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2009 - 2014

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*Committee on Transport and Tourism*

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**2013/0014(COD)**

20.9.2013

# **AMENDMENTS**

## **30 - 370**

**Draft report**  
**Roberts Zile**  
(PE513.292v01-00)

Regulation of the European Parliament and of the Council on the European Union Agency for Railways and Repealing Regulation (EC) No 881/2004

Proposal for a regulation  
(COM(2013)0027 – C7-0029/2013 – 2013/0014(COD))

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PE516.843v01-00

**EN**

*United in diversity*

**EN**



**Amendment 30**  
**Marita Ulvskog**  
**Proposal for a regulation**

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*Proposal for a rejection*

***The European Parliament rejects the Commission proposal.***

Or. sv

**Amendment 31**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Simultaneous pursuit of the goals of railway safety and interoperability requires substantial technical work ***which must be led by a specialised body***. That is why it was necessary, as part of the Second Railway Package in 2004, to ***create*** within the existing institutional framework, and with respect for the balance of power in the Union, ***a European agency*** responsible for railway safety and interoperability (***hereinafter referred to as the Agency***).

*Amendment*

(2) Simultaneous pursuit of the goals of railway safety and interoperability requires substantial technical work. That is why it was necessary, as part of the Second Railway Package in 2004, to ***strengthen*** within the existing institutional framework, and with respect for the balance of power in the Union, ***the national authority*** responsible for railway safety and interoperability.

Or. sv

**Amendment 32**  
**Dominique Riquet, Michel Dantin**  
**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) The European Railway Agency was originally established by Regulation (EC) 881/2004 of the European Parliament and of the Council of 29 April 2004, in order to promote the establishment of a European

*Amendment*

(3) The European Railway Agency was originally established by Regulation (EC) 881/2004 of the European Parliament and of the Council of 29 April 2004, in order to promote the establishment of a European

railway area without borders and to help revitalise the railway sector while reinforcing its essential advantages in terms of safety. Regulation 881/2004 has to be replaced by a new act due to substantial **amount of** changes to the tasks of the Agency and its internal organisation.

railway area without borders and to help revitalise the railway sector while reinforcing its essential advantages in terms of safety. Regulation 881/2004 has to be replaced by a new act due to **the** substantial changes **which should be made** to the tasks of the Agency and its internal organisation.

Or. fr

**Amendment 33**  
**Petri Sarvamaa**  
**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) The Fourth Railway Package proposes important changes to improve the functioning of the **Single** European railway area through amendments by way of recast to Directive 2004/49/EC and Directive 2008/57/EC, both directly linked to the tasks of the Agency. Those Directives, together with this Regulation, provide in particular for performing tasks related to issuing vehicle authorisations and safety certificates at the Union level. It implies a greater role of the Agency.

*Amendment*

(4) The Fourth Railway Package proposes important changes to improve the functioning of the **single** European railway area through amendments by way of recast to Directive 2004/49/EC and Directive 2008/57/EC, both directly linked to the tasks of the Agency. Those Directives, together with this Regulation, provide in particular for performing tasks related to issuing vehicle authorisations and safety certificates, **especially in cross-border traffic** at the Union level. It implies a greater role of the Agency.

Or. fi

**Amendment 34**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) The Fourth Railway Package proposes important changes to improve the functioning of the Single European railway area through amendments by way of recast to Directive 2004/49/EC and Directive

*Amendment*

(4) The Fourth Railway Package proposes important changes to improve the functioning of the Single European railway area through amendments by way of recast to Directive 2004/49/EC and Directive

2008/57/EC, both directly linked to the tasks of the Agency. Those Directives, together with this Regulation, provide in particular for performing tasks related to issuing vehicle authorisations and safety certificates at the *Union* level. *It implies a greater role of the Agency.*

2008/57/EC, both directly linked to the tasks of the Agency. Those Directives, together with this Regulation, provide in particular for performing tasks related to issuing vehicle authorisations and safety certificates at the *Member State* level.

Or. sv

**Amendment 35**  
**Petri Sarvamaa**  
**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) If an applicant for authorisation intends to operate solely in a geographically completely isolated area, it should be given the choice of applying either for Union-wide authorisation or for authorisation from the relevant national authority covering that area only. This will ensure that no unnecessary burden is imposed on the Agency.***

Or. fi

*Justification*

*When a network gauge differs from the 1 435 mm EU standard, specific technical features come into play. In such cases national authorities have specialist expertise that ought to be turned to account.*

**Amendment 36**  
**Dominique Riquet, Michel Dantin, Dominique Vlasto, Christine De Veyrac**  
**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) The Agency should contribute to the creation and effective functioning of a Single European railway area without

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frontiers and guaranteeing a high level of safety while improving the competitive position of the railway sector. That should be attained by contributing, on technical matters, to the implementation of European Union legislation by enhancing the level of interoperability of railway systems and to developing a common approach to safety on the European railway system. The Agency should also perform the role of European authority responsible for issuing authorisations for placing on the market for railway vehicles and for types of vehicles, safety certificates for railway undertakings and authorisations for placing in service of trackside ***control-command and signalling*** sub-systems. Moreover, it should monitor national railway rules and the performance of national authorities acting in the railway interoperability and safety fields.

frontiers and guaranteeing a high level of safety while improving the competitive position of the railway sector. That should be attained by contributing, on technical matters, to the implementation of European Union legislation by enhancing the level of interoperability of railway systems and to developing a common approach to safety on the European railway system. The Agency should also perform the role of European authority responsible for issuing authorisations for placing on the market for railway vehicles and for types of vehicles, safety certificates for railway undertakings and authorisations for placing in service of trackside ***ERTMS*** sub-systems. Moreover, it should monitor national railway rules and the performance of national authorities acting in the railway interoperability and safety fields.

Or. fr

**Amendment 37**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) The Agency should contribute to the creation and effective functioning of a Single European railway area without frontiers and guaranteeing a high level of safety while improving the competitive position of the railway sector. That should be attained by contributing, on technical matters, to the implementation of European Union legislation by enhancing the level of interoperability of railway systems and to developing a common approach to safety on the European railway system. The Agency should ***also*** perform the role of European ***authority responsible*** for issuing authorisations for placing ***on the market for*** railway vehicles and for types of

*Amendment*

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vehicles, safety certificates for railway undertakings and authorisations for placing in service of trackside control-command and signalling sub-systems. Moreover, it should monitor national railway rules and the performance of national authorities acting in the railway interoperability and safety fields.

The Agency should perform the role of ***a one-stop shop at European level*** for issuing authorisations for placing ***in service*** railway vehicles and for types of vehicles, safety certificates for railway undertakings and authorisations for placing in service of ***railway infrastructure***, trackside control-command and signalling, ***energy and infrastructure*** sub-systems. Moreover, it should monitor national railway rules and the performance of national authorities acting in the railway interoperability and safety fields.

***This requires a clear distribution of tasks and responsibilities between the Agency and the national safety authorities. The Agency should use the valuable expertise, local knowledge and experience of national safety authorities and delegate specific tasks and responsibilities to national safety authorities on the basis of contractual agreements referred to in Regulation [...] [Regulation on the European Railway Agency] but have the exclusive right to take binding decisions in the field of railway safety and authorisation described above.***

Or. en

**Amendment 38**  
**Luis de Grandes Pascual**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) The Agency should contribute to the creation and effective functioning of a Single European railway area without frontiers and guaranteeing a high level of safety while improving the competitive position of the railway sector. That should be attained by contributing, on technical matters, to the implementation of European Union legislation by enhancing the level of interoperability of railway systems and to developing a common approach to safety on the European railway system. The Agency should also perform the role of European authority responsible for issuing authorisations for placing on the market **for railway vehicles** and for types of vehicles, safety certificates for railway undertakings **and authorisations for placing in service of trackside control-command and signalling sub-systems**. Moreover, it should monitor national railway rules and the performance of national authorities acting in the railway interoperability and safety fields.

*Amendment*

(5) The Agency should contribute to the creation and effective functioning of a Single European railway area without frontiers and guaranteeing a high level of safety while improving the competitive position of the railway sector. That should be attained by contributing, on technical matters, to the implementation of European Union legislation by enhancing the level of interoperability of railway systems and to developing a common approach to safety on the European railway system. The Agency should also perform the role of European authority responsible for issuing, **at Union level**, authorisations for placing **railway vehicles** on the market and for types of vehicles, safety certificates for railway undertakings **located or operated throughout the Union**. Moreover, it should monitor national railway rules and the performance of national authorities acting in the railway interoperability and safety fields.

Or. en

**Amendment 39**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

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interoperability of railway systems ***and to developing a common approach to safety on the European railway system.*** The Agency should ***also perform the role of European authority responsible for issuing authorisations for placing on the market for railway vehicles and for types of vehicles, safety certificates for railway undertakings and authorisations for placing in service of trackside control-command and signalling sub-systems.*** ***Moreover, it should*** monitor national railway rules and the performance of national authorities acting in the railway interoperability and safety fields.

interoperability of railway systems. The Agency should monitor national railway rules and the performance of national authorities acting in the railway interoperability and safety fields.

Or. sv

**Amendment 40**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) In pursuing its objectives, the Agency should take full account of the process of enlargement of the Union and of the specific constraints relating to rail links with third countries. ***The Agency should have sole responsibility for the functions and powers assigned to it.***

*Amendment*

(6) In pursuing its objectives, the Agency should take full account of the process of enlargement of the Union and of the specific constraints relating to rail links with third countries.

Or. sv

**Amendment 41**  
**Phil Bennion**  
**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) The Agency, while performing its tasks, and particularly in relation to drafting recommendations, should take

*Amendment*

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upmost account of external railway expertise. This expertise should predominantly consist of *professionals* from the *railway sector and the* relevant national authorities. They should form competent and representative working parties of the Agency.

upmost account of external railway expertise. This expertise should predominantly consist of *experts* from the *national safety authorities and other* relevant national authorities *as well as professionals from the railway sector*. They should form competent and representative working parties of the Agency.

Or. en

*Justification*

*The expertise of the national safety authorities gained over the years should be predominantly used by the Agency.*

**Amendment 42**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) The Agency, while performing its tasks, and particularly in relation to drafting recommendations, should take *upmost* account of external railway expertise. This expertise should predominantly consist of professionals from the railway sector and the relevant national authorities. *They should form competent and representative working parties of the Agency.*

*Amendment*

(7) The Agency, while performing its tasks, and particularly in relation to drafting recommendations, should take *utmost* account of external railway expertise. This expertise should predominantly consist of professionals from the railway sector and the relevant national authorities.

Or. sv

**Amendment 43**  
**Michael Cramer**  
**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) The Agency, while performing its tasks, and particularly in relation to drafting recommendations, should take utmost account of external railway expertise. This expertise should **predominantly** consist of professionals from the railway sector and the relevant national authorities. They should form competent and representative working parties of the Agency.

*Amendment*

(7) The Agency, while performing its tasks, and particularly in relation to drafting recommendations, should take utmost account of external railway expertise. This expertise should consist of professionals from the railway sector, **including representative bodies, independent notified conformity assessment bodies** and the relevant national authorities. They should form competent and representative working parties of the Agency.

Or. en

*Justification*

*The expertise of the sector and of independent notified conformity assessment bodies needs to be used.*

**Amendment 44**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) The Agency should provide independent and objective technical support, predominantly to the Commission. Directive .... [Railway Interoperability] provides the basis for drafting and revising Technical Specifications for Interoperability (TSIs) while Directive ... [Railway Safety] provides the basis for drafting and revising Common Safety Methods (CSMs) and Common Safety Targets (CSTs). The continuity of the work and the development of the TSIs, CSMs and CSTs over time require a permanent technical framework and a dedicated staff of a specialised body. **To this end, the**

*Amendment*

(9) The Agency should provide independent and objective technical support, predominantly to the Commission. Directive .... [Railway Interoperability] provides the basis for drafting and revising Technical Specifications for Interoperability (TSIs) while Directive ... [Railway Safety] provides the basis for drafting and revising Common Safety Methods (CSMs) and Common Safety Targets (CSTs). The continuity of the work and the development of the TSIs, CSMs and CSTs over time require a permanent technical framework and a dedicated staff of a specialised body. The national safety

***Agency should be responsible for providing the Commission with recommendations in relation to drafting and revising the TSIs, CSMs and CSTs.***

The national safety organisations and regulatory bodies should be ***equally*** able to request an independent technical opinion from the Agency.

organisations and regulatory bodies should be able to request an independent technical opinion from the Agency.

Or. sv

**Amendment 45**  
**Phil Bennion**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) Railway undertakings have been faced with various problems when applying for safety certificates to competent national authorities, ranging from protracting procedures and excessive costs to unfair treatment, especially of new entrants. The certificates issued in one Member State have not been unconditionally recognised in other Member States, with a detriment to the Single European rail area. In order to make the procedures for issuing safety certificates to railway undertakings more efficient and impartial, it is essential to migrate towards a single safety certificate valid throughout the Union and issued by the Agency. The revised Directive ... [Railway Safety Directive] provides a basis for this.

*Amendment*

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Or. en

*Justification*

*Areas of use should be specified on the single safety certificate which would allow the railway undertaking to operate within these specified areas*

**Amendment 46**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) Railway undertakings have been faced with various problems when applying for safety certificates to competent national authorities, ranging from protracting procedures and excessive costs to unfair treatment, especially of new entrants. The certificates issued in one Member State have not been unconditionally recognised in other Member States, with a detriment to the Single European rail area. In order to make the procedures for issuing safety certificates to railway undertakings more efficient and impartial, it is essential to migrate towards a single safety certificate valid throughout the Union and issued by *the Agency. The revised Directive ... [Railway Safety Directive] provides a basis for this.*

*Amendment*

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Or. sv

**Amendment 47**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Currently Directive 2008/57/EC provides, in the case of rail vehicles, an authorisation of placing in service in each Member State, except in specific cases. The Task Force on vehicle authorisation set up by the Commission in 2011 discussed several cases where manufacturers and railway undertakings have suffered from excessive duration and cost of the authorisation process and proposed a number of improvements. As

*Amendment*

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some problems are due to the complexity of the current vehicle authorisation process, it should be simplified. Each rail vehicle should only receive one authorisation and this authorisation for placing *on the market* for vehicles and for types of vehicles should be issued by the Agency. This would bring tangible benefits for the sector by reducing the costs and time of the procedure, and would diminish the risk of potential discrimination, especially of new companies wishing to enter a railway market. The revised Directive ... [Railway Interoperability] provides a basis for this.

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Or. en

#### *Justification*

*As also proposed for the Interoperability Directive, 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 48**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 11**

#### *Text proposed by the Commission*

(11) Currently Directive 2008/57/EC provides, in the case of rail vehicles, an authorisation of placing in service in each Member State, except in specific cases. The Task Force on vehicle authorisation set up by the Commission in 2011 discussed several cases where manufacturers and railway undertakings have suffered from excessive duration and cost of the authorisation process and proposed a number of improvements. As some problems are due to the complexity of the current vehicle authorisation

#### *Amendment*

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process, it should be simplified. Each rail vehicle should only receive one authorisation and this authorisation for placing on the market for vehicles and for types of vehicles should be issued by **the Agency**. This would bring tangible benefits for the sector by reducing the costs and time of the procedure, and would diminish the risk of potential discrimination, especially of new companies wishing to enter a railway market. ***The revised Directive ... [Railway Interoperability Directive] provides a basis for this.***

process, it should be simplified. Each rail vehicle should only receive one authorisation and this authorisation for placing on the market for vehicles and for types of vehicles should be issued by **a national authority**. This would bring tangible benefits for the sector by reducing the costs and time of the procedure, and would diminish the risk of potential discrimination, especially of new companies wishing to enter a railway market.

Or. sv

**Amendment 49**  
**Georges Bach**

**Proposal for a regulation**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) In an open European railway market with increasing cross-border operations, the respect of driving and rest time is essential for railway safety and for fair competition and should be controlled and enforced. The Commission should propose rules and mandatory regular checks on the basis of an electronic on-board device which registers the driving and rest time of locomotive drivers. The Agency should have the task of developing such an on-board registration device. National safety authorities should have the competence to control driving and rest times, including for cross-border operations.***

Or. en

**Amendment 50**  
**Georges Bach**

**Proposal for a regulation**  
**Recital 11 b (new)**

*Text proposed by the Commission*

*Amendment*

***(11b) On-board personnel is performing operational safety tasks within the railway system and it is responsible for passengers' comfort and safety on-board trains. A certification similar to the certification of locomotive drivers should be set up by the Agency in order to guarantee a high level of qualifications and competences, to recognize the importance of this professional group for safe rail services and also in order to facilitate the mobility of workers.***

Or. en

**Amendment 51**  
**Phil Bennion**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

*Amendment*

(12) In order to further pursue the development of Single European rail area, in particular with relation to providing appropriate information to freight customers and passengers, and taking into account current involvement of the Agency, it is necessary to give it a strengthened role in the field of telematics applications. This would ensure their consistent development and swift deployment.

(12) In order to further pursue the development of Single European rail area, in particular with relation to providing appropriate information to freight customers and passengers, and taking into account current involvement of the Agency, it is necessary to give it a strengthened role in the field of telematics applications ***within a flexible framework ensuring interoperability as well as enabling innovative commercial strategies to coexist***. This would ensure their consistent development and swift deployment.

Or. en



### *Justification*

*There is a necessity to ensure interoperability of telematics applications within a framework which respects commercial freedom of rail actors and facilitates innovation to the benefit of consumers*

#### **Amendment 52**

**Dominique Riquet, Michel Dantin, Dominique Vlasto, Christine De Veyrac**

**Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

(12) In order to further pursue the development of Single European rail area, in particular with relation to providing appropriate information to freight customers and passengers, and taking into account current involvement of the Agency, it is necessary to give it a strengthened role in the field of telematics applications. This would ensure their consistent development and swift deployment.

*Amendment*

(12) In order to further pursue the development of Single European rail area, in particular with relation to providing appropriate information to freight customers and passengers, and taking into account current involvement of the Agency, it is necessary to give it a strengthened role in the field of telematics applications. This would ensure their consistent development and swift deployment, ***excluding commercial applications, which remain the responsibility of the operators.***

Or. fr

#### **Amendment 53**

**Gilles Pargneaux**

**Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

(12) In order to further pursue the development of Single European rail area, in particular with relation to providing appropriate information to freight customers and passengers, and taking into account current involvement of the Agency, it is necessary to give it a strengthened role in the field of telematics applications. This would ensure their

*Amendment*

(12) In order to further pursue the development of Single European rail area, in particular with relation to providing appropriate information to freight customers and passengers, and taking into account current involvement of the Agency, it is necessary to give it a strengthened role in the field of telematics applications. This would ensure their

consistent development and swift deployment.

consistent development and swift deployment. *As the commercial freedom of operators must be protected, such a role should not apply to the commercial part of telematics applications.*

Or. fr

**Amendment 54**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) In order to further pursue the development of Single European rail area, in particular with relation to providing appropriate information to freight customers and passengers, and taking into account current involvement of the Agency, it *is necessary to give it* a strengthened role in the field of telematics applications. This would ensure their consistent development and swift deployment.

*Amendment*

(12) In order to further pursue the development of Single European rail area, in particular with relation to providing appropriate information to freight customers and passengers, and taking into account current involvement of the Agency, it *could be given* a strengthened role in the field of telematics applications. This would ensure their consistent development and swift deployment.

Or. sv

**Amendment 55**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Given the importance of the European Rail Traffic Management System (ERTMS) for the smooth development of the Single European railway area and its safety, and taking into account *its fragmented* development to date, it is necessary to strengthen its overall coordination at the Union level. Therefore the Agency, as the most competent Union

*Amendment*

(13) Given the importance of the European Rail Traffic Management System (ERTMS) for the smooth development of the Single European railway area and its safety, and taking into account *the failure of the development and deployment* to date, it is necessary to strengthen its overall coordination at the Union level. *The objective of achieving interoperability and*

body, should be given a more prominent role in this field to ensure consistent development of the ERTMS, to contribute to ensuring that ERTMS equipment complies with the specifications in force and to ensure that ERTMS-related European research programmes are coordinated with the development of ERTMS technical specifications. Moreover, in order to make the procedures for issuing authorisations for placing in service of trackside control-command and signalling sub-systems more efficient and impartial, it is essential to migrate towards a single authorisation valid in the Union and issued by the Agency. The revised Directive ... [Railway Interoperability Directive] provides a basis for this.

***harmonisation of train control and signalling system across the EU is currently seriously undermined by a multitude of diverging national versions of ERTMS.***

Therefore the Agency, as the most competent Union body, should be given a more prominent role in this field to ensure consistent development of the ERTMS, to contribute to ensuring that ERTMS equipment complies with the specifications in force and to ensure that ERTMS-related European research programmes are coordinated with the development of ERTMS technical specifications. Moreover, in order to make the procedures for issuing authorisations for placing in service of trackside control-command and signalling sub-systems more efficient and impartial, it is essential to migrate towards a single authorisation valid in the Union and issued by the Agency. The revised Directive ... [Railway Interoperability Directive] provides a basis for this.

Or. en

#### *Justification*

*ERTMS offers clear benefits, but only when its main goal - i.e. interoperability and harmonisation - is not undermined by specific national versions that are not interoperable.*

**Amendment 56**  
**Luis de Grandes Pascual**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Given the importance of the European Rail Traffic Management System (ERTMS) for the smooth development of the Single European railway area and its safety, and taking into account its fragmented development to date, it is necessary to strengthen its overall coordination at the Union level. Therefore the Agency, as the most competent Union body, should be given a more prominent role in this field to ensure consistent development of the ERTMS, to contribute to ensuring that ERTMS equipment complies with the specifications in force and to ensure that ERTMS-related European research programmes are coordinated with the development of ERTMS technical specifications. ***Moreover, in order to make the procedures for issuing authorisations for placing in service of trackside control-command and signalling sub-systems more efficient and impartial, it is essential to migrate towards a single authorisation valid in the Union and issued by the Agency.*** The revised Directive ... [Railway Interoperability Directive] provides a basis for this.

*Amendment*

(13) Given the importance of the European Rail Traffic Management System (ERTMS) for the smooth development of the Single European railway area and its safety, and taking into account its fragmented development to date, it is necessary to strengthen its overall coordination at the Union level. Therefore the Agency, as the most competent Union body, should be given a more prominent role in this field to ensure consistent development of the ERTMS, to contribute to ensuring that ERTMS equipment complies with the specifications in force and to ensure that ERTMS-related European research programmes are coordinated with the development of ERTMS technical specifications. ***In this context, in the case of trackside control-command and signalling subsystems involving ETCS and/or GSMR equipment, the national safety authority should consult the Agency in order to ensure coherent development of ERTMS in the Union. The Agency should issue an opinion to the relevant national safety authority regarding the technical and operational compatibility of the subsystem with the vehicles intended to operate.*** The revised Directive ... [Railway Interoperability Directive] provides a basis for this.

Or. en

**Amendment 57**  
**Marita Ulvskog**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Given the importance of the European Rail Traffic Management System (ERTMS) for the smooth development of the Single European railway area and its safety, and taking into account its fragmented development to date, it is necessary to strengthen its overall coordination at the Union level. Therefore the Agency, **as the most competent Union body**, should be given a more prominent role in this field to ensure consistent development of the ERTMS, to contribute to ensuring that ERTMS equipment complies with the specifications in force and to ensure that ERTMS-related European research programmes are coordinated with the development of ERTMS technical specifications.

**Moreover, in order to make the procedures for issuing authorisations for placing in service of trackside control-command and signalling sub-systems more efficient and impartial, it is essential to migrate towards a single authorisation valid in the Union and issued by the Agency. The revised Directive ... [Railway Interoperability Directive] provides a basis for this.**

*Amendment*

(13) Given the importance of the European Rail Traffic Management System (ERTMS) for the smooth development of the Single European railway area and its safety, and taking into account its fragmented development to date, it is necessary to strengthen its overall coordination at the Union level. Therefore the Agency, **together with national authorities**, should be given a more prominent role in this field to ensure consistent development of the ERTMS, to contribute to ensuring that ERTMS equipment complies with the specifications in force and to ensure that ERTMS-related European research programmes are coordinated with the development of ERTMS technical specifications.

Or. sv

**Amendment 58**  
**Georges Bach**

**Proposal for a regulation**  
**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**(13a) During recent years, several accidents in the rail freight sector illustrated the need for improving the**

*rules at Union level for the maintenance of freight wagons. The Agency should work on harmonised compulsory requirements for regular maintenance intervals.*

Or. en

**Amendment 59**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

*(13a) The EU wishes to prioritise long, cross-border rail corridors where international operators may use the same locomotives with the same drivers for journeys across several countries. The current lack of standardised power and signalling safety systems and the limited capacity of the rail network means that there is a need for more rapid development and interoperability of ERTMS, for example, together with national systems.*

Or. sv

**Amendment 60**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

*Amendment*

*(14) Competent national authorities have been normally charging for issuing vehicle authorisations and safety certificates. With the transfer competence to the Union level, the Agency should be entitled to charge the applicants for issuing the certificates and authorisations mentioned in the preceding recitals. The*

*deleted*

*level of those charges should be equal to or lower than the current average in the Union and should be determined in a delegated act to be adopted by the Commission.*

Or. sv

**Amendment 61**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) Competent national authorities have been normally charging for issuing vehicle authorisations and safety certificates. With the transfer competence to the Union level, the Agency should be entitled to charge the applicants for issuing the certificates and authorisations mentioned in the preceding recitals. The level of *those* charges should be equal to or lower than the current average in the Union and should be determined in a delegated act to be adopted by the Commission.

*Amendment*

(14) Competent national authorities have been normally charging for issuing vehicle authorisations and safety certificates. With the transfer competence to the Union level, the Agency should be entitled to charge the applicants for issuing the certificates and authorisations mentioned in the preceding recitals. ***For tasks and responsibilities delegated to national safety authorities, the contractual agreements referred to in Article 69 should foresee a sharing of revenues commensurate with the share in the work load of each actor.*** The level of charges should be equal to or lower than the current average in the Union and should be determined in a delegated act to be adopted by the Commission.

Or. en

*Justification*

*The Agency should use the valuable expertise, local knowledge and experience of national safety authorities by delegating specific tasks and responsibilities to them. In return, the revenues from charges shall be shared, too.*

**Amendment 62**  
**Phil Bennion, Dominique Riquet**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) Competent national authorities have been normally charging for issuing vehicle authorisations and safety certificates. With the transfer competence to the Union level, the Agency should be entitled to charge the applicants for issuing the certificates and authorisations mentioned in the preceding recitals. The level of those charges should ***be equal to or lower than the current average*** in the *Union* and should be determined in a delegated act to be adopted by the Commission.

*Amendment*

(14) Competent national authorities have been normally charging for issuing vehicle authorisations and safety certificates. With the transfer competence to the Union level, the Agency should be entitled to charge the applicants for issuing the certificates and authorisations mentioned in the preceding recitals. The level of those charges should ***vary according to the extent of operations and area of use specified*** in the ***certificate or authorisation*** and should be determined in a delegated act to be adopted by the Commission.

Or. en

*Justification*

*The level of charges should be differentiated according to the extent of operations and areas of use specified in the certificate or authorisation. A certificate for a small railway line within one single country should not cost the same as a certificate for the whole of Europe*

**Amendment 63**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

***(15) It is a general objective that the transfer of functions and tasks from the Member States to the Agency should be done efficiently, without any reduction in the current high levels of safety. The Agency should have sufficient resources for its new tasks, and the timing of the allocation of these resources should be based on clearly defined needs. Taking into account the know-how of national***

*Amendment*

***deleted***



*authorities, in particular the National Safety Authorities, the Agency should be allowed to make appropriate use of that expertise when granting the relevant authorisations and certificates. To this end, secondment of national experts to the Agency should be encouraged.*

Or. sv

**Amendment 64**  
**Phil Bennion**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) It is a general objective that the transfer of functions and tasks from the Member States to the Agency should be done efficiently, without any reduction in the current high levels of safety. The Agency should have sufficient resources for its new tasks, and the timing of the allocation of these resources should be based on clearly defined needs. Taking into account the know-how of national authorities, in particular the National Safety Authorities, the Agency should be allowed to make appropriate use of that expertise when granting the relevant authorisations and certificates. To this end, secondment of national experts to the Agency should be encouraged.

*Amendment*

(15) It is a general objective that the transfer of functions and tasks from the Member States to the Agency should be done efficiently, without any reduction in the current high levels of safety. The Agency should have sufficient resources for its new tasks, and the timing of the allocation of these resources should be based on clearly defined needs. Taking into account the know-how of national authorities, in particular the National Safety Authorities, the Agency should be allowed to make appropriate use of that expertise ***including through contractual agreements*** when granting the relevant authorisations and certificates. To this end, secondment of national experts to the Agency should be ***strongly*** encouraged, ***promoted and facilitated***.

Or. en

*Justification*

*There is a necessity for the performance of the Agency to make the best use of the National safety Authorities and their staff*

**Amendment 65**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) It is a general objective that the transfer of functions and tasks from the Member States to the Agency should be done efficiently, without any reduction in the current high levels of safety. The Agency should have sufficient resources for its new tasks, and the timing of the allocation of these resources should be based on clearly defined needs. Taking into account the know-how of national authorities, in particular the National Safety Authorities, the Agency should ***be allowed to*** make appropriate use of that expertise when granting the relevant authorisations and certificates. ***To this end,*** secondment of national experts to the Agency should be encouraged.

*Amendment*

(15) It is a general objective that the transfer of functions and tasks from the Member States to the Agency should be done efficiently, without any reduction in the current high levels of safety. The Agency should have sufficient resources for its new tasks, and the timing of the allocation of these resources should be based on clearly defined needs. Taking into account the know-how of national authorities, in particular the National Safety Authorities, the Agency should make appropriate use of that expertise when granting the relevant authorisations and certificates, ***using the contractual agreements referred to in Article 69.*** ***Furthermore,*** secondment of national experts to the Agency should be encouraged.

Or. en

*Justification*

*The Agency should use the valuable expertise, local knowledge and experience of national safety authorities by delegating specific tasks and responsibilities to them.*

**Amendment 66**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

***(16) Directive ... [Railway Safety] and Directive ... [Railway Interoperability] provide for examination of national***

*Amendment*

***deleted***

*measures from the point of view of safety and interoperability, and compatibility with competition rules. They also limit the possibility for Member States to adopt new national rules. The current system in which a large number of national rules continue to exist leads to possible conflicts with Union rules and creates a risk of insufficient transparency and disguised discrimination of foreign operators, especially the smaller and new ones. In order to migrate towards a system of truly, transparent and impartial railway rules at Union level, gradual reduction of national rules needs to be reinforced. An opinion based on independent and neutral expertise is essential at Union level. To this end, the role of the Agency needs to be strengthened.*

Or. sv

**Amendment 67**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) Directive ... [Railway Safety] and Directive ... [Railway Interoperability] provide for examination of national measures from the point of view of safety and interoperability, and compatibility with competition rules. They also limit the possibility for Member States to adopt new national rules. The current system in which a large number of national rules continue to exist leads to possible conflicts with Union rules and creates a risk of insufficient transparency and disguised discrimination of foreign operators, especially the smaller and new ones. In order to migrate towards a system of truly, transparent and impartial railway rules at Union level, gradual reduction of national rules needs to be

*Amendment*

(16) Directive ... [Railway Safety] and Directive ... [Railway Interoperability] provide for examination of national measures from the point of view of safety and interoperability, and compatibility with competition rules. They also limit the possibility for Member States to adopt new national rules. The current system in which a large number of national rules continue to exist leads to possible **safety risks and** conflicts with Union rules and creates a risk of insufficient transparency and disguised discrimination of foreign operators, especially the smaller and new ones. In order to migrate towards a system of truly, transparent and impartial railway rules at Union level, gradual reduction of

reinforced. An opinion based on independent and neutral expertise is essential at Union level. To this end, the role of the Agency needs to be strengthened.

national rules, ***including operational rules***, needs to be reinforced. An opinion based on independent and neutral expertise is essential at Union level. To this end, the role of the Agency needs to be strengthened.

Or. en

**Amendment 68**  
**Phil Bennion**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Performance, organisation and decision-making procedures in the field of railway interoperability and safety vary substantially among the national safety authorities and notified conformity assessment bodies, with a detrimental effect to smooth operation of the Single European rail area. In particular, small and medium companies wishing to enter the railway market in another Member State can be negatively affected. Therefore, a strengthened coordination with a view to greater harmonisation at the Union level is essential. To this end, the Agency should monitor the national safety authorities and notified conformity assessment bodies through audits and inspections.

*Amendment*

(17) Performance, organisation and decision-making procedures in the field of railway interoperability and safety vary substantially among the national safety authorities and notified conformity assessment bodies, with a detrimental effect to smooth operation of the Single European rail area. In particular, small and medium companies wishing to enter the railway market in another Member State can be negatively affected. Therefore, a strengthened coordination with a view to greater harmonisation at the Union level is essential. To this end, the Agency should monitor the national safety authorities and notified conformity assessment bodies through audits and inspections. ***Equal monitoring of the performance of the Agency is as well required.***

Or. en

*Justification*

*The performance of national safety authorities, notified conformity assessment bodies as well as the performance of the Agency are crucial for smooth operation of the Single European rail area*

**Amendment 69**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Performance, organisation and decision-making procedures in the field of railway interoperability and safety vary substantially among the national safety authorities and notified conformity assessment bodies, with a detrimental effect to smooth operation of the Single European rail area. In particular, small and medium companies wishing to enter the railway market in another Member State can be negatively affected. Therefore, a strengthened coordination with a view to greater harmonisation at the Union level is essential. To this end, the Agency should monitor the national safety authorities *and* notified conformity assessment bodies *through audits and inspections*.

*Amendment*

(17) Performance, organisation and decision-making procedures in the field of railway interoperability and safety vary substantially among the national safety authorities and notified conformity assessment bodies, with a detrimental effect to smooth operation of the Single European rail area. In particular, small and medium companies wishing to enter the railway market in another Member State can be negatively affected. Therefore, a strengthened coordination with a view to greater harmonisation at the Union level is essential. To this end, the Agency should monitor the national safety authorities *through audits and inspections*. *Monitoring of the* notified conformity assessment bodies *should be carried out by the national accreditation bodies in accordance with Regulation 765/2008/EC Art. 5(3)*.

Or. en

**Amendment 70**  
**Phil Bennion**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) The interoperability of the Trans-European network should be enhanced and *the* new investment projects chosen for support by the Union should be in line with

*Amendment*

(20) The interoperability of the Trans-European network should be enhanced and *both ongoing and* new investment projects chosen for support by the Union should be

the objective of interoperability set in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the Trans-European transport network. The Agency is the right institution to contribute to these objectives.

in line with the objective of interoperability set in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the Trans-European transport network. The Agency is the right institution to contribute to these objectives.

Or. en

### *Justification*

*Some ongoing projects are foreseen to still be in their implementing phase in the coming years, thus these interoperability requirements should apply to both ongoing and new projects.*

**Amendment 71**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 20**

#### *Text proposed by the Commission*

(20) The interoperability of the Trans-European network should be enhanced and the new investment projects chosen for support by the Union should be in line with the objective of interoperability set in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the Trans-European transport network. ***The Agency is the right institution to contribute to these objectives.***

#### *Amendment*

(20) The interoperability of the Trans-European network should be enhanced and the new investment projects chosen for support by the Union should be in line with the objective of interoperability set in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the Trans-European transport network.

Or. sv

**Amendment 72**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) Rolling stock maintenance is an important part of the safety system. There has been no genuine European market for the maintenance of rail equipment owing to the lack of a system for certification of maintenance workshops. This situation has been adding to the costs for the sector and results in journeys without loads. A European certification system for maintenance workshops should therefore gradually be developed and updated, ***with the Agency being the most appropriate body to propose adequate solutions to the Commission.***

*Amendment*

(21) Rolling stock maintenance is an important part of the safety system. There has been no genuine European market for the maintenance of rail equipment owing to the lack of a system for certification of maintenance workshops. This situation has been adding to the costs for the sector and results in journeys without loads. A European certification system for maintenance workshops should therefore gradually be developed and updated.

Or. sv

**Amendment 73**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) The vocational qualifications required for train drivers are a major factor in both safety and interoperability in the Union. They are also a precondition for the free movement of workers in the railway industry. This question should be tackled with respect to the existing framework for social dialogue. ***The Agency should provide the technical support necessary in order to take account of this aspect at Union level.***

*Amendment*

(22) The vocational qualifications required for train drivers are a major factor in both safety and interoperability in the Union. They are also a precondition for the free movement of workers in the railway industry. This question should be tackled with respect to the existing framework for social dialogue.

Or. sv

**Amendment 74**  
**Phil Bennion, Dominique Riquet**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) In order to ensure the greatest possible transparency and equal access for all parties to relevant information, the documents envisaged for the railway interoperability and safety processes should be accessible to the public. The same applies to licences, safety certificates and other relevant railway documents. The Agency should provide ***an efficient*** means of exchanging and publishing this information.

*Amendment*

(24) In order to ensure the greatest possible transparency and equal access for all parties to relevant information, the documents envisaged for the railway interoperability and safety processes should be accessible to the public. The same applies to licences, safety certificates and other relevant railway documents. The Agency should provide ***efficient, user friendly and easily accessible*** means of exchanging and publishing this information.

Or. en

**Amendment 75**  
**Phil Bennion**

**Proposal for a regulation**  
**Recital 26**

*Text proposed by the Commission*

(26) In order to increase the efficiency of the Union financial support, its quality and compatibility with relevant technical regulations, the Agency, ***as the only Union body with reputable competence*** in the ***railway field, should play an active role in the*** assessment of rail projects.

*Amendment*

(26) In order to increase the efficiency of the Union financial support, its quality and compatibility with relevant technical regulations, the Agency ***should play an active role*** in the assessment of rail projects ***with European added value, in close cooperation with national infrastructure managers.***

Or. en

*Justification*

*Resources of the Agency being limited, the scope of the assessment of rail projects should be limited to projects of European added value*



**Amendment 76**  
**Phil Bennion**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) Railway interoperability and safety legislation, implementation guides or recommendations of the Agency may sometimes pose interpretation and other problems to the stakeholders. Proper and uniform understanding of those acts is a precondition for effective implementation of the railway acquis and the functioning of the railway market. Therefore, the Agency should actively engage in training and explanatory activities in that regard.

*Amendment*

(27) Railway interoperability and safety legislation, implementation guides or recommendations of the Agency may sometimes pose interpretation and other problems to the stakeholders. Proper and uniform understanding of those acts is a precondition for effective implementation of the railway acquis and the functioning of the railway market. Therefore, the Agency should actively engage in training and explanatory activities in that regard, ***with a particular attention to be given to small and medium-sized enterprises.***

Or. en

*Justification*

*To foster competition and facilitate the emergence of new and small entrants, special attention should be given to small and medium sized companies*

**Amendment 77**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) Railway interoperability and safety legislation, ***implementation guides*** or recommendations of the Agency may sometimes pose interpretation and other problems to the stakeholders. Proper and uniform understanding of those acts is a precondition for effective implementation of the railway acquis and the functioning of the railway market. Therefore, the Agency

*Amendment*

(27) Railway interoperability and safety legislation, or recommendations of the Agency, may sometimes pose interpretation and other problems to the stakeholders. Proper and uniform understanding of those acts is a precondition for effective implementation of the railway acquis and the functioning of the railway market. Therefore, the Agency

should actively engage in training and explanatory activities in that regard.

should actively engage in training and explanatory activities in that regard.

Or. sv

**Amendment 78**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

*Amendment*

*(28) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through fees and charges paid by applicants. In order to ensure independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent, the Executive Director should have full responsibility. The Agency's staff should be independent and should represent an appropriate balance of short-term and long-term contracts, in order to maintain its organisational knowledge and business continuity while keeping necessary and on-going exchange of expertise with the railway sector.*

*deleted*

Or. sv

**Amendment 79**  
**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

*Amendment*

(28) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through fees and charges paid by

(28) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through fees and charges paid by

applicants. In order to ensure independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent, the Executive Director should have full responsibility. The Agency's staff should be independent and should represent an appropriate balance of short-term and long-term contracts, in order to maintain its organisational knowledge and business continuity while keeping necessary and on-going exchange of expertise with the railway sector.

applicants. ***The EU contribution will need to be assessed and revised each time new powers are added which are not subject to fees or charges paid by applicants.*** In order to ensure independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent, the Executive Director should have full responsibility. The Agency's staff should be independent and should represent an appropriate balance of short-term and long-term contracts, in order to maintain its organisational knowledge and business continuity while keeping necessary and on-going exchange of expertise with the railway sector.

Or. fr

## **Amendment 80**

**Phil Bennion**

### **Proposal for a regulation**

#### **Recital 28**

##### *Text proposed by the Commission*

(28) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through fees and charges paid by applicants. In order to ensure independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent, the Executive Director should have full responsibility. The Agency's staff should be independent and should represent an appropriate balance of short-term and long-term contracts, in order to maintain its organisational knowledge and business continuity while keeping necessary and on-going exchange of expertise with the

##### *Amendment*

(28) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through fees and charges paid by applicants. In order to ensure independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent, the Executive Director should have full responsibility. The Agency's staff should be independent and should represent an appropriate balance of short-term and long-term contracts, ***of seconded national experts and permanent officials***, in order to maintain its organisational knowledge and business continuity while keeping necessary and on-going exchange of

railway sector.

expertise with the railway sector.

Or. en

*Justification*

*To make the full use of the expertise of national safety authorities' staff there should be an appropriate balance between seconded national experts and permanent officials.*

**Amendment 81**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) In order to ensure effectively the accomplishment of the functions of the Agency, the Member States and the Commission should be represented on a Management Board vested with the necessary powers, including to establish the budget and approve the annual and multi-annual work programmes.

*Amendment*

(29) In order to ensure effectively the accomplishment of the functions of the Agency, the Member States and the Commission should be represented on a Management Board vested with the necessary powers, including to establish the budget and approve the annual and multi-annual work programmes, ***which are issues on which the networks of research bodies of the national safety authorities and the representative bodies should be consulted.***

Or. fr

*Justification*

*Given that the outcomes and priorities of the Agency's work are important for the railway sector, the network of representative bodies from the railway sector should be consulted about the Agency's annual work programme.*

**Amendment 82**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) In order to guarantee the transparency of the Management Board's decisions, representatives of the sectors concerned should attend its meetings, but without the right to vote, that right being reserved for the representatives of public authorities who are accountable to the democratic control authorities. The representatives of the sector should be appointed by the Commission on the basis of their representativeness at Union level of railway undertakings, infrastructure managers, railway industry, workers unions, passengers and freight customers.

*Amendment*

(30) In order to guarantee the transparency of the Management Board's decisions, representatives of the sectors concerned should attend its meetings, but without the right to vote, that right being reserved for the representatives of public authorities who are accountable to the democratic control authorities. The representatives of the sector should be appointed by the Commission on the basis of their representativeness at Union level of railway undertakings, infrastructure managers, railway industry, ***notified bodies, designated bodies***, workers unions, passengers and, ***in particular, passengers with reduced mobility as well as*** freight customers.

Or. en

**Amendment 83**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) It is necessary to ensure that parties affected by decisions made by the Agency enjoy the necessary remedies in an independent and impartial manner. An appropriate appeal mechanism should be set up so that decisions of the Executive Director can be subject to appeal to a specialised Board of Appeal, whose decisions are, in turn, open to action before the Court of Justice.

*Amendment*

(32) It is necessary to ensure that parties affected by decisions made by the Agency enjoy the necessary remedies in an independent and impartial manner. An appropriate appeal mechanism should be set up so that decisions of the Executive Director can be subject to appeal to a specialised Board of Appeal ***that acts in complete independence from the Commission, the Agency, national safety authorities and any actor in the railway sector***, whose decisions are, in turn, open to action before the Court of Justice.

Or. en

*Justification*

*In order to allow for impartial appeal procedure, the full independence of the Board of Appeal needs to be guaranteed.*

**Amendment 84**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

*Amendment*

*(36) Since the objectives of the action proposed, namely to establish a specialised body to formulate common solutions on matters concerning railway safety and interoperability, cannot be sufficiently achieved by the Member States by reason of the joint nature of the work to be done, and can therefore be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,*

*deleted*

Or. sv

**Amendment 85**  
**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

*Amendment*

(37) In order to properly determine the level of fees and charges which the Agency is entitled to levy, 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 articles dealing

(37) In order to properly determine the level of fees and charges which the Agency is entitled to levy, 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 articles dealing

with issuing and renewal of authorisations for placing in service of trackside **control-command and signalling** subsystems, authorisations for placing on the market for vehicles and for types of vehicles, and safety certificates. 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.

with issuing and renewal of authorisations for placing in service of trackside **ERTMS** subsystems, authorisations for placing on the market for vehicles and for types of vehicles, and safety certificates. 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.

Or. fr

**Amendment 86**  
**Phil Bennion**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) In order to properly determine the level of fees and charges which the Agency is entitled to levy, 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 articles dealing with issuing and renewal of authorisations for placing in service of trackside control-command and signalling subsystems, authorisations for placing on the market for vehicles and for types of vehicles, and safety certificates. 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*

(37) In order to properly determine the level of fees and charges which the Agency is entitled to levy, 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 articles dealing with issuing and renewal of authorisations for placing in service of trackside control-command and signalling subsystems, authorisations for placing on the market for vehicles and for types of vehicles, and safety certificates. ***A differentiated level of fees and charges should be applied according to the areas of use and extent of operations specified in safety certificates and authorisations.*** 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.

Or. en

*Justification*

*The level of charges should be differentiated according to the extent of operations and areas of use specified. A certificate for a small railway line within one single country should not cost the same as a certificate for the whole of Europe*

**Amendment 87**  
**Michael Cramer**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) In order to properly determine the level of fees and charges which the Agency is entitled to levy, 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 articles dealing with issuing and renewal of authorisations for placing in service of trackside control-command and signalling subsystems, authorisations for placing ***on the market*** for vehicles and for types of vehicles, and safety certificates. 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*

(37) In order to properly determine the level of fees and charges which the Agency is entitled to levy, 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 articles dealing with issuing and renewal of authorisations for placing in service of trackside control-command and signalling subsystems, authorisations for placing ***in service*** for vehicles and for types of vehicles, and safety certificates. 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.

Or. en



**Amendment 88**  
**Luis de Grandes Pascual**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) In order to properly determine the level of fees and charges which the Agency is entitled to levy, 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 articles dealing with issuing and renewal of authorisations for placing *in service of trackside control-command and signalling subsystems, authorisations for placing* on the market for vehicles and for types of vehicles, and safety certificates. 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*

(37) In order to properly determine the level of fees and charges which the Agency is entitled to levy, 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 articles dealing with issuing and renewal of authorisations for placing on the market for vehicles and for types of vehicles, and safety certificates. 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.

Or. en

**Amendment 89**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) In order to properly determine the level of fees and charges which *the Agency is* entitled to levy, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European

*Amendment*

(37) In order to properly determine the level of fees and charges which *national authorities are* entitled to levy, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the

Union should be delegated to the Commission in respect of articles dealing with issuing and renewal of authorisations for placing in service of trackside control-command and signalling subsystems, authorisations for placing on the market for vehicles and for types of vehicles, and safety certificates. 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.

European Union should be delegated to the Commission in respect of articles dealing with issuing and renewal of authorisations for placing in service of trackside control-command and signalling subsystems, authorisations for placing on the market for vehicles and for types of vehicles, and safety certificates. 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.

Or. sv

**Amendment 90**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

*(38) In order to ensure the implementation of Articles 21 and 22 of this Regulation concerning examination of draft national rules and rules in force, implementing powers should be conferred on the Commission.*

*Amendment*

*deleted*

Or. sv

**Amendment 91**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Recital 39**

*Text proposed by the Commission*

*(39) In order to ensure uniform conditions for the implementation of Articles 29, 30, 31, and 51 of this Regulation, implementing powers should*

*Amendment*

*deleted*

*be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.*

Or. sv

**Amendment 92**  
**Jörg Leichtfried**  
**Proposal for a regulation**  
**Article 1 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) certification of train drivers provided for in Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community [Train Drivers Directive].

*Amendment*

(c) certification of train drivers provided for in Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community [Train Drivers Directive] **and certification of all safety-relevant staff.**

Or. de

*Justification*

*To make rail operations safe, it is not enough to certify only one professional group. All safety-relevant staff must be certified.*

**Amendment 93**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 1 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The objectives of the Agency shall be to ensure a high level of rail safety and to help complete the Single European Rail**

*Area. These objectives shall be achieved by:*

*(a) contributing, on technical matters, to the implementation of EU legislation aimed at enhancing the level of interoperability of the railway system and developing a common approach to safety on the EU railway system;*

*(b) acting as a European authority, in cooperation with the Member States, for authorising the placing of vehicles on the market and issuing safety certificates to railway undertakings;*

*(c) harmonising national rules and optimising procedures;*

*(d) monitoring action taken by the national safety authorities on interoperability and rail safety.*

Or. fr

*Justification*

*The aim of this amendment is to include a clear reference in the text to the objectives pursued by the Agency, using wording from the current text of the European Railway Agency Regulation (EC/881/2004) and including the new tasks conferred on it by the recast Directive .././EU [Interoperability Directive] and Directive .././EU [Railway Safety Directive].*

**Amendment 94**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 2 – title**

*Text proposed by the Commission*

*Amendment*

Legal status

Legal status *and location of the Agency*

Or. en

*Justification*

*In the light of scarce resources it is important that the Agency is based at a central location making sure that not only travel times for representatives of the sector and the NSA are as*

*low as possible but also that the Region where the Agency is based attracts sufficient qualified staff.*

**Amendment 95**  
**Oldřich Vlasák**

**Proposal for a regulation**  
**Article 2 – title**

*Text proposed by the Commission*

Legal status

*Amendment*

Legal status *and location*

Or. en

**Amendment 96**  
**Oldřich Vlasák**

**Proposal for a regulation**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall be a body of the Union with legal personality.

*Amendment*

1. The Agency shall be a body of the Union with legal personality ***based at a central location which:***

***(a) enables travel time and costs for the representatives of the NSAs and stakeholders from the railway sector to be minimized;***

***(b) offers a good qualified staff-running costs ratio.***

Or. en

*Justification*

*In order to keep entry barriers for new coming railway operators as low as possible, running costs linked to the functioning of ERA shall be minimized as well.*

**Amendment 97**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Agency shall be based at a central location enabling the travel time and travel costs for staff from the NSAs and stakeholders from the railway sector to be kept as low as possible. The Agency shall be based at a location which attracts qualified staff.***

Or. en

*Justification*

*In the light of scarce resources it is important that the Agency is based at a central location making sure that not only travel times for representatives of the sector and the NSA are as low as possible but also that the Region where the Agency is based attracts sufficient qualified staff.*

**Amendment 98**  
**Dominique Riquet, Michel Dantin**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) address recommendations to Member States concerning the application of Articles 21, 22 and 30;

(b) address recommendations to Member States concerning the application of Articles 21, 22 and 30 ***and to the national safety authorities concerning the application of Article 29(4);***

Or. fr

**Amendment 99**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) address recommendations to Member States concerning the application of Articles 21, 22 and 30;

*Amendment*

(b) address recommendations to Member States concerning the application of Articles 21, 22 and 30 **and to the national safety authorities concerning the application of Article 29(4)**;

Or. fr

*Justification*

*This concerns recommendations which the Agency could make following an audit report by a national safety authority.*

**Amendment 100**

**Marita Ulvskog**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) issue **guidelines and other** non-binding documents facilitating application of railway interoperability and safety legislation **pursuant to Articles 11, 15 and 24**.

*Amendment*

(h) issue non-binding documents facilitating application of railway interoperability and safety legislation.

Or. sv

**Amendment 101**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The Agency shall set up a limited number of working parties for drawing up recommendations, in particular related to technical specifications for interoperability (TSIs), common safety targets (CSTs) **and** common safety methods (CSMs).

*Amendment*

The Agency shall set up a limited number of working parties for drawing up recommendations, in particular related to technical specifications for interoperability (TSIs), common safety targets (CSTs), common safety methods (CSMs), **common safety indicators (CSIs), registers, entities in charge of maintenance and the**

*documents referred to in Article 15.*

Or. fr

*Justification*

*The field covered by the working parties set up by the Agency should be extended as their results have a significant impact on the railway sector.*

**Amendment 102**

**Jörg Leichtfried**

**Proposal for a regulation**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The Agency shall set up a limited number of working parties for drawing up recommendations, in particular related to technical specifications for interoperability (TSIs), common safety targets (CSTs) and common safety methods (CSMs).

*Amendment*

The Agency shall set up a limited number of working parties for drawing up recommendations, in particular related to technical specifications for interoperability (TSIs), common safety targets (CSTs) and common safety methods (CSMs).

***The Agency shall set up a cross-cutting working party on occupational health and safety (OHS) made up of equivalent OHS specialists from trade unions and from employer organisations.***

Or. de

*Justification*

*Currently, in many instances, the Agency limits industrial safety considerations to the make-up of materials for interoperability components (e.g. toxicity and anti-glare characteristics). That is important, to be sure, but not enough. How components interact, in addition to their make-up, is crucially important in making rail operations safe.*

**Amendment 103**

**Michael Cramer**

**Proposal for a regulation**

**Article 4 – paragraph 1 – subparagraph 1**



*Text proposed by the Commission*

The Agency shall set up a limited number of working parties for drawing up recommendations, in particular related to technical specifications for interoperability (TSIs), common safety targets (CSTs) **and** common safety methods (CSMs).

*Amendment*

The Agency shall set up a limited number of working parties for drawing up recommendations, in particular related to technical specifications for interoperability (TSIs), common safety targets (CSTs), common safety methods (CSMs) **and provisions on minimum qualifications of railway staff entrusted with safety-critical tasks**.

Or. en

**Amendment 104**

**Marita Ulvskog**

**Proposal for a regulation**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The Agency shall set up a limited number of working parties for drawing up recommendations, in particular related to technical specifications for interoperability (TSIs), **common** safety targets (**CSTs**) and **common** safety methods (**CSMs**).

*Amendment*

The Agency shall set up a limited number of working parties for drawing up recommendations, in particular related to technical specifications for interoperability (TSIs), safety targets and safety methods.

Or. sv

**Amendment 105**

**Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 4 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

The Agency shall appoint to the working parties professionals from the railway sector from the list referred to in paragraph 3. It shall ensure adequate representation of those sectors of the industry and of those users which could be affected by measures the Commission may propose on the basis

*Amendment*

The Agency shall appoint to the working parties professionals from the railway sector from the list referred to in paragraph 3. It shall ensure adequate representation **of all the Member States**, of those sectors of the industry and of those users which could be affected by measures the Commission

of the recommendations addressed to it by the Agency.

may propose on the basis of the recommendations addressed to it by the Agency.

Or. ro

#### **Amendment 106**

**Michael Cramer**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – subparagraph 3**

##### *Text proposed by the Commission*

The Agency shall appoint to the working parties professionals from the railway sector from the list referred to in paragraph 3. It shall ensure adequate representation of those sectors of the industry and of those users which could be affected by measures the Commission may propose on the basis of the recommendations addressed to it by the Agency.

##### *Amendment*

The Agency shall appoint to the working parties professionals from the railway sector from the list referred to in paragraph 3 **and from the Coordination Body of the notified conformity assessment bodies**. It shall ensure adequate representation of those sectors of the industry and of those users which could be affected by measures the Commission may propose on the basis of the recommendations addressed to it by the Agency.

Or. en

##### *Justification*

*The expertise of independent notified conformity assessment bodies needs to be used.*

#### **Amendment 107**

**Dominique Riquet, Michel Dantin**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – subparagraph 4**

##### *Text proposed by the Commission*

The Agency may, if necessary, appoint to the working parties independent experts and representatives of international organisations recognised as competent in the field concerned. Staff of the Agency

##### *Amendment*

The Agency may, if necessary, appoint to the working parties independent experts and representatives of international organisations recognised as competent in the field concerned. Staff of the Agency

may not be appointed to the working parties.

may not be appointed to the working parties, *except for the chair of the working parties, who shall be a representative of the Agency.*

Or. fr

*Justification*

*Corrects an inconsistency in the original wording between points 2 and 6 of Article 4.*

**Amendment 108**

**Dominique Riquet, Michel Dantin, Christine De Veyrac**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. Each representative body referred to in Article 34 shall forward to the Agency a list of the most qualified experts mandated to represent them in each working party.

*Amendment*

3. Each *year, each* representative body referred to in Article 34 shall forward to the Agency a list of the most qualified experts mandated to represent them in each working party.

Or. fr

*Justification*

*The frequency with which the list of experts is updated should be specified.*

**Amendment 109**

**Michael Cramer**

**Proposal for a regulation**

**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Whenever the work of such working parties has *a direct* impact on the working conditions, health and safety of workers in the industry, representatives from the workers' organisations shall participate in the relevant working parties as full

*Amendment*

4. Whenever the work of such working parties has *an* impact on the working conditions, health and safety of workers in the industry, representatives from the workers' organisations shall participate in the relevant working parties as full

members.

members.

Or. en

**Amendment 110**  
**Silvia-Adriana Țicău**  
**Proposal for a regulation**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Whenever the work of such working parties has a direct impact on the working conditions, health and safety of workers in the industry, representatives from the workers' organisations shall participate in the relevant working parties as full members.

*Amendment*

4. Whenever the work of such working parties has a direct impact on the working conditions, health and safety of workers in the industry, representatives from the workers' organisations ***from all the Member States*** shall participate in the relevant working parties as full members.

Or. ro

**Amendment 111**  
**Dominique Riquet, Michel Dantin**  
**Proposal for a regulation**  
**Article 4 – paragraph 6**

*Text proposed by the Commission*

***6. The working parties shall be chaired by a representative of the Agency.***

*Amendment*

***deleted***

Or. fr

*Justification*

*Corrects an inconsistency with point 2 of the same article.*

**Amendment 112**  
**Michael Cramer**  
**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

Whenever the work **provided for in Articles 11, 12, 15, and 32** has a direct impact on the social environment or working conditions of workers in the industry, the Agency shall consult the social partners within the framework of the sectoral dialogue committee set up pursuant to Decision 98/500/EC.

*Amendment*

Whenever the work **of the Agency** has a direct impact on the social environment or working conditions of workers in the industry, the Agency shall consult the social partners within the framework of the sectoral dialogue committee set up pursuant to Decision 98/500/EC.

Or. en

**Amendment 113**  
**Silvia-Adriana Țicău**  
**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

Whenever the work provided for in Articles 11, 12, 15, and 32 has a direct impact on the social environment or working conditions of workers in the industry, the Agency shall consult the social partners within the framework of the sectoral dialogue committee set up pursuant to Decision 98/500/EC.

*Amendment*

Whenever the work provided for in Articles 11, 12, 15, and 32 has a direct impact on the social environment or working conditions of workers in the industry, the Agency shall consult the social partners **in all the Member States** within the framework of the sectoral dialogue committee set up pursuant to Decision 98/500/EC.

Or. ro

**Amendment 114**  
**Inés Ayala Sender**  
**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

Whenever the work provided for in Articles 11, 12, 15, and 32 has a direct impact on the social environment or working conditions of workers in the industry, the Agency shall consult the

*Amendment*

Whenever the work provided for in Articles 11, 12, 15, and 32 has a direct impact on the social environment or working conditions of workers in the industry **or on any other decision that**

social partners within the framework of the sectoral dialogue committee set up pursuant to Decision 98/500/EC.

*affects it directly or indirectly*, the Agency shall consult the social partners within the framework of the sectoral dialogue committee set up pursuant to Decision 98/500/EC.

Or. es

**Amendment 115**  
**Dominique Riquet, Michel Dantin**  
**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

These consultations shall be held before the Agency submits its recommendations to the Commission. The Agency shall take due account of these consultations, and shall, at all times, be available to expound on its recommendations. The opinions expressed by the sectoral dialogue committee shall be forwarded by the Agency to the Commission and by the Commission to the committee referred to in Article 75.

*Amendment*

These consultations shall be held before the Agency submits its recommendations to the Commission. The Agency shall take due account of these consultations, and shall, at all times, be available to expound on its recommendations. The opinions expressed by the sectoral dialogue committee shall be forwarded, ***within two months***, by the Agency to the Commission and by the Commission to the committee referred to in Article 75.

Or. fr

**Amendment 116**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

These consultations shall be held before the Agency submits its recommendations to the Commission. The Agency shall take due account of these consultations, and shall, at all times, be available to expound on its recommendations. The opinions expressed by the sectoral dialogue committee shall be forwarded by the Agency to the Commission and by the Commission to the committee referred to

*Amendment*

These consultations shall be held before the Agency submits its recommendations to the Commission. The Agency shall take due account of these consultations, and shall, at all times, be available to expound on its recommendations. The opinions expressed by the sectoral dialogue committee shall be forwarded by the Agency ***within three months (except in duly substantiated cases of urgency)*** to the

in Article 75.

Commission and by the Commission to the committee referred to in Article 75.

Or. fr

*Justification*

*A time limit of three months is needed to examine the documentation and provide a high-quality contribution.*

**Amendment 117**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

Whenever the work provided for in Articles 11 and 15 has a direct impact on rail freight customers and passengers, the Agency shall consult the organisations representing them. The list of organisations to be consulted shall be drawn up by the Commission with the assistance of the committee referred to in Article 75.

*Amendment*

Whenever the work provided for in Articles 11 and 15 has a direct impact on rail freight customers and passengers, the Agency shall consult the organisations representing them, ***including in particular representatives of passengers with reduced mobility***. The list of organisations to be consulted shall be drawn up by the Commission with the assistance of the committee referred to in Article 75.

Or. en

**Amendment 118**  
**Dominique Riquet, Michel Dantin**  
**Proposal for a regulation**  
**Article 6 – paragraph 2**

*Text proposed by the Commission*

These consultations shall be held before the Agency submits its proposals to the Commission. The Agency shall take due account of these consultations, and shall, at all times, be available to expound on its proposals. The opinions expressed by the

*Amendment*

These consultations shall be held before the Agency submits its proposals to the Commission. The Agency shall take due account of these consultations, and shall, at all times, be available to expound on its proposals. The opinions expressed by the

organisations concerned shall be forwarded by the Agency to the Commission and by the Commission to the committee referred to in *Article 75*.

organisations concerned shall be forwarded, ***within two months***, by the Agency to the Commission and by the Commission to the committee referred to in *Article 75*.

Or. fr

**Amendment 119**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall conduct an impact assessment of its recommendations and opinions. The Management Board shall adopt impact assessment methodology based on the methodology of the Commission. The Agency shall liaise with the Commission to ensure that relevant work at the Commission is duly taken into account.

*Amendment*

1. The Agency shall conduct an impact assessment of its recommendations and opinions. The Management Board shall adopt impact assessment methodology based on the methodology of the Commission, ***taking into account the requirements laid down in Directive .../EU [the Railway Safety Directive]***. The Agency shall liaise with the Commission to ensure that relevant work at the Commission is duly taken into account. ***The assumptions used as the basis for the impact assessment and the data sources used must be clearly identified in the report accompanying each recommendation.***

Or. fr

**Amendment 120**  
**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall provide the Agency with the data necessary for the impact assessment.

*Amendment*

4. Member States ***and stakeholders*** shall provide the Agency, ***as required and at its request***, with the data necessary for the impact assessment.



*Justification*

*The Agency must be able to request the data from the Member States and other stakeholders.*

**Amendment 121**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. **Member States shall provide** the Agency **with** the data necessary for the impact assessment.

*Amendment*

4. The Agency **shall search for** the data necessary for the impact assessment **in consultation with the Member States and the other major stakeholders.**

*Justification*

*It is proposed that the Agency, which is best placed to identify the data necessary for its impact assessments, should have a more active role in searching for the information needed to carry out the impact assessments, by searching for the information from everyone concerned.*

**Amendment 122**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

Where required for the implementation of its tasks, the Agency shall order studies and finance them from its budget.

*Amendment*

Where required for the implementation of its tasks, the Agency shall order studies and finance them from its budget. **The studies must take into account the opinion of the representative bodies.**

*Justification*

*The studies should not be limited to theoretical aspects; they must take into account the experiences and problems of the sector.*

**Amendment 123**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall issue opinions at request of **the** national regulatory bodies referred to in Article 55 of Directive 2012/34/EU [Directive establishing a Single European Rail Area (recast)] concerning safety-related and interoperability-related aspects of matters drawn to their attention.

*Amendment*

1. The Agency shall issue opinions at request of **either** national regulatory bodies referred to in Article 55 of Directive 2012/34/EU [Directive establishing a Single European Rail Area (recast)] **or the members of the network of representative bodies as referred to in Article 34** concerning safety-related and interoperability-related aspects of matters drawn to their attention.

Or. en

*Justification*

*The sector representative bodies have got vast experience with the implementation of the Regulation, Directives and Technical Specifications (TSI). As deficiencies are appropriately know, a possibility must be provided allowing to raise the issues and request opinions from the Agency directly.*

**Amendment 124**

**Dominique Riquet, Michel Dantin, Christine De Veyrac**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall issue opinions at request of **the** national regulatory bodies referred to in Article 55 of Directive 2012/34/EU [Directive establishing a Single European Rail Area (recast)]

*Amendment*

1. The Agency shall issue opinions at *the* request of **one or more** national regulatory bodies referred to in Article 55 of Directive 2012/34/EU [Directive establishing a Single European Rail Area (recast)]

concerning safety-related and interoperability-related aspects of matters drawn to their attention.

concerning safety-related and interoperability-related aspects of matters drawn to their attention.

Or. fr

*Justification*

*Each national regulatory body must be able to request an opinion from the Agency.*

**Amendment 125**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall issue opinions at request of the national regulatory bodies referred to in Article 55 of Directive 2012/34/EU [Directive establishing a Single European Rail Area (recast)] concerning safety-related and interoperability-related aspects of matters drawn to their attention.

*Amendment*

1. The Agency shall issue opinions at request of *either* the national regulatory bodies referred to in Article 55 of Directive 2012/34/EU [Directive establishing a Single European Rail Area (recast)] *or the members of the network of representative bodies as referred to in Article 34* concerning safety-related and interoperability-related aspects of matters drawn to their attention.

Or. en

*Justification*

*The railway sector often discovers problems first and should therefore be able to request opinions directly for the sake of safety.*

**Amendment 126**  
**Markus Ferber**  
**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall issue opinions at

*Amendment*

1. The Agency shall issue opinions at *the*

request of the national regulatory bodies referred to in Article 55 of Directive 2012/34/EU [Directive establishing a Single European Rail Area (recast)] concerning safety-related and interoperability-related aspects of matters drawn to their attention.

request of the national regulatory bodies referred to in Article 55 of Directive 2012/34/EU [Directive establishing a Single European Rail Area (recast)], **or of a member of the sector as specified in Article 34**, concerning safety-related and interoperability-related aspects of matters drawn to their attention.

Or. de

### *Justification*

*The railway sector and its representative bodies have extensive experience of introducing directives, regulations and technical specifications for interoperability (TSIs.) As members of the sector will also be aware of any shortcomings, it should be made possible for them to report such matters directly to the Agency and to request opinions from it.*

**Amendment 127**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The Agency may carry out visits to the Member States in order to perform its tasks, in particular those referred to in Articles 12, 21, 22, 16, 17, 27, 29, 30, 31 and 38, in accordance with the policy defined by the Management Board.**

**deleted**

Or. sv

**Amendment 128**  
**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Agency may carry out visits to the Member States in order to perform its tasks, in particular those referred to in Articles 12, 21, 22, 16, 17, 27, 29, 30, 31

1. The Agency may carry out visits to the Member States in order to perform its tasks, in particular those referred to in Articles 12, 21, 22, 16, 17, **18**, 27, **28**, 29,

and 38, in accordance with the policy defined by the Management Board.

30, 31, **33** and 38, in accordance with the policy defined by the Management Board.

Or. fr

*Justification*

*These points (authorisation for placing in service of trackside ERTMS, accreditation of laboratories and registers and their accessibility) should be added to this list of tasks.*

**Amendment 129**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Agency may carry out visits to the Member States in order to perform its tasks, in particular those referred to in Articles 12, 21, 22, 16, 17, 27, 29, 30, 31 and 38, in accordance with the policy defined by the Management Board.

*Amendment*

1. The Agency may carry out visits to the Member States in order to perform its tasks, in particular those referred to in Articles 12, 21, 22, 16, 17, 27, **28**, 29, 30, 31 and 38, in accordance with the policy defined by the Management Board.

Or. fr

*Justification*

*The Agency may conduct visits and inspections in its accredited laboratories (Article 28).*

**Amendment 130**  
**Michael Cramer**  
**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Agency may carry out visits to the Member States in order to perform its tasks, in particular those referred to in Articles 12, 21, 22, 16, 17, 27, 29, 30, 31 and 38, in accordance with the policy defined by the Management Board.

*Amendment*

1. The Agency may carry out visits to the Member States in order to perform its tasks, in particular those referred to in Articles 12, 21, 22, 16, 17, **18**, 27, **28**, 29, 30, 31, **33** and 38, in accordance with the policy defined by the Management Board.

*Justification*

*The Agency should also be entitled to carry out visits on ERTMS trackside control command (Article 18) and accredited laboratories (Article 28) and registers (Articles 33).*

**Amendment 131****Dominique Riquet, Michel Dantin, Christine De Veyrac****Proposal for a regulation****Article 11 – paragraph 1***Text proposed by the Commission*

1. The Agency shall issue recommendations to the Commission on the Common Safety Methods (CSMs) and the Common Safety Targets (CSTs) provided for in Articles 6 and 7 of Directive ... [the Railway Safety Directive]. The Agency shall also issue recommendations on periodic revision of CSMs and CSTs to the Commission.

*Amendment*

1. The Agency shall issue recommendations to the Commission on the Common Safety Methods (CSMs), **the Common Safety Indicators (CSIs)** and the Common Safety Targets (CSTs) provided for in Articles 6 and 7 of Directive ... [the Railway Safety Directive]. The Agency shall also issue recommendations on periodic revision of CSMs and CSTs to the Commission.

Or. fr

**Amendment 132****Gilles Pargneaux****Proposal for a regulation****Article 11 – paragraph 1***Text proposed by the Commission*

1. The Agency shall issue recommendations to the Commission on the Common Safety Methods (CSMs) **and** the Common Safety Targets (CSTs) provided for in Articles 6 and 7 of Directive ... [the Railway Safety Directive]. The Agency shall also issue recommendations on periodic revision of CSMs and CSTs to the Commission.

*Amendment*

1. The Agency shall issue recommendations to the Commission on the Common Safety Methods (CSMs), the Common Safety Targets (CSTs) **and the Common Safety Indicators (CSIs)** provided for in Articles 6 and 7 of Directive ... [the Railway Safety Directive]. The Agency shall also issue recommendations on periodic revision of CSMs and CSTs to the Commission.

*Justification*

*Common safety indicators help in the assessment of the common safety targets and make it possible to monitor changes in safety levels in the Member States. Therefore they should be included in the list of possible recommendations by the Agency.*

**Amendment 133**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Agency may issue ***guidelines and other*** non-binding documents to facilitate the implementation of railway safety legislation.

3. The Agency may issue non-binding documents to facilitate the implementation of railway safety legislation.

Or. sv

**Amendment 134**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 12**

*Text proposed by the Commission*

*Amendment*

*Article 12*

*deleted*

*Safety certificates*

*The Agency shall issue single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].*

Or. sv

**Amendment 135**  
**Phil Bennion**  
**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

*Amendment*

The Agency shall issue, **renew, suspend, amend or revoke** single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

Or. en

**Amendment 136**

**Dominique Riquet, Christine De Veyrac, Michel Dantin, Dominique Vlasto**

**Proposal for a regulation**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

*Amendment*

The Agency shall issue, **suspend, amend, renew or revoke** single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

Or. fr

*Justification*

*The Agency's tasks should not end with the issuing of the single safety certificate without being able to check subsequently their implementation.*

**Amendment 137**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

*Amendment*

The Agency shall issue, **renew, suspend, amend or revoke** single safety certificates in accordance with Articles 10 and 11 of Directive ... [the **Railway** Safety Directive].

Or. fr



*Justification*

*The scope of the Agency's powers should be expanded to include renewing, suspending (amendment in line with the Safety Directive) and revoking decisions taken previously.*

**Amendment 138**

**Jörg Leichtfried**

**Proposal for a regulation**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

The *Agency shall issue single safety certificates* in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

*Amendment*

The *accordance of the safety certificates with the existing national rules and regulations has to be proven und confirmed by the NSA.*

*The ERA acts as a "one-stop shop" and as an intermediary between NSA and applicant. The ERA gives the final approval and issues the certificate* in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

Or. en

*Justification*

*Due to the existing national technical peculiarities, the Agency has not the whole necessary knowledge. A safety certificate has to be approved in a two-step system.*

**Amendment 139**

**Michael Cramer**

**Proposal for a regulation**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

*Amendment*

The Agency shall *have the exclusive right to issue, renew, suspend, amend or revoke* single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].

*Justification*

*Amendment in line with draft report on the Safety Directive.*

**Amendment 140**  
**Erik Bánki**  
**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

*The Agency shall issue single safety certificates in accordance with Articles 10 and 11 of Directive ... [the Safety Directive].*

*Amendment*

*In accordance with Articles 10 and 11 of Directive ... [the Safety Directive], the Agency shall act as the appeals body in the event of a dispute concerning single safety certificates between the national safety authority of the Member State in which the railway undertaking is established and the national safety authority of the Member State in which the railway undertaking operates.*

Or. hu

**Amendment 141**  
**Inés Ayala Sender**  
**Proposal for a regulation**  
**Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 14a*

*Spontaneous reporting of incidents*

*The Agency shall establish a system enabling the spontaneous and anonymous reporting of any incident that may jeopardise the system's safety. It shall create a mechanism for informing the responsible actors automatically. The Agency shall also coordinate the communication of reports from national agencies, in particular where they affect*

*safety in more than one State.*

Or. es

**Amendment 142**

**Georges Bach**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) issue recommendations to the Commission relating to the content and design of a technical on-board device for registration and monitoring driving and rest time of locomotive drivers.*

Or. en

**Amendment 143**

**Michael Cramer**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) issue recommendations to the Commission on European standards to be developed by the relevant European standardisation bodies.*

Or. en

*Justification*

*Stronger standardisation is urgently needed in the rail sector. The Agency should play a proactive role in this process.*

**Amendment 144**

**Jörg Leichtfried**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) issue recommendations to the Commission for a draft legislation on the certification of personnel with safety tasks.*

Or. en

*Justification*

*European harmonisation focuses on locomotive drivers. Railway safety depends on more than one group of persons. The whole personnel with safety tasks (locomotive drivers, station masters, shunters, technical personnel) must be certificated.*

**Amendment 145**

**Dominique Riquet, Phil Bennion, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) submit to the Commission the recommendations on European standards developed by European standardisation bodies, particularly concerning spare parts.*

Or. fr

**Amendment 146**

**Gilles Pargneaux**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – points g a – g e (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) make recommendations to the Commission on European standards developed by European standardisation*

*bodies;*

*(gb) draw up detailed requests concerning standards for the European standardisation bodies with the aim of fulfilling the mandate given to them by the Commission;*

*(gc) issue opinions to harmonise national rules in accordance with Article 22(1), particularly in cases where one rule concerns several Member States. This work shall be carried out in cooperation with the national safety authorities. The Agency shall be responsible for organising and carrying out this work together with the network of national safety authorities;*

*(gd) address opinions to the national safety authorities in accordance with Article 18 of Directive .../EU [the Interoperability Directive];*

*(ge) issue opinions on the basis of a mandate from the Commission on interoperability constituents not complying with the basic requirements in accordance with Article 11 of Directive .../EU [the Interoperability Directive].*

Or. fr

#### *Justification*

*(1.h et i) Cet amendement vise à mettre en cohérence le paragraphe avec les missions réalisées par l'Agence, notamment la possibilité d'émettre de recommandations concernant les normes européennes. (1.j) Il est proposé que l'Agence puisse émettre des avis pour faciliter l'harmonisation des règles nationales, et organise la coopération et la participation des autorités nationales de sécurité sur ce point. (1.k) Il est rappelé que l'Agence émet des avis à destination des autorités nationales de sécurité, conformément à l'article 18 de la Directive .../UE [directive sur l'interopérabilité], au sujet de la compatibilité technique et opérationnelle de sous-systèmes sol d'ERTMS*

#### **Amendment 147**

**Jörg Leichtfried**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(gb) issue recommendations to the Commission on minimum inspection intervals (time periods and kilometrage) in respect of rolling stock (goods wagons, passenger carriages and locomotives).***

Or. de

*Justification*

*For other modes of transport, it goes without saying that there should be minimum inspection intervals. On the railways, this is based solely on manufacturer information and bilateral agreements between railway undertakings. That distorts competition, benefiting operators which apply the least stringent standards. So that safety can be ensured, and for completion of the internal market at a common level, minimum inspection intervals are required.*

**Amendment 148**  
**Georges Bach**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(gb) issue recommendations to the Commission for a draft legislation on the certification of on-board personnel with safety tasks.***

Or. en

**Amendment 149**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(gb) issue detailed request for standards to the relevant European Standardisation Bodies (ESB), in order to implement the***

*mandate given by the commission to them,  
related to rail*

Or. en

*Justification*

*Stronger standardisation is urgently needed in the rail sector. The Agency should play a proactive role in this process.*

**Amendment 150**

**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

*(gb) In cooperation with the network of national safety authorities, the Agency shall issue opinions aimed at harmonising the national rules referred to in Article 21(1).*

Or. fr

*Justification*

*The Agency must be able to play a part in harmonising all the new national rules issued in the railway sector.*

**Amendment 151**

**Jörg Leichtfried**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point g c (new)**

*Text proposed by the Commission*

*Amendment*

*(gc) issue recommendations to the Commission relating to the content design of a technical on-board device for registration and monitoring driving and rest time of locomotive drivers.*

*Justification*

*Driving and rest time of locomotive drivers are indispensable for the security in railways. They cannot, especially in transborder relations, be controlled properly. This leads to distortions of competition and endangers the railway safety.*

**Amendment 152**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 15 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. For drafting recommendations referred to in paragraph 1, points (a) and **(b)**, the Agency shall:

*Amendment*

2. For drafting recommendations referred to in paragraph 1, points (a), **(b)** and **(c)**, the Agency shall:

Or. fr

**Amendment 153**

**Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) ensure that the TSIs and the specifications for registers are adapted to technical progress and market trends and to social requirements;

*Amendment*

(a) ensure that the TSIs and the specifications for registers are adapted to technical progress and market trends and to social requirements ***on the basis of improving the efficiency of the railway system***;

Or. en

**Amendment 154**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point a**



*Text proposed by the Commission*

*Amendment*

(a) ensure that the TSIs and the specifications for registers are adapted to technical progress and market trends and to social requirements;

(a) ensure that the TSIs and the specifications for registers are adapted to technical progress and market trends and to social requirements, ***while taking into account the cost-effectiveness of the railway system;***

Or. fr

*Justification*

*The aim of this amendment is to serve as a reminder that the Agency must take into account the cost-effectiveness of the measures proposed in texts it draws up as well the maintenance of the Member States' high levels of safety and it is connected with European work on standardisation*

**Amendment 155**  
**Izaskun Bilbao Barandica**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) shall participate as an observer to the relevant standardisation working groups.***

Or. en

**Amendment 156**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 15 – paragraph 2 – points b a and b b (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) be able to participate as an observer in the working parties on standardisation;***  
***(bb) take into account the requirements of Directive ..../EU [the Railway Safety Directive].***

*Justification*

*The aim of this amendment is to serve as a reminder that the Agency must take into account the cost-effectiveness of the measures proposed in texts it draws up as well the maintenance of the Member States' high levels of safety and it is connected with European work on standardisation*

**Amendment 157**

**Phil Bennion**

**Proposal for a regulation**

**Article 15 – 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 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.***

*Justification*

*Each TSI needs to be driven by a cost-benefit analysis*

**Amendment 158**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 15 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Agency may issue guidelines and other non-binding documents to facilitate the implementation of railway interoperability legislation.

3. The Agency may issue guidelines and other non-binding documents to facilitate the implementation of railway interoperability legislation, ***including notification and revision of national rules in accordance with Chapter V.***

*Justification*

*The Agency should contribute to the management and revision of national rules on the basis of guidance documents for Member States.*

**Amendment 159**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 15 – paragraph 3**

*Text proposed by the Commission*

3. The Agency may issue **guidelines and other** non-binding documents to facilitate the implementation of railway interoperability legislation.

*Amendment*

3. The Agency may issue non-binding documents to facilitate the implementation of railway interoperability legislation.

Or. sv

**Amendment 160**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 15 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Agency must involve the working parties where this is provided for in Article 4.**

Or. fr

*Justification*

*A reminder that the Agency must not fail to form working parties in the area of interoperability, as provided for in Article 4 with a view to ensuring the full participation of the sector.*

**Amendment 161**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 16 – title**

*Text proposed by the Commission*

*Amendment*

Authorisations for placing **on the market**  
for vehicles

Authorisations for placing **in service** for  
vehicles

Or. en

*Justification*

*In line with proposal for the Interoperability Directive. The goal is to streamline authorisation procedures.*

**Amendment 162**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***The Agency shall issue authorisations for placing on the market for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].***

***deleted***

Or. sv

**Amendment 163**  
**Phil Bennion**

**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Agency shall **issue** authorisations for placing on the market for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].

The Agency shall **issue, renew, suspend, amend or revoke** authorisations for placing on the market for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].

Or. en

**Amendment 164**

**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue authorisations for placing on the market for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall issue, **suspend, amend, renew or revoke** authorisations for placing on the market for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].

Or. fr

*Justification*

*The Agency must be able to review authorisations for placing vehicles on the market after they have been issued.*

**Amendment 165**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

The Agency **shall** issue authorisations for placing **on the market** for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency **must** issue, **renew, suspend, amend or revoke** authorisations for placing **in service** for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].

**The Agency shall allocate a European vehicle number to the vehicle in accordance with Article 42 of Directive ... [the Interoperability Directive].**

Or. fr

*Justification*

*The scope of the Agency's powers should be expanded to include renewing, suspending (amendment in line with the Safety Directive) and revoking decisions taken previously.*

*Replacing authorisation for placing ‘on the market’ with authorisation for placing ‘in service’ follows on from the overall vehicle authorisation process explained in Article 20 of the Interoperability Directive.*

**Amendment 166**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue authorisations for placing **on the market** for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall **have the exclusive right to issue, renew, suspend, amend or revoke** authorisations for placing **in service** for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive]. **It shall assign a European Vehicle Number in accordance with Article 42 of Directive [...]** [Interoperability Directive].

Or. en

*Justification*

*In line with proposal for the Interoperability Directive. The goal is to streamline authorisation procedures.*

**Amendment 167**  
**Erik Bánki**  
**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

**The Agency shall issue authorisations for placing on the market for railway vehicles in** accordance with Article 20 of Directive ... [the Interoperability Directive].

*Amendment*

**In** accordance with Article 20 of Directive ... [the Interoperability Directive], **the Agency shall act as the appeals body in the event of a dispute concerning authorisations for placing on the market for railway vehicles between the national safety authority of the Member State in which the railway undertaking is established and the national safety**

*authority of the Member State in which the railway undertaking operates.*

Or. hu

**Amendment 168**  
**Inés Ayala Sender**  
**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue authorisations for placing on the market for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall issue authorisations for placing on the market for railway vehicles in accordance with Article 20 of Directive ... [the Interoperability Directive] *in close cooperation with the national authorities. National agencies shall be responsible for processing applications and verifying the operational compatibility of subsystems, including relevant evidence in relation to rolling stock. They shall cooperate with the Agency in order to ensure the correct development of subsystems across the EU. Before taking a decision, the Agency shall verify the application and ask the national agency to make the appropriate changes.*

Or. es

*Justification*

*The Agency should continue to play the role of authority in relation to the ERTMS in order to avoid different, incompatible versions of the ERTMS. The involvement of national authorities should nevertheless be guaranteed, as they have detailed knowledge of the network and practical experience of installing fixed infrastructure, in particular as regards interaction with conventional lines.*

**Amendment 169**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

Authorisations for placing **on the market**  
for types of vehicles

Authorisations for placing **in service** for  
types of vehicles

Or. en

*Justification*

*In line with proposal for the Interoperability Directive. The goal is to streamline authorisation procedures.*

**Amendment 170**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*The Agency shall issue authorisations for placing on the market for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].*

*deleted*

Or. sv

**Amendment 171**  
**Phil Bennion**  
**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Agency shall **issue** authorisations for placing on the market for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].

The Agency shall **issue, renew, suspend, amend or revoke** authorisations for placing on the market for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].

Or. en



**Amendment 172**  
**Dominique Riquet, Michel Dantin, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue authorisations for placing on the market for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall issue, **suspend, amend, renew or revoke** authorisations for placing on the market for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].

Or. fr

*Justification*

*The Agency must be able to review authorisations for placing vehicles on the market after they have been issued.*

**Amendment 173**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

The Agency **shall** issue authorisations for placing **on the market** for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency **must** issue, **renew, suspend, amend or revoke** authorisations for placing **in service** for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].

Or. fr

*Justification*

*The scope of the Agency's powers should be expanded to include renewing, suspending (amendment in line with the Safety Directive) and revoking decisions taken previously. Replacing authorisation for placing 'on the market' with authorisation for placing 'in service' follows on from the overall vehicle authorisation process explained in Article 22 of the Interoperability Directive.*

**Amendment 174**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue authorisations for placing ***on the market*** for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall issue authorisations for placing ***in service*** for types of vehicles in accordance with Article 22 of Directive ... [the Interoperability Directive].

Or. en

*Justification*

*In line with proposal for the Interoperability Directive. The goal is to streamline authorisation procedures.*

**Amendment 175**  
**Erik Bánki**  
**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

***The Agency shall issue authorisations for placing on the market for types of vehicles in*** accordance with Article 22 of Directive ... [the Interoperability Directive].

*Amendment*

***In*** accordance with Article 22 of Directive ... [the Interoperability Directive], ***the Agency shall act as the appeals body in the event of a dispute concerning authorisations for placing on the market for types of vehicles between the national safety authority of the Member State in which the railway undertaking is established and the national safety authority of the Member State in which the railway undertaking operates.***

Or. hu

**Amendment 176**  
**Luis de Grandes Pascual**

**Proposal for a regulation**  
**Article 18**

*Text proposed by the Commission*

*Amendment*

**Article 18**

**deleted**

***Authorisations for placing in service of  
trackside control-command and signalling  
sub-systems***

***The Agency shall issue authorisations for  
placing in service of the trackside control-  
command and signalling subsystems  
located or operated in the entire Union in  
accordance with Article 18 of Directive ...  
[the Interoperability Directive].***

Or. en

**Amendment 177**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 18**

*Text proposed by the Commission*

*Amendment*

**Article 18**

**deleted**

***Authorisations for placing in service of  
trackside control-command and signalling  
sub-systems***

***The Agency shall issue authorisations for  
placing in service of the trackside control-  
command and signalling subsystems  
located or operated in the entire Union in  
accordance with Article 18 of Directive ...  
[the Interoperability Directive].***

Or. fr

*Justification*

*Article deleted. It is proposed that the national safety authorities retain the ability to issue authorisations for placing in service of trackside control-command and signalling subsystems as signalling rules are national rules. Furthermore, it is proposed above (Article 15) that the Agency should continue to be able to issue opinions with a view to ensuring uniform deployment of trackside ERTMS.*

**Amendment 178**  
**Erik Bánki**  
**Proposal for a regulation**  
**Article 18**

*Text proposed by the Commission*

*Amendment*

**Article 18**

**deleted**

***Authorisations for placing in service of  
trackside control-command and signalling  
sub-systems***

***The Agency shall issue authorisations for  
placing in service of the trackside control-  
command and signalling subsystems  
located or operated in the entire Union in  
accordance with Article 18 of Directive ...  
[the Interoperability Directive].***

Or. hu

**Amendment 179**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 18 – title**

*Text proposed by the Commission*

*Amendment*

***Authorisations* for placing in service of  
trackside ***control-command and signalling***  
***sub-systems*****

***Authorisation* for placing in service of  
trackside ***ERTMS*****

Or. en

*Justification*

*Each national safety authority shall act as one-stop-shop for placing in service of the energy, and infrastructure and trackside control command and signalling subsystems in the territory of its Member State. In order to ensure a well-coordinated approach towards the implementation of trackside ERTMS, the Agency shall be addressed by the national safety authority acting as one-stop-shop and grant decisions authorising the placing in service of the trackside control command located throughout EU.*

**Amendment 180**

**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**

**Article 18 – title**

*Text proposed by the Commission*

Authorisations for placing in service of  
trackside ***control-command and signalling***  
***sub-systems***

*Amendment*

Authorisations for placing in service of ***a***  
trackside ***ERTMS sub-system***

Or. fr

**Amendment 181**

**Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko**

**Proposal for a regulation**

**Article 18 – title**

*Text proposed by the Commission*

***Authorisations*** for placing in service of  
trackside ***control-command and signalling***  
***sub-systems***

*Amendment*

***Authorisation*** for placing in service of  
trackside ***ERTMS***.

Or. en

**Amendment 182**

**Michael Cramer**

**Proposal for a regulation**

**Article 18 – title**

*Text proposed by the Commission*

Authorisations for placing in service of  
trackside control-command and signalling  
sub-systems

*Amendment*

Authorisations for placing in service of  
***infrastructure, energy***, trackside control-  
command and signalling sub-systems

Or. en

**Amendment 183**

**Dieter-Lebrecht Koch, Thomas Ulmer**

**Proposal for a regulation**  
**Article 18 – title**

*Text proposed by the Commission*

Authorisations for placing in service of trackside ***control-command and signalling sub-systems***

*Amendment*

Authorisations for placing in service of ***the trackside European Rail Traffic Management System***

Or. de

**Amendment 184**  
**Phil Bennion**

**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue authorisations for placing in service of the trackside control-command and signalling subsystems located or operated in the entire Union in accordance with Article 18 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall issue, ***renew, suspend, amend or revoke*** authorisations for placing in service of the trackside control-command and signalling subsystems located or operated in the entire Union in accordance with Article 18 of Directive ... [the Interoperability Directive].

Or. en

**Amendment 185**  
**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue authorisations for placing in service of ***the trackside control-command and signalling subsystems*** located or operated in the entire Union in accordance with Article 18 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall issue authorisations for placing in service of ***a trackside ERTMS subsystem*** located or operated in the entire Union in accordance with Article 18 of Directive ... [the Interoperability Directive].

Or. fr

**Amendment 186**

**Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko**

**Proposal for a regulation**

**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Agency *shall issue authorisations for placing in service of the trackside control-command and signalling subsystems located or operated in the entire Union* in accordance with Article 18 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency *is the decision making authority for trackside ERTMS* in accordance with Article 18 of Directive ... [the Interoperability Directive].

Or. en

**Amendment 187**

**Michael Cramer**

**Proposal for a regulation**

**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Agency shall issue authorisations for placing in service of *the* trackside control-command and signalling subsystems *located or operated in the entire Union* in accordance with Article 18 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall issue authorisations for placing in service of *infrastructure, energy subsystems*, trackside control-command and signalling subsystems in accordance with Article 18 of Directive ... [the Interoperability Directive].

Or. en

*Justification*

*In line with amendments on Interoperability Directive. The Agency should also be a one-stop shop for infrastructure.*

**Amendment 188**

**Michael Cramer**

**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Agency **shall** issue authorisations for placing in service of the trackside control-command and signalling subsystems located or operated in the **entire** Union in accordance with Article 18 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency **has the exclusive right to** issue authorisations for placing in service of the trackside control-command and signalling subsystems located or operated in the Union in accordance with Article 18 of Directive ... [the Interoperability Directive].

Or. en

**Amendment 189**  
**Dieter-Lebrecht Koch, Thomas Ulmer**  
**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Agency shall **issue authorisations for placing in service of** the trackside **control-command and signalling subsystems located or operated in the entire Union** in accordance with Article 18 of Directive ... [the Interoperability Directive].

*Amendment*

The Agency shall be **the authorising authority for** the trackside **European Rail Traffic Management System** in accordance with Article 18 of Directive ... [the Interoperability Directive].

Or. de

**Amendment 190**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall act as the system authority, being responsible for maintaining the technical specifications for the telematics applications, in accordance with relevant TSIs.

*Amendment*

1. **Without prejudice to the provisions of Directive 2012/34, the Agency shall recommend that the Commission adopt a new version of the technical specifications for telematics applications.**

Or. fr



**Amendment 191**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall act as the system authority, being responsible for maintaining the technical specifications for the telematics applications, in accordance with relevant TSIs.

*Amendment*

1. The Agency shall act as the system authority, being responsible for maintaining ***and enforcing*** the technical specifications for the telematics applications ***so as to ensure interoperability across the Union***, in accordance with relevant TSIs.

Or. en

**Amendment 192**  
**Phil Bennion**

**Proposal for a regulation**  
**Article 19 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Agency may play a role in promoting open and full access to data including international timetable dataset***

Or. en

*Justification*

*There is a necessity to promote full access to data and in particular the dataset called MERITS in order for companies to be able to develop such tools for passengers as a comprehensive pan-European journey planning*

**Amendment 193**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. The Agency shall develop and maintain the technical tools for managing the different versions of the telematics applications' specifications.

*Amendment*

3. The Agency shall develop and maintain the technical tools for managing the different versions of the telematics applications' specifications ***and enforce the compatibility, both downwards and upwards, of the these different versions.***

Or. en

**Amendment 194**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 19 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. With a view to protecting the commercial freedom of railway operators, paragraphs 1 and 3 shall not apply to the commercial part of telematics applications.***

Or. fr

*Justification*

*The responsibilities of the European Aviation Safety Agency do not extend to the sale of tickets, tariffs and other commercial aspects. No European authority has competence over the sale of tickets on buses or other public transport. In order to enable rapid innovation and fair competition with other means of transport, the railway sector should not be subject to the administrative burdens of the European Railway Agency.*

**Amendment 195**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Agency shall facilitate cooperation of notified conformity assessment bodies,

2. The Agency shall facilitate cooperation of notified conformity assessment bodies,

in particular *act as* the technical secretariat *for* their coordination group.

in particular *by supporting* the technical secretariat *of* their coordination group.

Or. en

*Justification*

*The notified conformity assessment bodies should be allowed to coordinate their work on their own through a technical secretariat that they set up.*

**Amendment 196**

**Dominique Riquet, Michel Dantin, Dominique Vlasto**

**Proposal for a regulation**

**Article 21 – paragraph 2**

*Text proposed by the Commission*

2. Where after the *examination* referred to paragraph 1 the Agency considers that national rules enable the essential requirements for interoperability to be fulfilled, CSMs to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operation *between Member States*, the Agency shall inform the Commission and the Member State concerned about its positive assessment. The Commission may validate the rule in the IT system referred to in Article 23.

*Amendment*

2. Where after *examination and within the deadlines* referred to *in* paragraph 1 the Agency considers that national rules enable the essential requirements for interoperability to be fulfilled, CSMs to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operation, the Agency shall inform the Commission and the Member State concerned about its positive assessment. The Commission may validate the rule in the IT system referred to in Article 23.

Or. fr

*Justification*

*National rules must not result in arbitrary discrimination or a disguised restriction on rail transport operation within a Member State either.*

**Amendment 197**

**Jörg Leichtfried**

**Proposal for a regulation**

**Article 21 – paragraph 2**

*Text proposed by the Commission*

2. Where after examination referred to in paragraph 1 the Agency considers that national rules enable the essential requirements for interoperability to be fulfilled, CSMs to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination ***or a disguised restriction on rail transport operation between Member States***, the Agency shall inform the Commission and the Member State concerned about its positive assessment. The Commission may validate the rule in the IT system referred to in Article 23.

*Amendment*

2. Where after examination referred to in paragraph 1 the Agency considers that national rules enable the essential requirements for interoperability to be fulfilled, CSMs to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination, the Agency shall inform the Commission and the Member State concerned about its positive assessment. The Commission may validate the rule in the IT system referred to in Article 23.

Or. de

*Justification*

*This provision is impracticable; it could only be put into practice on the basis of arbitrary and rationally incomprehensible criteria.*

**Amendment 198**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 21 – paragraph 2**

*Text proposed by the Commission*

2. Where after the examination referred to paragraph 1 the Agency considers ***that national rules enable the essential requirements for interoperability to be fulfilled, CSMs to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operation between Member States***, the ***Agency shall inform the Commission and the Member State concerned about its positive assessment***. The Commission ***may*** validate the rule in the IT system referred to in Article 23.

*Amendment*

2. Where after the examination referred to paragraph 1 the Agency considers, ***in particular on the basis of explanations provided by the Member States and where it judges necessary, after consultation with the stakeholders, that the national rule in question:***

**(a) falls under the cases listed in Article 14(3) of Directive .../EU [the Interoperability Directive] and Article 8(3) of Directive .../EU [the Railway Safety Directive];**

**(b) makes it possible to fulfil essential requirements for interoperability, comply with CSMs and achieve CSTs;**

**(c) has not been adopted solely for discriminatory purposes or in order to create disguised restrictions on rail transport operation;**

**(d) shall inform the Commission and the Member State concerned of its favourable opinion within two months of the notification of the proposed rule by the Member State. If no opinion is forthcoming within two months of the notification it shall be deemed to have been approved.**

The Commission **shall** validate the rule in the IT system referred to in Article 23 **within five days of notification by the Agency of a favourable opinion or, in the case of implicit approval in accordance with point (d) of the first sub-paragraph, following the expiry of the two-month period after notification of the proposed rule by the Member State.**

Or. fr

#### *Justification*

*L'amendement modifie donc le critère d'analyse fixé par le projet de la directive: L'Agence vérifie que les projets de règles nationales s'inscrivent dans le cadre de la dérogation prévue par les directives sur l'interopérabilité et sur la sécurité ferroviaire. L'amendement précise que l'existence d'une restriction sur le fonctionnement du transport ferroviaire en elle-même ne doit pas conduire à une appréciation négative: une règle parfaitement adaptée pour garantir la sécurité peut en effet avoir de tels effets secondaires. Ces effets secondaires ne doivent pas entraver la capacité des Etats membres à mettre en œuvre la règle. Seule les règles ayant pour but de discriminer certaines entreprises ferroviaires et dépourvues d'effets positifs en matière de sécurité doivent recevoir une évaluation négative. Il est aussi prévu d'encadrer dans le temps les délais donnés à l'Agence pour étudier la règle et donner son avis, et à la Commission pour valider une règle évaluée positivement.*

**Amendment 199**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 21 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Where the examination referred to in paragraph 1 leads to a negative assessment, the Agency *shall*:

*Amendment*

3. Where the examination referred to in paragraph 1 leads to a negative assessment by the Agency, *the Agency may, after having taken into account the arguments provided by the Member State, ask the Member State concerned to suspend the rule in force in accordance with paragraph 5 of this article, suspend the adoption of the proposed rule or amend it in part or in full within two months of the date of receipt of the Agency's opinion. The opinion communicated by the Agency to the Member State concerned must state the reasons why the rules in question cannot enter into force and/or be applied and/or be repealed.*

*If the Member State disagrees with the Agency's opinion, it may, within one month after receiving the opinion, lodge an appeal against it with the Board of Appeal provided for under section 51 of this Regulation.*

*Where the Board of Appeal finds in favour of the Member State, the Agency's opinion shall be deemed to be positive. It shall then communicate this positive opinion to the Member State and the Commission, which shall validate the rule in accordance with paragraph 2.*

*If the Board of Appeal finds in favour of the Agency, the Agency may confirm to the Member State its negative opinion within a deadline of one week. The Member State must inform the Agency within two months of the action it intends to take in response to the negative opinion.*

*At the end of the appeals procedure referred to in sub-paragraphs 2, 3 and 4,*

*or if there is no appeal:*

*(a) if the Member State takes measures to amend the proposed rule within two months of receipt of the Agency's negative opinion, or of its confirmation in accordance with the provisions of the fourth sub-paragraph, the Agency shall verify and confirm the appropriateness of the amendment and inform the Commission, which shall validate the rule in the IT system referred to in Article 23;*

*(b) if the Member State has failed to take any appropriate measures at the end of this two-month period, the Agency shall inform the Commission of its negative opinion.*

Or. fr

#### *Justification*

*Cet amendement vise également à établir une procédure de dialogue constructif en cas de désaccord avec l'Agence, au lieu d'une appréciation discrétionnaire de celle-ci et d'une décision par la Commission. Les amendements proposés sont les suivants: - réintroduire la disposition de la directive actuelle selon laquelle la procédure est conduite dans le cadre d'un échange de vues entre l'Etat membre et l'Agence; - en cas de désaccord entre l'Agence et l'Etat membre, création d'une possibilité de demander un avis de la chambre de recours. Si cette chambre de recours donne raison à l'Etat membre, la règle nationale est validée. Dans le cas contraire, ou si l'Etat membre n'a pas sollicité l'avis de la chambre de recours, et en cas d'échec du dialogue, il appartient à l'Agence d'en informer la Commission qui appréciera les suites appropriées.*

#### **Amendment 200**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 21 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) issue a recommendation addressed to the Member State concerned stating the reasons why the rule in question should not entry into force and/or be applied;*

*deleted*

Or. fr

**Amendment 201**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 21 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) inform the Commission about its negative assessment.***

***deleted***

Or. fr

**Amendment 202**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 21 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. Where no action was taken by the Member State within 2 months after receiving the recommendation of the Agency referred to in point (a) of paragraph 3, the Commission, after receiving information referred to in point (b) of paragraph 3 and after having heard the reasons of the Member State concerned, may adopt a decision addressed to the Member State concerned requesting it to modify the draft rule in question, suspend its adoption, entry into force or implementation.***

***4. The Commission, after receiving information referred to in point (b) of paragraph 3 and after having heard the reasons of the Member State concerned, may adopt a decision addressed to the Member State concerned requesting it to modify the draft rule in question, suspend its adoption, entry into force or implementation.***

Or. fr

**Amendment 203**  
**Georges Bach**  
**Proposal for a regulation**  
**Article 21 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The provisions of this Article do not apply to national rules on health and safety at work and qualification and***



*training requirements for railway staff  
with safety relevant tasks.*

Or. en

**Amendment 204**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 21 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. In the case of the urgent preventive measures referred to in Article 8 of the Safety Directive and Article 14.4 of the Interoperability Directive, the Agency shall lead the harmonisation of the rule at Union level, in relation with the national safety authorities. If necessary, the Agency shall issue a recommendation or an opinion to the Commission.***

Or. en

*Justification*

*If new national rules need to be adopted, this process should be harmonised as far as possible at Union level, under the lead of the Agency.*

**Amendment 205**  
**Jörg Leichtfried**  
**Proposal for a regulation**  
**Article 21 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Member States' non-discriminatory provisions on training, labour and health standards and the fitting-out of passenger rail vehicles shall not be subject to the provisions of this Article.***

*Justification*

*Existing arrangements which have proved their worth must not be done away with. Safety downgrading must be prevented. Furthermore, because the Union's territory is not homogeneous, Member States must continue to be allowed to lay down quality criteria for passenger trains.*

**Amendment 206**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 21 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. In the case of urgent measures within the meaning of Article 8(3)(b) of Directive .././EU [Railway Safety Directive] and Article 14(3)(b) of Directive .././EU [Interoperability Directive], a Member State may immediately implement a new rule without waiting for completion of the procedure laid down in the preceding paragraphs. The Agency shall have one month in which to verify whether the measure is genuinely urgent. If urgency is established, the examination procedure shall proceed in accordance with the provisions of paragraph 4, and the rule shall remain in force unless, upon completion of the procedure, the Commission adopts a decision requesting that it be withdrawn or modified. If urgency is not established, the Agency shall inform the Commission, which may adopt a decision requesting that implementation of the rule be suspended. Examination of the rule shall then proceed in accordance with the procedure laid down in paragraphs 1 to 4.***

Or. fr

*Justification*

*The amendment makes provision for urgent situations in which completion of the dialogue procedure cannot be waited for in order to implement a new safety rule.*

**Amendment 207**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 21– paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. In the case of urgent preventive measures provided for in Article 8(3) of Directive .../EU [Railway Safety Directive] and Article 14(3) of Directive .../EU [Interoperability Directive], concerning several Member States, in particular following an accident or incident, the Agency shall coordinate harmonisation of the rules at Union level, liaising with national safety authorities. If necessary, the Agency shall issue a recommendation or an opinion to the Commission.***

Or. fr

*Justification*

*If, following an accident or incident in one Member State, there are knock-on accident risks in at least one other Member State, the Agency must take urgent preventive measures and, through constructive dialogue with national safety authorities, help coordinate and harmonise the new rules introduced by the Member States concerned.*

**Amendment 208**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 22 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Agency shall, ***within two months of*** their reception, examine national rules submitted to it in accordance with Article 14(3) of Directive ...

1. The Agency shall, ***promptly after*** their reception, examine ***recently notified existing*** national rules submitted to it in accordance with Article 14(1) of Directive

[Interoperability Directive].

*../EU [Interoperability Directive] and Article 8(1) of Directive ../EU [Railway Safety Directive]. Article 21(2), (3) and (4) shall apply mutatis mutandis to this Article, and the Agency and Commission may also request the Member State concerned to repeal the existing rule in question. The two-month time limit laid down in Article 21(2) shall apply as from the date on which the Agency commences examination of an existing specific rule, and it shall inform the Member State concerned that the examination procedure has been initiated.*

Or. fr

*Justification*

*The purpose of this amendment is to bring the process of examining rules in force into line with that for new rules, including those not notified by the date on which the regulation enters into force, and to modify the time limits set for the Agency.*

**Amendment 209**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Agency shall examine the national rules in force on the date of application of this Regulation. Accordingly, the Agency shall propose a plan of work to the Management Board, for carrying out the examination, as part of the annual and multiannual work programmes referred to in Article 48. Each year, pursuant to Article 50, the Agency shall submit a progress report to the Management Board on its work and the results achieved.***

Or. fr

*Justification*

*The purpose of this amendment is to set a clear objective to examine national rules in force and to require the Agency to report on progress made in that connection.*

**Amendment 210**  
**Jörg Leichtfried**  
**Proposal for a regulation**  
**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States' non-discriminatory arrangements concerning training, labour and health standards and the fitting-out of passenger rail vehicles shall not be subject to the provisions of this Article.***

Or. de

*Justification*

*Existing, well established provisions must not be done away with. Safety downgrading must be prevented. Furthermore, because the Union's territory is not homogeneous, Member States must continue to be allowed to lay down quality criteria for passenger trains.*

**Amendment 211**  
**Michael Cramer**  
**Proposal for a regulation**  
**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Agency shall examine national rules that are in use referred to in the national legal frameworks, which are listed in the reference documents database published by the Agency.***

Or. en

*Justification*

*National rules should be examined, in line with the Interoperability Directive.*

**Amendment 212**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Where after the examination referred to paragraph 1 the Agency considers that national rules enable the essential requirements for interoperability to be fulfilled, CSMs to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operation between Member States, the Agency shall inform the Commission and the Member State concerned about its positive assessment. The Commission may validate the rule in the IT system referred to in Article 23.**

**deleted**

Or. fr

**Amendment 213**  
**Dominique Riquet, Michel Dantin, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where after the examination referred to paragraph 1 the Agency considers that national rules enable the essential requirements for interoperability to be fulfilled, CSMs to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operation **between Member States**, the Agency shall inform the Commission and the Member State concerned about its positive assessment. The Commission may validate the rule in the IT system referred to in Article 23.

2. Where after examination referred to in paragraph 1 the Agency considers that national rules enable the essential requirements for interoperability to be fulfilled, CSMs to be respected and the CSTs to be achieved, and that they would not result in arbitrary discrimination or a disguised restriction on rail transport operation, the Agency shall inform the Commission and the Member State concerned about its positive assessment. The Commission may validate the rule in the IT system referred to in Article 23.

*Justification*

*National rules must not result in arbitrary discrimination or a disguised restriction on rail transport operation within a Member State either.*

**Amendment 214**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 22 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Where the examination referred to in paragraph 1 leads to a negative assessment, the Agency shall:** *deleted*

**(a) issue a recommendation addressed to the Member State concerned stating the reasons why the rule in question should be modified or repealed;**

**(b) inform the Commission about its negative assessment.**

**Amendment 215**  
**Dominique Riquet, Phil Bennion, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 22 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

(a) issue a recommendation addressed to the Member State concerned stating the reasons why **the rule in question should** be modified or repealed;

(a) issue a recommendation addressed to the Member State concerned, **that the problematic rule be repealed or modified immediately, and** stating the reasons why **that rule has to** be modified or repealed;

*Justification*

*With a view to greater responsiveness and efficiency, the Agency's request that a problematic rule be modified or repealed should preferably be submitted to the relevant Member State directly.*

**Amendment 216**

**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**

**Article 22 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) inform the Commission about its negative assessment.

*Amendment*

(b) inform the Commission about its negative assessment ***and forward to it the recommendation addressed to the Member State concerned.***

Or. fr

**Amendment 217**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 22 – paragraph 4**

*Text proposed by the Commission*

***4. Where no action was taken by the Member State within 2 months after receiving the recommendation of the Agency referred to in point (a) of paragraph 3, the Commission, after receiving information referred to in point (b) of paragraph 3 and after having heard the reasons of the Member State concerned, may adopt a decision addressed to the Member State concerned requesting it to modify or repeal the rule in question.***

*Amendment*

***deleted***

Or. fr

**Amendment 218**

**Phil Bennion**



**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

5. The procedure described in paragraphs 2 and 3 shall apply, mutatis mutandis, in cases where the Agency becomes aware of any national rule, notified or not, being redundant or in conflict with the CSMs, CSTs, TSIs or any other Union legislation in the railway field.

*Amendment*

5. The procedure described in paragraphs 2 and 3 shall apply, mutatis mutandis, in cases where the Agency becomes aware of any national rule, notified or not, being redundant or in conflict with the CSMs, CSTs, TSIs or any other Union legislation in the railway field, ***or resulting in arbitrary discrimination or a disguised restriction on rail transport operation between or within Member States.***

Or. en

*Justification*

*There is a necessity to include in the scope rules that may restrict the access to the single market*

**Amendment 219**  
**Bernadette Vergnaud**  
**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

5. The procedure described in paragraphs 2 ***and*** 3 shall apply, mutatis mutandis, in cases where the Agency becomes aware of any national rule, notified or not, being redundant or in conflict with the CSMs, CSTs, TSIs or any other Union legislation in the railway field.

*Amendment*

5. The procedure described in paragraphs 2, 3 ***and*** 4 shall apply, mutatis mutandis, in cases where the Agency becomes aware of, or is informed about, any national rule, notified or not, being redundant or in conflict with the CSMs, CSTs, TSIs or any other Union legislation in the railway field ***or creating an unjustified barrier to the single railway market. In that instance, the time limit laid down in paragraph 1 shall apply.***

Or. fr

## *Justification*

*A rail sector actor should be able to make a referral to the Agency if it is subject to a rule which it regards as non-compliant.*

**Amendment 220**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

***5. The procedure described in paragraphs 2 and 3 shall apply, mutatis mutandis, in cases where the Agency becomes aware of any national rule, notified or not, being redundant or in conflict with the CSMs, CSTs, TSIs or any other Union legislation in the railway field.***

*Amendment*

***5. Where the Agency becomes aware of, or is informed about, any national rule as referred to in paragraph 1, notified or not, which:***

***(a) might no longer come within the scope of Article 14(3) of Directive .../EU [Interoperability Directive] or Article 8(3) of Directive .../EU [Railway Safety Directive];***

***(b) would no longer make it possible to meet essential interoperability requirements, abide by CSMs or achieve CSTs;***

***(c) might have been adopted solely for discriminatory purposes or in order to create disguised restrictions on rail transport operation,***

***it shall commence its examination of the rule in question within two months after becoming aware that the rule may be non-compliant, and shall inform the Member State concerned about the procedure.***

Or. fr

**Amendment 221**  
**Georges Bach**

**Proposal for a regulation**  
**Article 22 – paragraph 5 a (new)**

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*Text proposed by the Commission*

*Amendment*

**5a. The provisions of this Article do not apply to national rules on health and safety at work and qualification and training requirements for railway staff with safety relevant tasks.**

Or. en

**Amendment 222**

**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**

**Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 22a*

*Use of the database*

**The Agency shall carry out the technical examination of the national rules in force referred to in available national legislation as listed in its reference document database as at the date of entry into force of this Regulation.**

Or. fr

**Amendment 223**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 23 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Agency shall set up and manage a dedicated IT system containing national rules referred to in Articles 21(1) and 22(1) and make it accessible to stakeholders and the public.

1. The Agency shall set up and manage a dedicated IT system containing national rules referred to in Articles 21(1) and 22(1) and **national acceptable means of compliance referred to in Article 2(28a) of Directive .../..EU [Interoperability Directive]. The Agency shall** make it accessible to stakeholders and the public.

*Justification*

*'National acceptable means of compliance' have been made accessible and transparent because they represent the easiest way of demonstrating compliance with national rules. Means of compliance should be notified to the Agency.*

**Amendment 224**

**Phil Bennion**

**Proposal for a regulation**

**Article 23 – 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 Regulation.***

Or. en

**Amendment 225**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 23 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall notify national rules referred to in Articles 21(1) and 22(1) to the Agency and to the Commission through the IT system referred to in paragraph 1. The Agency shall publish the rules in this system and use it for informing the Commission in accordance with Articles 21 and 22.

2. Member States shall notify national rules referred to in Articles 21(1) and 22(1) to the Agency and to the Commission through the IT system referred to in paragraph 1. The Agency shall publish the rules in this system and use it for informing the Commission in accordance with Articles 21 and 22. ***The Agency shall use the system to inform the Commission about any negative recommendation forwarded to a Member State pursuant to Article 21(3), fifth indent, and Article 22(3)(b).***

**Amendment 226**

**Michael Cramer**

**Proposal for a regulation**

**Article 24 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall act as the system authority, being responsible for maintaining the technical specifications for the ERTMS.

*Amendment*

1. The Agency shall act as the system authority, being *exclusively* responsible for maintaining *and enforcing* the technical specifications for the ERTMS.

Or. en

**Amendment 227**

**Dominique Riquet, Michel Dantin**

**Proposal for a regulation**

**Article 24 – paragraph 3**

*Text proposed by the Commission*

3. The Agency shall recommend the adoption of a new version of ERTMS Technical specifications. However, it shall only do so when the previous version has been deployed at a sufficient rate. The development of new versions shall not be detrimental to the rate of deployment of the ERTMS, the stability of the specifications which is needed to optimise the production of ERTMS equipment, the return on investment for railway undertakings and efficient planning of the deployment of the ERTMS.

*Amendment*

3. The Agency shall recommend the adoption of a new version of ERTMS Technical specifications. However, it shall only do so when the previous version has been deployed at a sufficient rate. The development of new versions shall not be detrimental to the rate of deployment of the ERTMS, the stability of the specifications which is needed to optimise the production of ERTMS equipment, the return on investment for railway undertakings *and keepers* and efficient planning of the deployment of the ERTMS.

Or. fr

**Amendment 228**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 24 – paragraph 3**

*Text proposed by the Commission*

3. The Agency shall recommend the adoption of a new version of ERTMS Technical specifications. However, it shall only do so when the previous version has been deployed at a sufficient rate. The development of new versions shall not be detrimental to the rate of deployment of the ERTMS, the stability of the specifications which is needed to optimise the production of ERTMS equipment, the return on investment for railway undertakings and efficient planning of the deployment of the ERTMS.

*Amendment*

3. The Agency shall recommend the adoption of a new version of ERTMS Technical specifications. However, it shall only do so when the previous version has been deployed at a sufficient rate. The development of new versions shall not be detrimental to the rate of deployment of the ERTMS, the stability of the specifications which is needed to optimise the production of ERTMS equipment, the return on investment for railway undertakings *and keepers* and efficient planning of the deployment of the ERTMS.

Or. fr

*Justification*

*This article also applies to vehicle keepers.*

**Amendment 229**  
**Luis de Grandes Pascual**

**Proposal for a regulation**  
**Article 26 – paragraph 1**

*Text proposed by the Commission*

*1. The Agency may assist the railway undertakings, at their request, in checking the technical and operational compatibility between ERTMS on-board and trackside subsystems before placing a vehicle in service.*

*Amendment*

*deleted*

Or. en

**Amendment 230**  
**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 26 – paragraph 1**

*Text proposed by the Commission*

1. The Agency **may** assist the railway undertakings, at their request, in checking the technical and operational compatibility between ERTMS on-board and trackside subsystems before placing a vehicle in service.

*Amendment*

1. The Agency **shall** assist the railway undertakings, at their request, in checking the technical and operational compatibility between ERTMS on-board and trackside subsystems before placing a vehicle in service.

Or. fr

*Justification*

*If requested to do so by a railway undertaking, the Agency must assist it in checking the technical and operational compatibility between ERTMS on-board and trackside subsystems before placing a vehicle in service.*

**Amendment 231**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 26 – paragraph 1**

*Text proposed by the Commission*

1. The Agency **may** assist the railway undertakings, at their request, in checking the technical and operational compatibility between ERTMS on-board and trackside subsystems before placing **a vehicle** in service.

*Amendment*

1. The Agency **shall** assist the railway undertakings, at their request, in checking the technical and operational compatibility between ERTMS on-board and trackside subsystems before placing **the ERTMS** in service.

Or. fr

*Justification*

*Infrastructure managers may also be interested in Agency assistance with regard to the ERTMS.*

**Amendment 232**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. Where the Agency finds that there is a risk of a lack of technical and operational compatibility between networks and vehicles fitted with ERTMS equipment ***in the context of specific ERTMS projects***, it may request the appropriate actors, in particular manufacturers, notified conformity assessment bodies, railway undertakings, infrastructure managers and national safety authorities, to provide any information relevant to the procedures applied for 'EC' verification and placing in service, and to operational conditions. The Agency shall inform the Commission about such a risk and, if necessary, recommend appropriate measures to the Commission.

*Amendment*

2. Where the Agency finds that there is a risk of a lack of technical and operational compatibility between networks and vehicles fitted with ERTMS equipment, it may request the appropriate actors, in particular manufacturers, notified conformity assessment bodies, railway undertakings, ***keepers***, infrastructure managers and national safety authorities, to provide any information relevant to the procedures applied for 'EC' verification and placing in service, and to operational conditions. The Agency shall ***immediately*** inform the Commission about such a risk and, if necessary, recommend appropriate measures to the Commission.

Or. fr

*Justification*

*With regard to the ERTMS, not only rail undertakings may have an interest; keepers, too, may be interested. Infrastructure managers may also be interested in Agency assistance with regard to the ERTMS.*

**Amendment 233**

**Michael Cramer**

**Proposal for a regulation**

**Article 26 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Agency shall set up a test track and laboratory for centralised testing ERTMS track-side and on-board equipment.***

Or. en



**Amendment 234**  
**Dominique Riquet, Michel Dantin, Christine De Veyrac**  
**Proposal for a regulation**  
**Article 28 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Where the performance of accredited laboratories is in doubt, the Agency shall notify the appropriate bodies accordingly and shall be invited to participate as an observer in peer reviews.***

Or. fr

*Justification*

*The Agency must be able to exercise a right of scrutiny with regard to the calibre of the work carried out by accredited laboratories.*

**Amendment 235**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 28 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Where the Agency has doubts as to the performance of an accredited laboratory, it shall notify the competent accreditation body, the Member State concerned and the national safety authorities accordingly. The Agency shall be invited to participate as an observer in the peer review. Where doubts are raised, the Agency shall immediately inform the Member State concerned and the national safety authorities accordingly.***

Or. fr

*Justification*

*This amendment introduces an alert procedure in instances where the Agency considers that an accredited laboratory is not carrying out its duties satisfactorily.*

**Amendment 236**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 29 – title**

*Text proposed by the Commission*

Monitoring of national safety authorities

*Amendment*

Monitoring of national safety authorities  
**and national investigation bodies**

Or. en

**Amendment 237**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 29 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall monitor the performance and decision-making of national safety authorities through audit and inspections.

*Amendment*

1. The Agency shall monitor the performance and decision-making of national safety authorities **and national investigation bodies** through audit and inspections.

Or. en

*Justification*

*It is important to also organise the exchange and auditing of national investigation bodies.*

**Amendment 238**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 29 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) the capacity of national safety authorities **to execute tasks related to**

*Amendment*

(a) the capacity of national safety authorities **and national investigation**

*railway safety and interoperability;*

*bodies to execute their respective tasks;*

Or. en

**Amendment 239**

**Michael Cramer**

**Proposal for a regulation**

**Article 29 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) the effectiveness of the national investigation bodies' processes of investigation and accident reporting as referred to in Articles 21 and 22 in Directive [...] [Railway Safety Directive].*

Or. en

**Amendment 240**

**Michael Cramer**

**Proposal for a regulation**

**Article 29 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Agency shall issue audit reports and send them to the national *safety authority* concerned and to the Commission. Each audit report shall include, in particular, a list of any deficiencies identified by the Agency as well as recommendations for improvement.

3. The Agency shall issue audit reports and send them to the national *body* concerned and to the Commission. Each audit report shall include, in particular, a list of any deficiencies identified by the Agency as well as recommendations for improvement.

Or. en

**Amendment 241**

**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**

**Article 29 – paragraph 4**

*Text proposed by the Commission*

4. If the Agency considers that the deficiencies referred to in paragraph 3 prevent the national safety authority concerned from effectively performing its tasks in relation to railway safety and interoperability, the Agency shall recommend to the national safety authority to take appropriate steps within a time limit **to be defined** taking into account the importance of the deficiency.

*Amendment*

4. If the Agency considers that the deficiencies referred to in paragraph 3 prevent the national safety authority concerned from effectively performing its tasks in relation to railway safety and interoperability, the Agency shall recommend to the national safety authority to take appropriate steps within a time limit **which it defines** taking into account the importance of the deficiency.

Or. fr

**Amendment 242**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 29 – paragraph 4**

*Text proposed by the Commission*

4. If the Agency considers that the deficiencies referred to in paragraph 3 prevent the national **safety authority** concerned from effectively performing its tasks in relation to railway safety and interoperability, the Agency shall recommend to the national **safety authority** to take appropriate steps within a time limit to be defined taking into account the importance of the deficiency.

*Amendment*

4. If the Agency considers that the deficiencies referred to in paragraph 3 prevent the national **body** concerned from effectively performing its tasks in relation to railway safety and interoperability, the Agency shall recommend to the national **body** to take appropriate steps within a time limit to be defined taking into account the importance of the deficiency.

Or. en

**Amendment 243**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 29 – paragraph 5**

*Text proposed by the Commission*

5. Where a national **safety authority** disagrees with the Agency's recommendation referred to in paragraph 4, or where no action is taken by a national safety authority as a result of the Agency's recommendation within 3 months from its reception, the Commission may take a decision within six months in accordance with the advisory procedure referred to in Article 75.

*Amendment*

5. Where a national **body** disagrees with the Agency's recommendation referred to in paragraph 4, or where no action is taken by a national safety authority as a result of the Agency's recommendation within 3 months from its reception, the Commission may take a decision within six months in accordance with the advisory procedure referred to in Article 75.

Or. en

**Amendment 244**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 29 – paragraph 6**

*Text proposed by the Commission*

6. The Agency shall be also entitled to conduct announced or unannounced inspections in national **safety authorities**, to verify specific areas of their activities and operation, in particular review documents, processes and records related to their tasks referred to in **Article 16 of Directive ... [Railway Safety Directive]**. The inspections may be conducted on an ad-hoc basis or in accordance with a plan developed by the Agency. The duration of an inspection shall not exceed two days. The national authorities of the Member States shall facilitate the work of the Agency's staff. The Agency shall provide the Commission with a report on each inspection.

*Amendment*

6. The Agency shall be also entitled to conduct announced or unannounced inspections in national **bodies**, to verify specific areas of their activities and operation, in particular review documents, processes and records related to their tasks referred to in Directive ... [Railway Safety Directive]. The inspections may be conducted on an ad-hoc basis or in accordance with a plan developed by the Agency. The duration of an inspection shall not exceed two days. The national authorities of the Member States shall facilitate the work of the Agency's staff. The Agency shall provide the Commission with a report on each inspection.

Or. en

**Amendment 245**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

1. The Agency ***shall monitor the*** notified conformity assessment ***bodies through assistance to accreditation bodies, audit and inspections, as provided for in paragraphs 2-5.***

*Amendment*

1. ***Where*** the Agency ***has doubts as to the performance of a*** notified conformity assessment ***body, it shall notify the competent accreditation body and the Member State concerned accordingly.*** ***The Agency shall immediately inform the national safety authorities, in particular by issuing an opinion to them in accordance with Article 18 of Directive .../EU [Interoperability Directive]. The Agency shall be invited to participate as an observer in the peer review. Where doubts are raised, the Agency shall immediately inform the Member State concerned and the national safety authorities accordingly.***

Or. fr

*Justification*

*It is proposed that an alert procedure be introduced with regard to conformity assessment bodies in the same way as for accredited laboratories.*

**Amendment 246**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

2. The Agency shall support harmonised accreditation of notified conformity assessment bodies, in particular by giving appropriate guidance on evaluation criteria and procedures to assess whether notified bodies meet the requirements referred to in ***Art. 27*** of Directive ... [Interoperability Directive] to the accreditation bodies, via

*Amendment*

2. The Agency shall support harmonised accreditation of notified conformity assessment bodies, in particular by giving appropriate guidance on evaluation criteria and procedures to assess whether notified bodies meet the requirements referred to in ***Chapter 6*** of Directive .../EU [Interoperability Directive] to the

the European Accreditation infrastructure recognised by *Art. 14* of Regulation (EC) No. 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93.

accreditation bodies, via the European Accreditation infrastructure recognised by *Article 14* of Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.

Or. fr

#### *Justification*

*It is proposed that the reference to Article 27 be deleted and replaced by a reference to Chapter 6 of Directive .../EU [Interoperability Directive], which lays down the requirements applicable to conformity assessment bodies.*

#### **Amendment 247**

**Dominique Riquet, Michel Dantin, Dominique Vlasto, Christine De Veyrac**

**Proposal for a regulation**

**Article 30 – paragraph 4**

#### *Text proposed by the Commission*

4. The Agency shall issue audit reports covering the activities referred to in paragraph 3 and send them to the notified conformity assessment body concerned and to the Commission. Each audit report shall include, in particular, any deficiencies identified by the Agency and recommendations for improvement. If the Agency considers that these deficiencies prevent the notified body concerned from effectively performing its tasks in relation to railway safety and interoperability, the Agency shall adopt a recommendation requesting the Member State in which that notified body is established to take appropriate steps within a time limit.

#### *Amendment*

4. The Agency shall issue audit reports covering the activities referred to in paragraph 3 and send them to the notified conformity assessment body concerned and to the Commission. Each audit report shall include, in particular, any deficiencies identified by the Agency and recommendations for improvement. If the Agency considers that these deficiencies prevent the notified body concerned from effectively performing its tasks in relation to railway safety and interoperability, the Agency shall adopt a recommendation requesting the Member State in which that notified body is established to take appropriate steps within a time limit ***set by the Agency.***

Or. fr

**Amendment 248**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 30 – paragraph 4**

*Text proposed by the Commission*

4. The Agency shall issue audit reports covering the activities referred to in paragraph 3 and send them to the notified conformity assessment body concerned **and** to the Commission. Each audit report shall include, in particular, any deficiencies identified by the Agency and recommendations for improvement. If the Agency considers that these deficiencies prevent the notified body concerned from effectively performing its tasks in relation to railway safety and interoperability, the Agency shall adopt a recommendation requesting the **Member State in which that notified body is established** to take appropriate steps within a **time limit**.

*Amendment*

4. The Agency shall issue audit reports covering the activities referred to in paragraph 3 and send them to the notified conformity assessment body concerned, to the Commission **and to the competent notification authorities**. Each audit report shall include, in particular, any deficiencies identified by the Agency and recommendations for improvement. If the Agency considers that these deficiencies prevent the notified body concerned from effectively performing its tasks in relation to railway safety and interoperability, the Agency shall:

**(a) immediately inform the national safety authorities about all deficiencies which may have an impact on authorisations based on certifications issued by the notified body;**

**(b) adopt a recommendation requesting the competent notification authorities to take appropriate steps within a limited period, and it shall inform the Commission accordingly.**

Or. fr

*Justification*

*This amendment bolsters the alert procedure, where there are major deficiencies at the body concerned, by requiring the Agency to report any conformity assessment body deficiency which may call authorisations into question and to request the competent authorities to take the relevant remedial action.*

**Amendment 249**  
**Michael Cramer**



**Proposal for a regulation**  
**Article 31 – paragraph 2**

*Text proposed by the Commission*

2. The Agency shall monitor the overall safety performance of the railway system. The Agency may in particular seek the assistance of the networks referred to in Article 34, including collection of data. The Agency shall also draw on the data collected by Eurostat and shall cooperate with Eurostat to prevent any duplication of work and to ensure methodological consistency between the common safety indicators and the indicators used in other modes of transport.

*Amendment*

2. The Agency shall monitor the overall safety performance of the railway system **and the safety regulatory framework**. The Agency may in particular seek the assistance of the networks referred to in Article 34, including collection of data. The Agency shall also draw on the data collected by Eurostat and shall cooperate with Eurostat to prevent any duplication of work and to ensure methodological consistency between the common safety indicators and the indicators used in other modes of transport.

Or. en

**Amendment 250**

**Dominique Riquet, Phil Bennion, Michel Dantin, Dominique Vlasto, Christine De Veyrac**

**Proposal for a regulation**  
**Article 31 – paragraph 3**

*Text proposed by the Commission*

3. At the Commission's request, the Agency shall issue recommendations on how to improve the interoperability of the railway systems, in particular by facilitating coordination between railway undertakings and infrastructure managers, or between infrastructure managers.

*Amendment*

3. At the Commission's request, the Agency shall issue recommendations on how to improve the interoperability **and safety** of the railway systems, in particular by facilitating coordination between railway undertakings and infrastructure managers, or between infrastructure managers.

Or. fr

**Amendment 251**

**Gilles Pargneaux**

**Proposal for a regulation**  
**Article 31 – paragraph 3**

*Text proposed by the Commission*

3. At the Commission's request, the Agency shall issue recommendations on how to improve the interoperability of the railway systems, in particular by facilitating coordination between railway ***undertakings and infrastructure managers, or between infrastructure managers.***

*Amendment*

3. At the Commission's request, the Agency shall issue recommendations on how to improve, ***if necessary,*** the interoperability ***and safety*** of the railway systems, in particular by facilitating coordination between ***the railway actors referred to in Article 2 of Directive .../EU [Railway Safety Directive].***

Or. fr

*Justification*

*Interoperability and safety are intrinsically interrelated and must both be addressed. There must be a comprehensive analysis, in addition, so that the resulting benefits and costs incurred can be clearly assessed.*

**Amendment 252**

**Michael Cramer**

**Proposal for a regulation**

**Article 31 – paragraph 3**

*Text proposed by the Commission*

3. ***At the Commission's request,*** the Agency shall ***issue recommendations on how to improve the interoperability of the railway systems, in particular by facilitating coordination between railway undertakings and infrastructure managers, or between infrastructure managers.***

*Amendment*

3. The Agency shall ***develop a common occurrence reporting and monitoring system.***

Or. en

**Amendment 253**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 31 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Agency shall monitor progress on the interoperability and safety of the railway systems. Every two years it shall present to the Commission and publish a report on progress on interoperability and safety in the Single European Railway Area.

4. The Agency shall monitor **and assess** progress on the interoperability and safety of the railway **systems and the related costs and benefits**. Every two years it shall present to the Commission and publish a report on progress on interoperability and safety in the Single European Railway Area.

Or. fr

*Justification*

*Interoperability and safety are intrinsically interrelated and must both be addressed. There must be a comprehensive analysis, in addition, so that the resulting benefits and costs incurred can be clearly assessed.*

**Amendment 254**

**Marita Ulvskog**

**Proposal for a regulation**

**Article 32 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. The Agency shall perform the appropriate tasks relating to railway staff set out in Articles 4, 20, 22, 23, 25, 28, 33, 34, 35 and 37 of Directive 2007/59/EC of the European Parliament and of the Council .**

**deleted**

Or. sv

**Amendment 255**

**Marita Ulvskog**

**Proposal for a regulation**

**Article 32 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Agency may be requested by the Commission to perform other tasks relating to railway staff in accordance**

**deleted**

*with Directive 2007/59/EC.*

Or. sv

**Amendment 256**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 32 – paragraph 2**

*Text proposed by the Commission*

2. The Agency may be requested by the Commission to perform other tasks relating to railway staff in accordance with Directive 2007/59/EC.

*Amendment*

2. The Agency may be requested by the Commission to perform other tasks relating to railway staff in accordance with Directive 2007/59/EC ***and relating to railway staff entrusted with safety-critical tasks not covered by Directive 2007/59/EC.***

Or. en

**Amendment 257**  
**Jörg Leichtfried**

**Proposal for a regulation**  
**Article 32 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Agency may be requested by the Commission to perform other tasks relating to railway staff with safety relevant tasks not covered by Directive 2007/59/EC.***

Or. en

**Amendment 258**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 32 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The Agency shall consult the authorities competent on railway staff issues on the tasks referred to in paragraphs 1 and 2. The Agency may promote cooperation between those authorities, including by organising appropriate meetings with their representatives.**

*deleted*

Or. sv

**Amendment 259  
Franco Frigo  
Proposal for a regulation  
Article 32 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. In view of the risks to which workers in the railway industry are exposed, the Agency, which is given a pivotal role in the new proposal, should also concern itself with the health and safety of workers along the entire chain of operators.**

Or. it

**Amendment 260  
Jörg Leichtfried  
Proposal for a regulation  
Article 32 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. By 1 June 2015 the Agency shall submit a draft concerning certification of all safety-relevant staff. It shall cover at least on-board staff, rolling-stock inspectors and movement controllers.**

Or. de

*Justification*

*To make rail operations safe, it is not enough to certify only one professional group. All safety-relevant staff must be certified.*

**Amendment 261**

**Michael Cramer**

**Proposal for a regulation**

**Article 32 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Agency shall set up a horizontal working group on occupational health and safety with regard to interoperability. This working group shall make recommendations on how to appropriately ensure the health and safety of employees in the railway sector, without compromising the objective of interoperability.***

***This work shall in particular cover methods and devices that allow national safety authorities to check and enforce the respect of legal provisions on driving, working and rest times. The Agency shall report every two years to the Commission on the activities of the working group.***

Or. en

*Justification*

*The human factor of safety and interoperability needs to be covered.*

**Amendment 262**

**Jörg Leichtfried**

**Proposal for a regulation**

**Article 32 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. The Agency shall establish a***

*horizontal working group on occupational health and safety at work, monitoring and contributing to the OH&S chapters in each TSI.*

Or. en

*Justification*

*The tasks of the agency shall cover a wide range. In the existing working groups of the agency safety at work is often reduced to the properties of materials and substances (anti-glare, slip-resistance...). This is also vitally but not sufficient. For safe railways, the functional interaction of the components has to be considered.*

**Amendment 263**

**Jörg Leichtfried**

**Proposal for a regulation**

**Article 32 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

***3c. The Agency shall work on all matters directly concerning railway staff in close cooperation with the social partners within the framework of the sectoral social dialogue committee for the rail sector set up pursuant to Decision 98/500/EC.***

Or. en

**Amendment 264**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 33 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The Agency shall ***set up and keep*** European registers provided for in Article 43, 44 and 45 of Directive ...

1. The Agency shall ***define*** European registers provided for in Article 43, 44 and 45 of Directive ... [Interoperability

[Interoperability Directive]. The Agency shall act as the system authority for all registers and databases referred to in the Safety, Interoperability and Train Drivers Directives. This shall include, in particular:

Directive] *in a practical, efficient and user-friendly format to fully support business and operational needs*. The Agency shall act as the system authority for all registers and databases referred to in the Safety, Interoperability and Train Drivers Directives. This shall include, in particular:

Or. en

#### *Justification*

*The Agency should define the characteristics of the European registers.*

#### **Amendment 265**

**Dominique Riquet, Michel Dantin, Christine De Veyrac**

**Proposal for a regulation**

**Article 33 – paragraph 1 – introductory part**

#### *Text proposed by the Commission*

1. The Agency shall set up and keep European registers provided for in Article 43, 44 and 45 of Directive ... [Interoperability Directive]. The Agency shall act as the system authority for all registers and databases referred to in the Safety, Interoperability and Train Drivers Directives. This shall include, in particular:

#### *Amendment*

1. The Agency shall set up and keep, *in the most accessible formats*, European registers provided for in Article 43, 44 and 45 of Directive ... [Interoperability Directive]. The Agency shall act as the system authority for all registers and databases referred to in the Safety, Interoperability and Train Drivers Directives. This shall include, in particular:

Or. fr

#### *Justification*

*In connection with the registers, format accessibility will be the key to making efficient use of them.*

#### **Amendment 266**

**Bernadette Vergnaud**

**Proposal for a regulation**

**Article 33 – paragraph 1 – introductory part**



*Text proposed by the Commission*

*Amendment*

1. The Agency shall **set up and keep** European registers provided for in Article 43, 44 and 45 of Directive ... [Interoperability Directive]. The Agency shall act as the system authority for all registers and databases referred to in the Safety, Interoperability and Train Drivers Directives. This shall include, in particular:

1. The Agency shall **establish** European registers provided for in Article 43, 44 and 45 of Directive ... [Interoperability Directive] **in a practical, efficient and easy-to-use format so as to meet commercial and operational requirements**. The Agency shall act as the system authority for all registers and databases referred to in the Safety, Interoperability and Train Drivers Directives. This shall include, in particular:

Or. fr

*Justification*

*To be useful, the registers must be usable.*

**Amendment 267**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 33 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) setting-up and maintaining the registers referred to in article 33 paragraph 2 g), i) and ma) new**

Or. en

*Justification*

*The Agency should define the characteristics of the European registers.*

**Amendment 268**

**Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 33 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) creating an European Vehicle Register***

Or. en

**Amendment 269**  
**Izaskun Bilbao Barandica**

**Proposal for a regulation**  
**Article 33 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The European Vehicle Register:***

***(a) shall be kept by the Agency***

***(b) shall be public***

***(c) shall be incorporated in the European Vehicle Register no later than two years after the entry into force of this Directive. 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 in Article 75.***

***(d) shall include at least the following details for each type of vehicle:***

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

***(ii) the manufacturer's name;***

***(iii) the dates and references of the successive authorisations for that type of vehicle, including any restrictions or withdrawals, and the Member States granting the authorisations;***

***(iv) design features intended for persons with reduced mobility and persons with disabilities.***

***When the Agency issues, renews, amends,***

*suspends or revokes an authorisation to place vehicle types in service, it shall update the register without delay.*

Or. en

**Amendment 270**  
**Phil Bennion**

**Proposal for a regulation**  
**Article 33 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Agency shall make the following documents and registers provided for by Directive ... [Interoperability Directive] and Directive ... [Railway Safety Directive] publicly available:

*Amendment*

2. The Agency shall make the following documents and registers provided for by Directive ... [Interoperability Directive] and Directive ... [Railway Safety Directive] publicly available ***through an implemented, user-friendly and easily accessible IT solution:***

Or. en

**Amendment 271**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 33 – paragraph 2 – point c**

*Text proposed by the Commission*

***(c) the licences issued in accordance with Directive ... [Directive on the establishment of the Single European Rail Area (recast)];***

*Amendment*

***deleted***

Or. sv

**Amendment 272**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 33 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) the safety certificates issued in accordance with Article 10 of Directive ... [Railway Safety Directive];**

**deleted**

Or. sv

**Amendment 273**

**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**

**Article 33 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

(f) the national rules notified to the Commission in accordance with Article 8 of Directive ... [Railway Safety Directive] and *Articles* 14 of Directive ... [Interoperability Directive];

(f) the national rules notified to the Commission in accordance with Article 8 of Directive ... [Railway Safety Directive] and *Article* 14 of Directive ... [Interoperability Directive] **and the Agency's assessment of them;**

Or. fr

**Amendment 274**

**Phil Bennion**

**Proposal for a regulation**

**Article 33 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

(g) the vehicle **registers, including via links to relevant national registers;**

(g) the **European** vehicle **register;**

Or. en

**Amendment 275**

**Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 33 – paragraph 2 – point g**

*Text proposed by the Commission*

(g) *the vehicle registers, including via links to relevant national registers;*

*Amendment*

(g) *European vehicle register;*

Or. en

**Amendment 276**

**Phil Bennion**

**Proposal for a regulation**

**Article 33 – paragraph 2 – point m a (new)**

*Text proposed by the Commission*

*Amendment*

*(ma) the register of certified entities in charge of maintenance, in accordance with Article 14 of Directive...[railway safety directive]*

Or. en

**Amendment 277**

**Michael Cramer**

**Proposal for a regulation**

**Article 33 – paragraph 2 – point m a (new)**

*Text proposed by the Commission*

*Amendment*

*(ma) the register of certified entities in charge of maintenance, in accordance with Article 14 of Directive [...] [Railway Safety Directive].*

Or. en

**Amendment 278**

**Dominique Riquet, Michel Dantin**

**Proposal for a regulation**

**Article 33 – paragraph 2 – point m a (new)**

*Text proposed by the Commission*

*Amendment*

***(ma) the register of certified entities in charge of maintenance within the meaning of Article 14 of Directive ... [Railway Safety Directive].***

Or. fr

**Amendment 279**

**Dominique Riquet, Phil Bennion, Michel Dantin**

**Proposal for a regulation**

**Article 33 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The national authorities responsible for issuing the licences and certificates referred to in points (c) and (d) of paragraph 2 shall notify the Agency within ***one month*** of each individual decision to issue, renew, amend or revoke those licenses and certificates.

5. The national authorities responsible for issuing the licences and certificates referred to in points (c) and (d) of paragraph 2 shall notify the Agency within ***fifteen days*** of each individual decision to issue, renew, amend or revoke those licenses and certificates.

Or. fr

**Amendment 280**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 33 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The national authorities responsible for issuing the licences and certificates referred to in points (c) and (d) of paragraph 2 shall notify the Agency within ***one month*** of each individual decision to issue, renew, amend or revoke those licenses and certificates.

5. The national authorities responsible for issuing the licences and certificates referred to in points (c) and (d) of paragraph 2 shall notify the Agency within ***three working days*** of each individual decision to issue, renew, amend or revoke those licenses and certificates.

Or. fr

**Amendment 281**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 34 – title**

*Text proposed by the Commission*

*Amendment*

Networks of national safety authorities,  
**investigating bodies** and representative  
bodies

Networks of national safety authorities and  
representative bodies

Or. fr

*Justification*

*The Agency, in view of its new powers, may be investigated by investigating bodies. It is therefore necessary to make sure that they are independent of the Agency. Accordingly, it is proposed that the entire concept of 'investigating body' be removed from this article and that a new article be created, 34a, which sets out the links which may exist between the Agency and investigating bodies.*

**Amendment 282**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 34 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The Agency shall establish a network of the national safety authorities **and a network of the investigating bodies** referred to in Article **21** of Directive.../... [Railway Safety Directive]. The Agency shall provide them with a secretariat. The tasks of the networks shall, in particular, be:

The Agency shall establish a network of the national safety authorities referred to in Article **17(4)** of Directive.../... [Railway Safety Directive]. The Agency shall provide them with a secretariat. The tasks of the networks shall, in particular, be:

Or. fr

*Justification*

*This amendment establishes consistency with Article 17(4) of the Railway Safety Directive, which refers to the existence of a network of national safety authorities.*

**Amendment 283**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 34 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) provision of information to the Agency, if necessary, on the deficiencies of secondary legislation deriving from Directive .../EU [Railway Safety Directive] and Directive .../EU [Interoperability Directive].***

Or. fr

*Justification*

*This amendment adds to the obligations of national safety authorities by requiring them to inform the Agency whether the network has established deficiencies in secondary legislation deriving from Directive .../EU [Railway Safety Directive] and Directive .../EU [Interoperability Directive].*

**Amendment 284**  
**Georges Bach**

**Proposal for a regulation**  
**Article 34 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The Agency shall establish a network of representative bodies from the railway sector acting at the Union level. The list of these bodies shall be defined in an implementing act adopted by the Commission, in accordance with advisory procedure referred to in Article 75. The Agency shall provide the network with a secretariat. The tasks of the network shall, in particular, be:

2. The Agency shall establish a network of representative bodies from the railway sector ***including, passengers and workers organisations***, acting at the Union level. The list of these bodies shall be defined in an implementing act adopted by the Commission, in accordance with advisory procedure referred to in Article 75. The Agency shall provide the network with a secretariat. The tasks of the network shall, in particular, be:

Or. en



**Amendment 285**  
**Jörg Leichtfried**  
**Proposal for a regulation**  
**Article 34 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Agency shall establish a network of representative bodies from the railway sector acting at the Union level. The list of these bodies shall be defined in an implementing act adopted by the Commission, in accordance with advisory procedure referred to in Article 75. The Agency shall provide the network with a secretariat. The tasks of the network shall, in particular, be:

*Amendment*

2. The Agency shall establish a network of representative bodies from the railway sector acting at the Union level, ***including representatives of passengers and of workers***. The list of these bodies shall be defined in an implementing act adopted by the Commission, in accordance with advisory procedure referred to in Article 75. The Agency shall provide the network with a secretariat. The tasks of the network shall, in particular, be:

Or. de

**Amendment 286**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 34 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Agency shall establish a network of representative bodies from the railway sector acting at the Union level. The list of these bodies shall be defined in an implementing act adopted by the Commission, in accordance with advisory procedure referred to in Article 75. The Agency shall provide the network with a secretariat. The tasks of the network shall, in particular, be:

*Amendment*

2. The Agency shall establish a network of representative bodies from the railway sector, ***including representatives of passengers, passengers with reduced mobility and employees***, acting at the Union level. The list of these bodies shall be defined in an implementing act adopted by the Commission, in accordance with advisory procedure referred to in Article 75. The Agency shall provide the network with a secretariat. The tasks of the network shall, in particular, be:

Or. en

**Amendment 287**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 34 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 34a**

***Network of investigating bodies***

***1. The national investigating bodies of each Member State shall establish a network.***

***The network shall decide to hold meetings at least every six months.***

***2. The tasks of the network shall, in particular, be:***

***(a) exchange of information related to railway safety;***

***(b) promotion of good safety practices with a view to developing a common Union methodology for safety investigations and to cataloguing such practices.***

***The network may make recommendations to investigation agencies with a view to improving the effectiveness of investigating bodies.***

***3. In order to attain the objectives set out in paragraph 2, the network shall:***

***(a) make suggestions and advise Union institutions on all aspects relating to the development and implementation of Union policies and rules on safety investigations, and make procedural recommendations;***

***(b) strengthen the investigative capacity of accident investigating bodies by, in particular, developing and managing resource-sharing arrangements;***

***(c) provide appropriate assistance, at the request of accident investigating bodies, including at the very least a schedule of investigators, equipment and resources***

*available in other Member States for possible use by bodies conducting investigations.*

*4. The network may produce guides to shared good practices in order to develop shared investigative methods.*

*5. Where a national investigating body identifies a major safety deficiency which may affect other Member States, and which must be reported immediately, it may request that an emergency meeting of the network be convened.*

*6. Access to information exchanged in this context shall be restricted to national investigating bodies and the network unless the latter decides, where appropriate, to make it public. The Executive Director of the Agency shall ascertain that confidentiality is observed in that regard, in particular by making sure that the secretariat exchanges no information with other departments of the Agency.*

*7. The network shall elect a chairperson and a deputy chairperson, from among its members, by a two-thirds majority thereof.*

*The deputy chairperson shall replace the chairperson in his or her absence.*

*8. The term of office of the chairperson and of deputy chairperson shall be four years and may be renewed. Their term of office shall end if, in the course thereof, the network members concerned cease to discharge the national duties on the basis of which they are members of the network.*

*9. With the involvement of each member of the network, the chairperson shall draw up, if necessary, an annual programme of work for the network which shall reflect the objectives laid down in paragraph 2.*

*The chairperson shall draw up the agenda for the meetings of the network.*

*Justification*

*This proposed new article follows on from the new role of the Agency by confining its dealings with the network of investigating bodies to a secretariat function so as to make sure that there are no conflicts of interest, given the Agency's new powers to authorise rolling stock and issue safety certificates.*

**Amendment 288**  
**Bernadette Vergnaud**  
**Proposal for a regulation**  
**Article 37 – paragraph 1**

*Text proposed by the Commission*

1. The Agency **shall, at the Commission's request, assist the Commission with** the implementation of Union legislation aimed at enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system.

*Amendment*

1. The Agency **may issue an opinion as regards** the implementation of **other** Union legislation **potentially affecting the railway system** or aimed at enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system.

*Justification*

*It would be helpful for the Agency to be able to comment on legislation which may have an impact on the railway system.*

**Amendment 289**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 37 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall, at the Commission's request, assist the Commission with the implementation of Union legislation aimed at enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system.

*Amendment*

1. The Agency shall, at the Commission's request, assist the Commission with the implementation of **other** Union legislation **potentially affecting the railway system or** aimed at enhancing the level of interoperability of railway systems and at developing a common approach to safety

on the European railway system.

Or. fr

*Justification*

*The Agency should be involved in the development of all European legislation with potential consequences for part of the railway system (e.g. NRMM Directive 1997/68/EC, F-gas emissions and noise).*

**Amendment 290**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 37 – paragraph 1**

*Text proposed by the Commission*

1. The **Agency** shall, at the Commission's request, assist the Commission with the implementation of Union legislation aimed at enhancing the level of interoperability of railway systems and **at developing a common** approach to safety on the European railway system.

*Amendment*

1. The **national authorities** shall, at the Commission's request, assist the Commission with the implementation of Union legislation aimed at enhancing the level of interoperability of railway systems and **improving the** approach to safety on the European railway system.

Or. sv

**Amendment 291**  
**Phil Bennion**  
**Proposal for a regulation**  
**Article 38 – paragraph 1**

*Text proposed by the Commission*

Without prejudice to the derogations provided for by Article 9 of Directive [...] [Railway Interoperability Directive], the Agency shall, at the Commission's request, examine, from the point of view of interoperability and safety, any project involving the design, construction, renewal or upgrading of the subsystem for which an application for Union financial support has been submitted.

*Amendment*

Without prejudice to the derogations provided for by Article 9 of Directive [...] [Railway Interoperability Directive], the Agency shall, at the Commission's request, examine, from the point of view of interoperability and safety, any project involving the design, construction, renewal or upgrading of the subsystem for which an application for Union financial support has been submitted. **In the case of projects**

*funded under the Trans European Network – Transport (TEN-T) programme, the Agency should closely cooperate with the TEN-T Executive Agency.*

Or. en

**Amendment 292**  
**Marita Ulvskog**  
**Proposal for a regulation**  
**Article 39 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*1. On its own initiative or at the request of the Commission, Member States, candidate countries or the networks referred to in Article 34, the Agency shall engage in training and other appropriate activities concerning the application and explanation of railway interoperability and safety legislation and related Agency's products such as registers, implementation guides or recommendations.*

*deleted*

Or. sv

**Amendment 293**  
**Dominique Riquet, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 41 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency *may* establish a working party in order to coordinate the stakeholders' activities and *may* establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations.

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency *shall* establish a working party in order to coordinate the stakeholders' activities and *shall* establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate *recommendations within two years after*

*the entry into force of this Regulation and shall submit the results of its work relating to spare parts to the Commission in accordance with the procedure under Article 75.*

Or. fr

*Justification*

*To make progress on standardising spare parts, there needs to be a clear time limit and the Agency and the Commission need to work in partnership.*

**Amendment 294**  
**Phil Bennion**

**Proposal for a regulation**  
**Article 41 – paragraph 1**

*Text proposed by the Commission*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency *may* establish a working party in order to coordinate the stakeholders' activities and *may* establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations.

*Amendment*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency *shall* establish a working party in order to coordinate the stakeholders' activities and *shall* establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations *two years after the entry into force of this regulation.*

Or. en

*Justification*

*To stimulate the market for rolling stock and reduce the costs for railways undertakings there is a necessity to develop type-approvals for spare parts.*

**Amendment 295**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 41 – paragraph 1**

*Text proposed by the Commission*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency **may** establish a working party in order to coordinate the stakeholders' activities and may establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations.

*Amendment*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency **shall** establish a working party in order to coordinate the stakeholders' activities and may establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations ***within two years after the entry into force of this Regulation and shall submit the results of its work relating to spare parts to the committee referred to in Article 75(1).***

***The appropriate European standardisation bodies shall develop standards for the spare parts identified in the Agency recommendations referred to in the first subparagraph. Should, three years following submission of the Agency recommendations, no European standard have been established, the Agency may set up its own working party in order to establish the appropriate standard.***

Or. fr

*Justification*

*The Agency must be set a clear deadline by which to issue its recommendation so as to prevent the work from being postponed indefinitely. There must be regular reports to the Member States (via the Railway Interoperability and Safety Committee - RISC) on the work of the Agency working party. The Agency must have the power to set up a working party in order to establish a standard if, three years following submission of the Agency's recommendation, it still does not exist.*

**Amendment 296**

**Michael Cramer**

**Proposal for a regulation**

**Article 41 – paragraph 1**



*Text proposed by the Commission*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency *may* establish a working party in order to coordinate the stakeholders' activities and may establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations.

*Amendment*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency ***shall*** establish a working party in order to coordinate the stakeholders' activities and may establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations ***no later than two years after the entry into force of the Regulation.***

Or. en

**Amendment 297**  
**Inés Ayala Sender**  
**Proposal for a regulation**  
**Article 41 – paragraph 1**

*Text proposed by the Commission*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency may establish a working party in order to coordinate the stakeholders' activities and may establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations.

*Amendment*

The Agency shall contribute to identifying potential railway spare parts to be standardised. To this end, the Agency may establish a working party in order to coordinate the stakeholders' activities and may establish contacts with the European standardisation bodies. The Agency shall present the Commission with appropriate recommendations.

***The Agency shall harmonise rules on minimum maintenance intervals and quality requirements in order thus to ensure the safety of the entire rail system. In doing so, it shall take account of the various parameters (use, age, material, mileage, weather conditions, type of track, etc.) that affect wear and tear.***

Or. es

**Amendment 298**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 42 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) A Board of Appeal who shall exercise the responsibilities set out in Articles 54 to 56.*** ***deleted***

Or. en

*Justification*

*The Board of Appeal needs to be completely independent from the Agency.*

**Amendment 299**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 42 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***A Board of Appeal shall be set up in complete independence from the Agency in order to exercise the responsibilities set out in Articles 54 to 56.***

Or. en

*Justification*

*The Board of Appeal needs to be completely independent from the Agency.*

**Amendment 300**  
**Dominique Riquet, Michel Dantin, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 43 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The term of office of the members shall be **four** years and may be renewed.

4. The term of office of the members shall be **five** years and may be renewed **once**.

Or. fr

**Amendment 301**

**Dominique Riquet, Michel Dantin, Dominique Vlasto**

**Proposal for a regulation**

**Article 44 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The term of office of the Chairperson and Deputy Chairperson shall be **four** years and may be renewed. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date also.

2. The term of office of the Chairperson and Deputy Chairperson shall be **five** years and may be renewed **once**. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date also.

Or. fr

*Justification*

*Amendment following on from the amendment to Article 43(4).*

**Amendment 302**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 44 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Chairperson of the Management Board shall decide whether or not to accede to a request to exclude a member of the Board of Appeal, in accordance with Article 53(3), and, if necessary, in accordance with Article 53(4), shall appoint a temporary member to the Board of Appeal.***

*Justification*

*Where a member of the Board of Appeal rejects a request to withdraw, a neutral third party must rule on whether or not the request is warranted. If, in addition, none of the members appointed by the Management Board is in a position to hear a case, additional members should be appointed to the Board of Appeal on an ad hoc basis and promptly. This amendment, which is in keeping with the amendment tabled to Article 53, incorporates such decisions into the powers specific to the Chairperson of the Management Board.*

**Amendment 303**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 45 – paragraph 1**

*Text proposed by the Commission*

1. Meetings of the Management Board shall be convened by its Chairperson. The Executive Director of the Agency shall participate in the meetings.

*Amendment*

1. Meetings of the Management Board shall be convened by its Chairperson. The Executive Director of the Agency shall participate in the meetings ***except where the Management Board is to take a decision relating to Article 64.***

*Justification*

*Someone who is the subject of an inquiry or someone whose immunity is the subject of a waiver request cannot take part in decision-making procedures relating to such issues. Bearing this in mind, this amendment forbids the Executive Director from participating in or attending Management Board meetings at which issues relating to Article 64 are discussed.*

**Amendment 304**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 47 – paragraph 1 – point n**

*Text proposed by the Commission*

(n) adopt rules for the prevention and management of conflicts of interest in respect of members of the Management Board and of the Board of Appeal.

*Amendment*

(n) ***appoint members of the Board of Appeal, take decisions relating to their recruitment, to the renewal of their contract and to their working conditions,***

*including their remuneration and termination of service, and lastly* adopt rules for the prevention and management of conflicts of interest in respect of members of the Management Board and of the Board of Appeal.

Or. fr

*Justification*

*To ensure that the members of the Board of Appeal are independent, they must not be answerable to the Executive Director. In line with Article 51, this amendment places decisions on all elements relating to the careers of members of the Board of Appeal within the remit of the Management Board.*

**Amendment 305**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Article 47 – paragraph 1 – point n**

*Text proposed by the Commission*

(n) adopt rules for the prevention and management of conflicts of interest in respect of members of the Management Board and of the Board of Appeal.

*Amendment*

(n) adopt rules for the prevention and management of conflicts of interest *in the Agency as established in Article 68a (new)* and in respect of members of the Management Board and of the Board of Appeal.

Or. en

*Justification*

*The Management Board should need to develop a conflict of interest policy, not only as regards the members of both boards, but a general policy for the Agency. See new addition suggested in a new article 68a to introduce a complete set of rules for managing and preventing conflict of interest.*

**Amendment 306**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 47 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Management Board shall waive the immunity of the Agency or of present or past members of its staff, in accordance with Article 64.**

Or. fr

*Justification*

*In line with Article 64, this amendment places the power to waive the immunity of the Agency or of its staff within the remit of the Management Board.*

**Amendment 307**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 48 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Board of the Agency shall adopt the work programme by 30 November each year, taking into account the opinion of the Commission, and forward it to the Member States, the European Parliament, the Council, the Commission and to the networks referred to in Article 34.

1. The Board of the Agency shall adopt the work programme by 30 November each year, taking into account the opinion of the Commission, and forward it to the Member States, the European Parliament, the Council, the Commission and to the networks referred to in Article 34. ***The networks referred to in Article 34 shall be consulted on the draft before the work programme is adopted.***

Or. fr

*Justification*

*Given that the outcomes and priorities of the Agency's work are important for the railway sector, the network of representative bodies from the railway sector should be consulted about the Agency's annual work programme.*

**Amendment 308**  
**Dominique Riquet, Michel Dantin**  
**Proposal for a regulation**  
**Article 48 – paragraph 2**

*Text proposed by the Commission*

2. The work programme shall be adopted without prejudice to the Union's annual budgetary procedure. If, within 15 days of the date of adoption of the work programme, the Commission expresses its disagreement with the programme, the Management Board shall re-examine the programme and adopt it, as amended if necessary, within a period of two months, in second reading ***either*** by a two-thirds majority of its members entitled to vote, including ***by*** all Commission representatives, ***or by unanimity of the representatives of the Member States.***

*Amendment*

2. The work programme shall be adopted without prejudice to the Union's annual budgetary procedure. If, within 15 days of the date of adoption of the work programme, the Commission expresses its disagreement with the programme, the Management Board shall re-examine the programme and adopt it, as amended if necessary, within a period of two months, in second reading by a two-thirds majority of its members entitled to vote, including all Commission representatives.

Or. fr

*Justification*

*The fact that the representatives of the Member States are present means they already have a two-thirds majority where there is agreement on a position.*

**Amendment 309**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 48 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. The Executive Director shall not participate in any meeting nor intervene in any way when the Executive Board is preparing a decision in accordance with Article 64.***

Or. fr

*Justification*

*Someone who is the subject of an inquiry or someone whose immunity is the subject of a waiver request cannot take part in decision-making procedures relating to such issues. The Executive Board may prepare a Management Board decision under Article 64. Bearing this in mind, this amendment forbids the Executive Director from participating in or attending*

*Executive Board meetings at which issues relating to Article 64 are discussed.*

**Amendment 310**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 49 – paragraph 3**

*Text proposed by the Commission*

3. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission and **[four]** other members **of** the Management Board. The Management Board shall appoint members of the Executive Board and its chairperson.

*Amendment*

3. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission and **[five]** other members **entitled to vote on** the Management Board, **taking into account the aim of securing a balanced representation between women and men in accordance with Directive 2006/54/EC.** The Management Board shall appoint members of the Executive Board and its chairperson.

Or. fr

*Justification*

*The aim of this amendment is to increase the number of Executive Board members and to make it clear that only voting members, i.e. those that finance the Agency, can be elected to that board. It also seeks to ensure that the way in which the Executive Board is composed promotes the participation of women in line with the European policy of promoting gender balance in decision-making.*

**Amendment 311**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 49 – paragraph 4**

*Text proposed by the Commission*

4. The **term of office of** members of the Executive Board shall be **the same as that of members of** the Management Board.

*Amendment*

4. The members of the Executive Board shall be **appointed for a four-year term.** **When a Member State representative on the Executive Board is replaced on** the Management Board, **he or she shall also be replaced by his or her successor on the Executive Board.**



*Justification*

*To prevent a situation in which the Executive Board has to be changed each time a Member State whose representative sits on both the Management Board and the Executive Board changes that representative, this amendment seeks to establish that the new member will replace his or her predecessor on the Executive Board and on the Management Board.*

**Amendment 312**

**Dominique Riquet, Phil Bennion, Michel Dantin, Christine De Veyrac, Dominique**

**Vlasto**

**Proposal for a regulation**

**Article 51 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Agency shall establish one or more Boards of Appeal.

1. The Agency shall establish one or more ***independent*** Boards of Appeal.

Or. fr

**Amendment 313**

**Michael Cramer**

**Proposal for a regulation**

**Article 51 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Agency ***shall establish one or more Boards of Appeal.***

1. ***One or more Boards of Appeal shall be established in complete independence from the Agency, the Commission, national safety authorities and any actor of the railway sector.***

Or. en

*Justification*

*In order to allow for impartial appeal procedure, the full independence of the Board of Appeal needs to be guaranteed.*

**Amendment 314**  
**Jörg Leichtfried**  
**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. A Board of Appeal shall be composed of a Chairperson and two other members. They shall have alternates to represent them in their absence.

*Amendment*

2. A Board of Appeal shall be composed of a Chairperson and two other members. ***Meetings shall be chaired by a representative of the Member States. The other members shall be appointed from the group of railway undertakings and trade unions.*** They shall have alternates to represent them in their absence.

Or. de

*Justification*

*The sector's entire range of expertise should be available to the Board of Appeal.*

**Amendment 315**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 51 – paragraph 5**

*Text proposed by the Commission*

***5. On the proposal of the Agency, the Commission shall establish the rules of procedure of the Board of Appeal, after having consulted the Management Board and in accordance with the advisory procedure referred to in Article 75.***

*Amendment*

***deleted***

Or. en

**Amendment 316**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 51 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 51a**

***The qualifications required for each member of the Board of Appeal, the power of each member at the preparatory decision-making stage and the voting conditions must be determined by the Commission with the assistance of the committee referred to in Article 48(3) of Directive .../.../EU [Interoperability Directive].***

Or. fr

*Justification*

*The suggestion here is for the qualifications required for each member of the Board of Appeal, the power of each member at the preparatory stage at which decisions are taken and opinions issued, and the voting conditions to be defined by an act adopted by the Committee on rail interoperability and safety.*

**Amendment 317**

**Dominique Riquet, Michel Dantin, Dominique Vlasto**

**Proposal for a regulation**

**Article 52 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The term of office of the members and alternates of a Board of Appeal shall be **four** years and may be renewed.

1. The term of office of the members and alternates of a Board of Appeal shall be **five** years and may be renewed **once**.

Or. fr

*Justification*

*Brings the text into line with the amendments to Articles 43 and 44.*

**Amendment 318**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 52 – paragraph 1**

*Text proposed by the Commission*

1. The term of office of the members and alternates of a Board of Appeal shall be four years and may be renewed.

*Amendment*

1. The term of office of the members and alternates of a Board of Appeal shall be four years and may be renewed **once**.

Or. fr

*Justification*

*To help ensure that the members of the Board of Appeal are independent, their term of office should be renewable only once.*

**Amendment 319**  
**Jörg Leichtfried**  
**Proposal for a regulation**  
**Article 52 – paragraph 2**

*Text proposed by the Commission*

2. The members of a Board of Appeal shall be independent and may not perform any other duties within the Agency. In making their decisions they shall not be bound by any instructions.

*Amendment*

2. The members of a Board of Appeal shall be independent and may not perform any other duties within the Agency **or the Commission**. In making their decisions they shall not be bound by any instructions.

Or. de

*Justification*

*Because of the Commission's proximity to the Agency, fair proceedings can only be ensured if they are conducted independently of the Commission.*

**Amendment 320**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 52 – paragraph 2**

*Text proposed by the Commission*

2. The members of a Board of Appeal shall be independent **and** may not perform any other duties within the Agency. In making their decisions they shall not be bound by

*Amendment*

2. The members of a Board of Appeal shall be independent **of all parties involved in an appeal. They** may not perform any other duties within the Agency. In making

any instructions.

their decisions *or delivering their opinions* they shall not be bound by any instructions.

Or. fr

*Justification*

*The aim of this amendment is to clarify and set in context the requirement for the members of the Board of Appeal to be independent, which should cover only those parts of the appeal of which they need to be aware. The independence requirement should nevertheless apply in the case of appeals seeking an opinion and in the case of appeals involving a decision by the board.*

**Amendment 321**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. The members of a Board of Appeal may not be removed **from office or** from the list of qualified candidates during their term of office, unless there are serious grounds for such removal and the Commission, **after obtaining the opinion of the Management Board** takes a decision to that effect.

*Amendment*

3. The members of a Board of Appeal may not be removed from the list of qualified candidates during their term of office, unless there are serious grounds for such removal and the Commission takes a decision to that effect.

***If a candidate has already been appointed to a Board of Appeal by the Management Board, withdrawing that qualified candidate from the list shall terminate his or her service. The members of a Board of Appeal may not be removed from office during their term of office unless there are serious grounds for such removal and the Management Board takes a decision to that effect.***

Or. fr

*Justification*

*Il n'appartient pas à la Commission de mettre fin aux fonctions d'une personne nommée par le conseil d'administration. Néanmoins, dans la mesure où la liste des experts qualifiés est définie par uniquement par la Commission, celle-ci peut prendre unilatéralement la décision*

*d'en retirer l'un de ceux-ci de la liste, sans l'avis du conseil d'administration. Si l'expert appartient déjà à une chambre, son retrait de la liste a néanmoins pour conséquence qu'il ne peut plus siéger davantage à la chambre. Si la Commission n'a pas retiré un expert de la liste, le conseil d'administration peut décider de son retrait d'une chambre seulement si des motifs sérieux pour une telle décision existent.*

**Amendment 322**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 52 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. For a period of two years after leaving the Board of Appeal, a member of the committee may not hold an office in an entity that is the subject of an opinion delivered or decision taken during his or her term of office on the Board of Appeal.***

Or. fr

*Justification*

*With a view to preventing an conflict of interest, this amendment seeks to introduce a 'cooling-off' period between the end of the term of office of members of the Board of Appeal and the time at which they take up their duties in an entity that is the subject of an opinion delivered or a decision taken in which the member concerned participated during their term of office.*

**Amendment 323**

**Phil Bennion**

**Proposal for a regulation**

**Article 53 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The members of the Board of Appeal **may** not take part in any appeal proceedings if they have any personal interest in the proceedings, if they have previously been involved as representatives of one of the parties to the proceedings, or if they participated in the decision under

1. The members of the Board of Appeal **shall** not take part in any appeal proceedings if they have any personal interest in the proceedings, if they have previously been involved as representatives of one of the parties to the proceedings, or if they participated in the decision under

appeal.

appeal.

Or. en

**Amendment 324**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 53 – paragraph 1**

*Text proposed by the Commission*

1. The members of the Board of Appeal may not take part in any appeal proceedings if they have any personal interest in the proceedings, if they have previously been involved as representatives of one of the parties to the proceedings, or if they participated in the decision under appeal.

*Amendment*

1. The members of the Board of Appeal may not take part in any appeal proceedings if they have any personal interest in the proceedings, if they have previously been involved as representatives of one of the parties to the proceedings, or if they participated in the decision under appeal, ***including, in the case of appeals lodged pursuant to Article 54(1), in delivering an opinion pursuant to Article 54(4) in respect of the same authorisation or the same certificate.***

Or. fr

*Justification*

*To ensure that the principle of impartiality is upheld in full, if a member of the Board of Appeal is prevented from taking part in appeals proceedings owing to incompatibility, that incompatibility must also apply to opinions delivered as part of mutual dispute resolution proceedings between the Agency and the NSA in which the Board of Appeal member concerned has taken part and in respect of the same authorisation or the same certificate.*

**Amendment 325**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 53 – paragraph 2**

*Text proposed by the Commission*

2. Members of the Board of Appeal who consider that they should not take part in any appeal proceeding, for one of the

*Amendment*

2. Members of the Board of Appeal who consider that they should not take part in any appeal proceeding, for one of the

reasons referred to in paragraph 1 or for any other reason, shall inform the Board of Appeal *which decides on the exclusion accordingly*.

reasons referred to in paragraph 1 or for any other reason, shall inform the Board of Appeal *of their decision not to take part*.

Or. fr

*Justification*

*If a member of the board takes the view that he or she has a conflict of interest, it is up to him or her to decide not to take part, without the board having the option to oppose such a decision.*

**Amendment 326**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 53 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. A party may apply in writing to the chair of the Management Board for a member of the Board of Appeal to be excluded. The exclusion application shall be made on one of the grounds referred to in paragraph 1 or on the grounds of a risk of bias. The application must be accompanied by relevant supporting documents. The request shall only be admissible if it is made before the start of proceedings before the Board of Appeal, or, where the information constituting the grounds for the exclusion request becomes known after the proceedings have started, within five days of the requesting party becoming aware of that information.*

*The Board of Appeal member concerned shall be notified of the request. Within five days of being notified of the exclusion request, the Board of Appeal member concerned shall state whether he or she agrees to be excluded. If he or she does not agree, the chair of the Management Board shall take a decision within seven working days of the response by the*



*member concerned, or, where there is no response, after expiry of the deadline set for issuing a response.*

Or. fr

*Justification*

*This amendment sets out the procedure via which the parties may request that a member of the board be excluded with a view to ensuring full impartiality and, at the same time, to preventing the use of any delaying tactics.*

**Amendment 327**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 53 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. The Board of Appeal shall deliver its opinion or take its decision without the participation of the member who has decided not to take part or who has been excluded in accordance with paragraphs 2 and 3. In order for the decision to be taken or the opinion delivered, the member concerned shall be replaced on the Board of Appeal by his or her substitute.***

***If the substitute is unable to take his or her seat on the board for whatever reason, the chair of the Management Board shall appoint a temporary member to the board from the list referred to in Article 51(3) to replace him or her in the case concerned.***

Or. fr

*Justification*

*The aim of this amendment is to establish what happens if one or more members of the board are unable to participate.*

**Amendment 328**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 54 – title**

*Text proposed by the Commission*

**Decisions** subject to appeal

*Amendment*

**Documents** subject to appeal *before the Board of Appeal*

Or. fr

*Justification*

*This amendment seeks to clarify all the various kinds of proceedings that may be brought before a Board of Appeal, and the types of documents emanating from such proceedings.*

**Amendment 329**  
**Dominique Riquet, Phil Bennion, Michel Dantin, Christine De Veyrac, Dominique Vlasto**  
**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

1. An appeal may be brought before the Board of Appeal against decisions taken by the Agency pursuant to Articles 12, 16, 17 and 18.

*Amendment*

1. An appeal may be brought before the Board of Appeal against decisions taken, *or not taken within the prescribed time limits*, by the Agency pursuant to Articles 12, 16, 17 and 18.

Or. fr

**Amendment 330**  
**Jörg Leichtfried**  
**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

1. An appeal may be brought before the Board of Appeal against decisions taken by the Agency pursuant to Articles 12, 16, 17 *and* 18.

*Amendment*

1. An appeal may be brought before the Board of Appeal against decisions taken by the Agency pursuant to Articles 12, 16, 17, 18, *21 and 22*.

*Justification*

*Extremely detailed knowledge of local circumstances is the prerequisite for rescinding and/or reviewing national safety provisions. There may be a serious safety risk as a result. Accordingly, an appeal must also be possible.*

**Amendment 331**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

1. An appeal may be brought before the Board of Appeal against decisions taken by the Agency pursuant to Articles 12, 16, 17 *and 18*.

*Amendment*

1. An appeal may be brought before the Board of Appeal against decisions taken by the Agency pursuant to Articles 12, 16 *and 17, or against a failure by the Agency to respond within the prescribed time limits.*

Or. fr

*Justification*

*Where the Agency fails to act or take a decision within the prescribed time limits, those entitled to appeal (pursuant to Article 55) are authorised to do so.*

**Amendment 332**  
**Inés Ayala Sender**  
**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

1. An appeal may be brought before the Board of Appeal against decisions taken by the Agency pursuant to Articles 12, 16, 17 and 18.

*Amendment*

1. An appeal may be brought before the Board of Appeal against decisions taken by the Agency pursuant to Articles 12, 16, 17 and 18. *An appeal may also be brought where the Agency has not taken a decision within the time limits set in those articles.*

Or. es

*Justification*

*In the interests of greater legal certainty, it should also be made clear that appeals may be brought before the Board of Appeal where the Agency has failed to comply with deadlines in relation to authorisations for which it is responsible.*

**Amendment 333**

**Michael Cramer**

**Proposal for a regulation**

**Article 54 – paragraph 2**

*Text proposed by the Commission*

2. An appeal lodged pursuant to paragraph 1 shall not have a suspensory effect. The Agency may, however, suspend the application of the decision appealed against, if it considers that circumstances so **permit**.

*Amendment*

2. An appeal lodged pursuant to paragraph 1 shall not have a suspensory effect. The Agency may, however, suspend the application of the decision appealed against, if it considers that circumstances so **require**.

Or. en

**Amendment 334**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 54 – paragraph 2**

*Text proposed by the Commission*

2. An appeal lodged pursuant to paragraph 1 shall not have a suspensory effect. The Agency may, however, suspend the application of the decision appealed against, if it considers that circumstances so permit.

*Amendment*

2. An appeal lodged pursuant to paragraph 1 shall not have a suspensory effect. The Agency may, however, suspend the application of the decision appealed against, if it considers that circumstances so permit, **as long as the suspension of the decision does not affect railway safety**.

Or. fr

*Justification*

*Suspending a decision during proceedings must not compromise safety. The aim of this amendment is to prevent the suspension of a decision if such a suspension might compromise safety.*

**Amendment 335**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 54 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. An appeal may be brought before the Board of Appeal in the event of a failure by the Agency to take a decision within the time limits stipulated in Articles 20 and 22 of Directive .../.../EU [Interoperability Directive], and Article 10 of Directive .../.../EU [Railway Safety Directive].***

Or. fr

*Justification*

*This amendment extends the right of applicants to lodge an appeal against a failure by the Agency to take a decision within the prescribed time limits.*

**Amendment 336**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 54 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. An appeal may be brought before a Board of Appeal for the purpose of obtaining an opinion in the event of a disagreement between the Agency and a national safety authority pursuant to Articles 20(1)(f) and 22 of Directive .../.../EU [Interoperability Directive] and Article 10 of Directive .../.../EU [Railway Safety Directive].***

Or. fr

*Justification*

*Given the new role that is being suggested for the Agency as regards authorisation and certification, this amendment establishes a specific procedure for the mutual settlement of*

*disagreements between the Agency and national safety authorities where the authorisation of equipment and safety certificates are concerned.*

**Amendment 337**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 54 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***2c. An appeal may be brought before the Board of Appeal for the purpose of obtaining an opinion in the event of a disagreement between a Member State and the Agency in accordance with Articles 21 and 22.***

Or. fr

*Justification*

*Given the new role that is being suggested for the Agency as regards national safety regulations, this amendment establishes a specific procedure for the mutual settlement of disagreements between the Agency and Member States.*

**Amendment 338**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 55 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Any natural *or legal person* may appeal against a decision addressed to that person by the Agency pursuant to Articles 12, 16, 17 and 18.

1. Any natural, ***legal person or a member of the network of representative bodies*** may appeal against a decision addressed to that person by the Agency pursuant to Articles 12, 16, 17 and 18.

Or. en

*Justification*

*Any member of the network of representative bodies shall be given to appeal against a decision by the Agency, especially in those cases where large parts of the railway sector's*

*actors are affected commonly.*

**Amendment 339**

**Dominique Riquet, Phil Bennion, Michel Dantin, Christine De Veyrac, Dominique Vlasto**

**Proposal for a regulation**

**Article 55 – paragraph 1**

*Text proposed by the Commission*

1. Any natural or legal person may appeal against a decision addressed to that person by the Agency pursuant to Articles 12, 16, 17 and 18.

*Amendment*

1. Any natural or legal person may appeal against a decision addressed to that person by the Agency pursuant to Articles 12, 16, 17 and 18 ***or against a failure to take a decision within the prescribed time limits.***

Or. fr

**Amendment 340**

**Markus Ferber**

**Proposal for a regulation**

**Article 55 – paragraph 1**

*Text proposed by the Commission*

1. Any natural or legal person may appeal against ***a*** decision addressed to that person by the Agency pursuant to Articles 12, 16, 17 and 18.

*Amendment*

1. Any natural or legal person ***or organisation within the sector*** may appeal against ***any*** decision addressed to that person ***or organisation*** by the Agency pursuant to Articles 12, 16, 17 and 18.

Or. de

*Justification*

*Every member of the sector should have the possibility of appealing against Agency decisions. This is relevant in particular in instances where large areas within the sector are collectively affected.*

**Amendment 341**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 55 – paragraph 1**

*Text proposed by the Commission*

1. Any natural or legal person may appeal against a decision addressed to that person by the Agency pursuant to Articles 12, 16, 17 **and 18**.

*Amendment*

1. Any natural or legal person may appeal against a decision addressed to that person by the Agency pursuant to Articles 12, 16 **and 17**. ***Any person may appeal against a decision which, although addressed to another person, directly and personally concerns the applicant if he or she takes the view that the decision discriminates against him or her. These rights shall also apply to bodies representing the persons referred to in Article 34(2), as duly authorised in accordance with their statutes.***

Or. fr

*Justification*

*This amendment gives third parties a right to object on behalf of persons who believe they have been adversely affected as a result of a discriminatory decision taken by the Agency.*

**Amendment 342**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 55 – paragraph 2**

*Text proposed by the Commission*

2. The appeal, together with the statement of grounds thereof, shall be filed in writing at the Agency within two months of the notification of the measure to the person concerned, or, ***if the person is not notified of the measure***, within ***two months of the day on which it came to their knowledge***.

*Amendment*

2. The appeal, together with the statement of grounds thereof, shall be filed in writing at the Agency within two months of the notification of the measure to the person concerned, or, ***the absence of a decision*** within ***the time limit defined pursuant to Articles 12, 16, 17 and 18***.

Or. en

**Amendment 343**  
**Gilles Pargneaux**



**Proposal for a regulation**  
**Article 55 – paragraph 2**

*Text proposed by the Commission*

2. The appeal, together with the statement of grounds thereof, shall be filed in writing at the Agency within two months of the notification of the measure to the person concerned, or, if the *person* is not notified of the *measure*, within two months of the day on which *it came to their knowledge*.

*Amendment*

2. The appeal, together with the statement of grounds thereof, shall be filed in writing at the Agency within two months of the notification of the measure to the person concerned, or, if the *plaintiff* is not *the person* notified of the *decision*, within two months of the day on which *the plaintiff was made aware of the decision*.

Or. fr

*Justification*

*This amendment sets out the conditions for lodging the complaint referred to in paragraph 1.*

**Amendment 344**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 55 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. An appeal against a failure by the Agency to take a decision within the time limits stipulated in Articles 20 and 22 of Directive .../.../EU [Interoperability Directive], and Article 10 of Directive .../.../EU [Railway Safety Directive] may be lodged by the applicant within two weeks of the expiry of those time limits.***

Or. fr

*Justification*

*This amendment establishes the time limits within which a complaint against a failure by the Agency must be lodged.*

**Amendment 345**  
**Gilles Pargneaux**

**Proposal for a regulation**  
**Article 55 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. The appeal referred to in Article 54(4) and (5) shall be lodged:**

**(a) by national safety authorities in accordance with Articles 20(1)(f) and 22 of Directive .../.../EU [Interoperability Directive], and Article 10 of Directive .../.../EU [Railway Safety Directive];**

**(b) by a Member State, in accordance with Articles 21 and 22.**

Or. fr

*Justification*

*The aim of this amendment is to state the conditions under which national safety authorities and Member States may lodge appeals where authorisations, certificates and national regulations are concerned.*

**Amendment 346**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 56 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. When examining the appeal, the Board of Appeal shall **act expeditiously**. It shall, as often as necessary, invite the parties to the appeal proceedings to file, within specified time limits, observations on its notifications or on communications from other parties to the appeal proceedings. Parties to the appeal proceedings shall be entitled to make oral presentations.

1. When examining the appeal, the Board of Appeal shall **decide within 2 months from receipt of all relevant information. The Board of Appeal shall request this relevant information within 1 month.** It shall, as often as necessary, invite the parties to the appeal proceedings to file, within specified time limits, observations on its notifications or on communications from other parties to the appeal proceedings. Parties to the appeal proceedings shall be entitled to make oral presentations.

*Justification*

*A clear timeline is needed to make the process clear, transparent and reliable for all actors involved.*

**Amendment 347****Dominique Riquet, Phil Bennion, Michel Dantin, Dominique Vlasto****Proposal for a regulation****Article 56 – paragraph 1***Text proposed by the Commission*

1. When examining the appeal, the Board of Appeal shall act expeditiously. It shall, as often as necessary, invite the parties to the appeal proceedings to file, within **specified time limits**, observations on its notifications or on communications from other parties to the appeal proceedings. Parties to the appeal proceedings shall be entitled to make oral presentations.

*Amendment*

1. When examining the appeal, the Board of Appeal shall act expeditiously **and within a maximum of two months**. It shall, as often as necessary, invite the parties to the appeal proceedings to file, within **one month**, observations on its notifications or on communications from other parties to the appeal proceedings. Parties to the appeal proceedings shall be entitled to make oral presentations.

*Justification*

*As the appeal does not have a suspensory effect, it is vital that boards of appeal act swiftly.*

**Amendment 348****Markus Ferber****Proposal for a regulation****Article 56 – paragraph 1***Text proposed by the Commission*

1. When examining the appeal, the Board of Appeal shall **act expeditiously**. It shall, as often as necessary, invite the parties to the appeal proceedings to file, within specified time limits, observations on its notifications or on communications from other parties to the appeal proceedings.

*Amendment*

1. When examining the appeal, the Board of Appeal shall **decide within two months from receipt of all relevant information. It shall request the relevant information within one month**. It shall, as often as necessary, invite the parties to the appeal proceedings to file, within specified time

Parties to the appeal proceedings shall be entitled to make oral presentations.

limits, observations on its notifications or on communications from other parties to the appeal proceedings. Parties to the appeal proceedings shall be entitled to make oral presentations.

Or. de

#### *Justification*

*To make the process clear, transparent and dependable for all parties, clear time limits are essential.*

**Amendment 349**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 56 – paragraph 1**

#### *Text proposed by the Commission*

1. When examining the appeal, the Board of Appeal shall act expeditiously. It shall, as often as necessary, invite the parties to the appeal proceedings to file, within specified time limits, observations on its notifications or on communications from other parties to the appeal proceedings. Parties to the appeal proceedings shall be entitled to make oral presentations.

#### *Amendment*

1. When ***acting in accordance with Article 54(1) and (3), when*** examining the appeal, the Board of Appeal shall act expeditiously. It shall, as often as necessary, invite the parties to the appeal proceedings to file, within specified time limits, observations on its notifications or on communications from other parties to the appeal proceedings. Parties to the appeal proceedings shall be entitled to make oral presentations. ***The Board of Appeal may consult any relevant expert or advisory body in drawing up its opinion.***

Or. fr

#### *Justification*

*These amendments take into account the various kinds of appeal that can be lodged before the Board of Appeal and establish the specific characteristics of the proceedings depending on these different types of appeal, in particular where the Board of Appeal takes decisions pursuant to Article 54(1) and (3), acting as a quasi-judicial body.*

**Amendment 350**  
**Gilles Pargneaux**

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**Proposal for a regulation**  
**Article 56 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. When acting pursuant to Article 54(1), the Board of Appeal shall consider all complaints and, where necessary, ask for relevant information and consult the parties concerned within one month of receiving the complaint. It shall rule on any complaint and notify the parties concerned of its reasoned opinion within a reasonable time limit set in advance, and in any case within two months of receiving all the relevant information.***

Or. fr

*Justification*

*These amendments take into account the various kinds of appeal that can be lodged before the Board of Appeal and establish the specific characteristics of the proceedings depending on these different types of appeal, in particular where the Board of Appeal takes decisions pursuant to Article 54(1) and (3), acting as a quasi-judicial body.*

**Amendment 351**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 56 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. When acting pursuant to Article 54(3), the Board of Appeal may issue an injunction, if necessary accompanied by a penalty, without prejudice to other potential appeals relating to the content of the decision.***

Or. fr

*Justification*

*These amendments take into account the various kinds of appeal that can be lodged before the Board of Appeal and establish the specific characteristics of the proceedings depending on*

*these different types of appeal, in particular where the Board of Appeal takes decisions pursuant to Article 54(1) and (3), acting as a quasi-judicial body.*

**Amendment 352**  
**Michael Cramer**

**Proposal for a regulation**  
**Article 56 – paragraph 2**

*Text proposed by the Commission*

2. The Board of Appeal may exercise appropriate power which lies within the competence of the Agency or may remit the case to the competent body of the Agency. The latter shall be bound by the decision of the Board of Appeal.

*Amendment*

2. The Board of Appeal ***shall take a decision no later than 3 months after the receipt of the appeal and*** may exercise appropriate power which lies within the competence of the Agency or may remit the case to the competent body of the Agency. The latter shall be bound by the decision of the Board of Appeal.

Or. en

*Justification*

*A clear time limit is needed for the Board of Appeal, too.*

**Amendment 353**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 56 – paragraph 2**

*Text proposed by the Commission*

2. The Board of Appeal may exercise appropriate power which lies within the competence of the Agency or may remit the case to the competent body of the Agency. The latter shall be bound by the decision of the Board of Appeal.

*Amendment*

2. ***When acting in accordance with Article 54(1) and (2),*** the Board of Appeal may exercise appropriate power which lies within the competence of the Agency, or it may remit the case to the competent body of the Agency. The latter shall be bound by the decision of the Board of Appeal. ***The Board of Appeal's decision shall be binding on both parties and may not be subject to scrutiny by any other administrative authority except the Court***

*Justification*

*These amendments take into account the various kinds of appeal that can be lodged before the Board of Appeal and establish the specific characteristics of the proceedings depending on these different types of appeal, in particular where the Board of Appeal takes decisions pursuant to Article 54(1) and (3), acting as a quasi-judicial body.*

**Amendment 354**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 56 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. When issuing an opinion pursuant to Article 54(4) and (5), the Board of Appeal shall consider all appeals, ask, where necessary, for relevant information, consult the parties concerned and notify them of its reasoned opinion within the time limit laid down in Articles 20(1)(f) and 22 of Directive .../.../EU [Interoperability Directive] and Article 10 of Directive .../.../EU [Railway Safety Directive], where the opinion is delivered pursuant to Article 54(4), and two months after receiving the information required, where that opinion is delivered pursuant to Article 54(5).***

*Justification*

*These amendments take into account the various kinds of appeal that can be lodged before the Board of Appeal and establish the specific characteristics of the proceedings depending on these different types of appeal, in particular where the Board of Appeal takes decisions pursuant to Article 54(1) and (3), acting as a quasi-judicial body.*

**Amendment 355**  
**Gilles Pargneaux**

**Proposal for a regulation**  
**Article 57 – paragraph 1**

*Text proposed by the Commission*

1. Actions for the annulment of Agency decisions taken pursuant to Articles 12, 16, 17 **and 18** may be brought before the Court of Justice of the European Union only after all appeal procedures within the Agency have been exhausted.

*Amendment*

1. Actions for the annulment of Agency decisions taken pursuant to Articles 12, 16 **and 17** may be brought before the Court of Justice of the European Union only after all appeal procedures within the Agency have been exhausted.

Or. fr

**Amendment 356**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 57 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Actions for the annulment of an Agency decision taken by the Board of Appeal pursuant to Article 54(1) and (3) may be brought by the parties before the Court of Justice of the European Union within two months of the decision being notified.***

Or. fr

*Justification*

*This amendment stems from the fact that the Board of Appeal, a body that is legally part of the Agency, has been given the authority to take decisions pursuant to Article 54(1) and (3): it must be possible for the parties concerned to challenge these decisions before the Court of Justice of the European Union.*

**Amendment 357**  
**Dominique Riquet, Michel Dantin**  
**Proposal for a regulation**  
**Article 58 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The revenue of the Agency shall consist

2. The revenue of the Agency shall consist,



of:

*in particular, of:*

Or. fr

*Justification*

*The Agency's tasks may well change, so there is a need to acknowledge the fact that the Agency's revenue might also diversify in line with the Agency's new tasks.*

**Amendment 358**

**Marita Ulvskog**

**Proposal for a regulation**

**Article 58 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) the fees paid by applicants for, and holders of, certificates and authorisations issued by the Agency in accordance with Articles 12, 16, 17 and 18;*

*deleted*

Or. sv

**Amendment 359**

**Phil Bennion**

**Proposal for a regulation**

**Article 58 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the fees paid by applicants for, and holders of, certificates and authorisations issued by the Agency in accordance with Articles 12, 16, 17 and 18;

(c) the fees paid by applicants for, and holders of, certificates and authorisations issued by the Agency in accordance with Articles 12, 16, 17 and 18. ***The Agency should set different price charging according to the areas of use of certificates and authorisations and type and extent of railway operations;***

Or. en

*Justification*

*The level of charges should be differentiated according to the extent of operations and areas of use specified. A certificate for a small railway line within one single country should not cost the same as a certificate for the whole of Europe*

**Amendment 360**

**Dominique Riquet, Michel Dantin, Dominique Vlasto**

**Proposal for a regulation**

**Article 58 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Any task or obligation in addition to the tasks stemming from EU legislation and not entailing compensation as laid down in Article 58(2)(b), (c), (d) and (e) shall be subject to an assessment and to compensation from the budget of the European Union.***

Or. fr

*Justification*

*The Agency will have to cope with marked increase in activity, and will not be able to cope with being given new tasks without receiving the appropriate financial compensation.*

**Amendment 361**

**Gilles Pargneaux**

**Proposal for a regulation**

**Article 61 – paragraphs 3 a and 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Agency and its staff shall carry out the tasks defined in this Regulation with the highest degree of professional integrity and the requisite technical competence in the specific field. They must be free from all pressures and inducements, in particular financial inducements, that might influence their judgement or the results of their work, especially from persons or groups with an***

*interest in the results of this work. The Agency shall have sufficient staff to ensure that the tasks defined in this Regulation are carried out properly.*

**3b. Staff must have:**

*(a) a thorough technical and professional grounding covering all the Agency's activities;*

*(b) a satisfactory knowledge of the requirements of the assessments that the Agency carries out and adequate authority to carry out those assessments;*

*(c) appropriate knowledge and understanding of the requirements necessary to formulate the Agency's decisions;*

*(d) the ability to review opinions delivered and decisions taken by the NSA as well as national regulations.*

Or. fr

#### *Justification*

*Given the Commission's suggestion relating to the supervision of the skills and integrity of the staff of various bodies as stated in Article 29 of the Interoperability Directive, the same requirements ought to apply to the staff of the Agency.*

#### **Amendment 362 Phil Bennion**

#### **Proposal for a regulation Article 63 – paragraph 1**

##### *Text proposed by the Commission*

The Agency **may also** make use of Seconded National Experts or other staff not employed by the Agency under the Staff Regulations and the Conditions of Employment of Other Servants.

##### *Amendment*

The Agency **shall** make use of Seconded National Experts **and in particular staff from national safety authorities**, or other staff not employed by the Agency under the Staff Regulations and the Conditions of Employment of Other Servants.

Or. en

**Amendment 363**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Article 63 – paragraph 1**

*Text proposed by the Commission*

The Agency may also make use of Seconded National Experts or other staff not employed by the Agency under the Staff Regulations and the Conditions of Employment of Other Servants.

*Amendment*

The Agency may also make use of Seconded National Experts or other staff not employed by the Agency under the Staff Regulations and the Conditions of Employment of Other Servants. ***The Agency shall adopt and implement a policy to evaluate and manage potential conflicts of interest of seconded national experts including prohibiting them from attending working group meetings when their independence and impartiality could be undermined.***

Or. en

**Amendment 364**  
**Dominique Riquet, Michel Dantin**  
**Proposal for a regulation**  
**Article 64 – paragraph 1**

*Text proposed by the Commission*

The Protocol on the Privileges and Immunities of the European Union shall apply to the agency and its staff.

*Amendment*

The Protocol on the Privileges and Immunities of the European Union shall apply to the agency and its staff ***without prejudice to judicial and/or extra-judicial proceedings relating to the Agency's remit.***

Or. fr

*Justification*

*Under the Protocol on the Privileges and Immunities of the European Union, the immunity of members of the Agency's staff may be waived if they fail to perform their duties properly.*

**Amendment 365**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 64 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where the Agency or a present or past member of staff thereof is asked to provide information by national judicial authorities and national accident investigation bodies, they shall respond within a predetermined, reasonable period of time defined by the national judicial authorities and the national accident investigation bodies.***

***Rules relating to secrecy and confidentiality may not be used against these authorities and bodies. Where necessary, the Agency may state which information may not be made public. The judicial authorities and investigation bodies may choose whether or not to accede to this request.***

***All members of the Agency's staff, past and present, must respond favourably when they are summoned by an authority in charge of a judicial inquiry or by an investigation body.***

***The Agency or the person called upon may not impose any conditions or prerequisites in order to respond to such requests or summonses.***

***Where a member of staff refuses to provide the information requested, to respond to a summons or to cooperate in one way or another, or where his or her actions amount to such a refusal, and without prejudice to any existing criminal penalties in national law relating to obstruction of justice that may be applied after his or her immunity is waived, the Executive Director shall immediately impose a penalty on the member of staff concerned, after being informed of his or her actions by the national authority or***

*body. This penalty may not be less than a three-month period of exclusion from duty in the first instance and permanent exclusion if the person continues with or repeats their actions. Where someone in a senior position at the Agency is concerned, the initial penalty shall be extended for as long as the person concerned continues to refuse to cooperate.*

*Where the Executive Director is concerned, the Management Board of the Agency shall decide on the penalty immediately after being informed of his or her actions by the national authorities or bodies.*

*Where the person concerned is a former member of staff still employed by a European Union body, that body shall impose a penalty pursuant to the above paragraphs.*

*Where the person concerned is no longer employed by the European Union, the national judicial authorities shall request that his/her immunity be waived in accordance with Article 64(1b).*

Or. fr

#### *Justification*

*The new paragraph reaffirms the Agency's obligation to cooperate with judicial authorities and accident investigation bodies as laid down in this Regulation and by the Court of Justice of the European Union for each of the EU's bodies. This article puts this obligation to cooperate into practice by laying down the procedures necessary for its implementation. To promote cooperation among staff (or former members of staff), provision is made for penalties to be imposed where necessary.*

**Amendment 366**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 64 – paragraph 1 b (new)**

***1b. Where the national judicial authority responsible for judicial inquiries in a Member State intends to take the Agency, its staff or a former member of its staff to court, it may immediately ask the Management Board to waive the immunity of the Agency and/or of its staff, including former members of staff.***

***The relevant authority shall not be required to give the reasons behind its request for information or summons. The request shall be addressed to the chair of the Management Board and shall, where necessary, state the degree of confidentiality required for the members of the board to act on the request, in accordance with the national rules in force as regards judicial proceedings.***

***The Management Board shall respond positively or negatively within one month of the matter being referred to the chair of the board. If no response is forthcoming within one month, the decision will be deemed to have been a positive one.***

***A negative decision must be duly reasoned and must show that agreeing to the request would be against the Union's interests. An action for the annulment of a negative decision may be brought before the Court of Justice of the European Union.***

Or. fr

*Justification*

*This amendment defines the procedure via which the immunity of the Agency or of a member of its staff may be lifted in order to allow court proceedings (from formal investigation proceedings to any sentencing, as the case may be) to take place.*

**Amendment 367  
Gilles Pargneaux**

**Proposal for a regulation**  
**Article 64 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. By way of derogation from Article 66(4), where national law allows injured parties to be involved in criminal proceedings in order to claim for damages incurred, the relevant national courts, rather than the Court of Justice of the European Union, shall also have the authority to deal with compensation actions where an application for damages has been made.***

Or. fr

*Justification*

*To ensure that victims do not have to apply to the Court of Justice of the European Union for damages where there is an ongoing national judicial investigation involving the Agency, and an application for damages has been made under national law, this amendment gives the national criminal courts the authority to give a ruling on compensation.*

**Amendment 368**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 64 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***1d. Where no serious misconduct has been committed, the Agency shall protect members of its staff exercising their official duties, for example by means of legal aid, to compensate them for damages incurred or to cover the costs of any damages awarded or of any criminal conviction resulting from an administrative error.***

Or. fr



*Justification*

*This amendment introduces an element of protection for members of staff exercising their official duties.*

**Amendment 369**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 66 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The national courts shall be responsible in accordance with the law of the Member State concerned for cases relating to compensation actions as referred to in Article 64(4).***

Or. fr

*Justification*

*Brings the text into line with the amendments to Article 64 giving the national courts the power to hand down rulings on compensation where the Agency is at fault.*

**Amendment 370**  
**Gilles Pargneaux**  
**Proposal for a regulation**  
**Article 67 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. The documents provided by applicants and holders of certificates and authorisations, in accordance with Articles 12, 16 and 17, to notify the Agency and national safety authorities of those certificates and authorisations, shall be translated into all the official languages of the countries in which the rolling stock is used and in which the railway company concerned operates. Each translation shall be the authentic text in the country concerned, including for procedures under Article 56. The authorisation and the certificate must be***

*issued in all the official languages of the countries concerned.*

Or. fr

*Justification*

*Cet amendement tire les conséquences, en termes de régime linguistique, des nouvelles compétences de l'Agence en matière de délivrance d'autorisations et de certificats. Le coût et la responsabilité de la traduction des documents, utilisés ensuite par les agences nationales de sécurité, ne doivent pas être puisés dans le budget européen. Il revient au demandeur de transmettre des documents traduits dans chacune des langues des pays où ils doivent opérer. Réciproquement, les autorisations et les certificats doivent pouvoir être compris dans tous les pays dans lesquels ils sont utilisés. Les demandeurs doivent pour cela recevoir une version traduite de l'autorisation et des certificats dans chacune des langues officielles du pays où le matériel est utilisé et où l'entreprise ferroviaire opère. Pour toute autre situation, il convient de se référer au protocole de 1958 portant fixation du régime linguistique de la Communauté économique européenne.*