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2009 - 2014

Committee on Transport and Tourism

2013/0016(COD)

19.9.2013

AMENDMENTS

87 - 426

Draft report
Michael Cramer
(PE513.387v01-00)

on the proposal for a directive of the European Parliament and of the Council
on railway safety (recast)

Proposal for a directive
(COM(2013)0031 – C7-0028/2013 – 2013/0016(COD))

AM_Com_LegReport

Amendment 87

Marita Ulvskog

Proposal for a directive

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Proposal for a rejection

The European Parliament rejects the Commission proposal.

Or. sv

Amendment 88

Georges Bach

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Directive 2004/49 established a common regulatory framework for railway safety, through harmonisation of the content of safety rules, the safety certification of railway undertakings, the tasks and roles of the national safety authorities and the investigation of accidents. ***Nevertheless, to pursue efforts to establish*** a single market for rail transport services, ***that*** Directive needs thorough revision.

Amendment

(2) Directive 2004/49 established a common regulatory framework for railway safety, through harmonisation of the content of safety rules, the safety certification of railway undertakings, the tasks and roles of the national safety authorities and the investigation of accidents. ***The ongoing establishment of a single market for rail transport services has as a consequence a multiplication of different actors and communication interfaces. In order to guarantee railway safety within this environment, this*** Directive needs thorough revision.

Or. en

Justification

With the liberalisation of the railway market and the establishment of new actors, a multiplication of communication interfaces could lead to negative consequences for safety.

Amendment 89

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen

Proposal for a directive

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Harmonisation should not, however, jeopardise any Member State's present safety level.

Or. fi

Amendment 90

Phil Bennion

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) Safety levels in the Union's rail system are generally high, in particular compared to road transport. In line with technical and scientific progress, safety should be further improved, ***when*** reasonably practicable and taking into account the expected improvement in the competitiveness of rail transport.

(4) Safety levels in the Union's rail system are generally high, in particular compared to road transport. In line with technical and scientific progress, safety should be further improved, ***so far as is*** reasonably practicable, and taking into account the expected improvement in the competitiveness of rail transport.

Or. en

Justification

The concept of "reasonably practicable" should be the core concept of the Union' rail safety system to ensure that when trying to reduce a risk it must be possible to demonstrate that the cost involved in reducing the risk further could be grossly disproportionate to the benefit gained or that measures to reduce the risk could lead to counterproductive effects.

Amendment 91

Inés Ayala Sender

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) Safety levels in the Union's rail system are generally high, in particular compared to road transport. In line with technical and scientific progress, safety should be further improved, when reasonably practicable and

(4) Safety levels in the Union's rail system are generally high, in particular compared to road transport. In line with technical and scientific progress, safety should be further improved, when reasonably practicable and

taking into account the *expected improvement in the competitiveness of rail transport*.

taking into account the *increased complexity of the sector owing to the emergence of new actors in the rail system, new operational issues, etc.*

Or. es

Amendment 92

Carlo Fidanza
Proposal for a directive
Recital 5

Text proposed by the Commission

(5) **The main** actors in the rail system, **infrastructure managers and railway undertakings**, should bear full responsibility for the safety of the system, each for their own part. **Whenever appropriate, they should cooperate in implementing risk control measures.** Member States should make a clear distinction between this immediate responsibility for safety and the national safety authorities' task of providing a national regulatory framework and supervising the performance of all operators.

Amendment

(5) **All the** actors in the rail system should bear full responsibility for the safety of the system, each for their own part. Member States should make a clear distinction between this immediate responsibility for safety and the national safety authorities' task of providing a national regulatory framework and supervising the performance of all operators.

Or. en

Justification

All the actors involved in the railway chain (not only Infrastructure managers and Railway undertakings) are responsible for their own tasks.

Amendment 93

David-Maria Sassoli, Franco Frigo
Proposal for a directive
Recital 5

Text proposed by the Commission

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Amendment

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States should make a clear distinction between this immediate responsibility for safety and the national safety authorities' task of providing a national regulatory framework and supervising the performance of all operators.

Or. en

Amendment 94

Phil Bennion

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The responsibility of infrastructure managers and railway undertakings for operating the rail system does not preclude other actors such as manufacturers, carriers, consignors, fillers, loaders entities in charge of maintenance, maintenance suppliers, wagon keepers, service providers and procurement entities from assuming responsibility for their products or services. To avoid the risk that the responsibilities are not properly assumed, each relevant actor should be made responsible for its particular process. Each actor in the rail system should be responsible in respect to the other actors for complete and truthful communication of all relevant information to check if the vehicles are fit to run. In particular that concerns information on the status and history of the vehicle, maintenance files, traceability of loading operations, and consignment notes.

Amendment

(6) The responsibility of infrastructure managers and railway undertakings for operating the rail system does not preclude other actors such as manufacturers, carriers, consignors, fillers, loaders entities in charge of maintenance, maintenance suppliers, wagon keepers, service providers and procurement entities from assuming responsibility for their products or services. To avoid the risk that the responsibilities are not properly assumed, each relevant actor should be made responsible for its particular process ***through contractual agreements***. Each actor in the rail system should be responsible in respect to the other actors for complete and truthful communication of all relevant information to check if the vehicles are fit to run. In particular that concerns information on the status and history of the vehicle, maintenance files, traceability of loading operations, and consignment notes.

Or. en

Justification

There is a necessity for railway undertakings and infrastructure managers to ensure that all actors in the supply chain are contractually liable

Amendment 95

Carlo Fidanza
Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The responsibility of infrastructure managers and railway undertakings for operating the rail system does not preclude other actors such as manufacturers, carriers, consignors, fillers, loaders entities in charge of maintenance, maintenance suppliers, *wagon* keepers, service providers and procurement entities from assuming responsibility for their products or services. To avoid the risk that the responsibilities are not properly assumed, each relevant actor should be made responsible for its particular process. Each actor in the rail system should be responsible in respect to the other actors for complete and truthful communication of all relevant information to check if the vehicles are fit to run. In particular that concerns information on the status and history of the vehicle, maintenance files, traceability of loading operations, and consignment notes.

Amendment

(6) The responsibility of infrastructure managers and railway undertakings for operating the rail system does not preclude other actors such as manufacturers, carriers, consignors, fillers, loaders, *unloaders, consignee*, entities in charge of maintenance, maintenance suppliers, *vehicle owner, vehicle* keepers, service providers and procurement entities from assuming responsibility for their products or services *and for implanting risk control measures*. To avoid the risk that the responsibilities are not properly assumed, each relevant actor should be made responsible for its particular process. Each actor in the rail system should be responsible in respect to the other actors for complete and truthful communication of all relevant information to check if the vehicles are fit to run. In particular that concerns information on the status and history of the vehicle, maintenance files, traceability of loading operations, and consignment notes.

Or. en

Justification

All the actors who have a responsibility in terms of safety in the chain of railway transport have to be duly identified and defined.

Amendment 96

David-Maria Sassoli, Franco Frigo

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The responsibility of infrastructure managers and railway undertakings for operating the rail system does not preclude other actors such as manufacturers, carriers, consignors, fillers, loaders entities in charge of maintenance, maintenance suppliers, *wagon* keepers, service providers and procurement entities from assuming responsibility for their products or services. To avoid the risk that the responsibilities are not properly assumed, each relevant actor should be made responsible for its particular process. Each actor in the rail system should be responsible in respect to the other actors for complete and truthful communication of all relevant information to check if the vehicles are fit to run. In particular that concerns information on the status and history of the vehicle, maintenance files, traceability of loading operations, and consignment notes.

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(6) The responsibility of infrastructure managers and railway undertakings for operating the rail system does not preclude other actors such as manufacturers, carriers, consignors, fillers, loaders, ***unloaders, consignee***, entities in charge of maintenance, maintenance suppliers, ***vehicle owner, vehicle*** keepers, service providers and procurement entities from assuming responsibility for their products or services ***and for implanting risk control measures***. To avoid the risk that the responsibilities are not properly assumed, each relevant actor should be made responsible for its particular process. Each actor in the rail system should be responsible in respect to the other actors for complete and truthful communication of all relevant information to check if the vehicles are fit to run. In particular that concerns information on the status and history of the vehicle, maintenance files, traceability of loading operations, and consignment notes.

Or. en

Amendment 97

Georges Bach
Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The occurrence of heavy accidents involving freight wagons has shown that mandatory European harmonized rules on frequency and intervals of maintenance of rail freight wagons, passenger rolling stock and locomotives are necessary

Or. en

Amendment 98

Phil Bennion

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Common safety targets (CSTs) and CSMs have been gradually introduced to ensure that safety is maintained at a high level and, when necessary and **where** reasonably practicable, improved. They should provide tools for assessment of the safety and performance of operators at Union level as well as in the Member States. Common safety indicators (CSIs) have been established in order to assess whether systems comply with the CSTs and to facilitate the monitoring of railway safety performance.

Amendment

(8) Common safety targets (CSTs) and CSMs have been gradually introduced to ensure that safety is maintained at a high level and, when necessary and **so far as is** reasonably practicable, improved. They should provide tools for assessment of the safety and performance of operators at Union level as well as in the Member States. Common safety indicators (CSIs) have been established in order to assess whether systems comply with the CSTs and to facilitate the monitoring of railway safety performance.

Or. en

Justification

The concept of "reasonably practicable" should be the core concept of the Union' rail safety system to ensure that when trying to reduce a risk it must be possible to demonstrate that the cost involved in reducing the risk further could be grossly disproportionate to the benefit gained or that measures to reduce the risk could lead to counterproductive effects

Amendment 99

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Common safety targets (CSTs) and CSMs have been gradually introduced to ensure that safety is maintained at a high level and, **when necessary and where reasonably practicable**, improved. They should provide tools for assessment of the safety and performance of operators at Union level as well as in the Member States. Common safety indicators (CSIs) have been established in order to assess

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Or. fi

Amendment 100

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Recital 9

Text proposed by the Commission

(9) National rules, which are often based on national technical standards, have been gradually replaced by rules based on common standards, established by CSTs, CSMs and technical specifications for interoperability (TSIs). In order to eliminate the obstacles to interoperability, the amount of national rules should be reduced as a consequence of extending the scope of the TSIs to the whole Union's rail system and of closing open points in the TSIs. For this purpose the Member States **should** keep their system of national rules updated, delete obsolete rules and **thereof** inform the Commission and the **the** Agency.

Amendment

(9) National rules, which are often based on national technical standards, have been gradually replaced by rules based on common standards, established by CSTs, CSMs and technical specifications for interoperability (TSIs). In order to eliminate the obstacles to interoperability, the amount of national rules should be reduced as a consequence of extending the scope of the TSIs to the whole Union's rail system and of closing open points in the TSIs. For this purpose the Member States **must** keep their system of national rules updated, delete obsolete rules and inform the Commission and the Agency **thereof without delay**.

Or. fi

Amendment 101

Georges Bach
Proposal for a directive
Recital 10

Text proposed by the Commission

(10) In view of the gradual approach to eliminating obstacles to the interoperability of the rail system and of the time consequently required for the adoption of TSIs, steps should be taken to avoid a situation where Member States adopt new national rules or undertake projects that increase the diversity of the present system.

Amendment

(10) In view of the gradual approach to eliminating obstacles to the interoperability of the rail system **while maintaining a high level of railway safety** and of the time consequently required for the adoption of TSIs, steps should be taken to avoid a situation where Member States adopt new national rules or undertake projects that

The safety management system is *the* recognised tool for preventing accidents *and* railway undertakings are responsible for taking immediate corrective action to prevent re-occurrence of accidents. Member States should not decrease the responsibility of the railway undertakings by establishing new national rules immediately after an accident.

increase the diversity of the present system. The safety management system is *a* recognised tool for preventing accidents. *Member states, the European Railway Agency and* railway undertakings are responsible for taking immediate corrective action to prevent re-occurrence of accidents. Member States should not decrease the responsibility of the railway undertakings by establishing new national rules immediately after an accident.

Or. en

Amendment 102

Michael Cramer
Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Train control and signalling systems play a critical role for railway safety. The harmonised development and deployment of the 'European Rail Traffic Management System' (ERTMS) on the Union railway network is an important contribution to improving safety levels.

Or. en

Amendment 103

Georges Bach
Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Railway undertakings and Infrastructure managers should establish within their safety culture a "fair culture" in order to actively encourage personnel to report safety related accidents, incidents and near misses without being subject to punishment or discrimination. A fair culture enables the railway industry to learn lessons from accidents, incidents

and near misses and thereby improve safety on the railway for workers and the travelling passengers.

Or. en

Amendment 104

Dominique Riquet
Proposal for a directive
Recital 12

Text proposed by the Commission

(12) To ensure a high level of railway safety and equal conditions for all railway undertakings, the latter should be subject to the same safety requirements. A licensed railway undertaking should hold a safety certificate in order to obtain access to the railway infrastructure. The safety certificate should provide evidence that the railway undertaking has established its safety management system and is able to comply with the relevant safety standards and rules. For international transport services, it should be enough to approve the safety management system only once at Union level.

Amendment

(12) To ensure a high level of railway safety and equal conditions for all railway undertakings, the latter should be subject to the same safety requirements. A licensed railway undertaking should hold a safety certificate in order to obtain access to the railway infrastructure. The safety certificate should provide evidence that the railway undertaking has established its safety management system and is able to comply with the relevant safety standards and rules. For international transport services, it should be enough to approve the safety management system only once at Union level *or for the territory the rail infrastructure of which the railway undertaking will use.*

Or. fr

Amendment 105

Phil Bennion
Proposal for a directive
Recital 12

Text proposed by the Commission

(12) To ensure a high level of railway safety and equal conditions for all railway undertakings, the latter should be subject to the same safety requirements. A licensed railway undertaking should hold a safety certificate in order to obtain access to the railway infrastructure. The safety

Amendment

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certificate should provide evidence that the railway undertaking has established its safety management system and is able to comply with the relevant safety *systems and national* rules *of the areas of use where it intends to operate*. For international transport services, it should be enough to approve the safety management system only once at Union level.

Or. en

Justification

The safety certificate needs to be a proof that the railway undertaking understands the safety system and specific national rules of the areas where it intends to operate

Amendment 106

Phil Bennion

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Harmonised methods based on Directive 2004/49/EC have been established to be applied to the railway undertakings and the national safety authorities on monitoring, conformity assessment, supervision and on risk evaluation and assessment. This regulatory framework is sufficiently mature to move progressively towards a 'single safety certificate', valid throughout the Union. The move to a single safety certificate should make the rail system more effective and efficient by reducing administrative burdens for the railway undertakings.

Amendment

(13) Harmonised methods based on Directive 2004/49/EC have been established to be applied to the railway undertakings and the national safety authorities on monitoring, conformity assessment, supervision and on risk evaluation and assessment. This regulatory framework is sufficiently mature to move progressively towards a 'single safety certificate', valid throughout the Union *within the specified areas of use*. The move to a single safety certificate should make the rail system more effective and efficient by reducing administrative burdens for the railway undertakings.

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 107

Phil Bennion

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) Infrastructure manager should have a key responsibility for the safe design, maintenance and operation of its rail network. The infrastructure manager should be subject to safety authorisation by the national safety authority concerning its safety management system and other provisions to meet safety requirements.

Amendment

(15) Infrastructure manager should have a key responsibility for the safe design, maintenance and operation of its rail network. The infrastructure manager should be subject to safety authorisation by the national safety authority concerning its safety management system and other provisions to meet safety requirements.
The European railway agency should be in charge of delivering the safety authorisation in the case of crossborder infrastructures.

Or. en

Justification

The corridor approach within the TEN-T guidelines could facilitate the development of crossborder infrastructures with one infrastructure manager. In those cases, ERA should be in charge of delivering the authorisation.

Amendment 108

Carlo Fidanza

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) Infrastructure manager should have a key responsibility for the safe design, maintenance and operation of its rail network. The infrastructure manager should be subject to safety authorisation by the national safety authority concerning its safety management system ***and other provisions to meet safety requirements.***

Amendment

(15) Infrastructure manager should have a key responsibility for the safe design, maintenance and operation of its rail network. The infrastructure manager should be subject to safety authorisation by the national safety authority concerning its safety management system.

Justification

It is not clear what are “other provisions” other than those subject to safety authorization. This sentence could be misinterpreted.

Amendment 109

Michael Cramer
Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Training and qualification of train staff is a critical factor for railway safety. Railway undertakings should ensure that their staff is adequately qualified and trained, including when operating on the network of another Member State. National safety authorities should monitor and enforce these requirements.

Justification

The importance of the human factor is decisive for the safety of the railway system. This needs to be stressed.

Amendment 110

Georges Bach
Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) The certification of train staff ***is often an insurmountable*** barrier to new entrants. Member States should ensure that facilities for the training and certification of train staff necessary to meet requirements under national rules are available to railway undertakings intending to operate on the relevant network.

(16) Railway undertakings have to ensure that train staff is properly qualified and certified. They have to ensure the relevant training and qualification level when their staff is operating on the network of another Member State. Safety authorities shall have the responsibility to control and enforce that requirement. The certification of train staff can be a barrier

to new entrants. Member States should ensure that facilities for the training and certification of train staff necessary to meet requirements under national rules are available to railway undertakings intending to operate on the relevant network.

Or. en

Amendment 111

Georges Bach
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In addition to the safety requirements laid down in the safety certificate, licensed railway undertakings must comply with national requirements, compatible with Community law and applied in a non-discriminatory manner, relating to occupational health and safety conditions, social conditions, including legal and contractual provisions relating to working, driving and rest time.

Or. en

Amendment 112

Phil Bennion
Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) The entity in charge of maintenance should be certified for freight wagons. Where the entity in charge of maintenance is an infrastructure manager, this certification should be included in the procedure for safety authorisation. The certificate issued to such an entity should guarantee that the maintenance requirements of this Directive are met for any freight wagon for which the entity is in charge. This certificate should be valid in

(17) The entity in charge of maintenance should be certified for freight wagons. Where the entity in charge of maintenance is an infrastructure manager, this certification should be included in the procedure for safety authorisation. The certificate issued to such an entity should guarantee that the maintenance requirements of this Directive are met for any freight wagon for which the entity is in charge. This certificate should be valid in

the whole Union and should be issued by a body able to audit the maintenance system set up by the entity. As freight wagons are frequently used in international traffic and as the entity in charge of maintenance may want to use workshops established in more than one Member State, the certification body should be able to implement its controls throughout the Union.

the whole Union and should be issued by a body able to audit the maintenance system set up by the entity. As freight wagons are frequently used in international traffic and as the entity in charge of maintenance may want to use workshops established in more than one Member State, the certification body should be able to implement its controls throughout the Union. ***When proceeding at the evaluation of the system of certification of the entity in charge of maintenance for freight wagons, the Agency should consider the opportunity for an extension of this certification to all vehicles.***

Or. en

Amendment 113

Carlo Fidanza
Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The ERA shall develop with the sector experts a common safety method for identifying the critical components for safety taking in account the experience of aviation sector.

Or. en

Justification

It is important for the European market to have a common approach to identify the critical components.

Amendment 114

Georges Bach
Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

(18) The national safety authorities should

(18) The national safety authorities should

be fully independent in their organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity. They should carry out their tasks in an open and non-discriminatory way and cooperate with the Agency to create a single rail area and coordinate their decision-making criteria. To increase efficiency, two or more Member States may decide to merge the staff and resources of the respective national safety authorities.

be fully independent in their organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity. They should carry out their tasks in an open and non-discriminatory way and cooperate with the Agency to create a single rail area ***with a high level of railway safety*** and coordinate their decision-making criteria. ***In order to fulfil their tasks, the National Safety Authorities must have sufficient budgetary resources and a sufficient number of well trained staff.*** To increase efficiency, two or more Member States may decide to merge the staff and resources of the respective national safety authorities.

Or. en

Amendment 115

Michael Cramer
Proposal for a directive
Recital 18

Text proposed by the Commission

(18) The national safety authorities should be fully independent in their organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity. They should carry out their tasks in an open and non-discriminatory way and cooperate with the Agency to ***create a single rail area*** and coordinate their decision-making criteria. To increase efficiency, two or more Member States may decide to merge the staff and resources of the respective national safety authorities.

Amendment

(18) The national safety authorities should be fully independent in their organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity. They should ***be adequately financed and staffed and*** carry out their tasks in an open and non-discriminatory way and cooperate with the Agency to and coordinate their decision-making criteria. To increase efficiency, two or more Member States may decide to merge the staff and resources of the respective national safety authorities.

Or. en

Amendment 116

Michael Cramer

Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) In order to create a Single European Railway Area and to improve railway safety, the introduction of a single safety certificate is essential. This requires a clear distribution of tasks and responsibilities between the Agency and the national safety authorities. The Agency should become a one-stop shop for safety certificates in the Union, using the valuable expertise, local knowledge and experience of national safety authorities. It should delegate specific tasks and responsibilities to national safety authorities on the basis of contractual agreements referred to in Regulation [...] [Regulation on the European Railway Agency], but have the exclusive competence to issue, renew, amend or revoke safety certificates for both railway undertakings and infrastructure managers.

Or. en

Amendment 117

Georges Bach
Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) The respect of working, driving and rest time rules for train drivers and train staff performing safety tasks is crucial for railway safety and a fair competition. The National Safety authorities shall be responsible for enforcing and checking the application of these rules, also for cross-border operations. The Agency shall develop an on-board registration device for driving and rest time of train drivers. National safety authorities shall have the

competence to control driving and rest times across borders.

Or. en

Amendment 118

Georges Bach
Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Serious accidents on the railways are rare. However, they can have disastrous consequences and raise concern among the public about the safety performance of the rail system. All such accidents should, therefore, be investigated from a safety perspective to avoid recurrence and the results of the investigations should be made public. Other accidents and incidents should also be subject to safety investigations when they could be significant precursors to serious accidents .

Amendment

(20) Serious accidents on the railways are rare. However, they can have disastrous consequences and raise concern among the public about the safety performance of the rail system. All such accidents should, therefore, be investigated from a safety perspective to avoid recurrence and the results of the investigations should be made public. Other accidents and incidents should also be subject to safety investigations when they could be significant precursors to serious accidents. ***In order to identify such precursors, railway undertakings and infrastructure managers shall establish a "fair culture" as defined in Article 3.***

Or. en

Amendment 119

Inés Ayala Sender
Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The rail safety system is based on feedback and lessons learned from accidents and incidents which require the strict application of rules on confidentiality in order to ensure the future availability of valuable sources of information. In this context sensitive safety information should be protected in an appropriate way.

Amendment 120

Inés Ayala Sender
Proposal for a directive
Recital 20 b (new)

Text proposed by the Commission

Amendment

(20b) An accident raises a number of different public interests such as the prevention of future accidents and the proper administration of justice. Those interests go beyond the individual interests of the parties involved and beyond the specific event. The right balance among all interests is necessary to guarantee the overall public interest.

Or. es

Amendment 121

Inés Ayala Sender
Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) The rail sector should equally promote a non-punitive environment facilitating the spontaneous reporting of occurrences and thereby advancing the principle of "just culture".

Or. es

Amendment 122

Inés Ayala Sender
Proposal for a directive
Recital 21 b (new)

Text proposed by the Commission

Amendment

(21b) It is important for the prevention of accidents and incidents to communicate in the shortest time possible relevant

information, including in particular reports and safety recommendations resulting from safety investigations.

Or. es

Amendment 123

Inés Ayala Sender
Proposal for a directive
Recital 21 c (new)

Text proposed by the Commission

Amendment

(21c) In the rail sector, it is difficult to identify victims and contact persons and/or family members following an accident, since in general the operator does not know the victims' identities. Nevertheless, in some of the Union's rail services where advance reservation is compulsory or security checks are carried out on passengers before boarding the train, it would be appropriate if the operator could have a list of the passengers and crew on board for the sole purpose of being able to communicate quickly with family members and/or contact persons. A mandate should therefore be given for the Agency to develop systems to integrate this information in passenger reservation systems. National agencies also need to draw up emergency plans providing for emergency services, access plans and assistance at the site of the accident, and also including a plan for the provision of care for victims. The Agency will be able to cooperate and assist in the drawing-up of such plans, taking account of best practice. The operator should also have a plan on assistance for victims.

Or. es

Amendment 124

Phil Bennion

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) In order to improve the efficiency of activities of an investigation body and to help it in discharging its duties, the investigation body should have timely access to the site of an accident, where necessary in good cooperation with the judicial authority. **The** reports on investigations and any findings and recommendations provide crucial information for the further improvement of railway safety and should be made publicly available at Union level. Safety recommendations should be acted upon by the addressees and actions reported back to the investigating body.

Amendment

(22) In order to improve the efficiency of activities of an investigation body and to help it in discharging its duties, the investigation body should have timely access to the site of an accident, where necessary in good cooperation with the judicial authority. **All parties involved, including the Agency, should provide all relevant information necessary to the activities of the investigation body.** The reports on investigations and any findings and recommendations provide crucial information for the further improvement of railway safety and should be made publicly available at Union level. Safety recommendations should be acted upon by the addressees and actions reported back to the investigating body.

Or. en

Justification

All actors playing a part in the safety management system of the EU should be proactive in providing all relevant information to the investigation body

Amendment 125

Phil Bennion
Proposal for a directive
Recital 25

Text proposed by the Commission

(25) In order to supplement and amend certain non-essential elements of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of common safety methods and their revision, and revision of common safety indicators and common safety targets. It is of particular importance that

Amendment

(25) In order to supplement and amend certain non-essential elements of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of common safety methods and their revision, and revision of common safety indicators and common safety targets. 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 to the Council.

the Commission carry out appropriate consultations during its preparatory work, including at expert level, **and especially with national safety authorities**. 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 to the Council.

Or. en

Justification

The Commission during its preparatory work should consult the national safety authorities to make the best use of their expertise

Amendment 126

Inés Ayala Sender

Proposal for a directive

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

This Directive lays down provisions to ensure the development and improvement of safety of the Union's railways **and improved access to the market for rail transport services** by:

Amendment

This Directive lays down provisions to ensure the development and improvement of safety of the Union's railways by:

Or. es

Justification

More attention should be drawn to the real objective of this Directive, which is to guarantee the improvement and safety of railways.

Amendment 127

Jörg Leichtfried

Proposal for a directive

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

This Directive lays down provisions to ensure the development and improvement

Amendment

This Directive lays down provisions to ensure the development and improvement

of safety of the Union's railways **and improved access to the market for rail transport services** by:

of safety of the Union's railways by:

Or. en

Amendment 128

Jörg Leichtfried

Proposal for a directive

Article 1 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) developing common safety targets and common safety methods with a view to **gradually removing the need for** national rules;

(c) developing common safety targets and common safety methods with a view to **greater harmonisation of** national rules **at a high safety level**;

Or. en

Amendment 129

Inés Ayala Sender

Proposal for a directive

Article 1 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) developing common safety targets and common safety methods with a view to gradually removing the need for national rules;

(c) developing common safety targets and common safety methods with a view to gradually removing the need for national rules, **harmonising them at a high level of safety**;

Or. es

Amendment 130

Phil Bennion

Proposal for a directive

Article 1 – paragraph 1 – point e – point i (new)

Text proposed by the Commission

Amendment

(i) introducing a single safety certificate that is valid and recognised in all Member states within the specified areas of use;

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 131

Phil Bennion
Proposal for a directive
Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) metros, trams and light rail systems;

(a) metros, trams and light rail systems;
(a) Untergrundbahn-, Straßenbahn- sowie Stadtbahnsysteme;
(This affects only the DE version)

Or. en

Amendment 132

Inés Ayala Sender
Proposal for a directive
Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) metros, trams and light rail systems;

Does not affect English version

Or. de

Justification

Amendment 133

Izaskun Bilbao Barandica
Proposal for a directive
Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) metros, trams and light rail systems;

Does not affect English version

Or. de

Amendment 134

Artur Zasada, Bogdan Kazimierz Marcinkiewicz, Roberts Zile, Ryszard Antoni Legutko,
Bogusław Liberadzki, Werner Kuhn, Jaromír Kohlíček
Proposal for a directive
Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

There are rail companies operating also regional rail freight services on different gauge network in certain EU countries such as Poland which are organizationally and technically separated from the rail network with the dominant European standard gauge of 1435 mm; therefore these railways should not be subject to this Directive.

Amendment 135

Artur Zasada, Bogdan Kazimierz Marcinkiewicz, Roberts Zile, Ryszard Antoni Legutko,
Bogusław Liberadzki, Werner Kuhn, Jaromír Kohlíček
Proposal for a directive
Article 2 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Organizationally and technically separate railway lines using a track gauge different than the one dominant in the given Member State, having direct access to the railway infrastructure of countries outside the EU, as well as railway undertakings operating solely on these lines;

Or. en

Amendment 136

Phil Bennion

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

Text proposed by the Commission

Amendment

(ba) rolling stock which has lost its authorisation and is being moved to a terminal or site to allow it to be reauthorised;

Or. en

Justification

There is a necessity to prevent situations where old rolling stock would be moved on the roads while being move to a terminal to be reauthorised

Amendment 137

Bernadette Vergnaud
Proposal for a directive
Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ‘rail system’ means the Union rail system as defined in Article 2 of Directive [xx on interoperability of the rail system];

(a) ‘rail system’ means the ***conventional and high-speed*** Union rail system as defined in Article 2 of Directive [xx on interoperability of the rail system];

Or. fr

Justification

A distinction should continue to be made between the conventional network and the high-speed network.

Amendment 138

Gilles Pargneaux
Proposal for a directive
Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ‘rail system’ means the Union rail system as defined in Article 2 of Directive [xx on interoperability of the rail system];

(a) ‘***Union*** rail system’ means the ***conventional and high-speed*** Union rail system as defined in Article 2 of Directive

[xx on interoperability of the rail system];

Or. fr

Justification

It must be specified that the Union rail system covers both the conventional system and the high-speed system. The high-speed rail system is subject to particular technical specifications on interoperability.

Amendment 139

Inés Ayala Sender

Proposal for a directive

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘rail system’ means the **Union** rail system as defined in Article 2 of Directive **[xx on interoperability of the rail system]**;

Amendment

(a) ‘rail system’ means the **trans-European conventional and high-speed rail systems** as defined in Article 2 of **the** Directive on interoperability of the rail system;

Or. es

Justification

The distinction between the two different networks that form part of the rail system should be maintained. High-speed rail presents a series of additional features and requirements (in relation to safety and signalling, etc.), and as a result it differs substantially from the conventional rail network.

Amendment 140

Carlo Fidanza

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘infrastructure manager’ means infrastructure manager as defined in Article 2 of Directive **2001/14/EC¹⁴**;

Amendment

(b) ‘infrastructure manager’ means infrastructure manager as defined in Article **3** of Directive **2012/34/EU**;

Or. en

Justification

Updating of the quoted directive.

Amendment 141

Carlo Fidanza

Proposal for a directive

Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) ‘railway undertaking’ means railway undertaking as defined in **Article 2 of Directive 2001/14/EC**, and any other public or private undertaking, the activity of which is to provide transport of goods and/or passengers by rail on the basis that the undertaking must ensure traction, including undertakings which provide traction only;

Amendment

(c) ‘railway undertaking’ means railway undertaking as defined in **Article 3 of Directive 2012/34/EU**, and any other public or private undertaking, the activity of which is to provide transport of goods and/or passengers by rail on the basis that the undertaking must ensure traction, including undertakings which provide traction only;

Or. en

Justification

Updating of the quoted directive.

Amendment 142

Dominique Riquet

Proposal for a directive

Article 3 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘common safety methods (CSMs)’ means the methods describing the assessment of safety levels and achievement of safety targets and compliance with other safety requirements;

Amendment

(Does not affect English version.)

Or. fr

Justification

(Does not affect English version.)

Amendment 143

Roberts Zīle

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ga) isolated network' means the rail network of a Member State, or a part thereof, with a track gauge which is different to that of the European standard nominal track gauge (1435mm - hereafter "standard gauge"), which is geographically or technically detached from it;

Or. en

Justification

Definition and concept of "isolated network" should be introduced because these networks present technical specificities and different market conditions. In this case, it is likely to be preferable to leave it for the choice of the applicant to apply and to receive safety certification either by the Agency or the national safety authorities who already have experience in the particular issues that arise on so-called "non-standard" gauges.

Amendment 144

Bogusław Liberadzki

Proposal for a directive

Article 3 – paragraph 1 – point h

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

All the binding rules are notified rules. These rules are notified by a Member States via the relevant IT system. According to Article 14 - National Rules - of the Interoperability

Directive, Member States shall notify to the Commission the list of national rules. The definition in Article 2 shall therefore be in line with Article 14. National rules apply to all actors in the railway sector and not only to railway undertakings.

Amendment 145

Carlo Fidanza

Proposal for a directive

Article 3 – paragraph 1 – point h

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

All the binding rules are the notified ones. The rules are notified by Member States to the Commission and the ERA, who make them available to the public.

Amendment 146

Izaskun Bilbao Barandica

Proposal for a directive

Article 3 – paragraph 1 – point h

Text proposed by the Commission

Amendment

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

(h) ‘national rules’ means all binding rules **adopted at Member State level, irrespective of the body issuing them, which contain** railway safety or technical requirements imposed **within a given** Member State **in addition to European rules and which are applicable to railway actors**;

Or. en

Amendment 147

David-Maria Sassoli, Franco Frigo

Proposal for a directive
Article 3 – paragraph 1 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 148

Phil Bennion
Proposal for a directive
Article 3 – paragraph 1 – point h a (new)

Text proposed by the Commission

(ha) 'area of use' means technically compatible network or networks within a Member State, or a group of Member States, on which a vehicle is intended to be operated or a railway undertaking intends to operate;

Amendment

Or. en

Amendment 149

Georges Bach
Proposal for a directive
Article 3 – paragraph 1 – point h a (new)

Text proposed by the Commission

(ha) "area of operation" means one or more groups of lines with the same equipments and operating rules in one or more Member States where the railway undertaking provides its services;

Amendment

Or. en

Amendment 150

Gilles Pargneaux

Proposal for a directive

Article 3 – paragraph 1 – point i

Text proposed by the Commission

(i) ‘safety management system’ means the organisation and **arrangements** established by an infrastructure manager or a railway undertaking to ensure the safe management of its operations;

Amendment

(i) ‘safety management system’ means the organisation and **procedures** established by an infrastructure manager or a railway undertaking to ensure the safe management of its operations;

Or. fr

Justification

Safety must be underpinned not by arrangements or forms of cooperation but by clear, contractual safety-management procedures.

Amendment 151

Georges Bach

Proposal for a directive

Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘accident’ means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion, fires and others;

Amendment

(k) ‘accident’ means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion, **including in shunting yards and during track maintenance works**, fires and others;

Or. en

Justification

Clarification that these cases are included.

Amendment 152

Jörg Leichtfried

PE519.443v01-00

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Proposal for a directive
Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘accident’ means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion, fires and others;

Amendment

(k) ‘accident’ means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion ***including in shunting yards and during track maintenance works***, fires and others;

Or. en

Justification

In many cases accidents occur during shunting or maintenance. It must be clarified, that they are considered.

Amendment 153

Gilles Pargneaux
Proposal for a directive
Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘accident’ means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion, fires and others;

Amendment

(k) ‘accident’ means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents ***caused by failures in the rail system***, accidents to persons caused by rolling stock in motion, fires and others;

Or. fr

Justification

Not all level-crossing accidents are attributable to the rail system (they may be caused, for example, by car, bus or lorry drivers).

Amendment 154

Carlo Fidanza

Proposal for a directive

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

Text proposed by the Commission

Amendment

(na) "Reasonably practicable" means any activity that, following a cost benefit analysis, doesn't lead to a disproportionate contribution in terms of cost and/or implementation timing, in relation to the safety target to achieve;

Or. en

Justification

Since the expression "reasonably practicable" is used elsewhere in the text of the directive, it is necessary to provide proper definition.

Amendment 155

Carlo Fidanza

Proposal for a directive

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

Text proposed by the Commission

Amendment

(nb) "Other parties" means external activities at the interfaces with the rail system which may introduce risks that have direct impact on operation and that have to be controlled by Infrastructure managers and Railway Undertakings;

Or. en

Justification

Since the expression "other parties" is used elsewhere in the text of the directive, it is necessary to provide proper definition.

Amendment 156

Carlo Fidanza

Proposal for a directive

Article 3 – paragraph 1 – point q

PE519.443v01-00

36/164

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Text proposed by the Commission

(q) **'notified bodies'** means the bodies which are responsible for assessing the conformity or suitability for use of the interoperability constituents or for appraising the **'EC'** procedure for verification of the subsystems;

Amendment

(q) **"conformity assessment body"** means the bodies which are responsible for assessing the conformity or suitability for use of the interoperability constituents or for appraising the **'EC'** procedure for verification of the subsystems, **as defined in Directives 96/48/EC and 2001/16/EC;**

Or. en

Amendment 157

Carlo Fidanza

Proposal for a directive

Article 3 – paragraph 1 – point r

Text proposed by the Commission

(r) 'interoperability constituents' means any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into a subsystem upon which the interoperability of the rail system depends directly or indirectly, as defined in Article 2 of Directive xx on interoperability of the rail system ;

Amendment

(r) 'interoperability constituents' means any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into a subsystem upon which the interoperability of the rail system depends directly or indirectly, **including both tangible objects and intangible objects**, as defined in Article 2 of Directive xx on interoperability of the rail system. **The concept of a 'constituent' covers both tangible objects and intangible objects such as software;**

Or. en

Justification

The amendment is needed to include in the definition of constituent also the concept of intangible objects (EG software).

Amendment 158

Phil Bennion

Proposal for a directive

Article 3 – paragraph 1 – point s

Text proposed by the Commission

(s) 'keeper' means the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the **national** vehicle register referred to in Article 43 of Directive XX on the interoperability of the rail system ;

Amendment

(s) 'keeper' means the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the **European** vehicle register referred to in Article 43 of Directive XX on the interoperability of the rail system;

Or. en

Amendment 159

Michael Cramer

Proposal for a directive

Article 3 – paragraph 1 – point s

Text proposed by the Commission

(s) 'keeper' means the person or entity that, **being the owner of a vehicle or having** the right to use it, exploits the vehicle as a means of transport and is registered as such in the national vehicle register referred to in Article 43 of Directive XX on the interoperability of the rail system ;

Amendment

(s) 'keeper' means the person or entity that **has** the right to use it, exploits the vehicle as a means of transport and is registered as such in the national vehicle register referred to in Article 43 of Directive XX on the interoperability of the rail system;

Or. en

Amendment 160

David-Maria Sassoli, Franco Frigo

Proposal for a directive

Article 3 – paragraph 1 – point s

Text proposed by the Commission

(s) '**keeper**' means the person or entity that, being the owner of a vehicle **or having the right to use it, exploits the vehicle as a means of transport and** is registered as such in the national vehicle register referred to in Article 43 of Directive XX on the interoperability of the rail system ;

Amendment

(s) "**owner**" means the person or entity that, being the owner of a vehicle, is registered as such in the National Vehicle Register referred to in Article 43 of Directive XX on the interoperability of the rail system;

Or. en

Amendment 161

Izaskun Bilbao Barandica
Proposal for a directive
Article 3 – paragraph 1 – point s

Text proposed by the Commission

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

Amendment

(s) ‘keeper’ means the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the **European** vehicle register referred to in Article 43 of Directive XX on the interoperability of the rail system;

Or. en

Amendment 162

Jaromír Kohlíček
Proposal for a directive
Article 3 – paragraph 1 – point s

Text proposed by the Commission

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

Amendment

(s) **“owner”** means the person or entity that, being the owner of a vehicle, is registered as such in the National Vehicle Register referred to in Article 43 of Directive XX on the interoperability of the rail system;

Or. en

Justification

Better and most suitable definition.

Amendment 163

Michael Cramer
Proposal for a directive
Article 3 – paragraph 1 – point s a (new)

Text proposed by the Commission

Amendment

(sa) 'owner' means the person or entity that is the owner of a vehicle and is registered as such in the European Vehicle Register referred to in Article 43 of Directive [...] [Interoperability Directive];

Or. en

Amendment 164

Carlo Fidanza

Proposal for a directive

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

Text proposed by the Commission

Amendment

(sa) "owner" means the person or entity that, being the owner of a vehicle, is registered as such in the National Vehicle Register referred to in Article 43 of Directive XX on the interoperability of the rail system;

Or. en

Justification

In the chain of safety it is important to identify the owner of a vehicle who as to provide vehicles free of defects that can affect the safety to the keepers.

Amendment 165

Phil Bennion

Proposal for a directive

Article 3 – paragraph 1 – point t

Text proposed by the Commission

Amendment

(t) ‘entity in charge of maintenance’ means an entity in charge of maintenance of a vehicle, and registered as such in the ***national*** vehicle register ;

(t) ‘entity in charge of maintenance’ means an entity in charge of maintenance of a vehicle, and registered as such in the ***European*** vehicle register;

Or. en

Amendment 166

Izaskun Bilbao Barandica
Proposal for a directive
Article 3 – paragraph 1 – point u

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 167

Gilles Pargneaux
Proposal for a directive
Article 3 – paragraph 1 – point u

Text proposed by the Commission

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

Amendment

(u) ‘vehicle’ means a railway vehicle suitable for circulation on its own wheels on railway lines, with or without traction;

Or. fr

Justification

Not all railway vehicles necessarily circulate on their own wheels: swap bodies and the TGV, for example, circulate on common axle sets rather than their own wheels.

Amendment 168

Georges Bach
Proposal for a directive
Article 3 – paragraph 1 – point v

Text proposed by the Commission

(v) ‘manufacturer’ means any natural or legal person who manufactures an

Amendment

(v) ‘manufacturer’ means any natural or legal person who manufactures an

interoperability constituent or subsystem or has it designed or manufactured, and markets it under his name or trademark;

interoperability constituent, **components** or subsystem or has it designed or manufactured, and markets it under his name or trademark;

Or. en

Justification

A large number of components have to be conformed to TSI and should bear the responsibility for ensuring that they are compliant with these texts.

Amendment 169

Georges Bach

Proposal for a directive

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

Text proposed by the Commission

Amendment

(xa) "unloader" means the enterprise which removes a container from a wagon, or unloads packaged goods out or from a wagon or a container, or discharges goods from a tank, a wagon or a container;

Or. en

Amendment 170

Bogusław Liberadzki

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ya) 'consignee' means any natural or legal person which is identified as such in the consignment note and which receives the goods and aforesaid consignment note;

Or. en

Justification

This new definition is based on the COTIF.

Amendment 171

Georges Bach

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ya) "fair culture" means a procedure to be established to actively encourage personnel to report safety related accidents, incidents and near misses without being subject to punishment or discrimination. A fair culture enables the railway industry to learn lessons from accidents, incidents and near misses and thereby improve safety on the railway for workers and the travelling passengers;

Or. en

Amendment 172

Michael Cramer

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ya) 'just culture' means internal procedures to be established by undertakings in order to encourage personnel to report potential safety risks, incidents and accidents in a climate of openness and trust, without having to fear punishment or discrimination;

Or. en

Justification

In order to make sure that precursors, incidents and accidents are always reported, a "just culture" needs to be established to avoid that employees fear sanctions for reporting potential safety risks. This system has already been established in the United Kingdom.

Amendment 173

Carlo Fidanza

Proposal for a directive
Article 3 – paragraph 1 – point y a (new)

Text proposed by the Commission

Amendment

(ya) 'consignee' means any natural or legal person which is identified as such in the consignment note and which receives the goods and this consignment note;

Or. en

Justification

This definition is needed since the consignee has a safety responsibility as far as dangerous goods are concerned.

Amendment 174

Bogusław Liberadzki
Proposal for a directive
Article 3 – paragraph 1 – point y b (new)

Text proposed by the Commission

Amendment

(yb) 'carrier' means any enterprise with whom the consignor or the passenger has concluded the contract of carriage or a successive carrier who is liable on the basis of that contract;

Or. en

Justification

This new definition is based on the COTIF.

Amendment 175

Bogusław Liberadzki
Proposal for a directive
Article 3 – paragraph 1 – point y c (new)

Text proposed by the Commission

Amendment

(yc) 'railway actors' involved in the safety chain are: railway undertakings, infrastructure managers, entities in

charge of maintenance, rolling stock keepers, manufacturers, consignors, consignees, carriers, loaders, fillers and unloaders;

Or. en

Justification

The word 'railway actor' in the light of the safety chain has to be clearly defined.

Amendment 176

Bogusław Liberadzki
Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States and the Agency shall ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Amendment

1. Member States and the Agency ***each for their own missions*** shall ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Member States shall ensure that measures to develop and improve railway safety take account of the need for a system based approach.

The main system actors shall bear the responsibility for the safety of the system, each for their own duties, without prejudice to civil liability in accordance with the legal requirements of the Member States.

Or. en

Justification

This Amendment defines more accurately the role of each railway actor.

Amendment 177

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States and the Agency shall ensure that railway safety is **generally** maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Amendment

1. Member States and the Agency **each for their own missions** shall ensure that railway safety is maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Or. en

Amendment 178

Phil Bennion

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States and the Agency shall ensure that railway safety is generally maintained and, **where** reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Amendment

1. Member States and the Agency shall ensure that railway safety is generally maintained and, **so far as is** reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Or. en

Justification

The concept of "reasonably practicable" should be the core concept of the Union' rail safety system to ensure that when trying to reduce a risk it must be possible to demonstrate that the cost involved in reducing the risk further could be grossly disproportionate to the benefit gained or that measures to reduce the risk could lead to counterproductive effect.

Amendment 179

Inés Ayala Sender

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States and the Agency shall ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Amendment

1. Member States and the Agency shall ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and ***the role of the human factor for the safety of the rail system***, giving priority to the prevention of serious accidents.

Or. es

Justification

The Commission's wording suggests that increased rail safety depends almost exclusively on technical and scientific progress. The human factor should not be neglected or underestimated as a key element of safety.

Amendment 180

Georges Bach
Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States and the Agency shall ensure that railway safety is ***generally maintained and, where reasonably practicable***, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of ***serious accidents***.

Amendment

1. Member States and the Agency shall ensure that railway safety is maintained and continuously improved, taking into consideration the development of Union legislation and technical and scientific progress ***as well as the role of the human factor for the safety of railway system*** and giving priority to the prevention of ***accidents***.
Member States shall make sure that measures for developing and improving railway safety take account of the need for a system based approach.
The actors of the railway system, each for their own duty, should be responsible for the safety of the system, without prejudice to civil liability in accordance with the legal requirements of the Member States.

Justification

The role of human factor as part of the safety system should not be neglected. Furthermore, the role of each railway actor must be defined more precisely.

Amendment 181

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States and the Agency shall ensure that railway safety is **generally** maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Amendment

1. Member States and the Agency ***each for their own missions*** shall ensure that railway safety is maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Member States shall ensure that measures to develop and improve railway safety take account of the need for a system based approach.

The main actors of the railway system shall bear the responsibility for the safety of the system, each for their own duties, without prejudice to civil liability in accordance with the legal requirements of the Member States.

Justification

The amendment defines more precisely the role of each railway actor (no joint responsibility between the Agency and the Member States).

Amendment 182

Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States and the Agency shall ensure that railway safety is **generally** maintained and, where **reasonably** practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Amendment

1. Member States and the Agency shall ensure, **each in their respective fields of responsibilities**, that railway safety is maintained and, where practicable, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.
Member States and the Agency shall ensure that safety rules are laid down, applied and enforced in an open and non-discriminatory manner, fostering the development of a single European rail transport system.

Or. en

Amendment 183

Jörg Leichtfried
Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States and the Agency shall ensure that railway safety is generally maintained and, **where reasonably practicable**, continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Amendment

1. Member States and the Agency shall ensure that railway safety is generally maintained and continuously improved, taking into consideration the development of Union legislation and technical and scientific progress and giving priority to the prevention of serious accidents.

Or. de

Amendment 184

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko
Proposal for a directive
Article 4 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that measures

to develop and improve railway safety take account of the need for a system based approach. The main actors of the railway system shall bear the responsibility for the safety of the system, each for their own duties, without prejudice to civil liability in accordance with the legal requirements of the Member States.

Or. en

Amendment 185

Inés Ayala Sender
Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States and the Agency shall ensure that measures to develop and improve railway safety take into account the need for a system-based approach.

Or. en

Justification

This amendment reinstates the current article 4(2) that has been deleted, introducing the Agency. Taking into consideration the complexity, the number of players, public administrations, it is essential to keep the call to develop railway safety with a system-based approach.

Amendment 186

Dominique Riquet
Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall ensure that the responsibility for the safe operation of the rail system and the control of risks associated with it is laid upon the infrastructure managers and railway undertakings, obliging them:

Member States ***and the Agency*** shall ensure that the responsibility for the safe operation of the rail system and the control of risks associated with it is laid upon the infrastructure managers and railway undertakings, obliging them:

Amendment 187

Georges Bach

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that the responsibility for the safe operation of the rail system and the control of risks associated with it is laid upon the **infrastructure managers and railway undertakings**, obliging them:

Amendment

Member States **and the Agency** shall ensure that the responsibility for the safe operation of the rail system and the control of risks associated with it is laid upon the **specific actors**, obliging them:

Or. en

Amendment 188

Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that the responsibility for the safe operation of the rail system and the control of risks associated with it is laid upon the infrastructure managers and railway undertakings, obliging them:

Amendment

Member States **and the Agency** shall ensure that the responsibility for the safe operation of the rail system and the control of risks associated with it is laid upon the infrastructure managers and railway undertakings, obliging them:

Or. en

Amendment 189

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Member **States** shall ensure that the **responsibility for** the safe operation of the rail system and the control of risks associated with it is laid upon the **infrastructure managers and** railway

Amendment

Each Member State and the Agency, according to the ERA regulation, each for their own missions shall ensure that the safe operation of the rail system and the control of risks associated with it is laid

undertakings, obliging them:

upon the railway *actors*, obliging them:

Or. en

Amendment 190

Dieter-Lebrecht Koch, Thomas Ulmer

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that the responsibility for the safe operation of the rail system and the control of risks associated with it is laid upon the ***infrastructure managers and railway undertakings***, obliging them:

Amendment

Member States ***and the European Union Agency for Railways*** shall ensure, ***on the basis of their respective competences***, that the responsibility for the safe operation of the rail system and the control of risks associated with it is laid upon the entities ***operating within the rail system***, obliging them:

Or. de

Justification

Running the rail system safely is the responsibility not only of railway undertakings and infrastructure managers, but also, for instance, of the bodies in charge of maintenance. They, too, must help ensure that the system is safe.

Amendment 191

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) to establish safety management systems in accordance with this Directive.

Amendment

(c) ***for infrastructure managers, railway undertakings and ECMs*** to establish safety management systems ***or maintenance system*** in accordance with this Directive.

Or. en

Amendment 192

Artur Zasada, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) to establish safety management systems in accordance with this Directive.

(c) to establish ***practical implementation and application of*** safety management systems in accordance with this Directive.

Or. en

Amendment 193

Dieter-Lebrecht Koch, Thomas Ulmer
Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) to establish safety management systems in accordance with this Directive.

(c) to establish safety ***or maintenance*** management systems in accordance with this Directive.

Or. de

Justification

Clarification to include bodies in charge of maintenance.

Amendment 194

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko
Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the keepers and carriers not being railway undertakings including subcontractors

Or. en

Amendment 195

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko
Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) consignees and the unloaders

Or. en

Amendment 196

Georges Bach

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Without prejudice to civil liability in accordance with the legal requirements of the Member States, each **infrastructure manager and railway undertaking** shall be made responsible for its part of the system and its safe operation, including supply of material and contracting of services, vis-à-vis users, customers, the workers concerned and third parties. The risks associated with the activities of third parties shall also be taken into account in the safety management systems of infrastructure managers and railway undertakings.

Without prejudice to civil liability in accordance with the legal requirements of the Member States, each railway **actor** shall be made responsible for its part of the system and its safe operation, including supply of material and contracting of services, vis-à-vis users, customers, the workers concerned and third parties. The risks associated with the activities of third parties shall also be taken into account in the safety management systems of infrastructure managers and railway undertakings.

Or. en

Amendment 197

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Without prejudice to civil liability in accordance with the legal requirements of the Member States, **each infrastructure manager and railway undertaking shall be made responsible for its** part of the system and its safe operation, **including supply of material and contracting of services, vis-à-vis users, customers, the workers concerned and third parties. The risks**

Without prejudice to civil liability in accordance with the legal requirements of the Member States, **all actors shall ensure that railway actors are** responsible, **each for their own** part of the system and its safe operation.

associated with the activities of third parties shall also be taken into account in the safety management systems of infrastructure managers and railway undertakings.

Or. en

Amendment 198

Dieter-Lebrecht Koch, Thomas Ulmer
Proposal for a directive
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Without prejudice to civil liability in accordance with **the** legal requirements **of the Member States, each infrastructure manager and railway undertaking shall be made responsible for its part** of the system and its safe operation, **including supply of material and contracting of services, vis-à-vis users, customers, the workers concerned and third parties. The risks associated with the activities of third parties shall also be taken into account in the safety management systems of infrastructure managers and railway undertakings.**

Amendment

Member States, without prejudice to civil liability in accordance with **their** legal requirements, shall **ensure that all entities operating within the rail system bear responsibility for their parts** of the system and its safe operation **and that liability in that connection lies with them.**

Or. de

Amendment 199

Carlo Fidanza
Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Each manufacturer, maintenance supplier, keeper, service provider and procurement entity shall ensure that rolling stock, installations, accessories and equipment and services supplied by them comply with the specified requirements and conditions for use, so that they can be safely put into operation by the railway

Amendment

3. Each manufacturer, maintenance supplier, keeper **and/or owner**, service provider and procurement entity shall ensure that rolling stock, installations, accessories and equipment and services supplied by them comply with the specified requirements and conditions for use, so that they can be safely put into

undertaking and/or infrastructure manager.

operation by the railway undertaking
and/or infrastructure manager.

Or. en

Justification

In the chain of safety also the owner of a vehicle has to be involved in the chain of safety.

Amendment 200

Georges Bach

Proposal for a directive

Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. All actors ***having a relevant role in safety operations*** shall implement the necessary risk control measures, ***where appropriate in cooperation with the others***. In addition to railway undertakings and infrastructure managers those actors include:

Amendment

4. All actors ***as defined in article 3*** shall implement the necessary risk control measures. In addition to railway undertakings and infrastructure managers those actors include ***in particular***:

Or. en

Amendment 201

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. All actors having a relevant role in safety operations shall implement the necessary risk control measures, ***where appropriate in cooperation with the others. In addition to railway undertakings and infrastructure managers those actors include:***

Amendment

4. All actors having a relevant role in safety operations shall implement the necessary risk control measures. ***In addition to the actors defined in Article 3 those actors include the manufacturers, which are responsible for the design and manufacturing of safe railway vehicles, parts, components or sub-assemblies of vehicle, railway infrastructure, energy and track side control command, as well as issuing of the preliminary maintenance documentation associated to the vehicle.***

Justification

The complete list of railway actors has been provided in art. 3 and all of them bear safety responsibilities

Amendment 202

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) the entities in charge of the maintenance of vehicles;

deleted

Or. en

Amendment 203

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) the consignors, the loaders and the fillers, which have a role in safe loading operations,

deleted

Or. en

Amendment 204

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) the manufacturers, which are responsible for the design and manufacturing of safe railway vehicles, parts, components or sub-assemblies of vehicle, railway infrastructure, energy and track side control command, as well as issuing of the preliminary maintenance

deleted

documentation associated to the vehicle.

Or. en

Amendment 205

Georges Bach
Proposal for a directive
Article 4 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the keepers and carriers not being railway undertakings including subcontractors

Or. en

Justification

All main actors forming part of the safety chain shall be included

Amendment 206

Gilles Pargneaux
Proposal for a directive
Article 4 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the keepers and carriers, including subcontractors, where they are not railway undertakings;

Or. fr

Justification

A full list of all the active links in the rail safety chain – railway undertakings, infrastructure managers, entities in charge of vehicle maintenance, keepers, manufacturers, consignors, consignees, carriers, loaders, fillers and unloaders – must be supplied.

Amendment 207

Georges Bach
Proposal for a directive
Article 4 – paragraph 4 – point c b (new)

Text proposed by the Commission

Amendment

(cb) consignees and unloaders

Or. en

Justification

All main actors forming part of the safety chain shall be included

Amendment 208

Gilles Pargneaux

Proposal for a directive

Article 4 – paragraph 4 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the consignees and unloaders.

Or. fr

Justification

A full list of all the active links in the rail safety chain – railway undertakings, infrastructure managers, entities in charge of vehicle maintenance, keepers, manufacturers, consignors, consignees, carriers, loaders, fillers and unloaders – must be supplied.

Amendment 209

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. Each railway undertaking, infrastructure manager and entity in charge of maintenance shall ensure that its contractors implement risk control measures. To this end, each railway undertaking, infrastructure manager and entity in charge of maintenance shall apply the common methods for monitoring processes set out in the Regulation (EU) 1078/2012. Their contractors shall apply this process through contractual

5. Each railway undertaking, infrastructure manager and entity in charge of maintenance (***ECM***) shall ensure that its contractors implement risk control measures. To this end, each railway undertaking, infrastructure manager and entity in charge of maintenance shall apply the common methods for monitoring processes set out in the Regulation (EU) 1078/2012. Their contractors shall apply this process through contractual

arrangements. Railway undertakings, infrastructure managers and entities in charge of maintenance shall disclose their contractual **arrangements** on request of the Agency or the national safety authority.

agreements. Railway undertakings, infrastructure managers and entities in charge of maintenance shall disclose their contractual **agreements** on request of the Agency or the national safety authority.

Or. en

Amendment 210

Phil Bennion

Proposal for a directive

Article 4 – paragraph 6

Text proposed by the Commission

6. Any actor of the rail system who identifies a safety risk related to defects and construction non-conformities or malfunctions of technical equipment, including those of structural sub-systems, shall report those risks to the other parties involved to enable them to take any necessary corrective actions to ensure continuous achievement of the safety performance of the rail system.

Amendment

6. Any actor of the rail system who identifies a safety risk related to defects and construction non-conformities or malfunctions of technical equipment, including those of structural sub-systems, shall report those risks to the other parties involved, ***so far as is reasonably practicable***, to enable them to take any necessary corrective actions to ensure continuous achievement of the safety performance of the rail system.

Or. en

Justification

The concept of "reasonably practicable" should be the core concept of the Union' rail safety system to ensure that when trying to reduce a risk it must be possible to demonstrate that the cost involved in reducing the risk further could be grossly disproportionate to the benefit gained or that measures to reduce the risk could lead to counterproductive effects.

Amendment 211

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen

Proposal for a directive

Article 4 – paragraph 6

Text proposed by the Commission

6. Any actor of the rail system who identifies a safety risk related to defects and construction non-conformities or

Amendment

6. Any actor of the rail system who identifies a safety risk related to defects and construction non-conformities or

malfunctions of technical equipment, including those of structural sub-systems, shall report those risks to the other parties involved to enable them to take any necessary corrective actions to ensure continuous achievement of the safety performance of the rail system.

malfunctions of technical equipment, including those of structural sub-systems, shall report those risks to the other parties involved to enable them to take any necessary corrective actions to ensure continuous achievement of the safety performance of the rail system. ***It shall be ensured that safety risks can be reported easily and anonymously. They shall be notified to the Agency and the national safety authority.***

Or. fi

Amendment 212

Inés Ayala Sender
Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission

6. Any actor of the rail system who identifies a safety risk related to defects and construction non-conformities or malfunctions of technical equipment, including those of structural sub-systems, shall report those risks to the other parties involved to enable them to take any necessary corrective actions to ensure continuous achievement of the safety performance of the rail system.

Amendment

6. Any actor of the rail system who identifies a safety risk related to defects and construction non-conformities or malfunctions of technical equipment, including those of structural sub-systems, shall report those risks to the other parties involved to enable them to take any necessary corrective actions to ensure continuous achievement of the safety performance of the rail system. ***With a view to increasing cooperation between actors in the system, safety management systems shall include measures to facilitate the spontaneous reporting of occurrences by railway staff.***

Or. es

Amendment 213

Michael Cramer
Proposal for a directive
Article 4 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In order to encourage personnel to

consistently report accidents, incidents as well as potential safety risks, a just culture shall be established in the railway sector.

Or. en

Justification

Railway personnel should be encouraged to report safety risks without fear of punishment. A "just culture" of openness and trust should therefore be established, as already developed in other sectors.

Amendment 214

Phil Bennion

Proposal for a directive

Article 4 – paragraph 7

Text proposed by the Commission

7. In case of exchange of vehicles between railways undertakings, all actors shall exchange all information relevant to safe operation. Such information shall include information on the status and history of the vehicle, elements of the maintenance files, traceability of loading operations, and consignment notes. It shall be sufficiently detailed to allow an assessment of the risks of operating the vehicle by the railway undertaking.

Amendment

7. In case of exchange of vehicles between railways undertakings, all actors shall exchange all information relevant to safe operation ***using the European register of vehicles***. Such information shall include information on the status and history of the vehicle, elements of the maintenance files, traceability of loading operations, and consignment notes. It shall be sufficiently detailed to allow an assessment of the risks of operating the vehicle by the railway undertaking.

Or. en

Amendment 215

Carlo Fidanza

Proposal for a directive

Article 4 – paragraph 7

Text proposed by the Commission

7. In case of exchange of vehicles between railways undertakings, all actors shall exchange all information relevant to safe operation. Such information shall include information on the status and history of the

Amendment

7. In case of exchange of vehicles between railways undertakings, all actors shall exchange all information relevant to safe operation. Such information shall include information on the status and history of the

vehicle, elements of the maintenance files, traceability of loading operations, and consignment notes. It shall be sufficiently detailed to allow an assessment of the risks of operating the vehicle by the railway undertaking.

vehicle, elements of the maintenance files **for the traceability of maintenance activities, traceability of safety critical components**, traceability of loading operations, and consignment notes. It shall be sufficiently detailed to allow an assessment of the risks of operating the vehicle by the railway undertaking.

Or. en

Justification

It is important to include the traceability of maintenance activities and of the safety critical components in the exchange of information among the rail actors (principle of traceability).

Amendment 216

Jaromír Kohlíček
Proposal for a directive
Article 4 – paragraph 7

Text proposed by the Commission

7. In case of exchange of vehicles between railways undertakings, all actors shall exchange all information relevant to safe operation. Such information shall include information on the status and history of the vehicle, elements of the maintenance files, traceability of loading operations, and consignment notes. It shall be sufficiently detailed to allow an assessment of the risks of operating the vehicle by the railway undertaking.

Amendment

7. In case of exchange of vehicles between railways undertakings, all actors shall exchange all information relevant to safe operation. Such information shall include information on the status and history of the vehicle, elements of the maintenance files **for the traceability of maintenance activities**, traceability of loading operations, and consignment notes. It shall be sufficiently detailed to allow an assessment of the risks of operating the vehicle by the railway undertaking.

Or. en

Amendment 217

Georges Bach
Proposal for a directive
Article 4 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. One year after the coming into force

of this directive, the Commission will propose a legislative measure on minimum control and enforcement of driving and rest time of locomotive drivers.

Or. en

Amendment 218

Georges Bach

Proposal for a directive

Article 4 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. One year after coming into force of this directive, the Commission will adopt through an implementing act rules of mandatory intervals (km/time) for the maintenance of rail freight wagons, locomotives and passenger rolling stock.

Or. en

Amendment 219

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 concerning the revision of Annex I, in particular to update the CSIs taking into account *of the* technical progress and to adapt the common methods for calculating accident costs.

2. The Commission shall be empowered *for five years* to adopt delegated acts in accordance with Article 26 concerning the revision of Annex I, in particular to update the CSIs taking into account technical progress and to adapt the common methods for calculating accident costs.

Or. fi

Amendment 220

Michael Cramer

Proposal for a directive

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) methods and devices that allow national safety authorities to check and enforce the respect of legal provisions concerning driving, working and rest times;

Or. en

Justification

Railway safety critically depends on the human factor. As it is the case for other transport modes, the respect of driving and working times has to be checked and enforced.

Amendment 221

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall issue mandates to the Agency to draft the new CSMs referred in point 1(d), to review and update all CSMs to take account of developments in technology or social requirements and to make the relevant recommendations to the Commission.

The Commission shall issue mandates to the Agency to draft the new CSMs referred ***to*** in point 1(d), to review and update all CSMs to take account of developments in technology or social requirements and to make the relevant recommendations to the Commission ***as quickly as possible***.

Or. fi

Amendment 222

Georges Bach
Proposal for a directive
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

When drafting the **recommendations**, the Agency shall take account of the opinion of the users and of the stakeholders. The recommendations shall enclose a report on the results of this consultation and a report assessing the impact of the new CSM to be

When drafting the **recommendations**, the Agency shall take account of the opinion of the users, ***the social partners*** and of the stakeholders. The recommendations shall enclose a report on the results of this consultation and a report assessing the

adopted.

impact of the new CSM to be adopted.

Or. en

Amendment 223

Jörg Leichtfried

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

When drafting the **recommendations**, the Agency shall take account of the opinion of the users and of *the* stakeholders. The recommendations shall enclose a report on the results of this consultation and a report assessing the impact of the new CSM to be adopted.

Amendment

When drafting the **recommendations**, the Agency shall take account of the opinion of the users, *the social partners* and of *other* stakeholders. The recommendations shall enclose a report on the results of this consultation and a report assessing the impact of the new CSM to be adopted.

Or. en

Amendment 224

Artur Zasada, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

When drafting the **recommendations**, the Agency shall take account of the opinion of the users and of the stakeholders. The recommendations shall enclose a report on the results of this consultation and a report assessing the impact of the new CSM to be adopted.

Amendment

When drafting the **recommendations**, the Agency shall take account of the opinion of the users, *national safety authorities* and of the stakeholders. The recommendations shall enclose a report on the results of this consultation and a report assessing the impact of the new CSM to be adopted.

Or. en

Amendment 225

Phil Bennion

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

3. The CSMs shall be revised at regular

Amendment

3. The CSMs shall be revised at regular

intervals, taking into account the experience gained from their application and the global development of railway safety and in view of generally maintaining and **where** reasonably practicable, continuously improving safety.

intervals, taking into account the experience gained from their application and the global development of railway safety and in view of generally maintaining and **so far as is** reasonably practicable, continuously improving safety.

Or. en

Justification

The concept of "reasonably practicable" should be the core concept of the Union' rail safety system to ensure that when trying to reduce a risk it must be possible to demonstrate that the cost involved in reducing the risk further could be grossly disproportionate to the benefit gained or that measures to reduce the risk could lead to counterproductive effect.

Amendment 226

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. The CSMS shall be revised **at regular intervals**, taking into account the experience gained from their application and the global development of railway safety and **in view of** generally maintaining and where reasonably practicable, continuously improving safety.

Amendment

3. The CSMS shall be revised **annually**, taking into account the experience gained from their application and the global development of railway safety and **with a view to** generally maintaining and, where reasonably practicable, continuously improving safety.

Or. fi

Amendment 227

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts laying down CSMS and revised CSMS in accordance with Article 26.

Amendment

4. The Commission shall be empowered **for five years** to adopt delegated acts laying down CSMS and revised CSMS in accordance with Article 26.

Or. fi

Amendment 228

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 6 – paragraph 5

Text proposed by the Commission

5. Member States shall make any necessary amendments to their national rules in the light of the adoption of CSMs and revisions to them.

Amendment

5. Member States shall **promptly** make any necessary amendments to their national rules in the light of the adoption of CSMs and revisions to them.

Or. fi

Amendment 229

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. The Commission shall issue a mandate to the Agency to draft revised CSTs and to make the relevant recommendations to the Commission.

Amendment

2. The Commission shall issue a mandate to the Agency to draft revised CSTs **as soon as possible** and to make the relevant recommendations to the Commission.

Or. fi

Amendment 230

Georges Bach
Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

5. Member States shall make any necessary amendments to their national rules in order to achieve at least the CSTs, and any revised CSTs, in accordance with the implementation timetables attached to them. They shall notify these rules to the Commission in accordance with Article 8.

Amendment

5. Member States shall make any necessary amendments to their national rules in order to achieve at least the CSTs, and any revised CSTs, in accordance with the implementation timetables attached to them. They shall notify these rules to the Commission in accordance with Article 8. **Member States can always decide to achieve a higher safety level than defined in the CSTs.**

Or. en

Amendment 231

Jörg Leichtfried
Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

5. Member States shall make any necessary amendments to their national rules in order to achieve at least the CSTs, and any revised CSTs, in accordance with the implementation timetables attached to them. They shall notify these rules to the Commission in accordance with Article 8.

Amendment

5. Member States shall make any necessary amendments to their national rules in order to achieve at least the CSTs, and any revised CSTs, in accordance with the implementation timetables attached to them. They shall notify these rules to the Commission in accordance with Article 8.
Member States can decide to achieve a higher safety level than defined in the CSTs.

Or. en

Amendment 232

Michael Cramer
Proposal for a directive
Article 8 – title

Text proposed by the Commission

National rules

Amendment

National ***safety*** rules

Or. en

Justification

This amendment clarifies the nature of the rules referred to here, in line with the changes suggested by my colleague Ms Bilbao in her report on the interoperability directive.

Amendment 233

Inés Ayala Sender
Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States may lay down new national rules ***only*** in the following cases:

Amendment

Member States may lay down new national rules in the following cases:

Or. en

Amendment 234

Jörg Leichtfried

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States *may lay down new*
national rules *only in the following cases:*

In application of this Directive, Member States shall establish binding higher national safety rules.

If Member State intends to introduce a new national rule which requires a higher safety level than the CSTs, or if a Member State intends to introduce a new national safety rule which may affect operations of railway undertakings from other Member States on the territory of the Member State concerned, the Member State shall consult all interested parties in due time and inform the Agency.

Or. en

Justification

The cases in which Member States can introduce new national rules are too limited. It must be possible to follow a higher safety level than set by the CSTs.

Amendment 235

Jörg Leichtfried

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) where rules concerning existing safety methods are not covered by a CSM; ***deleted***

Or. en

Amendment 236

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) where rules concerning existing safety methods are not covered by a CSM;

(a) ***to maintain the present safety level or*** where rules concerning existing safety methods are not covered by a CSM;

Or. fi

Amendment 237

Jörg Leichtfried

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) as an urgent preventive measure, in particular following an accident.

deleted

Or. en

Amendment 238

Inés Ayala Sender

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States may decide to achieve a higher safety level than defined in the CST on the condition that this higher safety level is fully compatible with the existing CST.

Or. en

Amendment 239

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. If a Member State intends to introduce a new national rule, it shall notify the draft of that rule to the Agency and the Commission using the appropriate IT

2. If a Member State intends to introduce a new national rule, it shall ***promptly*** notify the draft of that rule to the Agency and the Commission using the appropriate IT

system in accordance with **article** 23 of Regulation (EU) No .../... [Agency Regulation].

system in accordance with **Article** 23 of Regulation (EU) No .../... [Agency Regulation].

Or. fi

Amendment 240

Carlo Fidanza

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

2. If a Member State intends to introduce a new national rule, it shall notify the draft of that rule to the Agency and the Commission using the appropriate IT system in accordance with article 23 of Regulation (EU) No .../... [Agency Regulation] **and shall enclose a report assessing the impact of the new rules to be adopted.**

Or. en

Justification

This amendment is necessary to ensure transparency in the decision-making process and consistent with the principle of reasonably practicable

Amendment 241

Michael Cramer

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

2. If a Member State intends to introduce a new national rule, it shall notify the draft of that rule to the Agency and the Commission, using the appropriate IT system in accordance with Article 23 of Regulation (EU) No .../... [Agency Regulation]. **After receipt of the draft national rule, the Agency shall initiate a coordination process involving all**

national safety authorities in order to ensure the highest possible degree of harmonisation across the Union. In any case, the new national rule may not enter into force before being approved by the Agency. If the Agency objects to the draft rule, it shall provide a justification of this objection.

Or. en

Justification

This amendment is an improvement of the amendment number 46 from my draft report. It clarifies the coordination role of the ERA in order to avoid further divergence in safety rules.

Amendment 242

Jörg Leichtfried
Proposal for a directive
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraph 3 does not apply to rules on occupational health and safety, working time, professional competences and training of for rail professionals with safety critical tasks.

Or. en

Amendment 243

Carlo Fidanza
Proposal for a directive
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that national rules are made available free of charge and in a language that can be understood by all parties concerned.

4. National rules (including those covering the interfaces between vehicles and network), shall be provided by Member States free of charge and in a language that can be understood by all parties concerned.

Or. en

Justification

The amendment strengthens the duty of member state for what concerns the translation of rules.

Amendment 244

Georges Bach
Proposal for a directive
Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Agency shall establish and publish common guidelines which should serve as a basis for modifications of national rules.

Or. en

Justification

The reduction of national safety rules needs a set of common benchmarks given by the ERA.

Amendment 245

Inés Ayala Sender
Proposal for a directive
Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Paragraph 3 shall not apply to rules on occupational health and safety, working conditions, professional competence and training for rail professions with safety critical tasks unless its provisions ensure a higher safety level.

Or. en

Amendment 246

Carlo Fidanza
Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The safety management system shall meet the requirements , adapted to the character, extent and other conditions of the activity pursued. It shall ensure the control of all risks associated with the activity of the infrastructure manager or railway undertaking, including the supply of maintenance and material and the use of contractors. Without prejudice to existing national and international liability rules, the safety management system shall also take into account, where appropriate and reasonable, the risks arising as a result of activities by other parties.

Amendment

The safety management system shall meet the requirements adapted to the character, extent and other conditions of the activity pursued. It shall ensure the control of all risks associated with the activity of the infrastructure manager or railway undertaking, including the supply of maintenance and material and the use of contractors. Without prejudice to existing national and international liability rules, the safety management system shall also take into account, where appropriate and reasonable, the risks arising as a result of activities by other parties. ***This means that infrastructure managers and railway undertakings have procedures to identify those potential risks which arise from external activities at the interfaces with the rail system and which have a direct impact on operations.***

Or. en

Justification

This amendment is important in order to harmonize obligations of infrastructure managers and railway undertakings in respect of third parties with respect to the new definition introduced in Article 3 for third parties.

Amendment 247

Inés Ayala Sender

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

At all events, the safety management system shall ensure that all routes on the Union's rail network have a redundancy system that will prevent exclusive dependency on a single system.

Or. es

Justification

Rail safety should be promoted by reducing the risks to a minimum. This means that there should be at least two different systems (on-board safety system, beacons, etc.) that will prevent exclusive dependency on a single one of them which, owing to technical failure or human error, could allow the risk to rise above an acceptable threshold. There should therefore be a requirement for the duplication of safety systems, as is the case in the aviation sector.

Amendment 248

Michael Cramer

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall establish, by means of **implementing** acts, elements of the safety management system. Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Amendment

The Commission shall establish, by means of **delegated** acts, elements of the safety management system, **including an internally approved and communicated safety policy; qualitative and quantitative safety targets and procedures to reach those targets; procedures to meet technical and operational standards; risk evaluation procedures and implementing risk control measures; staff training and information measures; procedures ensuring communication and documentation of safety related information; procedure for reporting, reporting and analysing of incidents and accidents and other safety occurrences and for developing preventive measures; provision of emergency plans which are agreed with public authorities; provisions for the internal auditing of the safety management system.** Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 26.

Or. en

Justification

In the current legislation the details of the safety management system are described in detail in an annex. The Commission deletes that annex without inserting the content in another part

of the proposal and replaces it by simple implementing acts. The safety management system rules have a major impact on all actors of the railway system. It is therefore necessary to detail its provisions in the basic act and to adopt such measures by delegated acts which allow for democratic oversight.

Amendment 249

Georges Bach

Proposal for a directive

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. As far as railway personnel are concerned, the safety management system shall include provisions of programs for training of staff and systems to ensure that the staff's competence is maintained and tasks carried out accordingly. It also shall include systems to ensure that rules on working time, driving and rest time of staff with safety relevant tasks are registered, monitored and accessible for staff representatives and for controlling authorities.

Or. en

Amendment 250

Jörg Leichtfried

Proposal for a directive

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. As far as railway personnel are concerned the safety management system shall include provisions
- of programs for training of staff and systems to ensure that the staff's competence is maintained and tasks carried out accordingly;
- systems to ensure that rules on working time, driving and rest time of staff groups with safety relevant tasks are registered, monitored and accessible for staff representatives and for controlling authorities.

Justification

Since Annex III "Safety Management System" is deleted, it is important to repeat this obligation in the Directive.

Amendment 251

Georges Bach

Proposal for a directive

Article 9 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The safety management system shall include provisions for a "fair culture" as defined in article 3

Or. en

Amendment 252

Inés Ayala Sender

Proposal for a directive

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. The safety management system of any infrastructure manager shall take into account the effects of operations by different railway undertakings on the network and make provisions to allow all railway undertakings to operate in accordance with TSIs and national rules and with the conditions laid down in their safety certificate. The safety management systems shall be developed with the aim of coordinating the emergency procedures of the infrastructure manager with all railway undertakings that operate on its infrastructure.

3. The safety management system of any infrastructure manager shall take into account the effects of operations by different railway undertakings on the network and make provisions to allow all railway undertakings to operate in accordance with TSIs and national rules and with the conditions laid down in their safety certificate. The safety management systems shall be developed with the aim of coordinating the emergency procedures of the infrastructure manager with all railway undertakings that operate on its infrastructure, ***with the emergency services, so as to guarantee the rapid intervention of rescue services, and with any other party that could be involved in an emergency situation.***

Amendment 253

Inés Ayala Sender

Proposal for a directive

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Infrastructure managers shall also establish a system for coordination with managers in neighbouring countries with which the network is linked. This system shall include information mechanisms in the event of incidents or accidents on the network, delays that could disrupt cross-border traffic and cooperation procedures to restore traffic between the two infrastructures whilst guaranteeing network safety at all times. Infrastructure managers in both countries shall notify operators, stakeholders and the corresponding national authorities of any relevant information that could affect traffic between the two States.

Or. es

Amendment 254

Luis de Grandes Pascual

Proposal for a directive

Article 10

Text proposed by the Commission

Amendment

Article 10

Single safety certificate

1. Access to the railway infrastructure shall be granted only to railway undertakings which hold the single safety certificate.

Article 10

Single safety certificate

1. Access to the railway infrastructure shall be granted only to railway undertakings which hold the single safety certificate ***issued by the Agency or by a national safety authority.***

The purpose of the single safety certificate is to provide evidence that the railway undertaking has established its safety management system and is able to operate safely in the intended area of operation.

2. The single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has established its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely on the network.

3. The single safety certificate shall specify the type and extent of the railway operations covered. It shall be valid throughout the Union for equivalent operations.

4. Three months before the start of operation of any new service, the railway undertaking shall notify to the relevant national safety authority the documentation confirming that:

- (a) the railway undertaking will follow the operating rules, including national rules made available to them in accordance with Article 8(4), and assess the safety of their operation, taking into account the requirements in Commission Regulation (EC) No 352/2009¹ and ensuring that they are managing all risks through their safety management system and that they are making all necessary arrangements to operate safely;*
- (b) the railway undertaking has made the arrangements necessary for cooperation and coordination with the infrastructure manager(s) of the network(s) where it proposes to operate;*
- (c) the railway undertaking has taken any action necessary to ensure the safe operation of the service;*
- (d) the railway undertaking has a licence issued in accordance with Council*

2. In its application for a single safety certificate, the applicant shall specify the type and extent of the railway operations covered and the intended area of operation. The application shall be accompanied by a file including the documentary evidence that the railway undertaking has established its safety management system in accordance with Article 9 and meets the requirements laid down in the relevant legislation in order to control risks and provide transport services safely on the network.

3. Within one month of the receipt of the request of the applicant, the Agency shall inform the applicant that the file is complete or ask for relevant complementary information, setting a reasonable deadline.

4. The Agency or the national safety authority shall issue the safety certificate within four months from receipt of all relevant information.

¹ OJ L 108, 29.4.2009, p. 4.

Directive 95/18/EC¹;

(e) the type and extent of its intended operation corresponds to that specified in its single safety certificate.

If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, which shall take the appropriate measures, including revocation of the certificate.

5. The single safety certificate shall be renewed upon application by the railway undertaking at intervals not exceeding five years. It shall be wholly or partly updated whenever the type or extent of the operation is substantially altered.

The holder of the single safety certificate shall inform the Agency without delay of any major changes in the conditions of the single safety certificate. It shall furthermore notify the Agency whenever new categories of staff or new types of rolling stock are introduced.

The Agency may require that the single safety certificate be revised following substantial changes to the safety regulatory framework.

6. If a national safety authority finds that a holder of a single safety certificate no longer satisfies the conditions for

5. The Agency shall issue a single safety certificate to railway undertakings having an area of operation in one or more Member State(s). In order to issue such certification, the Agency shall assess the file accompanying the application and refer the entire applicant's file to the national safety authorities concerned by the intended area of operation for assessing the ability to comply with the relevant national rules, including those notified under article 14 of Directive .../... (Interoperability Directive). In its assessment, the Agency shall take full account of the assessment of the concerned national safety authorities. The Agency shall take full responsibility for the certifications it issues.

6. When the Agency disagrees with an assessment carried out by one or more national safety authorities, they shall

¹ OJ L 143, 27.6.1995, p. 70.

certification, it shall ask the Agency to revoke it. The Agency may revoke the single safety certificate, giving reasons for its decision. The Agency shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates.

7. The Agency shall inform the national safety authorities within one month of the issue, renewal, amendment or revocation of a single safety certificate . It shall state the name and address of the railway undertaking, the issue date, the scope and validity of the certificate and, in the case of revocation, the reasons for its decision.

8. The Agency shall continuously monitor the effectiveness of the measures for the issuing of single safety certificates and supervision by national safety authorities and, where appropriate, shall make recommendations to the Commission for improvement. These may include a recommendation for a CSM covering a process of the safety management system which needs to be harmonised at Union level, as referred to in Article 6(1)(d).

cooperate with a view to reaching a mutually acceptable assessment. If no mutually acceptable assessment can be found within one month after the Agency has informed the national safety authority or authorities of its disagreement, the Agency shall take its final decision unless the national safety authority or authorities have referred the matter for arbitration to the Board of Appeal established under Article 51 of Regulation (EU) No .../...(Agency Regulation).

7. Where the area of operation is limited to one Member State, the national safety authority of that Member State may, under its own responsibility and when the applicant so requests, issue a single safety certificate after the assessment of the applicant's file.

The national safety authority shall take full responsibility for the safety certificates it issues.

8. Safety certificates shall specify the type and extent of the railway operations covered and the area of operation. The safety certificate may also cover sidings owned by the railway undertaking if they are included in its safety management system. In this case, no additional safety authorisation shall be necessary for the sidings concerned.

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

10. If the negative decision of the Agency is confirmed, the applicant may bring an

appeal before the Board of Appeal designated under Article 51 of Regulation (EU) No .../... (Agency Regulation). If the negative decision of a national safety authority is confirmed, the applicant may bring an appeal to the appeal body designated by the competent Member State. Member States may designate the regulatory body set out in Article 56 of Directive 2012/34/EU establishing a single European railway area for the purpose of this appeal procedure.

11. The single safety certificate issued either by the Agency or by a national safety authority under this Article, shall be renewed upon application by the railway undertaking at intervals not exceeding five years. It shall be fully or partly updated whenever the type or extent of the operation is substantially altered.

12. Where the applicant already has a safety certificate and wishes to extend its area of operations to another Member State, it shall complement the file with the relevant documents concerning the additional area of operation. The applicant shall submit the file to the Agency, which shall, after the assessment, issue an updated certificate covering the extended area of operation. In this case, only the national safety authority concerned by the extension of operation will be consulted for assessing the file. The Agency shall only assess the file concerning the additional area of operation.

13. The Agency and the competent national safety authorities may require the revision of relevant single safety certificates following substantial changes to the safety regulatory framework.

14. The Agency shall inform the relevant national safety authorities without delay, and in any case within one month, of the issue of a single safety certificate. The Agency shall inform the relevant national safety authorities immediately in the case of renewal, amendment or revocation of a

single safety certificate. It shall state the name and address of the railway undertaking, the issue date, the scope, validity and area of operation of the certificate and, in the case of revocation, the reasons for its decision. In the case of certificates issued by the national safety authorities, the same information shall be provided to the Agency.

Or. en

Justification

This amendment replaces Article 10 of the Commission proposal.

Amendment 255

Erik Bánki
Proposal for a directive
Article 10 – title

Text proposed by the Commission

Single safety certificate

Amendment

does not affect the English version

Or. hu

Amendment 256

Erik Bánki
Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

(1) Access to the railway infrastructure shall be granted only to railway undertakings which hold the single safety certificate.

Amendment

does not affect the English version

Or. hu

Amendment 257

Preslav Borissov
Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. Access to **the** railway infrastructure shall be granted only to railway undertakings which hold the single safety certificate.

Amendment

1. Access to railway infrastructure **across the European Union** shall be granted only to railway undertakings which hold the single safety certificate.

Or. bg

Justification

In order to prevent an unjustified increase in costs for undertakings that operate solely in a confined geographical area, as well as the overburdening of the Agency, such undertakings should submit an application for issuing of the safety certificate to the national railway safety authorities.

Amendment 258

Erik Bánki
Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

(2) The single safety certificate shall be granted by the **Agency on the basis of the evidence that** the railway undertaking **has established its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely on the network.**

Amendment

(2) The single safety certificate shall be granted by the **national safety authority of the Member State where** the railway undertaking **is established, in coordination with the national safety authorities of all the Member States where the railway undertaking operates. If the undertaking's activities involve only one Member State, the national safety authority of that Member State shall grant the single safety certificate without the involvement of the national safety authorities of any other Member States.**

Or. hu

Amendment 259

Bogusław Liberadzki
Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. **The** single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has established its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely **on the** network.

Amendment

2. **Before any start of operation of a new service, a** single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has established its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs and in other relevant legislation **and system specific rules** in order to control risks and provide transport services safely **in the intended area of operation. The single safety certificate shall also be valid without extension of the area of operations for vehicles travelling to the stations of neighbouring Member States with similar network characteristics, when those stations are close to the border, following consultation of the relevant national safety authorities. This consultation may be on a case-by-case basis or set out in a cross border agreement between national safety authorities.**

Or. en

Justification

It is crucial that the Agency checks before the start of any new service the knowledge and understanding of the system specific rules that the Railway Undertaking will have to follow when operating in a given country.

Amendment 260

Dominique Riquet

Proposal for a directive

Article 10 – paragraph 2

Text proposed by the Commission

2. The single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has established its safety management system in accordance with Article 9 and meets the

Amendment

2. The single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has established its safety management system in accordance with Article 9 and meets the

requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely on the network.

requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely on the network.

Pending effective EU-level harmonisation of all the national safety rules, and for a period of no more than four years from the date on which this Regulation comes into force, the relevant national safety authorities will be required, without prejudice to the provisions of Article 30, to submit to the Agency, within three months of being consulted by it, a duly substantiated opinion.

Such an opinion or opinions shall not be binding on the Agency. In the event of disagreement, either of the parties concerned may appeal in accordance with the provisions of Article 55 of Regulation ... [Regulation on the European Union Agency for Railways].

Or. fr

Justification

Introduces transition arrangements to further the development of the Agency without losing the national safety authorities' expertise, and establishing from the outset the 'one-stop shop' concept.

Amendment 261

Bernadette Vergnaud
Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. **The** single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has **established** its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs and in **other relevant legislation** in order to control risks and provide transport services safely on the network.

Amendment

2. **Before any new service gets under way,** a single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has **put in place** its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs and in **the rules specific to the system** in order to control risks and provide transport services safely on the network.

Justification

The system-specific rules must be checked before any new service gets under way.

Amendment 262

Gilles Pargneaux
Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. **The** single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has **established** its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs **and** in other relevant legislation in order to control risks and provide transport services safely on the network.

Amendment

2. **Before any new service gets under way,** a single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has **put in place** its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs, in other relevant legislation **and in the rules specific to the system** in order to control risks and provide transport services safely on the network.

Justification

Before any new service gets under way, the Agency must check that the system-specific rules to be followed by the railway undertaking in order to operate in a given country are known and understood.

Amendment 263

Georges Bach
Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. **The** single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has established its safety management system in accordance with Article 9 and meets the

Amendment

2. **Before any new service gets under way,** a single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has established its safety management system

requirements laid down in TSIs *and* in other relevant legislation in order to control risks and provide transport services safely on the network.

in accordance with Article 9 and meets the requirements laid down in TSIs, in other relevant legislation *and in rules specific to the system* in order to control risks and provide transport services safely on the network.

Or. fr

Justification

Before any new service gets under way, the Agency must check that the specific rules applicable are known and understood.

Amendment 264

Carlo Fidanza

Proposal for a directive

Article 10 – paragraph 2

Text proposed by the Commission

2. The single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has **established** its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely on the network.

Amendment

2. **Before any start of operation of a new service**, the single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has **created** its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs, and in other relevant legislation **and specific operational rules** in order to control risks and provide transport services safely on the network

Or. en

Amendment 265

Roberts Zīle

Proposal for a directive

Article 10 – paragraph 2

Text proposed by the Commission

2. The single safety certificate shall be granted by the Agency on the basis of the evidence that the railway undertaking has established its safety management system

Amendment

2. The single safety certificate shall be granted by the Agency **or in the cases of paragraphs 2a, 2b and 2c, by the national safety authority**, on the basis of the

in accordance with Article 9 and meets the requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely on the network.

evidence that the railway undertaking has established its safety management system in accordance with Article 9 and meets the requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely on the network.

Or. en

Amendment 266

Erik Bánki
Proposal for a directive
Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) The railway undertaking's application shall indicate the Member States in which it intends to operate. Supporting documents must be attached to the railway undertaking's application which prove that its safety system was established in accordance with Article 9 and meets the requirements laid down in TSIs and in other relevant legislation in order to control risks and provide transport services safely on the network.

Or. hu

Amendment 267

Jörg Leichtfried
Proposal for a directive
Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. To meet the national requirements the NSA proves and confirms the accordance to national peculiarities.

Or. en

Justification

For the development of secure railways the specific national characteristics have to be taken into account. The expertise of the ERA is therefore insufficient; the Agency is not able to issue a certificate that includes all existing national peculiarities as energy, safety (safety magnets, interference current...). The input of the NSA is still necessary as long as there is no single rail system in Europe with harmonized social, technical, safety and traffic regulations.

Amendment 268

Roberts Zīle

Proposal for a directive

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where a railway undertaking intends to operate in only one Member State, it may choose to submit its application for a safety certificate to the Agency or to a relevant national safety authority.

Or. en

Justification

This Amendment proposes one option for choice: railway undertakings operating in only one Member State should be able to choose whether to apply to the Agency or to the national safety authority for a safety certificate.

Amendment 269

Erik Bánki

Proposal for a directive

Article 10 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2b) Upon receipt of the application, the national safety authority of the Member State where the railway undertaking is established shall check the application and the attached supporting documents for completeness. If it finds that the application or the supporting documents are incomplete, it shall invite the undertaking to rectify the problem within a deadline of not less than 15 days, which

it will stipulate. If the undertaking fails to rectify the problem by the deadline, the national safety authority of the Member State where the undertaking is established shall reject the application.

Or. hu

Amendment 270

Roberts Zīle

Proposal for a directive

Article 10 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Where a railway undertaking intends to operate exclusively on isolated networks, it may choose to submit its application for a safety certificate to the Agency or to a relevant national safety authority.

Or. en

Justification

This Amendment proposes another option for choice: railway undertakings operating exclusively on isolated networks should be able to choose whether to apply to the Agency or to the national safety authority for a safety certificate.

Amendment 271

Erik Bánki

Proposal for a directive

Article 10 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

(2c) If the application and supporting documents are complete, the national safety authority of the Member State where the railway undertaking is established shall send the application, the supporting documents and its own decision to the national safety authority of the Member State where the undertaking operates for an opinion within 45 days.

The national safety authority of the Member State where the railway undertaking is established must give the reasons for its decision. The national safety authority of the Member State where the undertaking operates shall have 45 days in which to issue its opinion. The national safety authority of the Member State where the railway undertaking will operate must give the reasons for its decision. Failure to comply with the deadline shall mean that the national safety authority of the Member State where the railway undertaking operates is in agreement with the decision of the national safety authority of the Member State where the railway undertaking is established. The procedure shall be conducted in English.

Or. hu

Amendment 272

Roberts Zīle

Proposal for a directive

Article 10 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Where a railway undertaking intends operate exclusively on rail network with a track gauge that differs from the main rail network within the Union, in Member States which are well-integrated into those networks together with third countries but isolated from the Union's main network, it may choose to submit its application for a safety certificate to the Agency or to a relevant national safety authority.

Or. en

Justification

This Amendment proposes third option: railway undertakings operating exclusively on rail network with a track gauge that differs from the main rail network within the Union, in Member States which are well-integrated into those networks together with third countries

but isolated from the Union's main network, it may choose to submit its application for a safety certificate to the Agency or to a relevant national safety authority.

Amendment 273

Erik Bánki

Proposal for a directive

Article 10 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

(2d) If the national safety authority of any Member State where the railway undertaking operates does not agree with the decision of the national safety authority of the Member State where the railway undertaking is established, the Agency shall decide whether the single safety certificate shall be granted. The national safety authority of the Member State where the railway undertaking is established shall send the application, the supporting documents, its own decision and the opinions received by the deadline to the Agency without delay. The Agency shall make a decision – solely on the basis of the documents – within one month of their receipt. Its decision shall be binding on all parties. If the Agency decides in favour of granting a single safety certificate, the national safety authority of the Member State where the railway undertaking is established shall issue the certificate without delay.

Or. hu

Amendment 274

Erik Bánki

Proposal for a directive

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

(3) The single safety certificate shall specify the type and extent of the railway operations covered. ***It shall be valid throughout the Union for equivalent***

(3) The single safety certificate shall specify the type and extent of the railway operations covered ***and the Member States to which this applies.***

operations.

Or. hu

Amendment 275

Dominique Riquet
Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The single safety certificate shall specify the type and extent of the railway operations covered. It shall be valid throughout the Union **for equivalent operations.**

Amendment

3. The single safety certificate shall specify the type and extent of the railway operations covered. It shall be valid throughout the Union, **or in part of it, subject to conditions laid down by the Agency.**

Or. fr

Justification

The Agency may limit the applicability of the certificate to an area narrower than the entire Union.

Amendment 276

Phil Bennion
Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The single safety certificate shall specify the type **and** extent of the railway operations covered. It shall be valid throughout the Union for equivalent operations.

Amendment

3. The single safety certificate shall specify the type, extent of the railway operations **and the areas of use** covered. It shall be valid throughout the Union for equivalent operations.

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 277

Gilles Pargneaux
Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The single safety certificate shall specify the type and extent of the railway operations covered. It shall be **valid** throughout the Union for equivalent operations.

Amendment

3. The single safety certificate shall specify the type and extent of the railway operations covered. It shall be **recognised** throughout the Union for equivalent operations.

Or. fr

Justification

The single safety certificate will be valid only on the selected networks or lines on which the railway undertaking has chosen to operate and for which it has submitted proof that it meets the essential requirements laid down in in TSIs, in other relevant legislation and in rules specific to the system. When the railway undertaking wishes to extend the scope of its services, the European dimension of the safety certificate will be recognised in other EU countries and no additional proof will be required in respect of that dimension.

Amendment 278

Artur Zasada, Bogdan Kazimierz Marcinkiewicz
Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The single safety certificate shall specify the type and extent of the railway operations covered. It shall be valid throughout the Union for equivalent operations.

Amendment

3. The single safety certificate shall specify the type and extent of the railway operations covered. It shall be valid throughout the Union for equivalent operations. ***The safety certificate may also include sidings owned by the railway undertaking if they were included in its safety management system.***

Or. en

Amendment 279

Jörg Leichtfried
Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The single safety certificate shall specify the type and extent of the railway operations covered. ***It shall be valid throughout the Union for equivalent operations.***

Amendment

3. The single safety certificate shall specify the type and extent of the railway operations covered.

Or. en

Amendment 280

Roberts Zīle
Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The ***single*** safety certificate shall specify the type and extent of the railway operations covered. ***It*** shall be valid throughout the Union for equivalent operations.

Amendment

3. The safety certificate shall specify the type and extent of the railway operations covered. ***The certificate issued by the Agency shall be valid and recognised*** throughout the Union for equivalent operations.

In the case of paragraphs 2a, 2b and 2c the certificate issued by the national safety authority shall be valid in the Member State concerned.

Or. en

Amendment 281

Jörg Leichtfried
Proposal for a directive
Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Agency figures as "one stop shop" for the applicants and coordinates the national safety agencies if multiple national safety authorities are involved. Final approval is given by the Agency.

Or. en

Amendment 282

Roberts Zīle

Proposal for a directive

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For the purpose of cross-border railway traffic, a Member State may allow railway undertakings appropriately licensed and/or certified in neighbouring third countries access to its border railway stations designated for [carrying out] the cross-border operations without requiring a single safety certificate provided that appropriate level of safety is ensured through cross-border agreements or through equivalent contractual arrangements.

Or. en

Amendment 283

Bogusław Liberadzki

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Three months before the start of operation of any new service, the railway undertaking shall ***notify*** to the ***relevant national safety authority*** the documentation confirming that:

Three months before the start of operation of any new service, the railway undertaking shall ***provide*** to the ***Agency*** the documentation confirming that:

Or. en

Justification

National verifications have to be conducted and approved for each country concerned before the start of the operations in that specific country. The Agency keeps the NSAs concerned informed on the single safety certificates requested, issued, renewed, modified, suspended and revoked via the relevant application. The concept of "arrangements" between infrastructure managers and railway undertakings is too vague and can lead to discrimination.

Amendment 284

Gilles Pargneaux

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Three months before the start of operation of any new service, the railway undertaking shall **notify to the relevant national safety authority** the documentation confirming that:

Amendment

Three months before the start of operation of any new service, the railway undertaking shall **provide the Agency with** the documentation confirming that:

Or. fr

Justification

National-level checks will be carried out, and approval granted for each country concerned, before operations get under way in any given country. The Agency will notify the national safety authorities of safety certificates issued, renewed, amended or revoked.

Amendment 285

Carlo Fidanza

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Three months before the start of operation of any new service, the railway undertaking shall **notify** to the **relevant national safety authority** the documentation confirming that:

Amendment

Three months before the start of operation of any new service, the railway undertaking shall **provide** to the **Agency** the documentation confirming that:

Or. en

Amendment 286

Michael Cramer

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Three months before the start of operation of any new service, the railway undertaking shall notify to the relevant

Amendment

The application for a single safety certificate shall contain documentation confirming that:

national safety authority the
documentation confirming that:

Or. en

Amendment 287

Carlo Fidanza
Proposal for a directive
Article 10 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

***(b) the railway undertaking has made the
arrangements necessary for cooperation
and coordination with the infrastructure
manager(s) of the network(s) where it
proposes to operate;*** *deleted*

Or. en

Amendment 288

Gilles Pargneaux
Proposal for a directive
Article 10 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

***(b) the railway undertaking has made the
arrangements necessary for cooperation
and coordination with the infrastructure
manager(s) of the network(s) where it
proposes to operate;*** *deleted*

Or. fr

Justification

The concept of ‘arrangements’ between infrastructure managers and railway undertakings is too vague and could lead to discrimination.

Amendment 289

Michael Cramer
Proposal for a directive
Article 10 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) the railway undertaking has taken any action necessary to ensure the safe operation of the service; ***deleted***

Or. en

Amendment 290

Carlo Fidanza

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) the railway undertaking has a licence issued in accordance with Council Directive 95/18/EC¹⁷ ; ***deleted***

¹⁷ *OJ L 143, 27.6.1995, p. 70.*

Or. en

Amendment 291

Gilles Pargneaux

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) the railway undertaking has a licence issued in accordance with Council Directive 95/18/EC⁹ ; ***deleted***

⁹ *OJ L 143, 27.6.1995, p. 70.*

Or. fr

Justification

National-level checks will be carried out, and approval granted for each country concerned, before operations get under way in any given country. The Agency will notify the national safety authorities of safety certificates issued, renewed, amended or revoked.

Amendment 292

Phil Bennion

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the type and extent of its intended operation **corresponds** to that specified in its single safety certificate.

(e) the type and extent of its intended operation **and areas of use correspond** to that specified in its single safety certificate.

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 293

Carlo Fidanza

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the type and extent of its intended operation corresponds to that specified in its single safety certificate.

(e) the type and extent **and scope** of its intended operation corresponds to that specified in its single safety certificate.

Or. en

Amendment 294

Gilles Pargneaux

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the type **and extent** of its intended operation **corresponds to that** specified in its single safety certificate.

(e) the type, **extent and scope** of its intended operation **correspond to those** specified in its single safety certificate.

Or. fr

Amendment 295

Bogusław Liberadzki

Proposal for a directive
Article 10 – paragraph 4 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Within one month, the Agency indicates to the applicant whether the file is complete or not.

Or. en

Justification

National verifications have to be conducted and approved for each country concerned before the start of the operations in that specific country. The Agency keeps the NSAs concerned informed on the single safety certificates requested, issued, renewed, modified, suspended and revoked via the relevant application. The concept of "arrangements" between infrastructure managers and railway undertakings is too vague and can lead to discrimination.

Amendment 296

Inés Ayala Sender
Proposal for a directive
Article 10 – paragraph 4 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) has drawn up an action plan following the emergency plan established by the infrastructure manager for situations involving a serious accident, including measures to rescue and care for victims.

Or. es

Amendment 297

Bogusław Liberadzki
Proposal for a directive
Article 10 – paragraph 4 – subparagraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) The Agency shall issue the Single Safety Certificate within three months after receiving the request. Any negative decision shall be duly justified.

Justification

National verifications have to be conducted and approved for each country concerned before the start of the operations in that specific country. The Agency keeps the NSAs concerned informed on the single safety certificates requested, issued, renewed, modified, suspended and revoked via the relevant application. The concept of "arrangements" between infrastructure managers and railway undertakings is too vague and can lead to discrimination.

Amendment 298

Michael Cramer

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 2

Text proposed by the Commission

If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, which shall take the appropriate measures, including revocation of the certificate.

*Amendment**deleted*

Or. en

Amendment 299

Phil Bennion

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 2

Text proposed by the Commission

If the national safety authority has doubts concerning the fulfilment of one or more conditions *it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national*

Amendment

If the national safety authority has doubts concerning the fulfilment of one or more conditions *or* finds evidence that one or more conditions are not met, it shall *immediately* refer the matter to the Agency, which shall *respectively request more information from the railway*

safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, which shall take the appropriate measures, including revocation of the certificate.

undertaking or take the appropriate measures, including revocation **or suspension** of the certificate.

Or. en

Amendment 300

Gilles Pargneaux

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 2

Text proposed by the Commission

If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, which shall **take** the appropriate measures, including revocation of the certificate.

Amendment

The Agency shall notify the applicant within one month as to whether or not the application is complete.

The Agency shall issue the single safety certificate within three months of receipt of the application. Any refusal of certification must be duly justified. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, which shall **decide on** the appropriate measures **to be taken**, including revocation **or restriction** of the certificate.

Or. fr

Amendment 301

Carlo Fidanza

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 2

Text proposed by the Commission

If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, which shall ***take*** the appropriate measures, including revocation of the certificate.

Amendment

Within one month, the Agency indicates to the applicant whether the file is complete or not.

The Agency shall issue the Single Safety Certificate within three months after receiving the request. Any negative decision shall be duly justified.

If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, which shall ***determine*** the appropriate measures, including revocation ***or restriction*** of the certificate.

Or. en

Amendment 302

Roberts Zile

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 2

Text proposed by the Commission

If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, which shall take the appropriate measures, including revocation of the certificate.

Amendment

If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the Agency, ***where appropriate***, which shall take the appropriate measures, including revocation of the certificate.

Amendment 303

Erik Bánki

Proposal for a directive

Article 10 – paragraph 4 – subparagraph 2

Text proposed by the Commission

If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the *Agency*, which shall take the appropriate measures, including revocation of the certificate.

Amendment

If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking. However, this exchange may not have any suspensive or delaying effect on the start of operation. If the national safety authority finds evidence that one or more conditions are not met, it shall refer the matter to the ***national safety authority of the Member State where the railway undertaking is established***, which shall take the appropriate measures, including revocation of the certificate.

Or. hu

Amendment 304

Dominique Riquet

Proposal for a directive

Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. During the transition period and in order to enable the national authorities to give the Agency a duly substantiated opinion, the railway undertaking shall provide them with the documentation stipulated in Article 10(4) and the Agency shall then deliver its opinion as provided for in Article 10(2).

Or. fr

Justification

Necessitated by the change to Article 10(2).

Amendment 305

Phil Bennion

Proposal for a directive

Article 10 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The single safety certificate shall be renewed upon application by the railway undertaking at intervals not exceeding five years. It shall be wholly or partly updated whenever the type or extent of the operation is substantially altered.

Amendment

The single safety certificate shall be renewed upon application by the railway undertaking at intervals not exceeding five years. It shall be wholly or partly updated whenever the type or extent of the operation *or areas of use* is substantially altered.

Or. en

Justification

There is a necessity to update the certificate if the areas of use are altered

Amendment 306

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen

Proposal for a directive

Article 10 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The single safety certificate shall be renewed upon application by the railway undertaking at intervals not exceeding five years. It shall be *wholly or partly* updated whenever the type or extent of the operation is substantially altered.

Amendment

The single safety certificate shall be renewed upon application by the railway undertaking at intervals not exceeding five years. It shall be updated whenever the type or extent of the operation is substantially altered.

Or. fi

Amendment 307

Gilles Pargneaux

Proposal for a directive

Article 10 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The holder of the single safety certificate shall inform the Agency without delay of any major changes in the conditions of the single safety certificate. It shall furthermore notify the Agency whenever new categories of staff or new types of rolling stock are introduced.

Amendment

The holder of the single safety certificate shall inform the Agency without delay of any major changes in the conditions of the single safety certificate. It shall furthermore notify the Agency whenever new categories of **safety-critical** staff or new types of rolling stock **that differ substantially from the holder's existing fleet** are introduced.

Or. fr

Amendment 308

Erik Bánki
Proposal for a directive
Article 10 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The holder of the single safety certificate shall inform the **Agency** without delay of any major changes in the conditions of the single safety certificate. It shall furthermore notify the **Agency** whenever new categories of staff or new types of rolling stock are introduced.

Amendment

The holder of the single safety certificate shall inform the **national safety authority of the Member State where the railway undertaking is established** without delay of any major changes in the conditions of the single safety certificate. It shall furthermore notify the **national safety authority of the Member State where the railway undertaking is established** whenever new categories of staff or new types of rolling stock are introduced.

Or. hu

Amendment 309

Roberts Zīle
Proposal for a directive
Article 10 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The holder of the **single** safety certificate shall inform **the Agency** without delay of any major changes in the conditions of **the single safety** certificate. It shall

Amendment

The holder of the safety certificate shall inform **the Agency or the national safety authority, where appropriate**, without delay of any major changes in the

furthermore notify the Agency whenever new categories of staff or new types of rolling stock are introduced.

conditions of *the safety* certificate. It shall furthermore notify the Agency *or the national safety authority, where appropriate*, whenever new categories of staff or new types of rolling stock are introduced.

Or. en

Amendment 310

Roberts Zīle

Proposal for a directive

Article 10 – paragraph 5 – subparagraph 3

Text proposed by the Commission

The Agency may require that the single safety certificate be revised following substantial changes to the safety regulatory framework.

Amendment

The Agency *or the national safety authority, where appropriate*, may require that the single safety certificate be revised following substantial changes to the safety regulatory framework.

Or. en

Amendment 311

Erik Bánki

Proposal for a directive

Article 10 – paragraph 5 – subparagraph 3

Text proposed by the Commission

The *Agency* may require that the single safety certificate be revised following substantial changes to the safety regulatory framework.

Amendment

The *national safety authority of the Member State where the railway undertaking is established* may require that the single safety certificate be revised following substantial changes to the safety regulatory framework. *The revision shall be conducted in accordance with the provisions laid down in paragraphs 2-2(d).*

Or. hu

Amendment 312

Erik Bánki

Text proposed by the Commission

(6) If a national safety authority finds that a holder of a single safety certificate no longer satisfies the conditions for certification, it shall ask the *Agency* to revoke it. ***The Agency may revoke the single safety certificate, giving reasons for its decision.*** The *Agency* shall immediately inform all the national safety authorities of the ***networks on which*** the railway undertaking operates.

Amendment

(6) If a national safety authority ***in a Member State where the railway undertaking will operate*** finds that a holder of a single safety certificate no longer satisfies the conditions for certification, it shall ask the ***national safety authority of the Member State where the railway undertaking is established*** to revoke it. ***The revocation procedure shall be conducted in accordance with the provisions laid down in paragraphs 2-2(d).*** The ***national safety authority of the Member State where the railway undertaking is established*** shall immediately inform ***the Agency and*** all the national safety authorities of the ***Member States where*** the railway undertaking operates.

Or. hu

Amendment 313

Gilles Pargneaux
Proposal for a directive
Article 10 – paragraph 6

Text proposed by the Commission

6. If a national safety authority finds that ***a*** holder of a single safety certificate no longer satisfies the conditions for certification, ***it shall ask*** the *Agency* ***to*** revoke ***it***. ***The Agency may revoke*** the single safety certificate, giving reasons for its decision. The *Agency* shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates.

Amendment

6. If a national safety authority ***or the Agency*** finds that ***the*** holder of a single safety certificate no longer satisfies the conditions for certification, the *Agency* ***shall amend, suspend or*** revoke the single safety certificate, giving ***the*** reasons for its decision. The *Agency* shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates ***of the step(s) it has taken.***

Or. fr

Justification

It is important to stipulate that the Agency may amend, suspend or revoke a single safety certificate.

Amendment 314

Preslav Borissov
Proposal for a directive
Article 10 – paragraph 6

Text proposed by the Commission

6. If a **national safety authority** finds that a holder of a single safety certificate no longer satisfies the conditions for certification, it shall **ask the Agency to revoke it. The Agency may revoke the single safety certificate**, giving reasons for its decision. The Agency shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates.

Amendment

6. If **the Agency** finds that a holder of a single safety certificate no longer satisfies the conditions for certification, it shall **revoke that certification**, giving reasons for its decision. The Agency shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates.

Or. bg

Amendment 315

Silvia-Adriana Țicău
Proposal for a directive
Article 10 – paragraph 6

Text proposed by the Commission

6. If a national safety authority finds that a holder of a single safety certificate no longer satisfies the conditions for certification, it shall ask the Agency to revoke it. The Agency may revoke the single safety certificate, giving reasons for its decision. The Agency shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates.

Amendment

6. If a national safety authority finds that a holder of a single safety certificate no longer satisfies the conditions for certification, it shall ask the Agency to revoke it. The Agency **shall take all necessary measures to ensure that the holder concerned satisfies the conditions for certification and** may revoke the single safety certificate, giving reasons for its decision. The Agency shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates.

Or. ro

Amendment 316

Roberts Zīle

Proposal for a directive

Article 10 – paragraph 6

Text proposed by the Commission

6. If a national safety authority finds that a holder of a **single** safety certificate no longer satisfies the conditions for certification, it shall ask the Agency to revoke it. The Agency may revoke the single safety certificate, giving reasons for its decision. The Agency shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates.

Amendment

6. If a national safety authority finds that a holder of a safety certificate no longer satisfies the conditions for certification, it shall ask the Agency, **where appropriate** to revoke it. The Agency **or the national safety authority** may revoke the single safety certificate, giving reasons for its decision. The Agency, **where appropriate**, shall immediately inform all the national safety authorities of the networks on which the railway undertaking operates.

Or. en

Amendment 317

Artur Zasada, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive

Article 10 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The holder of a single safety certificate whose certificate has been revoked, either by the Agency or by the National Safety Agency, has the right to appeal, in the same way as it is indicated in art. 10 (3).

Or. en

Amendment 318

Erik Bánki

Proposal for a directive

Article 10 – paragraph 7

Text proposed by the Commission

Amendment

(7) The **Agency** shall inform the national safety authorities within one month of the issue, renewal, amendment or revocation of

(7) The **national safety authority of the Member State where the railway undertaking is established** shall inform **the**

a single safety certificate *referred to in paragraph 2*. It shall *state* the name and address of the railway undertaking, the issue date, the scope and validity of the certificate and, in the case of revocation, the reasons for its decision.

Agency and the national safety authorities of the Member States where the railway undertaking operates within one month of the issue, renewal, amendment or revocation of a single safety certificate. *The Agency shall register* the name and address of the railway undertaking, the issue date, the scope and validity of the certificate and, in the case of revocation, the reasons for its decision.

Or. hu

Amendment 319

Gilles Pargneaux

Proposal for a directive

Article 10 – paragraph 7

Text proposed by the Commission

7. The Agency shall inform the national safety authorities *within one month* of the issue, renewal, amendment or revocation of a single safety certificate. It shall state the name and address of the railway undertaking, the issue date, the scope and validity of the certificate and, in the case of revocation, the reasons for its decision.

Amendment

7. The Agency shall inform the national safety authorities, *without delay*, of the issue, renewal, amendment or revocation of a single safety certificate. It shall state the name and address of the railway undertaking, the issue date, the scope and validity of the certificate and, in the case of revocation, the reasons for its decision. *The Agency shall, without delay, update the relevant register and its database.*

Or. fr

Justification

Information of relevance to the single safety certificate must be communicated without delay. The appropriate register must be used for this purpose.

Amendment 320

Roberts Zīle

Proposal for a directive

Article 10 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. On rail networks with a different track

gauge from that of the main rail network within the Union, in the Member States which are well-integrated into those networks together with third countries but isolated from the Union's main network, the national safety authorities concerned shall agree on principles of mutual recognition for safety certifications issued by them.

Or. en

Amendment 321

Preslav Borissov
Proposal for a directive
Article 10 – paragraph 8

Text proposed by the Commission

8. The Agency shall ***continuously monitor*** the effectiveness of the measures for the issuing of single safety certificates and ***supervision by*** national safety authorities and, where appropriate, shall make recommendations to the Commission for improvement. These may include a *recommandation* for a CSM covering a process of the safety management system which needs to be harmonised at Union level, as referred to in Article 6(1)(d).

Amendment

8. The Agency shall ***ensure*** the effectiveness of the measures for the issuing of single safety certificates and, ***in cooperation with the*** national safety authorities, ***monitor supervisory measures and***, where appropriate, shall make recommendations to the Commission for improvement. These may include a *recommandation* for a CSM covering a process of the safety management system which needs to be harmonised at Union level, as referred to in Article 6(1)(d).

Or. bg

Amendment 322

Bogusław Liberadzki
Proposal for a directive
Article 10 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. An appeal may be brought to the Board of Appeal designated under Article 54 of the Agency regulation against decisions of the Agency or its failure to act within the time limits defined in article 10.2, 5 & 6. Any natural or legal person

or a member of the network of representative bodies may appeal against a decision addressed to that person by the Agency.

Or. en

Justification

The possibility of appeal against all decisions of the Agency (including failure to act) should be open. This is consistent with Art. 54.1 of the ERA regulation.

Amendment 323

Georges Bach

Proposal for a directive

Article 10 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Appeals against decisions of the Agency or its failure to act within the time limits defined in article 10.2, 5 and 6 may be brought to the Board of Appeal designated under article 54 of the Agency regulation. 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.

Or. en

Justification

Consistent with article 54.1 of the ERA regulation, which says that there should be a possibility of appeal against all decisions of the Agency.

Amendment 324

Carlo Fidanza

Proposal for a directive

Article 10 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. An appeal may be brought to the Board of Appeal designated under Article 54 of the Agency regulation against

decisions of the Agency or its failure to act within the time limits defined in article 10.2, 5 & 6. 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.

Or. en

Justification

The possibility of appeal against all decisions of the Agency (including failure to act) should be open.

Amendment 325

Preslav Borissov

Proposal for a directive

Article 10 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Applicants may appeal to the Board of Appeal established in Article [54] of Regulation (EC) No ...[the Agency Regulation] against decisions taken by the Agency pursuant to this Article, including in the case of wrongful failure to act within the time limits laid down in this Article. Appeals lodged with the Board of Appeal shall not have automatic suspensory effect. The Agency may, however, suspend the application of the decision appealed against, if it considers that circumstances so permit.

Or. bg

Justification

A legal mechanism should be established for appealing against decisions taken by the Agency to refuse to issue or to renew the safety certificate.

Amendment 326

Preslav Borissov

Proposal for a directive

Article 10 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

8b. Decisions adopted by the Board of Appeal shall be subject to appeal before the Court of Justice of the European Union, once all appeal procedures within the framework of the Agency have been exhausted.

Or. bg

Amendment 327

Gilles Pargneaux
Proposal for a directive
Article 9 a (new)

Text proposed by the Commission

Amendment

Any natural or legal person may appeal to the Board of Appeal provided for in Article 51 of Regulation (EU) No .../... [regulation setting up the Agency] against decisions taken by the Agency or its failure to take a decision within the time limits stipulated in accordance with that Article. Although a decision is addressed to a specific natural or legal person, any other natural or legal persons may appeal against it if it affects them directly and personally. Moreover, these same rights shall apply to bodies representing such natural or legal persons.

Or. fr

Justification

Since the European Railway Agency (ERA) Regulation provides for a right of appeal against Agency decisions concerning the single safety certificate, this provision must be mentioned in the Safety Directive. The absence of a decision within a stipulated time limit should be added to the list of 'decisions' against which appeal is possible. The right of appeal should be extended to persons directly and personally affected by a decision and to associations representing them, even if the decision in question is not addressed to them.

Amendment 328

Luis de Grandes Pascual
Proposal for a directive
Article 11 – title

Text proposed by the Commission

Applications for single safety certificates

Amendment

Cooperation between the Agency and national safety authorities for issuing single safety certificates and for supervision

Or. en

Amendment 329

Erik Bánki
Proposal for a directive
Article 11 – title

Text proposed by the Commission

Applications for single safety certificates

Amendment

Acquisition of single safety certificates

Or. hu

Amendment 330

Erik Bánki
Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

(1) Applications for single safety certificates shall be submitted to the Agency. The Agency shall take a decision on an application without delay and in any event not more than four months after all required information and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.

Amendment

deleted

Or. hu

Amendment 331

Dominique Riquet
Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Applications for single safety certificates shall be submitted to the Agency. The Agency shall take a decision on an application without delay and in any event not more than **four** months after all required information and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.

Amendment

1. Applications for single safety certificates shall be submitted to the Agency. The Agency shall take a decision on an application without delay and in any event not more than **three** months after all required information **and opinions** and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.

Or. fr

Justification

It is important to add a reference to the national safety authorities' opinions within the meaning of Article 10(2) so that the Agency can take its decisions in the light of all the relevant information.

Amendment 332

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Applications for single safety certificates shall be submitted to the Agency. The Agency shall take a decision on an application without delay and in any event not more than **four** months after all required information and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.

Amendment

1. Applications for single safety certificates shall be submitted to the Agency. The Agency shall take a decision on an application without delay and in any event not more than **three** months after all required information and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.

Or. fi

Amendment 333

Luis de Grandes Pascual
 Proposal for a directive
 Article 11 – paragraph 1

Text proposed by the Commission

1. **Applications for single safety certificates shall be submitted to the Agency. The Agency shall take a decision on an application without delay and in any event not more than four months after all required information and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.**

Amendment

1. **For the purpose of implementing the provisions on the single safety certificate, the Agency and the national safety authorities shall conclude cooperation agreements with national safety authorities in accordance with Article 69 of Regulation .../... [Agency Regulation]. These agreements could be specific or framework agreements, and involve one or more national safety authorities. These agreements shall contain a specified description of tasks and conditions for deliverables, the time-limits applying to their delivery, the apportioning of the fees paid by the applicant. They may also include specific cooperation arrangements in the case of networks requiring specific expertise due to geographical or historical reasons, including networks which are isolated from the rest of the Union, with a view to reducing administrative burden and costs to the applicant. These agreements shall be in place before the Agency is entitled to receive applications in accordance with this Directive, and in any case by three years following the date of entry into force of this Directive at the latest.**

Or. en

Amendment 334

Carlo Fidanza
 Proposal for a directive
 Article 11 – paragraph 1

Text proposed by the Commission

1. Applications for single safety certificates shall be submitted to the Agency. The

Amendment

1. Applications for single safety certificates shall be submitted to the Agency. The

Agency shall take a decision on an application without delay and in any event not more than four months after all required information and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.

Agency shall take a decision on an application without delay and in any event not more than four months after all required information and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.
In the case of an application for an extension, to operate in an additional Member State, the Agency shall make its determination within three months.

Or. en

Justification

The amendment aims at having shorter deadlines for the extension of existing safety certificate.

Amendment 335

Roberts Zile

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Applications for ***single*** safety ***certificates*** shall be submitted to the Agency. The Agency shall take a decision on an application without delay and in any event not more than four months after all required information and any supplementary information requested by the Agency has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.

Amendment

1. Applications for ***a*** safety ***certificate*** shall be submitted to the Agency ***or in the case of Article 10(2a), (2b) and (2c), to the national safety agency.*** The Agency ***or the national safety authority, where appropriate,*** shall take a decision on an application without delay and in any event not more than four months after all required information and any supplementary information requested by the Agency ***or the national safety authority, where appropriate,*** has been submitted. If the applicant is requested to submit supplementary information, such information shall be submitted promptly.

Or. en

Amendment 336

Luis de Grandes Pascual
Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The Agency shall provide detailed guidance on how to obtain the single safety certificate. It shall list all requirements that have been laid down for the purpose of Article 10(2) and shall publish all relevant documents.

deleted

Or. en

Amendment 337

Erik Bánki
Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

(2) The Agency shall provide detailed guidance on how to obtain the single safety certificate. It shall list all requirements that have been laid down for the purpose of Article 10(2) and shall publish all relevant documents.

(2) The Agency shall, **together with the national safety authorities**, provide detailed guidance on how to obtain the single safety certificate. It shall list all requirements that have been laid down for the purpose of Article 10 and shall publish all relevant documents.

Or. hu

Amendment 338

Luis de Grandes Pascual
Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. An application guidance document describing and explaining the requirements for the single safety certificates and listing the required documents shall be made available to applicants free of charge. The national safety authorities shall cooperate with the

deleted

Agency in disseminating such information.

Or. en

Amendment 339

Erik Bánki
Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

(3) An application guidance document describing and explaining the requirements for the single safety certificates and listing the required documents shall be made available to applicants free of charge. **The national safety authorities shall cooperate with the Agency in disseminating such information.**

(3) An application guidance document describing and explaining the requirements for the single safety certificates and listing the required documents shall be made available to applicants **by the Agency** free of charge.

Or. hu

Justification

Az egységes biztonsági tanúsítvány kiadásáért – ahogy a pályahálózat-működtető biztonsági engedélyének kiadásáért - a vasúttársaság letelepedése szerinti tagállam nemzeti biztonsági hatósága kell, hogy felelős legyen, oly módon, hogy bevonja mindazoknak a tagállamoknak a nemzeti biztonsági hatóságait, akiknek a területén a vasúti társaság tevékenységet kíván folytatni. Ezzel az eljárással biztosítható egyfelől, hogy a vasúti társaság székhelye szerinti tagállam nyelvét lehessen használni, valamint, hogy csak azoknak a tagállamoknak a nemzeti biztonsági hatóságai legyenek bevonva, amely hatóságokat az ügy érinti.

Amendment 340

Jörg Leichtfried
Proposal for a directive
Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Concerning the national requirements the NSA shall take a decision on an application without delay and in any event not more than three months after all required information and any supplementary information requested has

been submitted by the Agency.

Or. en

Amendment 341

Phil Bennion

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to be allowed to manage and operate a rail infrastructure, the infrastructure manager shall obtain a safety authorisation from the national safety authority in the Member State where it is established.

Amendment

In order to be allowed to manage and operate a rail infrastructure, the infrastructure manager shall obtain a safety authorisation from the national safety authority in the Member State where it is established. ***In case of crossborder infrastructures, the infrastructure manager shall obtain a safety authorisation from the European Railway Agency.***

Or. en

Justification

The corridor approach within the TEN-T guidelines could facilitate the development of crossborder infrastructures with one infrastructure manager. In those cases, ERA should be in charge of delivering the authorisation.

Amendment 342

Michael Cramer

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to be allowed to manage and operate a rail infrastructure, the infrastructure manager shall obtain a safety authorisation from the ***national safety authority in the Member State where it is established.***

Amendment

In order to be allowed to manage and operate a rail infrastructure, the infrastructure manager shall obtain a safety authorisation from the ***Agency.***

Or. en

Justification

In order to harmonise rules and procedures on infrastructure, too, the European Railway Agency should also issue safety authorisations of infrastructure managers in close cooperation with the national safety authorities.

Amendment 343

Inés Ayala Sender

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 2 – subparagraph 1

Text proposed by the Commission

authorisation confirming acceptance of the infrastructure manager's safety management system laid down in Article 9 , which shall include the procedures and provisions for meeting the requirements necessary for the safe design, maintenance and operation of the railway infrastructure, including, where appropriate, the maintenance and operation of the traffic control and signalling system.

Amendment

authorisation confirming acceptance of the infrastructure manager's safety management system laid down in Article 9 , which shall include the procedures and provisions for meeting the requirements necessary for the safe design, maintenance and operation of the railway infrastructure, including, where appropriate, the maintenance and operation of the traffic control and signalling system, ***as well as procedures for action in the event of a serious accident in order to guarantee emergency assistance and restore infrastructure safety.***

Or. es

Amendment 344

Artur Zasada, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 2 – subparagraph 1

Text proposed by the Commission

authorisation confirming acceptance of the infrastructure manager's safety management system laid down in Article 9 , which shall include the procedures and provisions for meeting the requirements necessary for the safe design, maintenance and operation of the railway infrastructure, including, where appropriate, the maintenance and operation of the traffic control and signalling system.

Amendment

authorisation confirming acceptance of the infrastructure manager's safety management system laid down in Article 9, which shall include the procedures and provisions for meeting the requirements necessary for the safe design, maintenance and operation of the railway infrastructure, including, where appropriate, the maintenance and operation of the traffic control and signalling system. ***The safety***

authorisation may also include sidings owned by the infrastructure manager if they were included in its safety management system.

Or. en

Amendment 345

Michael Cramer
Proposal for a directive
Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The safety authorisation shall be renewed upon application by the infrastructure manager at intervals of five years. It shall be wholly or partly updated whenever substantial changes are made to the infrastructure, signalling or energy supply or to the principles of its operation and maintenance. The holder of the safety authorisation shall without delay inform the national safety authority of all such changes.

Amendment

The safety authorisation shall be renewed upon application by the infrastructure manager at intervals of five years. It shall be wholly or partly updated whenever substantial changes are made to the infrastructure, signalling or energy supply or to the principles of its operation and maintenance. The holder of the safety authorisation shall without delay inform the **Agency and the** national safety authority of all such changes.

Or. en

Justification

In order to harmonise rules and procedures on infrastructure, too, the European Railway Agency should also issue safety authorisations of infrastructure managers in close cooperation with the national safety authorities.

Amendment 346

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The safety authorisation shall be renewed upon application by the infrastructure manager at intervals of five years. It shall be **wholly or partly** updated whenever substantial changes are made to the

Amendment

The safety authorisation shall be renewed upon application by the infrastructure manager at intervals of five years. It shall be updated whenever substantial changes are made to the infrastructure, signalling or

infrastructure, signalling or energy supply or to the principles of its operation and maintenance. The holder of the safety authorisation shall ***without delay*** inform the national safety authority of all such changes.

energy supply or to the principles of its operation and maintenance. The holder of the safety authorisation shall ***promptly*** inform the national safety authority of all such changes.

Or. fi

Amendment 347

Michael Cramer

Proposal for a directive

Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The ***national safety authority*** may require that the safety authorisation be revised following substantial changes to the safety regulatory framework.

Amendment

The ***Agency*** may require that the safety authorisation be revised following substantial changes to the safety regulatory framework.

Or. en

Justification

In order to harmonise rules and procedures on infrastructure, too, the European Railway Agency should also issue safety authorisations of infrastructure managers in close cooperation with the national safety authorities.

Amendment 348

Michael Cramer

Proposal for a directive

Article 12 – paragraph 2 – subparagraph 3

Text proposed by the Commission

If the national safety authority finds that an authorised infrastructure manager no longer satisfies the conditions for a safety authorisation ***it*** shall revoke the authorisation, giving reasons for its decisions.

Amendment

If the ***Agency or a*** national safety authority finds that an authorised infrastructure manager no longer satisfies the conditions for a safety authorisation ***the Agency*** shall revoke the authorisation, giving reasons for its decisions.

Or. en

Justification

In order to harmonise rules and procedures on infrastructure, too, the European Railway Agency should also issue safety authorisations of infrastructure managers in close cooperation with the national safety authorities.

Amendment 349

Michael Cramer

Proposal for a directive

Article 12 – paragraph 3

Text proposed by the Commission

3. ***The national safety authority*** shall take a decision on an application for safety authorisation without delay and in any event not more than ***four*** months after ***all the information required and any supplementary*** information requested ***has been submitted.***

Amendment

3. ***The Agency*** shall take a decision on an application for safety authorisation without delay and in any event not more than ***three*** months after ***receipt of the application.*** ***Negative decisions shall be duly justified.*** ***If the Agency has doubts concerning the fulfilment of one or more conditions, it shall request further information from the railway undertaking within one month after receipt of the application for a safety authorisation.*** Information requested ***shall be supplied within a reasonable period set by the national safety authority.***

Or. en

Justification

This amendment is an improved version of my amendment number 62 from the draft report. In order to harmonise rules and procedures on infrastructure, too, the European Railway Agency should also issue safety authorisations of infrastructure managers in close cooperation with the national safety authorities.

Amendment 350

Dominique Riquet

Proposal for a directive

Article 12 – paragraph 3

Text proposed by the Commission

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any

Amendment

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any

event not more than **four** months after all the information required and any supplementary information requested has been submitted.

event not more than **three** months after all the information required and any supplementary information requested has been submitted.

Or. fr

Amendment 351

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 12 – paragraph 3

Text proposed by the Commission

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any event not more than **four** months after all the information required and any supplementary information requested has been submitted.

Amendment

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any event not more than **three** months after all the information required and any supplementary information requested has been submitted.

Or. fi

Amendment 352

Luis de Grandes Pascual
Proposal for a directive
Article 12 – paragraph 3

Text proposed by the Commission

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any event not more than four months after all the information required and any supplementary information requested has been submitted.

Amendment

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any event not more than four months after all the information required and any supplementary information requested has been submitted. ***Negative decisions shall be duly justified.***
If the national safety authority has doubts concerning the fulfilment of one or more conditions it shall request more information from the railway undertaking within one month after the receipt of the application for a single safety certificate. Information requested shall be supplied within a reasonable period set by the

National Safety Authority that shall not exceed one month, unless, in exceptional circumstances, the National Safety Authority agrees to, and authorises, a time-limited extension, which shall not exceed two additional weeks.

Or. en

Amendment 353

Carlo Fidanza

Proposal for a directive

Article 12 – paragraph 3

Text proposed by the Commission

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any event not more than four months after all the information required and any supplementary information requested has been submitted.

Amendment

3. The national safety authority shall take a decision on an application for safety authorisation without delay and in any event not more than four months after all the information required and any supplementary information requested has been submitted.

An application guidance document describing and explaining the requirements for the safety authorizations and listing the required documents shall be made available.

Or. en

Justification

The amendment aims at ensuring greater transparency in the decision-making criteria related to the issuing of authorization from the National Safety Authority and in accordance with the provisions of the ERA in Article 11.

Amendment 354

Michael Cramer

Proposal for a directive

Article 12 – paragraph 4

Text proposed by the Commission

4. The **national safety authority** shall inform the **Agency** within one month of the

Amendment

4. The **Agency** shall inform the **national safety authorities** within one month of the

safety authorisations that have been issued, renewed, amended or revoked. It shall state the name and address of the infrastructure manager, the issue date, the scope and validity of the safety authorisation and, in case of revocation, the reasons for its decision.

safety authorisations that have been issued, renewed, amended or revoked. It shall state the name and address of the infrastructure manager, the issue date, the scope and validity of the safety authorisation and, in case of revocation, the reasons for its decision.

Or. en

Justification

In order to harmonise rules and procedures on infrastructure, too, the European Railway Agency should also issue safety authorisations of infrastructure managers in close cooperation with the national safety authorities.

Amendment 355

Izaskun Bilbao Barandica

Proposal for a directive

Article 13 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The services offered shall include training on necessary route knowledge, operating rules and procedures, the signalling and control command system and emergency procedures applied on the routes operated.

Amendment

The services offered shall include training on necessary route knowledge, ***assistance to persons with disabilities***, operating rules and procedures, the signalling and control command system and emergency procedures applied on the routes operated.

Or. en

Amendment 356

Phil Bennion

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Each vehicle, before it is placed in service or used on the network, shall have an entity in charge of maintenance assigned to it and this entity shall be registered in the ***national*** vehicle register in accordance with Article 43 of Directive XX on interoperability of the rail system.

Amendment

1. Each vehicle, before it is placed in service or used on the network, shall have an entity in charge of maintenance assigned to it and this entity shall be registered in the ***European*** vehicle register in accordance with Article 43 of Directive XX on interoperability of the rail system.

Amendment 357

Georges Bach

Proposal for a directive

Article 14 – paragraph 5

Text proposed by the Commission

5. The certificates granted in accordance with paragraph 4 shall be valid throughout the Union .

Amendment

5. The certificates granted in accordance with paragraph 4 shall be valid throughout the Union. ***The Agency shall set up and make public, then update without delay a register of certified entities in charge of maintenance. It shall be linked with the national vehicle registers or the European vehicle register in accordance with Article 43 §1 and §4 of the Interoperability directive.***

The Commission shall adopt common specifications for this register relating to content, data format, functional and technical architecture, operating mode and rules for data input and consultation by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

Or. en

Justification

As railway undertakings are in charge of verifying that the entities in charge of maintenance of wagons are certified, it is necessary that a European register is elaborated at the EU level to allow this check.

Amendment 358

Georges Bach

Proposal for a directive

Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall establish by implementing acts, a system for

compulsory minimum intervals (km/time) for the maintenance of freight wagons, passenger rolling stock and locomotives. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Or. en

Amendment 359

Inés Ayala Sender
Proposal for a directive
Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Agency shall harmonise rules on minimum maintenance intervals and quality requirements in order 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

Justification

This amendment takes up the rapporteur's proposal (see Amendment 65) and adds a reference to the need to take account of the many different factors that can increase or reduce the wear and tear on rolling stock.

Amendment 360

Dominique Riquet
Proposal for a directive
Article 14 – paragraph 6

Text proposed by the Commission

Amendment

6. *By 31 May 2014*, the Agency shall evaluate the system of certification of the entity in charge of maintenance for freight wagons and shall consider the opportunity for an extension of that system to all vehicles and shall submit a report to the

6. *No later than six months after this Directive comes into force*, the Agency shall evaluate the system of certification of the entity in charge of maintenance for freight wagons and shall consider the opportunity for an extension of that system

Commission.

to all vehicles and shall submit a report to the Commission.

Or. fr

Amendment 361

Georges Bach

Proposal for a directive

Article 14 – paragraph 6

Text proposed by the Commission

6. By 31 May 2014, the Agency shall evaluate the system of certification of the entity in charge of maintenance for freight wagons and shall ***consider the opportunity for an extension of that system to all vehicles and*** shall submit a report to the Commission.

Amendment

6. By 31 May 2014, the Agency shall evaluate the system of certification of the entity in charge of maintenance for freight wagons and shall ***extent that system to all other types of vehicles if deemed necessary by that evaluation. The Agency shall submit a report and a recommendation to the Commission about this extension.***

Or. en

Justification

For all types of wagons, entities in charge of maintenance have to be certified.

Amendment 362

Michael Cramer

Proposal for a directive

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. By 31 May 2014, the Agency shall identify railway components that are critical for railway safety and develop a system that allows for tracing these components.

Or. en

Justification

This approach already exists in aviation. In order to ensure the safety of the railways,

undertakings and entities in charge of maintenance need to know the history and source of critical safety components. Several accidents in the past may have been prevented had such a system existed.

Amendment 363

Dominique Riquet

Proposal for a directive

Article 14 – paragraph 7 – subparagraph 1

Text proposed by the Commission

The Commission shall, by means of implementing acts, adopt common conditions for certification of the entity in charge of maintenance for all vehicles **by 24 December 2016.**

Amendment

No later than 24 months after this Directive comes into force, the Commission shall, by means of implementing acts, adopt common conditions for certification of the entity in charge of maintenance for all vehicles.

Or. fr

Amendment 364

Luis de Grandes Pascual

Proposal for a directive

Article 14 – paragraph 7 – subparagraph 1

Text proposed by the Commission

The Commission shall, by means of implementing acts, adopt common conditions for certification of the entity in charge of maintenance for all vehicles by 24 December 2016.

Amendment

Based on the Agency's recommendation, the Commission shall, by means of implementing acts, adopt common conditions for certification of the entity in charge of maintenance for all vehicles by 24 December 2016.

Or. en

Amendment 365

Georges Bach

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. Each Member State shall establish a safety authority. This authority shall be independent in its organisation, legal

Amendment

1. Each Member State shall establish a safety authority. This authority shall be independent in its organisation, legal

structure and decision making from any railway undertaking, infrastructure manager, applicant **and procurement entity**.

structure and decision making from any railway undertaking, infrastructure manager **and** applicant. ***This authority may be the Ministry responsible for transport matters.***

Or. en

Amendment 366

Luis de Grandes Pascual

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. Each Member State shall establish a safety authority. This authority shall be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant **and procurement entity**.

Amendment

1. Each Member State shall establish a safety authority. This authority shall be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager **and** applicant. ***Provided that this independence is guaranteed, the authority may be a department in the ministry responsible for transport.***

Or. es

Amendment 367

Jörg Leichtfried

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. Each Member State shall establish a safety authority. This authority shall be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity.

Amendment

1. Each Member State shall establish a safety authority. This authority shall be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager, applicant and procurement entity. ***The authority shall have the necessary expertise and the necessary staff resources in order to discharge its duties.***

Or. de

Justification

Not only must the authority be independent; only if it is properly resourced can it carry out its duties.

Amendment 368

Michael Cramer
Proposal for a directive
Article 16 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) authorising the placing in service of the energy and infrastructure subsystems constituting the rail system in accordance with Article 18(2) of Directive XX on interoperability of the rail system; ***deleted***

Or. en

Amendment 369

Izaskun Bilbao Barandica
Proposal for a directive
Article 16 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) authorising the placing in service of the energy and infrastructure subsystems constituting the rail system in accordance with Article 18(2) of Directive XX on interoperability of the rail system; ***deleted***

Or. en

Amendment 370

Luis de Grandes Pascual
Proposal for a directive
Article 16 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) authorising the placing in service of the energy and infrastructure subsystems constituting the rail system in accordance with Article 18(2) of Directive XX on

(a) authorising the placing in service of the ***trackside control-command and signalling***, energy and infrastructure subsystems constituting the rail system in

interoperability of the rail system;

accordance with Article 18(2) of Directive XX on interoperability of the rail system;

Or. en

Amendment 371

Luis de Grandes Pascual
Proposal for a directive
Article 16 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) verifying the elements regarding the placing on the market as set out in Article 20(1d)(b) of Directive XX on interoperability of the rail system in cooperation with the Agency;

Or. en

Amendment 372

Inés Ayala Sender
Proposal for a directive
Article 16 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) When the Agency grants authorisations for the placing in service of the trackside control-command and signalling subsystems located or operated throughout the Union, it shall do so 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 373

Luis de Grandes Pascual

Proposal for a directive

Article 16 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) Issuing vehicle authorisations for placing on the market according to Article 20(1g) of Directive XX on interoperability of the rail system;

Or. en

Amendment 374

Izaskun Bilbao Barandica

Proposal for a directive

Article 16 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) assigning a European vehicle numbering in accordance with Article 42 of Directive [XX] on interoperability of the rail system;

deleted

Or. en

Amendment 375

Michael Cramer

Proposal for a directive

Article 16 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) on request of the Agency, supporting it in the issue, renewal, amendment and revocation of single safety certificates

(d) on request of the Agency ***and on the basis of contractual agreements referred to in Regulation [Regulation on the***

granted in accordance with Article 10 and checking that the conditions and requirements laid down in them are met and that railway undertakings are operating in accordance with the requirements of Union or national law;

European Railway Agency], supporting it in the issue, renewal, amendment and revocation of single safety certificates granted in accordance with Article 10 and checking that the conditions and requirements laid down in them are met and that railway undertakings are operating in accordance with the requirements of Union or national law;

Or. en

Justification

The cooperation between the Agency and national safety authorities needs to be clearly structured and based on contractual agreements.

Amendment 376

Dominique Riquet
Proposal for a directive
Article 16 – paragraph 2 – point d

Text proposed by the Commission

(d) on request of the Agency, supporting it in the issue, renewal, amendment and revocation of single safety certificates granted in accordance with Article 10 and checking that the conditions and requirements laid down in them are met and that railway undertakings are operating in accordance with the requirements of Union or national law;

Amendment

(d) on request of the Agency *or as a matter of course under the procedure stipulated in Article 10(2)*, supporting it in the issue, renewal, amendment and revocation of single safety certificates granted in accordance with Article 10 and checking that the conditions and requirements laid down in them are met and that railway undertakings are operating in accordance with the requirements of Union or national law;

Or. fr

Justification

Ensures consistency with amendment to Article 10(2).

Amendment 377

Michael Cramer
Proposal for a directive
Article 16 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) issuing, renewing, amending and revoking safety authorisations granted in accordance with Article 12 and checking that the conditions and requirements laid down in them are met and that infrastructure managers are operating in accordance with the requirements of Union or national law;

deleted

Or. en

Amendment 378

Jörg Leichtfried

Proposal for a directive

Article 16 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) inspection of the compliance with working, driving and rest time rules for locomotive drivers in the railway companies and on the track;

Or. en

Amendment 379

Luis de Grandes Pascual

Proposal for a directive

Article 16 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) supervising the infrastructure manager in accordance with Annex III to Regulation (EU) No 1169/2010 and with Regulation (EU) No 1077/2012;

Or. en

Amendment 380

Jörg Leichtfried

Proposal for a directive

Article 16 – paragraph 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) inspection on the track of compliance with rules on the certification of locomotive drivers in particular the requirements of the complementary certificate;

Or. en

Amendment 381

Jörg Leichtfried

Proposal for a directive

Article 16 – paragraph 2 – point g c (new)

Text proposed by the Commission

Amendment

(gc) inspections of the safety conditions of rail freight wagons and other rolling stock on the track as well as the compliance with regular maintenance requirements;

Or. en

Amendment 382

Georges Bach

Proposal for a directive

Article 16 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) inspection of the compliance with working, driving and rest time rules for locomotive drivers in the railway companies and on the track;

Or. en

Amendment 383

Luis de Grandes Pascual

Proposal for a directive

Article 16 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) all responsibilities allocated to the

national safety authority as "competent authority" regarding the certification of drivers in accordance with Directive 2007/59 on the certification of train drivers operating locomotives and trains on the railway system in the Community;

Or. en

Amendment 384

Jörg Leichtfried

Proposal for a directive

Article 16 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) setting up a national tri-partite information and consultation body with representatives of the railway undertakings, workers' representatives and representatives of the national safety authorities with the task to inform about relevant incidents and accidents and discuss appropriate safety measures;

Or. en

Amendment 385

Inés Ayala Sender

Proposal for a directive

Article 16 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) drawing up a general emergency plan for the rail network which shall be mandatory for all rail system actors and which shall detail the measures to be taken in the event of a serious accident and emergency, and forwarding it to the Agency. That plan shall include:
(a) mechanisms and procedures guaranteeing effective communication between the actors involved, chiefly between infrastructure managers, rail operators and emergency services;
(b) mechanisms for coordination with

national agencies of neighbouring countries;
(c) channels for communicating with victims' families following a serious accident, in order to respond with staff who have been trained for the various tasks;
(d) a system for providing care for victims following an accident, which will guide them in the complaints procedures under Union legislation, and in particular the regulation on rail passengers' rights and obligations¹, without prejudice to the obligations of rail operators. Such care shall include psychological support for accident victims and their families.
The Commission shall, as a matter of urgency, draw up measures aimed at harmonising the content and format of emergency plans by means of implementing acts as provided for in Article 48. The Agency shall assist and supervise the agencies in drawing up these plans, paying particular attention to rail accidents affecting two or more national networks.
The National Agency shall supervise and approve the emergency plans of railway undertakings and infrastructure managers operating in that State's territory.

¹ *1371/2007 of the European Parliament and of the Council of 23 October 2007*

Or. es

Justification

The National Agencies should be obliged to have an emergency plan. Experience of rail accidents shows that communication between the actors involved and victims' families has not always run smoothly. Mechanisms to support victims and their families following an accident should also be established, as laid down in the legislation on civil aviation accidents.

Amendment 386
Georges Bach

Proposal for a directive
Article 16 – paragraph 2 – point h b (new)

Text proposed by the Commission

Amendment

(hb) inspections of the safety conditions of rail freight wagons and other rolling stock on the track as well as the compliance with regular maintenance requirements;

Or. en

Amendment 387
Luis de Grandes Pascual
Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

***Article 16a
Supervision***

1. National safety authorities shall oversee continued compliance with the legal obligation on a railway undertaking or infrastructure manager to use a safety management system.

To this purpose, the national safety authorities shall apply the principles set out in the relevant common safety method for supervision.

When supervising the safety management systems, the national safety authorities may carry out investigations to other actors having a potential impact on safety such as entities in charge of maintenance, keepers, training centres, carriers and loaders.

2. The railway undertaking shall inform the relevant national safety authorities at least two months before starting operation of any new service to allow them planning the supervision activities. The railway undertaking shall also provide the categories of staff and the types of vehicles.

3. The holder of the single safety certificate shall inform without delay the

competent national safety of any changes in the conditions of the single safety certificate.

4. If a national safety authority finds that a holder of a single safety certificate no longer satisfies the conditions for certification, it shall ask the Agency to revoke it. The Agency shall immediately inform all the national safety authorities concerned by the area of operation of the railway undertaking. The Agency may revoke the single safety certificate, giving reasons for its decision. Pending the final decision of revocation, the national safety authorities concerned may ask the railway undertaking to suspend immediately the operation.

Where the national safety authority has itself issued the single safety certificate, it may revoke the single safety certificate, giving reasons for its decision and shall inform the Agency.

The holder of a single safety certificate whose certificate has been revoked either by the Agency or by the national safety authority, has the right to appeal.

5. If the national safety authority finds that an authorised infrastructure manager no longer satisfies the conditions for a safety authorisation it shall revoke the authorisation, giving reasons for its decisions.

6. The safety authorities shall, if and where necessary, apply the penalties laid down in their respective national legislation according to Article 29 and inform each other of the applications and outcomes of such penalties.

7. The Agency and the national safety authorities shall make the necessary arrangements to coordinate and ensure the full exchange of information referred for the purposes of supervision and renewal of safety authorisations.

Or. en

Amendment 388

Gilles Pargneaux

Proposal for a directive

Article 16 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) checking that the vehicles and types of vehicle authorised for placing in service meet the critical requirements and specific rules of the system concerned, in accordance with Article [X] of Directive [XX] on the interoperability of the rail system;

Or. fr

Justification

The supervision of authorised vehicles should be included among the national safety authorities' tasks. European registration numbers, however, should be issued by the ERA inasmuch as it is the Agency that grants authorisation for vehicles to be placed in service.

Amendment 389

Dominique Riquet

Proposal for a directive

Article 17 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

They shall promptly respond to requests and applications and communicate their requests for information without delay and adopt all their decisions within **four** months after all requested information has been provided. They may at any time request the technical assistance of infrastructure managers and railway undertakings or other qualified bodies when they are carrying out the tasks referred to in Article 16.

They shall promptly respond to requests and applications and communicate their requests for information without delay and adopt all their decisions within **three** months after all requested information has been provided. They may at any time request the technical assistance of infrastructure managers and railway undertakings or other qualified bodies when they are carrying out the tasks referred to in Article 16.

Or. fr

Amendment 390

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen

Proposal for a directive
Article 17 – paragraph 1 – subparagraph 2

Text proposed by the Commission

They shall promptly respond to requests and applications and communicate their requests for information without delay and adopt all their decisions within **four** months after all requested information has been provided. They may at any time request the technical assistance of infrastructure managers and railway undertakings or other qualified bodies when they are carrying out the tasks referred to in Article 16.

Amendment

They shall promptly respond to requests and applications and communicate their requests for information without delay and adopt all their decisions within **three** months after all requested information has been provided. They may at any time request the technical assistance of infrastructure managers and railway undertakings or other qualified bodies when they are carrying out the tasks referred to in Article 16.

Or. fi

Amendment 391

Carlo Fidanza
Proposal for a directive
Article 17 – paragraph 1 – subparagraph 3

Text proposed by the Commission

In the process of developing the national regulatory framework, the national safety authority shall consult all persons involved and interested parties, including infrastructure managers, railway undertakings, manufacturers and maintenance providers, users and staff representatives.

Amendment

In the process of developing the national regulatory framework, the national safety authority shall consult **and consider** all persons involved and interested parties, including infrastructure managers, railway undertakings, manufacturers and maintenance providers, users and staff representatives.

Or. en

Justification

This amendment is necessary to ensure transparency in the decision-making process.

Amendment 392

Artur Zasada, Bogdan Kazimierz Marcinkiewicz
Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. The Agency and the national safety authorities shall be free to carry out all inspections and investigations that are needed for accomplishment of their tasks and **they** shall be granted access to all relevant documents and to premises, installations and equipment of infrastructure managers and railway undertakings.

Amendment

2. The Agency and the national safety authorities shall be free to carry out all inspections, **audits** and investigations that are needed for accomplishment of their tasks and **they** shall be granted access to all relevant documents and to premises, installations and equipment of infrastructure managers and railway undertakings.

Or. en

Amendment 393

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 17 – paragraph 5

Text proposed by the Commission

5. The scope of cooperation between the Agency and the national safety authorities in all matters relating to inspections on site related to issuing the single safety certificate and supervision of the railway undertakings after issuing the single safety certificate shall be set out in contractual or other arrangements between the Agency and the national safety authorities.

Amendment

5. The scope of cooperation between the Agency and the national safety authorities in all matters relating to inspections on site related to issuing the single safety certificate and supervision of the railway undertakings after issuing the single safety certificate shall be set out in contractual or other arrangements between the Agency and the national safety authorities. ***A national safety authority shall have the status of a specialised supporting agency.***

Or. fi

Amendment 394

Michael Cramer
Proposal for a directive
Article 18 – paragraph 1 – point f

Text proposed by the Commission

(f) all inspections or audits of railway undertakings operating in the Member State in the course of supervision activities.

Amendment

(f) ***data on*** all inspections or audits of railway undertakings operating in the Member State in the course of supervision activities, ***including information on the***

*number of inspections, the number of
infringements and main findings;*

Or. en

Amendment 395

Georges Bach
Proposal for a directive
Article 18 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

*(fa) all technical inspections of rail
freight wagons on the track;*

Or. en

Amendment 396

Jörg Leichtfried
Proposal for a directive
Article 18 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

*(fa) all technical inspections of rail
freight wagons on the track;*

Or. en

Amendment 397

Inés Ayala Sender
Proposal for a directive
Article 18 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

*(fa) inspection an checks on working ,
driving and rest time of railway. One year
after entering into force of this directive,
the Commission shall propose legislation
on minimum control and enforcement of
driving and rest time of locomotive
drivers;*

Or. en

Amendment 398

Georges Bach
Proposal for a directive
Article 18 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) all inspections of the compliance with working, driving and rest time rules including cross-border activities and rules on the certification of qualifications on the track;

Or. en

Amendment 399

Jörg Leichtfried
Proposal for a directive
Article 18 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) all inspections of the compliance with working, driving and rest time rules including cross-border activities and rules on the certification of qualifications on the track;

Or. en

Amendment 400

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

Amendment

2. The investigating body shall perform its tasks independently of the organisations referred to in paragraph 1 and shall be able to obtain sufficient resources to do so. Its investigators shall be afforded status giving them the necessary guarantees of independence.

2. The investigating body shall perform its tasks independently of the organisations referred to in paragraph 1, ***without discriminating against any party***, and shall be able to obtain sufficient resources to do so. Its investigators shall be afforded status giving them the necessary guarantees of independence.

Or. fi

Amendment 401

Luis de Grandes Pascual
Proposal for a directive
Article 21 – paragraph 3

Text proposed by the Commission

3. Member States shall make provision that railway **undertakings**, infrastructure managers **and, where appropriate, the national safety authority**, are obliged immediately to report accidents and incidents referred to in Article 19 to the investigating body. The investigating body shall be able to respond to such reports and make the necessary arrangements to start the investigation **no later than one week** after receipt of the report concerning the accident or incident.

Amendment

3. Member States shall make provision that railway **undertaking and** infrastructure managers are obliged immediately to report accidents and incidents referred to in Article 19 to the investigating body. The investigating body shall be able to respond to such reports and make the necessary arrangements to start the investigation **as soon as practicable** after receipt of the report concerning the accident or incident.

Or. en

Amendment 402

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 22 – paragraph 2

Text proposed by the Commission

2. For each accident or incident the body responsible for the investigation shall arrange for the appropriate means, comprising the necessary operational and technical expertise to carry out the investigation. The expertise may be obtained from inside or outside the body, depending on the character of the accident or incident to be investigated.

Amendment

2. For each accident or incident the body responsible for the investigation shall arrange for the appropriate means, comprising the necessary operational and technical expertise **and sufficient resources** to carry out the investigation. The expertise may be obtained from inside or outside the body, depending on the character of the accident or incident to be investigated.

Or. fi

Amendment 403

Michael Cramer
Proposal for a directive
Article 23 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall establish, by means of **implementing** acts, the content of accident and incident investigation reports. Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Amendment

The Commission shall establish, by means of **delegated** acts, the content of accident and incident investigation reports, **which shall include the following elements: a summary; the immediate facts of the occurrence; the record of investigations and inquiries; analysis and conclusions.** Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 26.

Or. en

Justification

In the current legislation the structure of the safety report template is described in detail in an annex. The Commission deletes that annex without inserting its content in another part of the proposal and replaces it by implementing acts without laying down any guiding principles as regards the content of such reports. Those elements should be set out in the basic act and their implementation should be through delegated acts.

Amendment 404

Petri Sarvamaa, Nils Torvalds, Sirpa Pietikäinen
Proposal for a directive
Article 26 – paragraph 1

Text proposed by the Commission

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

Amendment

1. The power to adopt delegated acts is conferred on the Commission **for five years** subject to the conditions laid down in this Article.

Or. fi

Amendment 405

Michael Cramer
Proposal for a directive
Article 26 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts

Amendment

2. The power to adopt delegated acts

referred to in *Articles* 5(2) and 7(2) shall be conferred on the Commission for *an indeterminate period of time*.

referred to in *Article* 5(2) and 7(2) shall be conferred on the Commission for *a period of five years from [the date of entry into force of this regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Or. en

Amendment 406

Silvia-Adriana Țicău
Proposal for a directive
Article 26 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 5(2) and 7(2) shall be conferred on the Commission for *an indeterminate* period of *time*.

Amendment

2. The power to adopt delegated acts referred to in Articles 5(2) and 7(2) shall be conferred on the Commission for *a period of five years from [OPOCE please insert the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Or. ro

Amendment 407

Silvia-Adriana Țicău
Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

On the basis of relevant information provided by the Agency, the Commission shall submit to the European Parliament and to the Council before [specific date to be inserted by OPOCE - **five** years after the date of entry into force] and every **five** years thereafter a report on the implementation of this Directive.

Amendment

On the basis of relevant information provided by the Agency, the Commission shall submit to the European Parliament and to the Council before [specific date to be inserted by OPOCE - **three** years after the date of entry into force] and every **three** years thereafter a report on the implementation of this Directive.

Or. ro

Amendment 408

Michael Cramer
Proposal for a directive
Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28 a

***Enforcement and development of
legislation on driving, working and rest
times***

Given the critical importance of the human factor for railway safety, the Commission shall, within one year after the adoption of the present Directive, adopt a legislative proposal on the legal provisions and technical requirements needed to ensure the control and enforcement of working, driving and rest times of railway personnel. If appropriate, this proposal shall contain measures to develop relevant Union legislation, including on the certification of on-board personnel entrusted with safety-critical tasks.

Or. en

Justification

Railway safety critically depends on the human factor. The enforcement and, if appropriate development, of relevant legislation has to be ensured.

Amendment 409

Michael Cramer
Proposal for a directive
Article 30 – paragraph 1

Text proposed by the Commission

Annexes III and V to Directive 2004/49/EC shall apply until the date of application of the **implementing acts** referred to in Articles 6(2) and (3), 9(2), 14(7) and 23(2) of this Directive.

Amendment

Annexes III and V to Directive 2004/49/EC shall apply until the date of application of the **delegated or implementing acts respectively** referred to in Articles 6(2) and (3), 9(2), 14(7) and 23(2) of this Directive.

Or. en

Amendment 410

Izaskun Bilbao Barandica
Proposal for a directive
Article 30 – paragraph 1

Text proposed by the Commission

Annexes III and V to Directive 2004/49/EC shall apply until the date of application of the **implementing acts** referred to in Articles 6(2) and (3), 9(2), 14(7) and 23(2) of this Directive.

Amendment

Annexes III and V to Directive 2004/49/EC shall apply until the date of application of the **delegated acts** referred to in Articles 6(2) and (4) **and of the implementing acts referred to in Article 9(2), 14(7) and 23(2)** of this Directive.

Or. en

Amendment 411

Georges Bach
Proposal for a directive
Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

As from [24 months before the end of the transposition period of the present Directive], the Agency shall assess before the decisions taken by the Member States regarding safety certificates are issued, if they would decrease the level of railway safety, and if they would result in arbitrary discrimination or a disguised

restriction on rail transport operation. In the case of negative assessment, the Agency shall inform the Commission, which may request the national safety authorities concerned to modify the decision, to suspend its application or to revoke it. If the national safety authority refuses to act, the Commission may refer the issue to the Committee referred to in Article 27.2.

Or. en

Justification

Based on the EASA transition phase, this mechanism should be foreseen for ERA to allow the increase of staff and expertise in the new tasks, before the Agency is in charge of establishing itself the vehicle authorisations.

Amendment 412

Georges Bach

Proposal for a directive

Article 30 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Until [specific date to be inserted - three years after the end of the transposition period], the national safety authorities shall continue to grant safety certificates for railway undertakings intended to operate only in their own Member State in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Or. en

Justification

Thanks to this transitional measure, national traffic is not covered in the first phase of the implementation of the directive. However, as it is scheduled in a second step, this allows the legislator to avoid revising again this text to empower to the Agency to deliver all rolling stock authorisations.

Amendment 413

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko
Proposal for a directive
Article 30 – paragraph 2

Text proposed by the Commission

Until [specific date to be inserted by OPOCE - **two** years after the date of entry into force], the national safety authorities shall continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Amendment

Until [specific date to be inserted by OPOCE - **five** years after the date of entry into force], the national safety authorities shall continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Or. en

Amendment 414

Dominique Riquet
Proposal for a directive
Article 30 – paragraph 2

Text proposed by the Commission

Until [specific date to be inserted by OPOCE – **two years** after the date of entry into force], the national safety authorities **shall** continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Amendment

Until [specific date to be inserted by OPOCE – **one year** after the date of entry into force], **and without prejudice to the provisions of Article 10(2)**, the national safety authorities **may** continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Or. fr

Justification

In the interest of a single European railway system, it is important that the Agency should become the one-stop shop for all safety certification as soon as possible.

Amendment 415

Luis de Grandes Pascual
Proposal for a directive
Article 30 – paragraph 2

Text proposed by the Commission

Until [specific date to be inserted by OPOCE - two years after the date of entry into force], the national safety authorities shall continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Amendment

Until [specific date to be inserted by OPOCE - two years after the date of entry into force], the national safety authorities shall continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Subject to the maturity of the operational and national safety rules, the arrangements mentioned in Article 11 between national safety authorities and the Agency may contain transitional provisions to allow national safety authorities to continue to be fully responsible of this particular part of the Safety Certificate.

Or. en

Amendment 416

Erik Bánki
Proposal for a directive
Article 30 – paragraph 2

Text proposed by the Commission

Until [specific date to be inserted by OPOCE - **two** years after the date of entry into force], the national safety authorities shall continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Amendment

Until [specific date to be inserted by OPOCE - **five** years after the date of entry into force], the national safety authorities shall continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Or. hu

Amendment 417

Izaskun Bilbao Barandica
Proposal for a directive
Article 30 – paragraph 2

Text proposed by the Commission

Until [specific date to be inserted by

Amendment

Until [specific date to be inserted by

OPOCE - *two years* after the date of entry into force], the national safety authorities shall continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

OPOCE - *twelve months* after the date of entry into force], the national safety authorities shall continue to grant safety certificates in accordance with the provisions of Directive 2004/49/EC. Such safety certificates shall be valid until their date of expiry.

Or. en

Amendment 418

Erik Bánki
Proposal for a directive
Article 32 – paragraph 1

Text proposed by the Commission

(1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2, 3, 4, 8, 10, 16, 18, 20 and Annex I by [specific date to be inserted by OPOCE - *two* years after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

(1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2, 3, 4, 8, 10, 16, 18, 20 and Annex I by [specific date to be inserted by OPOCE - *five* years after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. hu

Amendment 419

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko
Proposal for a directive
Article 32 – paragraph 1

Text proposed by the Commission

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2, 3, 4, 8, 10, 16, 18, 20 and Annex I by [specific date to be inserted by OPOCE - *two* years after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2, 3, 4, 8, 10, 16, 18, 20 and Annex I by [specific date to be inserted by OPOCE - *five* years after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 420

Izaskun Bilbao Barandica
Proposal for a directive
Article 32 – paragraph 1

Text proposed by the Commission

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2, 3, 4, 8, 10, 16, 18, 20 and Annex I by [specific date to be inserted by OPOCE - **two years** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2, 3, 4, 8, 10, 16, 18, 20 and Annex I by [specific date to be inserted by OPOCE - **twelve months** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 421

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko
Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

Directive 2004/49/EC, as amended by the Directives listed in Annex II, Part A, is repealed with effect from [specific date to be inserted by OPOCE –**two** years after the date of entry into force], without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.

Amendment

Directive 2004/49/EC, as amended by the Directives listed in Annex II, Part A, is repealed with effect from [specific date to be inserted by OPOCE –**five** years after the date of entry into force], without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.

Or. en

Amendment 422

Erik Bánki
Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

Directive 2004/49/EC, as amended by the Directives listed in Annex II, Part A, is

Amendment

Directive 2004/49/EC, as amended by the Directives listed in Annex II, Part A, is

repealed with effect from [specific date to be inserted by OPOCE –*two* years after the date of entry into force], without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.

repealed with effect from [specific date to be inserted by OPOCE – *five* years after the date of entry into force], without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.

Or. hu

Amendment 423

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko
Proposal for a directive
Article 34 – paragraph 2

Text proposed by the Commission

Articles 10 and 11 shall apply from [specific date to be inserted by OPOCE - *two* years after the date of entry into force].

Amendment

Articles 10 and 11 shall apply from [specific date to be inserted by OPOCE - *five* years after the date of entry into force].

Or. en

Amendment 424

Erik Bánki
Proposal for a directive
Article 34 – paragraph 2

Text proposed by the Commission

Articles 10 and 11 shall apply from [specific date to be inserted by OPOCE - *two* years after the date of entry into force].

Amendment

Articles 10 and 11 shall apply from [specific date to be inserted by OPOCE - *five* years after the date of entry into force] at the latest.

Or. hu

Justification

The Member States, the railway undertakings and the ERA are not yet in a position to accept the two-year transition period or the extra tasks which will be involved. In order to make the transition as smooth as possible and to avoid a further economic burden being placed on market players because of a hasty transition, a five-year preparation period must be provided.

Amendment 425

Izaskun Bilbao Barandica

Proposal for a directive

Article 34 – paragraph 2

Text proposed by the Commission

Articles 10 and 11 shall apply from [specific date to be inserted by OPOCE - **two years** after the date of entry into force].

Amendment

Articles 10 and 11 shall apply from [specific date to be inserted by OPOCE - **twelve months** after the date of entry into force].

Or. en

Amendment 426

Carlo Fidanza

Proposal for a directive

Appendix – point 1 – point 1.9

Text proposed by the Commission

1.9. ‘accidents to persons **involving** rolling stock in motion’ means accidents to one or more persons who are either hit by a railway vehicle or by an object attached to, or that has become detached from, the vehicle. Persons who fall from railway vehicles are included, as well as persons who fall or are hit by loose objects when travelling on board vehicles.

Amendment

1.9. ‘accidents to persons **caused by** rolling stock in motion’ means accidents to one or more persons who are either hit by a railway vehicle or by an object attached to, or that has become detached from, the vehicle. Persons who fall from railway vehicles are included, as well as persons who fall or are hit by loose objects when travelling on board vehicles.

Or. en

Justification

The term “involving” broadens the scope very significantly, to require all incidents on board trains to be reported, right down to the very minor incidents.