment 120

Proposal for a directive Article 42 – paragraph 1

Text proposed by the Commission

1. Any vehicle placed in service in the Union's rail system shall carry a European vehicle number (EVN) assigned by the ***national safety authority competent for the relevant territory before the first placing in service of the vehicle*** .

Amendment

1. Any vehicle placed in service in the Union's rail system shall carry a European vehicle number (EVN) assigned by the ***Agency at the time of issuing the authorisation.***

Amendment 121

Proposal for a directive Article 42 – paragraph 2

Text proposed by the Commission

2. The railway undertaking operating a

Amendment

2. The railway undertaking operating a

vehicle shall ensure the vehicle is marked with the assigned EVN.

vehicle shall ensure the vehicle is marked with the assigned EVN ***and shall be responsible for ensuring that the vehicle is properly registered.***

Amendment 122

Proposal for a directive Article 43 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) it shall be ***accessible to the national safety authorities and investigating bodies designated in Articles 16 and 21 of Directive [...]/... on the safety of the rail system within the Union***; it shall also be made accessible, in response to any legitimate request, to the regulatory bodies designated in Articles 55 and 56 of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area¹⁶, and to the Agency, the railway undertakings and the infrastructure managers, as well as those persons or organisations registering vehicles or identified in the register.

(c) it shall be ***public.***

¹⁶ OJ L 343 of 14.12.2012, p. 32.

Amendment 123

Proposal for a directive Article 43 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For each vehicle, the register shall

contain at least the following information:

(a) the EVN;

(b) references to the declaration of verification and the issuing body;

(c) identification of the keeper and the owner of the vehicle;

(d) restrictions on how the vehicle may be used;

(e) the entity in charge of maintenance.

Amendment 124

Proposal for a directive Article 43 – paragraph 3

Text proposed by the Commission

3. The registration holder shall immediately declare any modification to the data entered in the national vehicle register, the destruction of a vehicle or its decision to no longer register a vehicle, to the national safety authority of any Member State where the vehicle has been *placed in service* .

Amendment

3. The registration holder shall immediately declare any modification to the data entered in the national vehicle register, the destruction of a vehicle or its decision to no longer register a vehicle, to the national safety authority of any Member State where the vehicle has been *used*.

Amendment 125

Proposal for a directive Article 43 – paragraph 4

Text proposed by the Commission

4. *As long as Member States' national vehicle registers are not linked*, each

Amendment

4. Each Member State shall update its register with the modifications made by

Member State shall update its register with the modifications made by another Member State in its own register, as regards the data with which it is concerned.

another Member State in its own register, as regards the data with which it is concerned.

Amendment 126

Proposal for a directive Article 43 – paragraph 5

Text proposed by the Commission

5. In the case of vehicles placed in service for the first time in a third country and subsequently ***placed in service*** in a Member State, that Member State shall ensure that the vehicle data can be retrieved through the national vehicle register ***or through provisions of an international agreement*** .

Amendment

5. In the case of vehicles placed in service for the first time in a third country and subsequently ***used*** in a Member State, that Member State shall ensure that the vehicle data can be retrieved through the national vehicle register.

Amendment 127

Proposal for a directive Article 43 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The national vehicle registers shall be incorporated in the European vehicle register after the end of the transitional period referred to in Article 50a, except in cases referred to in Article 20(9a) under the conditions laid down in that Article. The Commission shall establish, by means of implementing acts, the format type document. Those implementing acts shall be adopted in accordance with the examination procedure referred to the

Article 48(3).

Amendment 128

**Proposal for a directive
Article 43 a (new)**

Text proposed by the Commission

Amendment

Article 43a

European vehicle register

1. The Agency shall keep a register of the vehicles placed in service in the Union. That register shall meet the following criteria:

(a) it shall comply with the common specifications referred to in paragraph 2.

(b) it shall be kept updated by the Agency;

(c) it shall be public.

2. The Commission shall adopt common specifications on content, data format, functional and technical architecture, operating mode, including arrangements for the exchange of data, and rules for data input and consultation for the European vehicle registers by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).

3. The registration holder shall immediately declare to the Agency any modification to the data entered in the European vehicle register, the destruction of a vehicle or its decision to no longer register a vehicle.

4. For each vehicle, the register shall contain at least the following information:

- (a) the EVN;*
- (b) references to the 'EC' declaration of verification and the issuing body;*
- (c) references to the European register of authorised types of vehicles referred to in Article 44;*
- (d) identification of the keeper and the owner of the vehicle;*
- (e) restrictions on how the vehicle may be used;*
- (f) the entity in charge of maintenance.*

Whenever the Agency issues, renews, amends, suspends or revokes a vehicle authorisation, it shall update the register without delay.

5. In the case of vehicles used for the first time in a third country and subsequently used in a Member State, that Member State shall ensure that the vehicle data, including, as a minimum, data relating to the vehicle keeper, the entity in charge of maintenance and the restrictions on how the vehicle may be used, can be retrieved through the European vehicle register or through provisions of an international agreement.

Amendment 129

Proposal for a directive Article 44 – paragraph 1 – point c

Text proposed by the Commission

(c) it shall be linked with all national vehicle registers.

Amendment

deleted

Amendment 130

Proposal for a directive

Article 44 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. That register shall include at least the following details for each type of vehicle:

(a) the technical characteristics of the type of vehicle, as defined in the relevant TSI;

(b) the manufacturer's name;

(c) the dates and references of the successive authorisations for that type of vehicle, including any restrictions or withdrawals,

(d) design features intended for persons with reduced mobility and persons with disabilities;

(e) identification of the owner and the keeper of the vehicle;

When the Agency issues, renews, amends, suspends or revokes an authorisation to place vehicle types in service, it shall update the register without delay.

Amendment 131

Proposal for a directive

Article 45 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall ***publish*** a register of infrastructure stating the values of the network parameters of each

1. Each Member State shall ***ensure that*** a register of infrastructure ***is published*** stating the values of the network parameters of each subsystem or part of

subsystem or part of subsystem concerned.

subsystem concerned.

Amendment 132

Proposal for a directive Article 45 – paragraph 3

Text proposed by the Commission

3. The register of infrastructure may stipulate conditions for the use of fixed installations and other restrictions.

Amendment

3. The register of infrastructure may stipulate conditions for the use of fixed installations and other restrictions, ***including temporary restrictions which are to apply for longer than six months.***

Justification

For the safe operation of trains, temporary restrictions that de facto become permanent need to be included in the register.

Amendment 133

Proposal for a directive Article 45 – paragraph 4

Text proposed by the Commission

4. Each Member State shall ***update*** the register of infrastructure in accordance with Commission Decision 2011/633/EU.

Amendment

4. Each Member State shall ***ensure that*** the register of infrastructure ***is updated*** in accordance with Commission Decision 2011/633/EU.

Amendment 134

Proposal for a directive Article 45 – paragraph 5

Text proposed by the Commission

5. Other registers, such as a register on accessibility, **may** also be associated to the register of infrastructure.

Amendment

5. Other registers, such as a register on accessibility **for persons with disabilities and persons with reduced mobility, shall** also be associated to the register of infrastructure.

Amendment 135

**Proposal for a directive
Article 46 – paragraph 2**

Text proposed by the Commission

(2) The power to adopt delegated acts referred to in Articles 4(2) and 5(3) shall be conferred on the Commission for **an indeterminate** period of **time** from the date of entry into force of this Directive.

Amendment

(2) The power to adopt delegated acts referred to in Articles 4(2) 5(3), 8(2) **and 15(7a)** shall be conferred on the Commission for **a** period of **five years** from **[OPOCE please insert** the date of entry into force of this Directive].

The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment 136

**Proposal for a directive
Article 49 a (new)**

Text proposed by the Commission

Amendment

Article 49a

Penalties

The Commission shall be empowered to adopt delegated acts in accordance with Article 46 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. The penalties and the compensation scheme must be effective, proportionate, non-discriminatory and dissuasive.

Justification

Responsibilities should also be assigned to the Agency, along with appropriate additional guarantees for actors dealing with it. It should also be possible to appeal and receive compensation where the Agency fails to comply with deadlines.

Amendment 137

**Proposal for a directive
Article 50 – paragraph 1**

Text proposed by the Commission

Amendment

1. Every **three** years and for the first time **three** years after the publication of this Directive , the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the rail system. That report shall also include an

1. Every three years and for the first time **two** years after the publication of this Directive, the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the rail system. That report shall also include an analysis of the

analysis of the cases set out in Article 7 and of the application of Chapter V.

cases set out in Article 7 and of the application of Chapter V. ***On the basis of the findings of the report, the Commission shall propose improvements and measures to strengthen the Agency's role in implementing interoperability.***

Amendment 138

Proposal for a directive Article 50 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ia. Two years after the publication of this Directive and after consultation with the various agents involved, the Commission shall submit to the European Parliament and the Council a report on the functioning of the Agency and the progress made by it in carrying out its new responsibilities.

Amendment 139

Proposal for a directive Article 50 – paragraph 2

Text proposed by the Commission

Amendment

2. The Agency shall develop and regularly update a tool capable of providing, at the request of a Member State or the Commission, an overview of the interoperability level of the rail system. That tool shall use the information included in the registers provided for in Chapter VII.

2. The Agency shall develop and regularly update a tool capable of providing, at the request of a Member State, ***the European Parliament*** or the Commission, an overview of the interoperability level of the rail system. That tool shall use the information included in the registers provided for in Chapter VII.

Amendment 140

Proposal for a directive Article 50 a (new)

Text proposed by the Commission

Amendment

Article 50a

Transitional regime

Without prejudice to Article 20(9a), for four years after the entry into force of this Directive, the vehicle authorisations referred to in Articles 20 and 22 shall 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 Agency shall have the necessary organisational capacity and expertise to perform all of its functions pursuant to Articles 18, 20 and 22 at the latest four years after the entry into force of this Directive.

In order to fulfil its obligations, the Agency may conclude cooperation agreements with national safety authorities in accordance with Article Xb.

Amendment 141

Proposal for a directive Article 51 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States may continue to apply

1. Member States may continue to apply

the provisions set out in Chapter V of Directive 2008/57/EC until [*two years* after the date of entry into force].

the provisions set out in Chapter V of Directive 2008/57/EC until [*one year* after the date of entry into force]

Amendment 142

Proposal for a directive Article 52

Text proposed by the Commission

Annexes IV, V, VI, VII and IX to Directive 2008/57/EC shall apply until the date of application of the corresponding implementing acts referred to in Articles 8(2), 14(8), 15(7) and 7(3) of this Directive.

Amendment

Annexes IV, V, VI, VII and IX to Directive 2008/57/EC shall apply until the date of application of the corresponding *delegated acts referred to in Articles 8(2) and 15(7a), and of the* implementing acts referred to in Articles 14(8), 15(7) and 7(3), of this Directive.

Amendment 143

Proposal for a directive Article 54 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, Article 2, Article 7(1) to (4), Article 11(1), Article 13, Article 14(1) to (7), Article 15(1) to (6), Articles 17 to 21, Article 22(3) to (7), Articles 23 to 36, Article 37(2), Article 38, Article 39, Articles 41 to 43, Article 45(1) to (5), Article 51, and Annexes I to III by [*two years* after the date of entry into force] at the latest . They shall forthwith communicate to the Commission the text

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, Article 2, Article 7(1) to (4), Article 11(1), Article 13, Article 14(1) to (7), Article 15(1) to (6), Articles 17 to 21, Article 22(3) to (7), Articles 23 to 36, Article 37(2), Article 38, Article 39, Articles 41 to 43, Article 45(1) to (5), Article 51, and Annexes I to III by [*one year* after the date of entry into force] at the latest . They shall forthwith communicate to the Commission the text

of those measures and a correlation table between those measures and this Directive. The correlation tables are needed to enable all actors concerned to clearly identify the relevant provisions applicable at national level for the implementation of this Directive.

of those measures and a correlation table between those measures and this Directive. The correlation tables are needed to enable all actors concerned to clearly identify the relevant provisions applicable at national level for the implementation of this Directive.

Amendment 144

Proposal for a directive Article 55 – paragraph 1

Text proposed by the Commission

Directive 2008/57/EC, as amended by the Directives listed in Annex IV, Part A, is repealed with effect from [*two years* after the date of entry into force], without prejudice to the obligations of the Member States relating to the time limits for the transposition into national law of the Directives set out in Annex IV, Part B.

Amendment

Directive 2008/57/EC, as amended by the Directives listed in Annex IV, Part A, is repealed with effect from [*one year* after the date of entry into force], without prejudice to the obligations of the Member States relating to the time limits for the transposition into national law of the Directives set out in Annex IV, Part B.

Amendment 145

Proposal for a directive Annex I – point 1

Text proposed by the Commission

1. Network

For the purposes of this Directive, the *Union's* network shall include:

– specially built high-speed lines equipped

Amendment

1. Network

For the purposes of this Directive, the *Union* network shall include *the following elements of the high-speed network as defined in points (a), (b) and (c) and the conventional network as defined in points (d) to (i)*:

(a) specially built high-speed lines

for speeds generally equal to or greater than 250 km/h,

- specially upgraded high-speed lines equipped for speeds of the order of 200 km/h,
- specially upgraded high-speed lines which have special features as a result of topographical, relief or town-planning constraints, to which the speed must be adapted in each case. This category shall include interconnecting lines between high-speed and conventional networks, lines through stations, accesses to terminals, depots, etc. travelled at conventional speed by ‘high-speed’ rolling stock,
- conventional lines intended for passenger services,
- conventional lines intended for mixed traffic (passengers and freight),
- conventional lines intended for freight services,
- passenger hubs,
- freight hubs, including intermodal terminals,
- lines connecting the abovementioned elements.

This network shall include traffic management, tracking and navigation systems, technical installations for data processing and telecommunications intended for long-distance passenger services and freight services on the network in order to guarantee the safe and harmonious operation of the network and efficient traffic management.

equipped for speeds generally equal to or greater than 250 km/h, *while enabling speeds of over 300 km/h to be reached in appropriate circumstances,*

- (b)* specially upgraded high-speed lines equipped for speeds of the order of 200 km/h,
- (c)* specially upgraded high-speed lines which have special features as a result of topographical, relief or town-planning constraints, to which the speed must be adapted in each case. This category shall include interconnecting lines between high-speed and conventional networks, lines through stations, accesses to terminals, depots, etc. travelled at conventional speed by ‘high-speed’ rolling stock,
- (d)* conventional lines intended for passenger services,
- (e)* conventional lines intended for mixed traffic (passengers and freight),
- (f)* conventional lines intended for freight services,
- (g)* passenger hubs,
- (h)* freight hubs, including intermodal terminals,
- (i)* lines connecting the abovementioned elements.

This network shall include traffic management, tracking and navigation systems, technical installations for data processing and telecommunications intended for long-distance passenger services and freight services on the network in order to guarantee the safe and harmonious operation of the network and efficient traffic management.

Justification

It is vital that the distinction between the conventional and the high-speed networks should be maintained.

Amendment 146

Proposal for a directive

Annex I – point 2 – paragraph 1 – indents 1 a and 1 b and subparagraph 2 (new)

Text proposed by the Commission

Amendment

– vehicles designed to travel at speeds of at least 250 km/h on lines specially built for high speeds, while enabling speeds exceeding 300 km/h to be reached in appropriate circumstances,

– vehicles designed to travel at speeds of the order of 200 km/h on high-speed lines or on lines specially built or specially upgraded for high speeds, where they are compatible with the possibilities offered by those lines.

In addition, vehicles designed to operate with a maximum speed lower than 200 km/h which are likely to travel on all or part of the trans-European high-speed network, where compatible with the performance levels of that network, shall fulfil the requirements ensuring safe operation on that network. To that end, the TSIs for conventional vehicles shall also specify requirements for safe operation of conventional vehicles on high-speed networks.

Justification

Given the implications for network safety, it is vital to specify requirements for vehicles that may travel at 250 and those that may travel at 200 and below on high-speed lines.

Amendment 147

Proposal for a directive

Annex I – point 2 – paragraph 1 – indent 2

Text proposed by the Commission

– freight wagons, including vehicles designed to carry lorries;

Amendment

– freight wagons, including **low-deck vehicles designed for the entire network and** vehicles designed to carry lorries;

Justification

One of the problems facing the interoperability of rail infrastructure in Europe is the difference in loading gauges. This problem may in some cases be solved with low-deck wagons, which are not necessarily designed to carry lorries. The legislator should therefore pay particular attention to this type of vehicle and include a specific reference to low-deck freight wagons, which should be more common and more widely distributed on the network, given that they can travel on a high proportion of it.

Amendment 148

Proposal for a directive

Annex III – point 2 – point 2.4 – point 2.4.1 – paragraph 5

Text proposed by the Commission

In the event of danger devices must enable passengers to inform the driver and accompanying staff to contact him.

Amendment

In the event of danger devices must enable passengers to inform the driver **and/or conductor** and **to request** accompanying staff to contact him **or them**.

Amendment 149

Proposal for a directive

Annex 3 – point 2 – point 2.4 – point 2.4.1 – paragraph 6

Text proposed by the Commission

The **access doors must incorporate an**

Amendment

It must be possible to board and alight

opening and closing *system which guarantees* passenger safety.

from trains safely. The opening and closing *mechanisms for the doors, the platform gap width and the arrangements for making trains ready for departure must guarantee* passenger safety. *Trains must be designed in such a way that passengers cannot be trapped.*

Justification

Passenger safety cannot be restricted solely to how doors open and close.

Amendment 150

Proposal for a directive

Annex 3 – point 2 – point 2.4 – point 2.4.1 – paragraph 10

Text proposed by the Commission

Trains must be equipped with a public address system which provides a means of communication to the public from on-board staff.

Amendment

Trains must be equipped with a public address system which provides a means of communication to the public from on-board staff *and/or drivers*.

Amendment 151

Proposal for a directive

Annex 3 – point 2 – point 2.4 – point 2.4.1 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

Passengers must be given easily understandable, comprehensive information about rules applicable both in railway stations and in trains (no-entry points, entrances and exits, instructions concerning conduct, access for persons with reduced mobility, what markings mean, hazard areas, etc.).

Justification

Information is also an aspect of passenger safety and access.

Amendment 152

Proposal for a directive

Annex 3 – point 2 – point 2.4 – point 2.4.3 – paragraph 3

Text proposed by the Commission

The characteristics of the rolling stock must be such as to allow it to travel on any line on which it is expected to operate, taking account of relevant climatic conditions.

Amendment

The characteristics of the rolling stock must be such as to allow it to travel on any line on which it is expected to operate, taking account of relevant climatic conditions ***and topography***.

Justification

This makes it clear that not only climate, but also topography (e.g. relief on mountain routes) makes particular demands on rolling stock (e.g. brakes and coupling hook load).

Amendment 153

Proposal for a directive

Annex 3 – point 2 – point 2.6 – point 2.6.1 – paragraph 1

Text proposed by the Commission

Alignment of the network operating rules and the qualifications of drivers and on-board staff and of the staff in the control centres must be such as to ensure safe operation, bearing in mind the different requirements of cross-border and domestic services.

Amendment

Alignment of the network operating rules and the qualifications of drivers, ***rolling-stock inspectors, movement controllers*** and on-board staff and of the staff in the control centres must be such as to ensure safe operation, bearing in mind the different requirements of cross-border and domestic services. ***Efforts must be made to ensure, across the Union, a high level of training with advanced qualifications.***

Justification

Railway safety cannot be restricted to the qualifications of drivers and on-board staff.

EXPLANATORY STATEMENT

1. Introduction

More than 8 billion journeys a year are made by rail in Europe, and 10 % of goods are transported by rail freight. The sector is responsible for a turnover of EUR 73 billion, generating EUR 13 billion of revenue and supporting 800 000 jobs. In its white paper entitled ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’, the Commission sets out its belief that, by 2050, more than half of medium-distance passenger and freight transport will be by rail. As well as improving choice for users and opportunities for entrepreneurs, this objective is essential if, by 2050, we are to reduce greenhouse gas emissions by 20 % and CO₂ emissions by 60 % compared to 1990 levels. By comparing the objectives with the current situation we can see the growth potential in an industry in which European manufacturers are world leaders in technology, particularly when it comes to safety and high speed trains.

2. The current situation: missing the train

The opportunities described could be missed if current operators and Member States, by upholding the current business model, continue to block the opening-up of the sector and maintain their commitment to a fragmented European railway area. The heavy bureaucratic burdens and so-called technical guarantees that they are using to this end could lead to the railway sector missing the train in terms of fully integrating this form of transport in the intermodal European transport system. Removing these barriers will improve customer service, make the railway sector more attractive to new entrepreneurs, create jobs and make the sector a key component in European environmental policy.

The following facts paint a picture of the scale and nature of the problems. Europe currently has 11 000 national technical regulations detailing the operational procedures laid down by the 27 national authorities, which are very diverse in terms of structure, resources and staff training. Furthermore, the way in which these rules are applied demonstrates the arbitrary nature of the sector, as established deadlines are often missed and frequent requests are made for evidence or further trials. There are huge discrepancies as regards procedures and vehicle certification.

The lack of harmonisation means that a manufacturer applying for authorisation for a railway vehicle may face costs of up to EUR 6 million and have to wait up to two years for the procedure to be completed. Administrative fees account for 10 % of the costs of designing and manufacturing a locomotive. If the vehicle is used in just three of the 27 Member States, the proportion increases to 30 %. It is impossible for new operators to enter a market in these conditions. In addition, resources are lost which would otherwise be used for innovation in a sector whose profitability in the EU and the rest of the world is contingent on its leading role in the development of high-quality cutting-edge technology.

3. Switching points to avoid being shunted into the sidings

In order to address the situation, the European institutions are drawing up the 'fourth railway package' with the aim of improving the outcome of current European legislation (the third railway package), which has not been adequately transposed in many Member States. Alongside provisions related to interoperability, these legislative packages include the design of trans-European networks, funding mechanisms and safety standards. The first directive on the interoperability of the railways was Directive 96/48/EC concerning high-speed rail systems, which was then supplemented by Directive 2001/16/EC concerning the trans-European conventional rail system. In 2008, these Directives were recast, giving rise to Directive 2008/57/EC on the interoperability of the European rail system, currently in force as amended by Directives 2009/13/EC and 2011/18/EU. None of these directives has succeeded in switching the points to enable the sector to follow the line mapped out in the white paper.

4. Commission proposal

The Commission proposal aims to reduce by 20 % both the amount of time needed for a new company to become established in the market and the amount of time and money it takes to obtain certification for rolling stock. The EUR 500 million which would thus be freed up over the next five years would reinforce the leading position of the European railway industry in global markets.

It is for this reason that the Commission intends to convert the European Railway Agency (ERA) into a one-stop shop which would issue 'European vehicle passports' to certify the 'placing on the market', while the 'bringing into service' would be the responsibility of the operator. The proposal provides for greater transparency and simplified internal governance in the organisation whose role in terms of supervision and revision of national rules will be strengthened to avoid duplication and divergence from European legislation.

The proposal also provides additional transparency in accreditation procedures regulating conformity assessment bodies in order to align these with Decision 768/2008/EC on the marketing of products. This will guarantee transparency, reinforce the technical capabilities of the bodies involved, and boost confidence in the decisions taken.

5. Position of the rapporteur

The rapporteur shares the Commission's opinion and believes that the third package needs to be transposed in all Member States if the fourth package is to be feasible. A transposition period of one year is planned. The capacity and powers of the ERA should also be strengthened so that it can act as a one-stop-shop. The agency should assist in the development of the ERTMS and have at its disposal the knowledge amassed by the national agencies, with whom relationships should be defined.

The rapporteur has amended the text in such a way as to increase transparency and legal certainty for the sector and to encourage investment and entrepreneurship. She therefore proposes a single operation for both trains and rolling stock and a simplification of the certification procedure for fixed equipment that, with the exception of control-command subsystems, remains stuck under the provisions of Directive 2008/57/EC. Another new feature proposed by the rapporteur is the creation of a European vehicle registry. National agencies will be required to transmit data to the registry within a period of two years.

The contributions of dozens of organisations were taken on board when drawing up this report. While the rapporteur shares the Commission's analysis of what needs to be changed under the new directive, the solutions she proposes differ in many regards.

ANNEX :LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

Ref.: D(2013)65090

Mr Mr Brian SIMPSON
Chair of the Committee on Transport and Tourism
ASP 13G306
Brussels

Subject: *Proposal for a directive of the European Parliament and of the Council
Interoperability of the rail system within the European Union (recast)
(COM(2013)0030 – C7-0027/2013 – 2013/0015(COD))*

Dear Chairman,

The Committee on Legal Affairs, which I am honoured to chair, has examined the proposal referred to above, pursuant to Rule 87 on recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement, the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal."

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsperson, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the

existing texts, without any change in their substance.

Furthermore, pursuant to Rules 86(2) and 86(3), the Committee on Legal Affairs considered that the technical adaptations suggested in the opinion of the abovementioned Working Party were necessary in order to ensure that the proposal complied with the recasting rules.

In conclusion, after discussing it at its meeting of 16 December 2013, the Committee on Legal Affairs, unanimously¹, recommends that the Committee on Transport and Tourism, as the committee responsible, proceed to examine the above proposal in accordance with Rule 87.

Yours faithfully,

Klaus-Heiner LEHNE

Encl.: Opinion of the Consultative Working Party.

¹ The following Members were present: Françoise Castex (Vice-Chair), Christian Engström, Marielle Gallo, Giuseppe Gargani, Klaus-Heiner Lehne (Chair), Bernhard Rapkay, Evelyn Regner (Vice-Chair), Francesco Enrico Speroni, Dimitar Stoyanov, Rebecca Taylor, Alexandra Thein, Tadeusz Zwiefka.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Annex

Brussels, 26 November 2013

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a directive of the European Parliament and of the Council Interoperability of the rail system within the European Union
COM(2013)30 of 30.1.2013 – 2013/0015(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 21 February 2013 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a directive of the European Parliament and of the Council recasting Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community resulted in the Consultative Working Party's establishing, by common accord, as follows.

1) As far as the explanatory memorandum is concerned, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have specified which provisions of the earlier act remain unchanged

¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

in the proposal, as is provided for under point 6(a)(iii) of that agreement.

2) In the draft recast text, the following proposed changes should have been identified with the grey-shaded type generally used for marking substantive changes:

- in the first citation, the replacement of the existing reference to Article 156 of the Treaty establishing the European Community with a reference to Articles 170 and 171 of the Treaty on the Functioning of the European Union;
- in the initial wording of Article 4(4), the deletion of the words "*To the extent necessary to achieve the objective referred to in Article 1*";
- in Article 9(1), the adding of the words "*being interoperable*";
- in Article 54(3), the deletion of the existing reference to Chapter IV.

3) in Article 44(1)(b), the expression "*referred to in paragraph 3*" should be adapted so as to read "*referred to in paragraph 2*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance.

F. DREXLER
Jurisconsult

H. LEGAL
Jurisconsult

L. ROMERO REQUENA
Director General

16.10.2013

OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT

for the Committee on Transport and Tourism

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)
(COM(2013)0030 – C7-0027/2013 – 2013/0015(COD))

Rapporteur: Marie-Thérèse Sanchez-Schmid

SHORT JUSTIFICATION

Introduction:

The rail sector is currently in decline in many Member States, even though there is a steady increase in goods and passenger transport needs and Europe is being forced by environmental and energy challenges to find sustainable transport solutions. Why this decline? Trains are too expensive and the railway network is not extensive enough to give it an advantage over its direct competitors: cars, boats or planes.

The European Commission thus presented its 4th railway package on 30 January 2013 with the aim of completing the creation of a single European railway area by increasing competition and reducing the costs of rail transport.

The impact of these reforms will be enormous for the Member States, regions, local authorities, stakeholders in the railway system, users and citizens, and the REGI Committee, which has competence for assessing the effects of other Union policies on European economic, social and territorial cohesion, has given a comprehensive opinion on these reforms.

The aim of the recast of the Directive on the interoperability of the rail system within the EU is to reduce fragmentation and the costs of placing vehicles and equipment on the market. These proposals will help increase the interoperability of railways in the EU, while maintaining an optimum level of safety.

The simplification of procedures and technical harmonisation are prerequisites for the creation of a single European railway area and opening up competition in the sector. Interoperability is also a *sine qua non* for improving cross-border rail transport, which is essential for the

territorial cohesion of the European Union.

The different national railway systems do, in fact, still bear the scars of Europe's history of waging war. Historically, they were deliberately designed in different ways to protect national economies and especially national territory from any invasion by foreign armies.

According to the European Commission, there are currently more than 11 000 national technical and safety rules in the EU. The European Railway Agency (the Agency) currently has regulatory responsibility: it is responsible for drafting minimum interoperability standards to reduce the plethora of national rules and enable the safe and smooth movement of trains.

The authorisation for placing vehicles in service is issued by each national safety authority (NSA) on its national territory. There are major differences in how these authorities conduct the vehicle authorisation and safety certification procedures, and the procedures are often long and expensive.

Available figures show that the costs of authorisation procedures can be up to 10% of the cost of locomotives by country. If these are used in three Member States, the total costs can reach around 30%.

The Commission proposal has been called 'revolutionary'. The Commission does in fact wish to do away with the authorisation for placing in service, retaining only the notion of 'placing on the market' and leaving the railway undertaking (RU) responsible for the placing in service and running of the train.

Another innovation is that the Commission wishes to give the Agency 'operational' responsibility in addition to its 'normative' responsibility: it would be the Agency that issued the 'placing on the market authorisations' after collecting the certificates proving that the stock is in conformity.

The proposed amendments:

The rapporteur welcomes the European Commission's proposals which aim for the genuine simplification of procedures for applicants and a truly European approach to vehicle certification.

The changes proposed relate to the 'placing on the market' authorisation issued by the Agency which would be valid throughout Europe. This authorisation would seem to overestimate the ability of the Agency to replace 27 NSAs, to take on board all the national rules that still exist and to carry out the necessary checks.

In addition, the cost and responsibility for railway undertakings to place vehicles in service would be too onerous and could deter new entrants on the market.

The architecture proposed: The amendments are largely based on the compromise reached in the Council on 10 June 2013, which strikes a balance between European arbitration and national expertise. The Agency thus remains the one-stop shop for all vehicle authorisations. The applicant must specify the 'area of use' of the vehicle in his request. The Agency verifies

compliance with the TSI and transfers the requests for verification of technical compatibility with national rules to the NSA in the ‘area of use’.

The authorities have a period of one month in which to request additional supporting documents and a maximum of 4 months to appraise and examine the file. The Agency then makes its decision, based on the opinions of the NSA.

In the event of disagreement, the Board of Appeal has jurisdiction to arbitrate between the Agency and the NSA.

Other changes: The rapporteur also proposes the creation of a European register of vehicles, instead of keeping 27 national registers. It is also made clear that a new authorisation only needs to be obtained for ‘major’ changes to vehicles. The analysis of the costs and benefits of a new TSI should be carefully assessed.

Spare parts should also be harmonised to make the European market more fluid. Finally, the Agency should retain control of the authorisation of ERTMS systems in order to coordinate the introduction of this system throughout Europe.

Finally, one important innovation is the possibility of extending the ‘area of use’ to the nearest cross-border station without a new procedure if the rail systems are similar.

Transitional periods: Given the scale of the adaptation work that the ERA and NSAs need to carry out, it is proposed that the deadline for transposition be extended to three years rather than two. However, after two years, the Commission should report to the European Parliament and the Council on progress made by the Agency in carrying out its new responsibilities.

AMENDMENTS

The Committee on Regional Development calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91(1), 170 and 171

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles **4(2)(c)**, 91(1), 170 and

thereof,

171 thereof,

Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

(2) 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, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, implementing any measures that may prove necessary in the field of technical standardisation.

Amendment

(2) 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 attaining the objective of territorial cohesion**, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, implementing any measures that may prove necessary in the field of technical standardisation.

Amendment 3

Proposal for a directive Recital 14

Text proposed by the Commission

(14) It is necessary for safety reasons to assign an identification code to each vehicle placed in service. The vehicle should then be entered in a **national** vehicle register. **The registers should be open to consultation by all Member States and by certain economic players within the Union. The national vehicle registers should be consistent as regards the data format. They should therefore be covered by common operational and technical specifications.**

Amendment

(14) It is necessary for safety reasons to assign an identification code to each vehicle placed in service. The vehicle should then be entered in a **European** vehicle register. The **register** should be **public**.

Amendment 4

Proposal for a directive Recital 14

Text proposed by the Commission

(14) It is necessary for safety reasons to assign an identification code to each vehicle placed in service. The vehicle should then be entered in a ***national*** vehicle register. The ***registers*** should be open to consultation ***by all Member States and by certain economic players*** within the Union. ***The national vehicle registers should be consistent as regards the data format. They should therefore be covered by common operational and technical specifications.***

Amendment

(14) It is necessary for safety reasons to assign an identification code to each vehicle placed in service. The vehicle should then be entered in a ***European*** vehicle register. The ***register*** should be open to consultation within the Union.

Amendment 5

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive establishes the conditions to be met to achieve interoperability within the Union's rail system in a manner compatible with the provisions of Directive [.../...on the safety of the rail system within the Union]. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance.

Amendment

1. This Directive establishes the conditions to be met to achieve interoperability within the Union's rail system in a manner compatible with the provisions of Directive [.../...on the safety of the rail system within the Union]. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance. ***The pursuit of this objective must lead to the definition of an optimal level of technical harmonisation and make it possible to 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.

Justification

The existing objectives set out in the directive on interoperability (current Article 1(2)(b)) must be kept, since they give the general guidelines of the Directive (optimal level of technical harmonisation and progressive creation of the internal market in equipment, services and operation).

Amendment 6

**Proposal for a directive
Article 1 – paragraph 3 – point b**

Text proposed by the Commission

(b) networks that are ***functionally separate from the rest of the rail system and*** intended only for the operation of local, urban or suburban passenger services, as well as railway undertakings operating solely on these networks.

Amendment

(b) networks that are intended only for the operation of local, urban or suburban passenger services, as well as railway undertakings operating solely on these networks.

Justification

The requirement of “functional separation” is very unclear. The description “intended only for the operation” is sufficient to undisputedly identify railway lines that shall be excluded from the scope.

Amendment 7

**Proposal for a directive
Article 2 – paragraph 1 – point 2**

Text proposed by the Commission

(2) ‘interoperability’ means the ability of a rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of performance for these lines.

Amendment

(2) ‘interoperability’ means the ability of a rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of performance for these lines. ***This ability depends on all the regulatory, technical and operational conditions which must be met in order to satisfy the essential***

requirements;

Justification

This sentence which already appears in the current EU legislative framework is still necessary because it provides greater clarity.

Amendment 8

**Proposal for a directive
Article 2 – paragraph 1 – point 12**

Text proposed by the Commission

(12) ‘upgrading’ means any modification work on a subsystem or part of it ***which results in a change in the technical file accompanying the ‘EC’ declaration of verification, if this technical file exists, and*** which improves the overall performance of the subsystem;

Amendment

(12)) ‘upgrading’ means any ***major*** modification work on a subsystem or part of it, ***or on a vehicle or part of it***, which improves the overall performance of the subsystem; ***each TSI specifies the ‘major’ modifications for the subsystem or vehicle concerned;***

Justification

In order to avoid a new EC declaration for each change (many minor changes take place with or without any impact on the technical file), the criterion ‘major’ should be explained in the TSI to establish a new EC declaration.

Amendment 9

**Proposal for a directive
Article 2 – paragraph 1 – point 13**

Text proposed by the Commission

(13) ‘renewal’ means any substitution work on a subsystem or part ***of it*** which does not change the overall performance of the subsystem;

Amendment

(13) ‘renewal’ means any ***major*** substitution work on a subsystem ***or vehicle*** or part ***thereof*** which does not change the overall performance of the subsystem ***or vehicle;*** ***each TSI specifies the ‘major’ renewals for the subsystem or vehicle concerned;***

Amendment 10

Proposal for a directive

Article 2 – paragraph 1 – point 39 a (new)

Text proposed by the Commission

Amendment

(39a) ‘area of use’ means the intended area of use of the vehicle, i.e. the networks or lines, or groups of networks or lines located in one or more Member States on which the vehicle is intended to travel.

Amendment 11

Proposal for a directive

Article 4 – paragraph 4 – point d

Text proposed by the Commission

Amendment

d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the rail system;

d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the rail system; ***this includes identifying potential railway spare parts to be standardised in accordance with Article 41 of the Regulation on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004;***

Justification

Each TSI should include the list of the spare parts to be standardised in order to create an internal market for railway equipment in accordance with the Commission proposal in Article 41 of the Regulation on the European Union Agency for Railways.

Amendment 12

Proposal for a directive

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The drafting, adoption and review of each TSI (including the basic parameters) shall take into account the estimated costs and benefits of all technical solutions envisaged, and of their interfaces, in order to establish and implement the most viable solutions. Member States shall participate in this assessment by providing the required data.

Justification

This passage from the current Directive (Annex I, 4.2) should be reintroduced. An assessment should be carried out for each Technical Specification for Interoperability of the estimated costs and benefits of all technical solutions considered, in order to implement the most viable solutions, especially of benefit to local and regional authorities.

Amendment 13

Proposal for a directive

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. A member of the network of representative bodies may request opinions on the deficiencies of a TSI via the Commission. The Commission shall inform the applicant of its decision and justify any refusal.

Justification

The rail companies are often the first to spot problems with a TSI and should therefore be able to ask the Commission to gather opinions on the deficiencies identified in a TSI.

Amendment 14

Proposal for a directive

Article 15 – paragraph 2

Text proposed by the Commission

2. The task of the notified conformity assessment body responsible for the 'EC' verification of a subsystem shall begin at the design stage and cover the entire manufacturing period through to the acceptance stage before the subsystem is placed in service. It *may* also cover verification of the interfaces of the subsystem in question with the system into which it is incorporated, based on the information available in the relevant TSI and in the registers provided for in Articles 44 and 45.

Amendment

2. The task of the notified conformity assessment body responsible for the 'EC' verification of a subsystem shall begin at the design stage and cover the entire manufacturing period through to the acceptance stage before the subsystem is placed in service. It *shall* also cover verification of the interfaces of the subsystem in question with the system into which it is incorporated, based on the information available in the relevant TSI and in the registers provided for in Articles 44 and 45.

Justification

It is essential that the interfaces are also covered, as is the case in the current Directive.

Amendment 15

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Each national safety authority shall authorise the placing in service of the energy and infrastructure subsystems which are located or operated in the territory of its Member State.

Amendment

Each national safety authority shall authorise the placing in service of the energy and infrastructure subsystems which are located or operated in the territory of its Member State. ***For trackside ERTMS installations, the national safety authority shall consult the European Railway Agency which is the deciding authority. For all other fixed installations, the national safety authority is the deciding authority.***

Justification

It is clearer to refer directly here to 'trackside ERTMS installations'. Each national safety authority should grant authorisations for the placing in service of all national fixed installations. The Agency should grant authorisations for trackside ERTMS installations to ensure a coordinated approach to ERTMS.

Amendment 16

Proposal for a directive Article 20 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The authorisation for placing the vehicle on the market shall be issued on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the documentary evidence of:

(a) the placing on the market of the mobile subsystems composing the vehicle according to Article 19;

(b) the technical compatibility of the subsystems referred to in point (a) within the vehicle, established on the basis of the relevant TSIs, national rules and registers;

(c) the safe integration of the subsystems referred to in point (a) within the vehicle, established on the basis of the relevant TSIs, national rules, and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

(d) the technical compatibility between the vehicle and network of the area referred to in paragraph 1a, established on the basis of the relevant TSIs and national rules, and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

Whenever tests are required to obtain the documentary evidence of technical compatibility referred to paragraphs 1b(b) and 1b(d), the national safety authorities concerned may issue temporary authorisations to the applicant to use the vehicle for practical verifications on the network. The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that the tests take place within three months of receipt

of the applicant's request. Where appropriate, the national safety authority shall take the necessary measures to ensure that the tests take place within the time specified.

Amendment 17

Proposal for a directive Article 20 – paragraph 2

Text proposed by the Commission

2. The Agency shall issue decisions granting vehicle authorisations for placing on the market. ***Those authorisations attest*** the values of the parameters relevant for checking the technical compatibility between the vehicle and the fixed installations as set out in the TSIs. The vehicle authorisation for placing on the market shall also provide information about the vehicle's compliance with the relevant TSIs and sets of national rules, related to these parameters.

Amendment

2. The Agency shall issue decisions granting vehicle authorisations for placing on the market. ***This authorisation shall include:***

a) the marketing authorisation. This authorisation is valid in all Member States and permits commercial transactions throughout Europe.

b) the authorisation for the use of vehicles in the area referred to in paragraph 1a. This authorisation attests the values of the parameters relevant for checking the technical compatibility between the vehicle and the fixed installations ***of the area concerned*** as set out in the TSIs. The vehicle authorisation for placing on the market shall also provide information about the vehicle's compliance with the relevant TSIs and sets of national rules, related to these parameters.

(c) the conditions for the use of the vehicle and other restrictions.

Amendment 18

Proposal for a directive

Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When issuing these authorisations, the Agency should:

a) assess the aspects of the file referred to in paragraphs 1b(a), (b) and (c) to verify the completeness, accuracy and consistency of the file with the relevant TSI;

b) consult the national safety authorities concerned by the intended use in assessing the file to verify its completeness, accuracy and consistency with respect to paragraph 1b(d) and the aspects referred to in paragraphs 1b(a) (b) and (c) as regards the relevant national rules.

As part of the above assessments and in the event of justified doubts, the Agency or the national safety authorities may ask for tests to be carried on the network. In order to facilitate these tests, the national safety authorities concerned may issue temporary authorisations for the applicant to use the vehicle for tests on the network. The infrastructure manager shall make all necessary efforts to ensure that such tests are conducted within three months of the Agency or national safety authority making the request.

Amendment 19

Proposal for a directive

Article 20 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Within one month of receipt of the application, the Agency shall inform the applicant that his file is complete or ask

him for additional relevant information to be provided within a reasonable time limit. With respect to the completeness, accuracy and consistency of the file, the Agency may also assess the aspects set out in paragraph 1b(d).

Amendment 20

Proposal for a directive

Article 20 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Agency shall take full account of the assessments made under paragraph 2a before taking a decision on issuing the authorisation for placing vehicles on the market. The Agency shall issue the authorisation, or notify the applicant of its negative decision and give its reasons, within a reasonable predetermined period of time and in any case within four months of receipt of all relevant information.

Amendment 21

Proposal for a directive

Article 20 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. The Agency shall assume full responsibility for any authorisations it issues. Consequently, in the event of a judicial investigation involving the Agency or its staff, the Agency shall cooperate fully with the competent authorities of the Member States concerned.

Amendment 22

Proposal for a directive

Article 20 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. Should the Agency not agree with a negative assessment carried out by one or several national safety authorities in compliance with paragraph 2a(b), it shall inform said authority, stating the grounds for its disagreement.

The Agency and the national safety authority or authorities shall cooperate in deciding on an assessment acceptable to all parties. If necessary, and so decided by the Agency and the national safety authority or authorities, this process may also involve the applicant. If no assessment acceptable to all parties has been reached within 15 days of the Agency having informed the national safety authority or authorities of its disagreement, the Agency shall make its decision final, unless the national safety authority or authorities has submitted the matter for arbitration by the board of appeals established pursuant to Article 51 of Regulation (EU) No .../... [Agency Regulation]. The board of appeal shall decide whether to confirm the Agency's proposed decision within 15 days of the demand being submitted by the national safety authority or authorities.

If the board of appeal agrees with the Agency, the latter may make an immediate decision.

Should the board of appeal agree with the negative assessment of the national safety authority, the Agency shall issue an authorisation for a field of use, excluding the parts of the network which have received a negative assessment.

Should the Agency disagree with a positive assessment by one or several

national safety authorities in compliance with paragraph 2a(b), it shall inform said authority, stating the grounds for its disagreement. The Agency and the national safety authority or authorities shall cooperate in deciding on an assessment acceptable to all parties. If necessary, and if so decided by the Agency and the national safety authority or authorities, this process may also involve the applicant. If no assessment acceptable to all parties has been reached within 15 days of the Agency having informed the national safety authority or authorities of its disagreement, the Agency shall make a final decision.

Amendment 23

Proposal for a directive Article 20 – paragraph 4

Text proposed by the Commission

Amendment

4. The vehicle authorisation for placing on the market shall be issued on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the documentary evidence of:

deleted

(i) the placing on the market of the mobile subsystems composing the vehicle according to Article 19;

(j) the technical compatibility of the subsystems referred to in point (a) within the vehicle, established on the basis of the relevant TSIs, national rules and registers;

(k) the safe integration of the subsystems referred to in point (a) within the vehicle, established on the basis of the relevant TSIs, national rules, and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

Amendment 24

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Agency shall take the decisions referred to in paragraph 2 within a pre-determined, reasonable time, and, in any case, within four months from receipt of all relevant information. ***Those authorisations shall be valid in all Member States.***

Amendment

The Agency shall take the decisions referred to in paragraph 2 within a pre-determined, reasonable time, and, in any case, within four months from receipt of all relevant information ***and within five months in case of appeal.***

Amendment 25

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The Agency shall provide detailed guidance on how to obtain the vehicle authorisation for placing on the market. An application guidance document describing and explaining the requirements for the vehicle authorisation for placing on the market and listing the required documents shall be made available to applicants free of charge. The national safety authorities shall cooperate with the Agency in disseminating such information.

Amendment

The Agency shall provide detailed guidance on how to obtain the vehicle authorisation for placing on the market. An application guidance document describing and explaining the requirements for the vehicle authorisation for placing on the market and listing the required documents shall be made available to applicants free of charge. The national safety authorities shall cooperate with the Agency in disseminating such information.

The Commission shall establish, by means of implementing acts and not later than two years after the entry into force of this Directive, detailed rules for the authorisation procedure, including:

(a) detailed guidelines for applicants describing and explaining the authorisation requirements for placing a vehicle on the market and listing the documents required;

(b) the procedural formalities for the authorisation procedure, such as the content and the time allowed for each

stage of the process ;

(c) the assessment criteria for application files;

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).

Amendment 26

Proposal for a directive Article 20 – paragraph 6

Text proposed by the Commission

6. The Agency may issue vehicle authorisation for placing on the market for a series of vehicles. Those authorisations shall be valid in all Member States.

Amendment

6. The Agency may issue vehicle authorisation for placing on the market for a series of vehicles. Those authorisations shall be valid in all Member States where ‘marketing’ is concerned and throughout the relevant field of application described in paragraph 1a for ‘use’.

Amendment 27

Proposal for a directive Article 20 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In the event of a negative response by the Agency, the applicant may ask the former to reconsider its decision within a period of one month of having received the negative response. The Agency shall have one month in which to confirm or change its decision following receipt of the request.

Amendment 28

Proposal for a directive Article 20 – paragraph 8 – introductory part

Text proposed by the Commission

8. In the event of renewal or upgrading of existing vehicles which already have a vehicle authorisation for placing on the market:

Amendment

8. In the event of **substantial** renewal or upgrading of existing vehicles which already have a vehicle authorisation for placing on the market, when the overall security standard of the subsystem involved may be adversely affected by the planned work, or if it is required by the relevant TSIs.

Amendment 29

**Proposal for a directive
Article 20 – paragraph 8 a (new)**

Text proposed by the Commission

Amendment

8a. In all cases, the authorisation shall have the same validity, without any need to expand its field of application, for all vehicles circulating in neighbouring Member States with similar network characteristics, where stations are close to the border, after prior consultation with the national safety authorities. Such consultation may take place on a case-by-case basis, or be set out in a cross-border agreement between the national safety authorities.

Amendment 30

**Proposal for a directive
Article 20 – paragraph 9 – subparagraph 1**

Text proposed by the Commission

At the request of the applicant, the vehicle authorisation for placing on the market may include a clear indication of the networks or lines or groups of networks or lines where the railway undertaking may place such a vehicle in service without further verifications, checks or tests

Amendment

The vehicle authorisation for placing on the market includes a clear indication of the networks or lines or groups of networks or lines where the railway undertaking may place such a vehicle in service without further verifications, checks or tests concerning the technical compatibility

concerning the technical compatibility between the vehicle and these networks or lines. *In that case*, the applicant *shall include in its request the proof of the technical compatibility of the vehicle with the networks or lines concerned*.

between the vehicle and these networks or lines. *This indication may be extended to other networks or lines, at the request of the original or another applicant, after the relevant authorisation for placing on the market has been issued*.

Amendment 31

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 1 a (new) and 1 b (new)

Text proposed by the Commission

Amendment

For the purposes of the first subparagraph, the railway undertaking may carry out tests in cooperation with the infrastructure manager.

The infrastructure manager, together with the applicant, shall make every effort to ensure that the tests are carried out within three months of the receipt of the applicant's request.

Amendment 32

Proposal for a directive

Article 21 – paragraph 2

Text proposed by the Commission

Amendment

2. The railway undertaking shall communicate its decisions with respect to the placing in service of vehicles to the Agency, the infrastructure manager and the national safety authority concerned. These decisions shall be recorded in the *national vehicle registers* referred to in Article 43.

2. The railway undertaking shall communicate its decisions with respect to the placing in service of vehicles to the Agency, the infrastructure manager and the national safety authority concerned. These decisions shall be recorded in the *vehicle register* referred to in Article 43.

Amendment 33

Proposal for a directive

Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. In the event of renewal or upgrading of existing vehicles, a new 'EC' declaration of verification shall be needed as set out in Article 15(4). In addition, a new decision taken by the railway undertaking for placing in service of these vehicles shall be required when:

deleted

(n) the overall safety level of the subsystem concerned may be adversely affected by the works envisaged; or

(o) it is required by the relevant TSIs.

Amendment 34

Proposal for a directive Article 42 – paragraph 1

Text proposed by the Commission

Amendment

1. Any vehicle placed in service in the Union's rail system shall carry a European vehicle number (EVN) assigned by the ***national safety authority competent for the relevant territory before the first placing in service of the vehicle.***

1. Any vehicle placed in service in the Union's rail system shall carry a European vehicle number (EVN) assigned by the ***Agency at the time of issuing the authorisation.***

Amendment 35

Proposal for a directive Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. ***The railway undertaking operating a vehicle shall ensure the vehicle is marked with the assigned EVN.***

2. ***The registration holder shall ensure that the vehicle bears the correct European vehicle number. The railway undertaking operating a vehicle shall check the registration of the vehicle.***

Justification

The European vehicle number should be issued by the Agency when granting the authorisation. The railway undertaking has no means of checking the European vehicle number belonging to the vehicle. Only the registration holder (i.e. the user or owner of the vehicle) possesses this information.

Amendment 36

Proposal for a directive Article 43 – title

Text proposed by the Commission

Amendment

National vehicle registers

European vehicle register

Amendment 37

Proposal for a directive Article 43 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. *Each Member State* shall keep a register of *the* vehicles placed in service in *its territory*. This register shall meet the following criteria:

1. *The Agency* shall keep a register of *all* vehicles placed in service in *the Union*. This register shall meet the following criteria:

Amendment 38

Proposal for a directive Article 43 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) it shall be kept updated by *a body independent of any railway undertaking*;

(b) it shall be kept updated by *the Agency*;

Amendment 39

Proposal for a directive Article 43 – paragraph 1 – point c

Text proposed by the Commission

(c) it shall be accessible to *the national safety authorities and investigating bodies designated in Articles 16 and 21 of Directive [...]/... on the safety of the rail system within the Union* ; it shall also be made accessible, in response to any legitimate request, to the regulatory bodies designated in Articles 55 and 56 of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, and to the Agency, the railway undertakings and the infrastructure managers, as well as those persons or organisations registering vehicles or identified in the register.

Amendment

(c) it shall be accessible to the **public**;

Amendment 40

Proposal for a directive Article 43 – paragraph 2

Text proposed by the Commission

2. The Commission shall adopt common specifications on content, data format, functional and technical architecture, operating mode, including arrangements for the exchange of data, and rules for data input and consultation for the *national* vehicle **registers** by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3)

Amendment

2. The Commission shall adopt common specifications on content, data format, functional and technical architecture, operating mode, including arrangements for the exchange of data, and rules for data input and consultation for the **European** vehicle **register** by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48 (3).

Amendment 41

Proposal for a directive Article 43 – paragraph 3

Text proposed by the Commission

3. The registration holder shall immediately declare any modification to the data entered in the national vehicle register, the destruction of a vehicle or its decision to no longer register a vehicle, to the ***national safety authority of any Member State where the vehicle has been placed in service.***

Amendment

3. The registration holder shall immediately declare any modification to the data entered in the ***European*** vehicle register, the destruction of a vehicle or its decision to no longer register a vehicle, to the ***Agency.***

Amendment 42

Proposal for a directive Article 43 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. National vehicle registers shall be included in the European vehicle register by not later than two years after the entry into force of this directive. The Commission shall determine, by means of implementing acts, the standard document format. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).

Amendment 43

Proposal for a directive Article 44 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For each vehicle, the register shall contain at least the following information:
(a) the European vehicle number ;
(b) references to the EC declaration of verification and the issuing agency;
(c) references to the European register of authorised types of vehicles referred to in

Article 44;

(d) identification of the vehicle user ;

(e) restrictions on the use of the vehicle ;

(f) the entity in charge of maintenance.

The Agency shall immediately update the register on issuing, renewing, amending, suspending or rescinding an authorisation for placing a vehicle in service.

Justification

The content of the European vehicle register should be clarified to include information relating to the vehicle, in the interests of efficiency and to meet the commercial and operational needs of users. To be of use, the register needs to be swiftly updated by the Agency.

Amendment 44

**Proposal for a directive
Article 50 – paragraph 1**

Text proposed by the Commission

1. Every three years and for the first time three years after the publication of this Directive , the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the rail system. That report shall also include an analysis of the cases set out in Article 7 and of the application of Chapter V.

Amendment

1. Every three years and for the first time three years after the publication of this Directive, the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the rail system. That report shall also include an analysis of the cases set out in Article 7 and of the application of Chapter V. ***On the basis of the findings of the report, the Commission shall propose improvements and measures to strengthen the Agency's role in implementing interoperability.***

Amendment 45

**Proposal for a directive
Article 50 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Two years after the publication of this Directive and after consultation with the various agents involved, the Commission shall submit to the European Parliament and the Council a report on the functioning of the European Agency and its progress in carrying out its new responsibilities.

Amendment 46

Proposal for a directive Article 51 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States may continue to apply the provisions set out in Chapter V of Directive 2008/57/EC until [**two** years after the date of entry into force].

1. Member States may continue to apply the provisions set out in Chapter V of Directive 2008/57/EC until [**three** years after the date of entry into force].

Amendment 47

Proposal for a directive Article 54 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, Article 2, Article 7(1) to (4), Article 11(1), Article 13, Article 14(1) to (7), Article 15(1) to (6), Articles 17 to 21, Article 22(3) to (7), Articles 23 to 36, Article 37(2), Article 38, Article 39, Articles 41 to 43, Article 45(1) to (5), Article 51, and Annexes I to III by [**two** years after the date of entry into force] at the latest . They shall forthwith communicate to the Commission the text of those measures and a correlation table between those measures and this Directive.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, Article 2, Article 7(1) to (4), Article 11(1), Article 13, Article 14(1) to (7), Article 15(1) to (6), Articles 17 to 21, Article 22(3) to (7), Articles 23 to 36, Article 37(2), Article 38, Article 39, Articles 41 to 43, Article 45(1) to (5), Article 51, and Annexes I to III by [**three** years after the date of entry into force] at the latest . They shall forthwith communicate to the Commission the text of those measures and a correlation table between those measures and this Directive.

The correlation tables are needed to enable all actors concerned to clearly identify the relevant provisions applicable at national level for the implementation of this Directive.

The correlation tables are needed to enable all actors concerned to clearly identify the relevant provisions applicable at national level for the implementation of this Directive.

Amendment 48

Proposal for a directive Article 55 – paragraph 1

Text proposed by the Commission

Directive 2008/57/EC , as amended by the Directives listed in Annex IV, Part A, is repealed with effect from [*two* years after the date of entry into force] , without prejudice to the obligations of the Member States relating to the time limits for the transposition into national law of the Directives set out in Annex IV, Part B .

Amendment

Directive 2008/57/EC , as amended by the Directives listed in Annex IV, Part A, is repealed with effect from [*three* years after the date of entry into force] , without prejudice to the obligations of the Member States relating to the time limits for the transposition into national law of the Directives set out in Annex IV, Part B .

Amendment 49

Proposal for a directive Article 56 – paragraph 2

Text proposed by the Commission

Articles 3 to 10, Article 11(2), (3) and (4), Article 12, Article 16, shall apply from [three years after the date of entry into force].

Amendment

Articles 3 to 10, Article 11(2), (3) and (4), Article 12, Article 16, shall apply from [*three* years after the date of entry into force].

Amendment 50

Proposal for a directive Annex I – point 2 a (new)

Text proposed by the Commission

Amendment

2a. MONITORING OF COSTS

The cost-benefit analysis of the proposed measures shall take into account the

following aspects, among others:

- cost of the proposed measure,*
- benefits to interoperability of an extension of the scope to particular subcategories of networks and vehicles,*
- reduction of capital costs and charges due to economies of scale and better utilisation of vehicles,*
- reduction of investment and maintenance/utilisation costs due to increased competition among constructors and maintenance companies,*
- environmental benefits due to technical improvements in the railway system,*
- increased safety of use.*

This assessment shall also indicate the probably impact for all operators and economic agents involved, including local and regional authorities.

PROCEDURE

Title	Interoperability of the rail system within the European Union (recast)
References	COM(2013)0030 – C7-0027/2013 – 2013/0015(COD)
Committee responsible Date announced in plenary	TRAN 7.2.2013
Opinion by Date announced in plenary	REGI 7.2.2013
Rapporteur Date appointed	Marie-Thérèse Sanchez-Schmid 19.2.2013
Date adopted	14.10.2013
Result of final vote	+: 31 –: 0 0: 0
Members present for the final vote	Luís Paulo Alves, Francesca Barracciu, Victor Boştinaru, Nikos Chrysogelos, Danuta Maria Hübner, María Irigoyen Pérez, Seán Kelly, Mojca Kleva Kekuš, Constanze Angela Krehl, Petru Constantin Luhan, Iosif Matula, Jan Olbrycht, Wojciech Michał Olejniczak, Georgios Stavrakakis, Nuno Teixeira, Lambert van Nistelrooij, Oldřich Vlasák, Kerstin Westphal, Hermann Winkler, Joachim Zeller
Substitute(s) present for the final vote	Andrea Cozzolino, Cornelia Ernst, Catherine Grèze, Karin Kadenbach, Maurice Ponga, Elisabeth Schroedter, Richard Seeber, Patrice Tirolien, Giommara Uggias, Derek Vaughan
Substitute(s) under Rule 187(2) present for the final vote	Edvard Kožušník

PROCEDURE

Title	Interoperability of the rail system within the European Union (recast)			
References	COM(2013)0030 – C7-0027/2013 – 2013/0015(COD)			
Date submitted to Parliament	30.1.2013			
Committee responsible Date announced in plenary	TRAN 7.2.2013			
Committee(s) asked for opinion(s) Date announced in plenary	ITRE 7.2.2013	IMCO 7.2.2013	REGI 7.2.2013	JURI 7.2.2013
Not delivering opinions Date of decision	ITRE 20.2.2013	IMCO 20.2.2013		
Rapporteur(s) Date appointed	Izaskun Bilbao Barandica 14.3.2013			
Discussed in committee	9.7.2013	14.10.2013		
Date adopted	17.12.2013			
Result of final vote	+: –: 0:	38 5 1		
Members present for the final vote	Inés Ayala Sender, Georges Bach, Erik Bánki, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Philippe De Backer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Bogusław Liberadzki, Marian-Jean Marinescu, Mike Nattrass, Hubert Pirker, Dominique Riquet, Petri Sarvamaa, David-Maria Sassoli, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Giommara Uggias, Peter van Dalen, Patricia van der Kammen, Roberts Zīle			
Substitute(s) present for the final vote	Phil Bennion, Jean-Jacob Bicep, Spyros Danellis, Zita Gurmai, Alfreds Rubiks, Geoffrey Van Orden, Sabine Wils, Karim Zérîbi			
Date tabled	16.1.2014			