



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Transport and Tourism

2013/0015(COD)

1.10.2013

AMENDMENTS

70 - 352

Draft report
Izaskun Bilbao Barandica
(PE513.305v01-00)

on the proposal for a directive of the European Parliament and of the Council
on the interoperability of the rail system within the European Union (recast)

Proposal for a directive
(COM(2013)0030 – C7-0027/2013 – 2013/0015(COD))

AM_Com_LegReport

Amendment 70

Marita Ulvskog

Proposal for a directive

—

Proposal for a rejection

The European Parliament rejects the Commission proposal.

Or. sv

Amendment 71

Izaskun Bilbao Barandica

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) In order to enable citizens of the Union, economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, implementing any measures that may prove necessary in the field of technical standardisation.

Amendment

(2) In order to enable citizens of the Union, economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, ***including for passengers with disabilities***, implementing any measures that may prove necessary in the field of technical standardisation.

Or. en

Amendment 72

Inés Ayala Sender

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) In order to enable citizens of the Union,

Amendment

(2) In order to enable citizens of the Union,

economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, implementing any measures that may prove necessary in the field of technical standardisation.

economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, ***including for passengers with disabilities***, implementing any measures that may prove necessary in the field of technical standardisation.

Or. en

Justification

It is important to highlight a reference to passengers with disabilities when referring to the need to improve EU rail network.

Amendment 73

Ádám Kósa, Dieter-Lebrecht Koch, Rosa Estaràs Ferragut, Thomas Ulmer

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) In order to enable citizens of the Union, economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, implementing any measures that may prove necessary in the field of technical standardisation.

Amendment

(2) In order to enable citizens of the Union, economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access thereto, ***including for passengers with disabilities*** implementing any measures that may prove necessary in the field of technical standardisation.

Or. en

Amendment 74
Michael Cramer

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The pursuit of interoperability within the Union's rail system should lead to the definition of an optimal level of technical harmonisation and make it possible to facilitate, improve and develop **international** rail transport services within the Union and with third countries and contribute to the progressive creation of the internal market in equipment and services for the construction, renewal, upgrading and operation of the rail system within the Union.

Amendment

(3) The pursuit of interoperability within the Union's rail system should lead to the definition of an optimal level of technical harmonisation and make it possible to facilitate, improve and develop rail transport services within the Union and with third countries and contribute to the progressive creation of the internal market in equipment and services for the construction, renewal, upgrading and operation of the rail system within the Union.

Or. en

Justification

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

Amendment 75
Michael Cramer

Proposal for a directive
Recital 4

Text proposed by the Commission

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

Amendment

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

quality of service and cost depend upon such compatibility and interconnection, as does, in particular, the interoperability of the rail system.

safety, quality of service and cost depend upon such compatibility and interconnection, as does, in particular, the interoperability of the rail system.

Or. en

Justification

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

Amendment 76
Michael Cramer

Proposal for a directive
Recital 5

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 77
Michael Cramer

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) There are major differences between national regulations, internal rules and

Amendment

(6) There are major differences between national regulations, internal rules and

technical specifications applicable to rail systems, subsystems and components , since they incorporate techniques that are specific to the national industries and prescribe specific dimensions and devices and special characteristics. This situation prevents trains from being able to run without hindrance throughout the Union .

technical specifications applicable to rail systems, subsystems and components , since they incorporate techniques that are specific to the national industries and prescribe specific dimensions and devices and special characteristics. This situation prevents trains from being able to run without hindrance throughout the Union **and from reaping the benefits of standardisation and economies of scale in the Single Market.**

Or. en

Justification

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

Amendment 78 Georges Bach

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) For vehicles recognised by the Agency as "go-everywhere vehicles" according to the criteria defined in the TSI, the assessment of the Agency is recognised in all Member States for track gauge 1435mm, without further assessment.

Or. en

Justification

Some vehicles (such as "go-everywhere wagons" defined in the freight Wagons TSI) are defined precisely in TSI and necessitate only a single authorisation to run in all European countries with track gauge 1435 mm.

Amendment 79
Gilles Pargneaux
Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure the progressive implementation of rail interoperability within the whole Union and gradually reduce the diversity of legacy systems, the TSIs should specify the provisions to be applied in the event of renewal or upgrading of existing subsystems **and may specify deadlines for achieving the target system**.

Amendment

(19) In order to ensure the progressive implementation of rail interoperability within the whole Union and gradually reduce the diversity of legacy systems, the TSIs should specify the provisions to be applied in the event of renewal or upgrading of existing subsystems.

Or. fr

Justification

The emphasis should be on the progressive implementation, in a properly thought-out, well-structured manner, of rail interoperability. Setting specific deadlines could undermine the objective of a sensible, structured and economically rational approach.

Amendment 80
Carlo Fidanza

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure the progressive implementation of rail interoperability within the whole Union and gradually reduce the diversity of legacy systems, the TSIs should specify the provisions to be applied in the event of renewal or upgrading of existing subsystems **and may specify deadlines for achieving the target system**.

Amendment

(19) In order to ensure the progressive implementation of rail interoperability within the whole Union and gradually reduce the diversity of legacy systems, the TSIs should specify the provisions to be applied in the event of renewal or upgrading of existing subsystems.

Or. en

Justification

The fulfilment of deadlines could depend on different aspects which may not be completely foreseeable when a TSI is drafted.

Amendment 81
Jaromír Kohlíček

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure the progressive implementation of rail interoperability within the whole Union and gradually reduce the diversity of legacy systems, the TSIs should specify the provisions to be applied in the event of renewal or upgrading of existing subsystems **and may specify deadlines for achieving the target system.**

Amendment

(19) In order to ensure the progressive implementation of rail interoperability within the whole Union and gradually reduce the diversity of legacy systems, the TSIs should specify the provisions to be applied in the event of renewal or upgrading of existing subsystems.

Or. en

Justification

Setting specific deadlines may endanger a sound and fully structured approach.

Amendment 82
Gilles Pargneaux
Proposal for a directive
Recital 23

Text proposed by the Commission

(23) In view of the extent and complexity of the rail system, it has proved necessary, for practical reasons, to break it down into the following subsystems:
infrastructure, trackside control-command and signalling, on-board control-command and signalling, energy, rolling stock, operation and traffic management,

Amendment

(23) In view of the extent and complexity of the rail system, it has proved necessary, for practical reasons, to break it down into the following subsystems:
infrastructure, trackside control-command and signalling, on-board control-command and signalling, energy, rolling stock, operation and traffic management,

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

maintenance and telematics applications for passenger and freight services. For each of these subsystems the essential requirements must be specified and the technical specifications determined, particularly in respect of constituents and interfaces, in order to meet these essential requirements. The same system is broken down into fixed and mobile elements comprising, on the one hand, the network, composed of the lines, stations, terminals, and all kinds of fixed equipment needed to ensure safe and continuous operation of the system and, on the other hand, all vehicles travelling on this network. Therefore, for the purposes of this Directive, a vehicle is composed of one subsystem (rolling stock) and where applicable other subsystems (mainly the on-board control-command and signalling subsystem). ***Although the system is divided into several elements, the Agency should retain an overview of the system, in order to guarantee safety and interoperability.***

Or. fr

Justification

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

Amendment 83 Michael Cramer

Proposal for a directive Recital 24

Text proposed by the Commission

(24) The United Nations Convention on the Rights of Persons with Disabilities to which the Union is a party establishes accessibility as one of its general principles and requires States Parties to take appropriate measures to ensure to persons with disabilities access on an equal basis

Amendment

(24) The United Nations Convention on the Rights of Persons with Disabilities to which the Union is a party establishes accessibility as one of its general principles and requires States Parties to take appropriate measures to ensure to persons with disabilities access on an equal basis

with others, including by developing, promulgating and monitoring the implementation of minimum standards and guidelines for accessibility. Accessibility is therefore an important requirement for the interoperability of the rail system.

with others, including by developing, promulgating and monitoring the implementation of minimum standards and guidelines for accessibility. Accessibility is therefore an important requirement for the interoperability of the rail system, ***in line with Union legislation on passengers with reduced mobility***.

Or. en

Amendment 84
Izaskun Bilbao Barandica

Proposal for a directive
Recital 24

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 85
Ádám Kósa, Dieter-Lebrecht Koch, Rosa Estaràs Ferragut, Thomas Ulmer

Proposal for a directive
Recital 24

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 86
Izaskun Bilbao Barandica

Proposal for a directive
Recital 26

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 87
Inés Ayala Sender

Proposal for a directive
Recital 26

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This amendment seeks to explicit the need to consult organisations of persons with disabilities when drafting TSIs that can have an impact on them. They are in a much better position to identify accessibility constraints as well as solutions than can be brought to solve them.

Amendment 88
Carlo Fidanza

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) After a subsystem is placed in service, care should be taken to ensure that it is operated and maintained in accordance with the essential requirements relating to it. Under Directive [.../...] [Railway Safety Directive]¹⁰, responsibility for meeting these requirements lies, for their respective ***subsystems***, with the ***infrastructure manager or the railway undertaking***.

Amendment

(37) After a subsystem is placed in service, care should be taken to ensure that it is operated and maintained in accordance with the essential requirements relating to it. Under Directive [.../...] [Railway Safety Directive]¹⁰ responsibility for meeting these requirements lies, for their respective ***competences***, with the ***different railway actors***.

Or. en

Justification

There are other actors bearing the responsibilities related to maintenance and operations (ECM's and keepers): it shall be stated that each actor is responsible for his part.

Amendment 89
Michael Cramer

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) In order to facilitate the placing in service of vehicles and reduce administrative burdens, *the notion of a vehicle authorisation for placing on the market valid throughout the Union* should be introduced as a precondition to enable railway undertakings to *place in service* a vehicle. *In addition*, this notion is more in line with Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC¹¹.

Amendment

(39) In order to facilitate the placing in service of vehicles and reduce administrative burdens, *a European* vehicle authorisation should be introduced as a precondition to enable railway undertakings to *put in use* a vehicle. This notion is more in line with Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC¹¹.

Or. en

Justification

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

Amendment 90
Michael Cramer

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) In order to create the Single European Railway Area, reduce the costs and duration of authorisation procedures and improve railway safety, authorisation procedures need to be streamlined and harmonised at Union level. This requires a clear distribution of tasks and

responsibilities between the Agency and the national safety authorities.

The Agency should become a one-stop shop for the authorisation of the Union rail system. It shall use the valuable expertise, local knowledge and experience of national safety authorities. It should delegate specific tasks and responsibilities to national safety authorities on the basis of contractual agreements referred to in Regulation [...] [Regulation on the European Railway Agency], but take the final decision in all authorisation procedures.

Or. en

Amendment 91
Michael Cramer

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) To ensure traceability of the vehicles and their history, the references of the vehicle authorisations ***for placing on the market*** should be recorded together with the other vehicle data.

Amendment

(40) To ensure traceability of the vehicles and their history, the references of the vehicle authorisations should be recorded together with the other vehicle data.

Or. en

Justification

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

Amendment 92
Michael Cramer

Proposal for a directive
Recital 41

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 93
Gilles Pargneaux
Proposal for a directive
Recital 41

Text proposed by the Commission

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

Amendment

(41) The TSIs should specify the procedures for checking the compatibility between vehicles and network ***prior to*** the delivery of the vehicle authorisation for placing ***into service.***

Or. fr

Justification

Verification of compatibility between the vehicle and the network should be carried out before authorisation is granted, because it is part of the procedure for granting authorisation.

Amendment 94
Gilles Pargneaux
Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive establishes the conditions to be met to achieve interoperability within

Amendment

1. This Directive establishes the conditions to be met to achieve interoperability within

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

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

Or. fr

Justification

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

Amendment 95
Inés Ayala Sender
Proposal for a directive
Article 1 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. es

Justification

This amendment maintains the current text under which Member States may exclude urban

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

Amendment 96
Michael Cramer

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

Text proposed by the Commission

Amendment

(a) metros, trams and light rail systems;

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

Or. en

Justification

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

Amendment 97
Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

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

Text proposed by the Commission

Amendment

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

(b) networks that are functionally separate from the rest of the rail 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 98 **Michael Cramer**

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 99 **Artur Zasada, Bogdan Kazimierz Marcinkiewicz, Roberts Zile, Ryszard Antoni Legutko, Bogusław Liberadzki, Werner Kuhn**

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

Text proposed by the Commission

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

Amendment

(b) networks that are 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; therefor these railways should not be subject to this Directive.

Amendment 100

Joachim Zeller

Proposal for a directive

Article 1 – paragraph 3 – point b

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

The 'functional separation' requirement is most unclear and may be misconstrued. The wording opted for is sufficient in order to specify which networks are excluded from the scope of the directive.

Amendment 101

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a directive

Article 1 – paragraph 3 – 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

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 102
Michael Cramer

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

Text proposed by the Commission

Amendment

(ba) light rail infrastructure occasionally used by heavy rail vehicles under the operational conditions of the light-rail systems, where such use by such vehicles is necessary for connectivity purposes only.

Or. en

Justification

Certain rail operations use light rail infrastructure occasionally. These may be excluded.

Amendment 103
Artur Zasada, Bogdan Kazimierz Marcinkiewicz, Roberts Zile, Ryszard Antoni Legutko, Bogusław Liberadzki, Werner Kuhn

Proposal for a directive
Article 1 – paragraph 3 – 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 104
Bernadette Vergnaud
Proposal for a directive
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

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

Amendment 105
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

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

Amendment 106
Inés Ayala Sender
Proposal for a directive
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'Union rail system' means the *elements listed* in Annex I;

Amendment

(1) 'Union rail system' means the *trans-European conventional and high-speed rail systems described* in Annex I;

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 107
Dominique Riquet
Proposal for a directive
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

It should be made clear that the lines in question are those of the rail system whose interoperability is to be guaranteed.

Amendment 108
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

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

Amendment 109
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 3

Text proposed by the Commission

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

Amendment

(3) ‘vehicle’ means a railway vehicle suitable to circulate 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, the TGV and Talgo vehicles, for example, circulate on common axle sets rather than their own wheels.

Amendment 110
Roberts Zile

Proposal for a directive
Article 2 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) '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 vehicle authorisation 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 111
Phil Bennion

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 112
Bogusław Liberadzki

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

Text proposed by the Commission

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

Amendment

(12) ‘upgrading’ means any **major** modification work on a subsystem, **a vehicle** or part of it which results in a **major** change in the technical file accompanying the ‘EC’ declaration of verification and which improves the overall performance of the subsystem. **Each TSI shall specify "major" modifications for the relevant subsystem or vehicle;**

Or. en

Justification

The adjective "major" needs to be reinstated in order to limit the scope of TSI to major works on existing subsystems. Imposing TSI applications on minor modification works would lead to higher administrative costs for the railway sector.

Amendment 113
Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Under the new wording of the proposal each modification work (even little repair) on subsystem or the part of it will be categorized as upgrading or renewal and will be subject to the requirements of TSIs

Amendment 114

Michael Cramer

Proposal for a directive

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

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

Amendment

(12) ‘upgrading’ means any **major** modification work on a subsystem or part of it which results in a change in the technical file accompanying the ‘EC’ declaration of verification, if this technical file exists, and which improves the overall performance of the subsystem. **Each TSI shall specify "major" for the relevant subsystems or vehicle;**

Or. en

Justification

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

Amendment 115

Carlo Fidanza

Proposal for a directive

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘upgrading’ means any modification work on a subsystem or part of it **which results in a change in the technical file accompanying the ‘EC’ declaration of**

Amendment

(12) ‘upgrading’ means any **major** modification work on a subsystem, **a vehicle** or part of it, **and which improves the overall performance of the subsystem.**

verification, if this technical file exists, and which improves the overall performance of the subsystem;

Each TSI shall specify "major" for the relevant subsystems or vehicle;

Or. en

Justification

The adjective "major" needs to be reinstated in order to clearly limit the scope of TSI to major works on existing subsystems. TSI application for all modification works (incl. minor works) would increase costs incl. high administrative efforts but would not lead to any benefit in relation to interoperability

Amendment 116
Dieter-Lebrecht Koch
Proposal for a directive
Article 2 – paragraph 1 – point 12

Text proposed by the Commission

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

Amendment

(12) ‘upgrading’ means any **significant** modification work on a subsystem, **a vehicle** or part of it which improves the overall performance of the subsystem; **each TSI should be designated 'significant' for the vehicle or subsystem concerned;**

Or. de

Amendment 117
Jaromír Kohlíček

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

Text proposed by the Commission

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

Amendment

(12) ‘upgrading’ means any **major** modification work on a subsystem **or a vehicle** or part of it which results **improves the overall performance of the subsystem. Each TSI shall specify "major" for the relevant subsystems or vehicle**

performance of the subsystem;

Or. en

Amendment 118
Phil Bennion

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 119
Bogusław Liberadzki

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

Text proposed by the Commission

Amendment

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

(13) ‘renewal’ means any **major** substitution work on a subsystem, **a vehicle** or part of it which does not change the overall performance of **the subsystem or vehicle. Each TSI shall specify "major" modifications for the relevant subsystem and vehicle**;

Or. en

Justification

The adjective "major" needs to be reinstated in order to limit the scope of TSI to major substitution works on existing subsystems. Imposing TSI applications on minor modification works would lead to higher administrative costs for the railway sector

Amendment 120
Michael Cramer

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

Text proposed by the Commission

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

Amendment

(13) ‘renewal’ means any **major** substitution work on a subsystem or **a vehicle or part** of it which does not change the overall performance of **the subsystem or vehicle. Each TSI shall specify "major" for the relevant subsystems and vehicle**;

Or. en

Justification

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

Amendment 121
Carlo Fidanza

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The adjective “major” needs to be reinstated in order to clearly limit the scope of TSI to major works on existing subsystems. TSI application for all modification works (incl. minor

works) would increase costs incl. high administrative efforts but would not lead to any benefit in relation to interoperability

Amendment 122

Bogdan Kazimierz Marcinkiewicz, Artur Zasada

Proposal for a directive

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Under the new wording of the proposal each modification work (even little repair) on subsystem or the part of it will be categorized as upgrading or renewal and will be subject to the requirements of TSIs

Amendment 123

Dieter-Lebrecht Koch, Thomas Ulmer

Proposal for a directive

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

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

Amendment

(13) "renewal" means any **significant** substitution work on a subsystem, **a vehicle or** part of it which does not change the overall performance of the subsystem; **each TSI should be designated 'significant' for the vehicle or subsystem concerned;**

Or. de

Amendment 124
Jaromír Kohlíček

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

Text proposed by the Commission

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

Amendment

(13) ‘renewal’ means any *major* substitution work on a subsystem or part of it which does not change the overall performance of *the subsystem or vehicle*. *Each TSI shall specify "major" for the relevant subsystems or vehicle.*

Or. en

Amendment 125
Dominique Riquet
Proposal for a directive
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 126
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘contracting entity’ means public or private entity which orders the design and/or construction or the renewal or

Amendment

(17) ‘contracting entity’ means public or private entity which orders the design and/or construction or the renewal or

upgrading of a subsystem. This entity may be a railway undertaking, an infrastructure manager or a keeper, or a concession holder responsible for carrying out a project;

upgrading of a subsystem. This entity may be a railway undertaking, an infrastructure manager, ***an entity in charge of maintenance*** or a keeper, or a concession holder responsible for carrying out a project;

Or. fr

Amendment 127
Michael Cramer

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

Text proposed by the Commission

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

Amendment

(18) ‘keeper’ means the person or entity that ***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;

Or. en

Amendment 128
Michael Cramer

Proposal for a directive
Article 2 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

(18a) 'owner' means the person or entity that is the owner of a vehicle and is registered as such in the European Vehicle Register referred to in Article 43;

Or. en

Justification

Information on the waggon owner needs to be included in the European Vehicle Register for

safety and accountability reasons.

Amendment 129

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a directive

Article 2 – paragraph 1 – point 19

Text proposed by the Commission

(19) ‘project at an advanced stage of development’ means any project whose planning/construction stage has reached a point where a change in the technical specifications **may compromise the viability of the project as planned;** ;

Amendment

(19) ‘project at an advanced stage of development means any project whose planning/construction stage has reached a point where a change in the technical specifications **would be unacceptable to the Member State concerned. Such an impediment may be legal, contractual, economic, financial, social or environmental in nature and must be duly substantiated.**

Or. en

Justification

The wording of the „planning stage” of the project is insufficient. In this particular issue there should be taken into account also economic, financial, environmental aspects.

Amendment 130

Bogusław Liberadzki

Proposal for a directive

Article 2 – paragraph 1 – point 26

Text proposed by the Commission

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

Amendment

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

Justification

All the binding rules are the notified rules. The rules are notified by Member States via the relevant IT system. National rules apply to all actors in the railway sector, not exclusively to railway undertakings. Other "national rules" which have not been notified accordingly cannot be defined as national rules in context to this directive.

Amendment 131
Dominique Riquet
Proposal for a directive
Article 2 – paragraph 1 – point 26

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 132
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 26

Text proposed by the Commission

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

Amendment

(26) ‘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. **Only notified national rules shall be mandatory.**

Or. fr

Justification

All rules must: 1. be notified, irrespective of the body issuing them, 2. be notified so that a set of transparent and fair rules can be made available to all rail actors, 3. incorporate the operational rules which have a vital bearing on safety.

Amendment 133
Michael Cramer

Proposal for a directive
Article 2 – paragraph 1 – point 26

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Member States have to notify their national rules and only those shall apply for the sake of safety and transparency.

Amendment 134
Carlo Fidanza

Proposal for a directive
Article 2 – paragraph 1 – point 26

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 135
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 28

Text proposed by the Commission

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

Amendment

(28) ‘acceptable means of compliance’ means non-binding opinions issued by the Agency to define ways of establishing compliance with the essential requirements, *so as to offset temporarily shortcomings in a TSI until such time as that TSI has been amended*;

Or. fr

Justification

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

Amendment 136
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 28 a (new)

Text proposed by the Commission

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

Or. fr

Justification

In some Member States the national authorities or the national safety authority have laid down 'acceptable national means of compliance'. These must be published and notified to rail actors, because even if they are not mandatory departing from them may give rise to problems.

Amendment 137

Michael Cramer

Proposal for a directive

Article 2 – paragraph 1 – point 29

Text proposed by the Commission

Amendment

(29) 'placing on the market' means the first making available on the Union's market of an interoperability constituent, subsystem or vehicle ready to function in its design operating state;

deleted

Or. en

Justification

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

Amendment 138

Dominique Riquet

Proposal for a directive

Article 2 – paragraph 1 – point 31

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 139
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 31

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

A contracting entity (defined in Article 2(17)) may also use an authorised representative.

Amendment 140
Gilles Pargneaux
Proposal for a directive
Article 2 – paragraph 1 – point 32

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

Technical specifications may also concern subsystems.

Amendment 141
Dominique Riquet
Proposal for a directive
Article 2 – paragraph 1 – point 37

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 142
Izaskun Bilbao Barandica

Proposal for a directive
Article 2 – paragraph 1 – point 37

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Using the term "persons with disabilities" rather than "disabled persons" ensures consistency with the expression used in the UN CRPD

Amendment 143
Inés Ayala Sender

Proposal for a directive

Article 2 – paragraph 1 – point 37

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Using the term “persons with disabilities” rather than “disabled persons” ensures consistency with the expression recognised internationally and used in the UN Convention on the Rights of Persons with Disabilities

Amendment 144

Ádám Kósa, Dieter-Lebrecht Koch, Rosa Estaràs Ferragut, Thomas Ulmer

Proposal for a directive

Article 2 – paragraph 1 – point 37

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 145
Jörg Leichtfried
Proposal for a directive
Article 2 – paragraph 1 – point 37 a (new)

Text proposed by the Commission

Amendment

(37a) 'barrier-free' describes the state of structural and other facilities, means of transport, appliances, information processing systems and other man-made amenities if they are accessible to persons with disabilities and can be used by them in the conventional way, with no particular difficulty, and unaided.

Or. de

Justification

Complements new Article 3(2a).

Amendment 146
Bogusław Liberadzki
Proposal for a directive
Article 2 – paragraph 1 – point 39 a (new)

Text proposed by the Commission

Amendment

(39a) 'area of use' means a line, a network or a group of lines or networks in one or several Member States in which an interoperability constituent is intended to be used specified in the technical and maintenance files;

Or. en

Justification

'Area of use' has to be defined since it is also used in Article 8 (1) and in several TSI.

Amendment 147
Michael Cramer

Proposal for a directive
Article 2 – paragraph 1 – point 39 a (new)

Text proposed by the Commission

Amendment

(39a) 'area of use' means parameters or ranges of parameters in which an interoperability constituent is intended to be used specified in the technical and maintenance files;

Or. en

Justification

Missing definition, referred to in Article 8. Also important for streamlining the procedures by focusing on certain parts of the Union network.

Amendment 148
Inés Ayala Sender

Proposal for a directive
Article 2 – paragraph 1 – point 39 a (new)

Text proposed by the Commission

Amendment

(39a) "Area of use": means the part of the European network where parameters of interoperability compounds, specified in the technical an maintenance files are compatible with.

Or. en

Justification

Economies of scale and efficiency could be enhanced if railway manufactures as well as operators could produce and use same material for the same lines /parts of the network on which they can be compatible. Amendment 12 of the Rapporteur introduces an interesting definition on area of use. This amendments seeks to slightly modify the same concept on the basis of functional compatibility rather than a geographical one.

Amendment 149
Jörg Leichtfried
Proposal for a directive
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. So that all Union citizens can enjoy the benefits resulting from the establishment of an area without internal borders, access to the railway system shall be made barrier-free. No-one may be discriminated against, either directly or indirectly, on the basis of a disability.

Indirect discrimination shall not be taken to occur if the elimination of circumstances forming the basis for discrimination, and barriers in particular, would be unlawful or, because of the disproportionate burden imposed, unreasonable.

Or. de

Amendment 150
Bogusław Liberadzki

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

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

3. ***Fixed*** subsystems shall comply with the TSIs in force at the time of ***first appointment of a Notified Body and at the latest at the time of granting of building permits; vehicles shall be in compliance with the TSIs and national rules in force at the time of the first appointment of a Notified Body***. This compliance shall be permanently maintained while each subsystem is in use.

Or. en

Justification

Fixed subsystems often have complex planning, approval and construction processes. Therefore, it is important that once the construction of a certain subsystem has started under a certain TSI, the authorisation to place it on the market should be granted according to the TSI in force by the time of granting the building permits. If this very TSI changes during the construction process it shall have no impact on the authorisation procedure.

Amendment 151 **Michael Cramer**

Proposal for a directive **Article 4 – paragraph 3**

Text proposed by the Commission

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

Amendment

3. ***Fixed*** subsystems shall comply with the TSIs in force at the time of ***first appointment of a Notified Body and at the latest at the time of granting of building permits; vehicles shall be in compliance with the TSIs and national rules in force at the time of first appointment of a Notified Body***. This compliance shall be permanently maintained while each subsystem is in use.

Or. en

Justification

Subsystems and vehicles should be required to comply with the rules in force at the beginning of the construction process, applying a "design freeze" at this stage.

Amendment 152 **Carlo Fidanza**

Proposal for a directive **Article 4 – paragraph 3**

Text proposed by the Commission

3. Subsystems shall comply with the TSIs in force at the time of ***their placing in***

Amendment

3. ***Fixed*** subsystems shall comply with the TSIs in force at the time of ***first***

service, upgrading or renewal, in accordance with this Directive; this compliance shall be permanently maintained while each subsystem is in use.

appointment of a Notified Body and at the latest at the time of granting of building permits; vehicles shall be in compliance with the TSIs and national rules in force at the time of first appointment of a Notified Body. This compliance shall be permanently maintained while each subsystem is in use.

Or. en

Justification

Fixed subsystems normally have long and complex (e.g. EIA etc.) planning, approval and construction processes, where it is not possible to adapt the project every time a new or revised TSI has been launched.

Amendment 153 **Jaromír Kohlíček**

Proposal for a directive **Article 4 – paragraph 3**

Text proposed by the Commission

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

Amendment

3. **Fixed** subsystems shall comply with the TSIs in force at the time of **first appointment of a Notified Body and at the latest at the time of granting of building permits; vehicles shall be in compliance with the TSIs and national rules in force at the time of first appointment of a Notified Body.** This compliance shall be permanently maintained while each subsystem is in use.

Or. en

Justification

Fixed subsystems normally have long and complex (e.g. EIA etc.) planning, approval and construction processes, where it is not possible to adapt the project every time a new or revised TSI has been launched. Mobile subsystems shall be in compliance with the TSIs in force at their time of Authorisation to Place on the Market whereas fixed subsystems shall

comply with the TSIs in force at the time of their placing in service.

Amendment 154

Inés Ayala Sender

Proposal for a directive

Article 4 – paragraph 4 – point a

Text proposed by the Commission

a) indicate *its* intended scope (part of network or vehicles referred to in Annex I; subsystem or part of subsystem referred to in Annex II);

Amendment

a) indicate *the* intended scope ***of all parts of the network in which TSIs are compatible*** (part of network or vehicles referred to in Annex I; subsystem or part of subsystem referred to in Annex II);

Or. es

Amendment 155

Gilles Pargneaux

Proposal for a directive

Article 4 – paragraph 4 – point d

Text proposed by the Commission

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

Amendment

(d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the rail system. ***This shall include the identification of the rail spare parts to be standardised in accordance with Article 41 of the ERA rules. The list of spare parts to be standardised, including existing parts, shall be included in each TSI.***

Or. fr

Justification

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

Amendment 156
Luis de Grandes Pascual

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

Text proposed by the Commission

(f) indicate the strategy for the application of the TSIs. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm ***including setting deadlines for completion of those stages where necessary*** ;

Amendment

(f) indicate the strategy for the application of the TSIs. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm;

Or. en

Amendment 157
Carlo Fidanza

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

Text proposed by the Commission

(f) indicate the strategy for the application of the TSIs. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm ***including setting deadlines for completion of those stages where necessary*** ;

Amendment

(f) indicate the strategy for the application of the TSIs. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm;

Or. en

Justification

Setting deadlines for these stages is inappropriate as the final situation is realistically not foreseeable. This might also lead to the application of Technical Specifications for Interoperability (TSI) for infrastructure and vehicles that have not yet been upgraded or

renewed.

Amendment 158
Jaromír Kohlíček

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

Text proposed by the Commission

(f) indicate the strategy for the application of the TSIs. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm ***including setting deadlines for completion of those stages where necessary*** ;

Amendment

(f) indicate the strategy for the application of the TSIs. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm ;

Or. en

Justification

Setting deadlines for these stage is inappropriate as the final situation is not foreseeable.

Amendment 159
Inés Ayala Sender
Proposal for a directive
Article 4 – paragraph 4 – point f

Text proposed by the Commission

f) indicate the strategy for the application of the TSIs. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm including setting deadlines for completion of those stages where necessary;

Amendment

f) indicate the strategy for the application of the TSIs. In particular, it is necessary to specify the stages to be completed in order to make a gradual transition from the existing situation to the final situation in which compliance with the TSIs shall be the norm including setting deadlines for completion of those stages. ***The timetable fixing the stages shall be linked to an assessment analysing the estimated costs and benefits of its implementation and the***

expected repercussions on the operators and economic actors affected;

Or. es

Justification

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

Amendment 160

Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 4 – point h

Text proposed by the Commission

Amendment

(h) indicate the provisions applicable to the existing subsystems and types of vehicles, in particular in the event of upgrading and renewal, with and without a new authorisation or decision for placing in service;

deleted

Or. en

Amendment 161

Luis de Grandes Pascual

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ha) classify the list of parameters into those related to paragraphs 1b (b), (c) or (d) in article 20.

Or. en

Justification

It is proposed to classify the parameters/requirements in order to clarify the roles between ERA and NSA and make things transparent for the applicant

Amendment 162

Michael Cramer

Proposal for a directive

Article 4 – paragraph 4 – point i

Text proposed by the Commission

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

Amendment

(i) indicate the parameters to be checked by the railway undertaking and the procedures to be applied to check those parameters before the ***use*** to ensure the compatibility between vehicles and routes on which they are intended to be operated;

Or. en

Justification

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

Amendment 163

Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 4 – point i

Text proposed by the Commission

(i) indicate the parameters to be checked ***by the railway undertaking and the procedures to be applied to check those parameters after the delivery of the vehicle authorisation for placing on the***

Amendment

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

market and before the decision for placing in service to ensure the compatibility between vehicles and routes on which they are intended to be operated;

Or. en

Amendment 164
Dominique Riquet
Proposal for a directive
Article 4 – paragraph 4 – point i a (new)

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 165
Carlo Fidanza
Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. Each TSI shall be drawn up on the basis of an examination of an existing subsystem and indicate a target subsystem that may be obtained gradually within a reasonable time-scale. Accordingly, the gradual adoption of the TSIs and compliance with them shall facilitate *gradually within that time-scale* to achieve the interoperability of the rail system.

5. Each TSI shall be drawn up on the basis of an examination of an existing subsystem and indicate a target subsystem that may be obtained gradually within a reasonable time-scale. Accordingly, the gradual adoption of the TSIs and compliance with them shall facilitate *gradually* to achieve the interoperability of the rail system.

Or. en

Justification

Setting deadlines for these stages is inappropriate as the final situation is realistically not foreseeable. This might lead to the application of Technical Specifications for Interoperability (TSI) for infrastructure and vehicles that have not yet been upgraded or renewed.

Amendment 166
Jaromír Kohlíček

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission

5. Each TSI shall be drawn up on the basis of an examination of an existing subsystem and indicate a target subsystem that may be obtained gradually within a reasonable time-scale. Accordingly, the gradual adoption of the TSIs and compliance with them shall facilitate gradually ***within that time-scale*** to achieve the interoperability of the rail system.

Amendment

5. Each TSI shall be drawn up on the basis of an examination of an existing subsystem and indicate a target subsystem that may be obtained gradually within a reasonable time-scale. Accordingly, the gradual adoption of the TSIs and compliance with them shall facilitate gradually to achieve the interoperability of the rail system.

Or. en

Justification

Setting deadlines for these stage is inappropriate as the final situation is not foreseeable.

Amendment 167
Silvia-Adriana Țicău
Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

cost-benefit terms.

Or. ro

Amendment 168

Carlo Fidanza

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 169

Carlo Fidanza

Proposal for a directive

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The drafting, adoption and review of each TSI, including the basic parameters,

shall take account of the estimated costs and benefits of all the technical solutions considered, together with the interfaces between them, so as to establish and implement the most viable solutions. The Member States shall participate in this assessment by providing the requisite data.

Or. en

Justification

Any work on the TSI shall be based on a sound cost/benefit analysis allowing a systematic process for calculating and comparing benefits and costs of all the technical solutions considered.

Amendment 170
Silvia-Adriana Țicău
Proposal for a directive
Article 5 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 171
Silvia-Adriana Țicău
Proposal for a directive
Article 5 – paragraph 8

Text proposed by the Commission

(8) The drafting, adoption and review of the TSIs shall take account of the opinion of the social partners as regards the conditions referred to in Article 4(4)(g). To this end, the Agency shall consult the social partners before submitting to the Commission recommendations on TSIs and their amendments. The social partners shall be consulted in the context of the Sectoral Dialogue Committee set up in accordance with Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level¹². The social partners shall issue their opinion within three months.

Amendment

(8) The drafting, adoption and review of the TSIs shall take account of the opinion of the **representative** social partners **in all the Member States** as regards the conditions referred to in Article 4(4)(g). To this end, the Agency shall consult the social partners before submitting to the Commission recommendations on TSIs and their amendments. The social partners shall be consulted in the context of the Sectoral Dialogue Committee set up in accordance with Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level¹². The social partners shall issue their opinion within three months.

Or. ro

Amendment 172
Inés Ayala Sender
Proposal for a directive
Article 5 – paragraph 8

Text proposed by the Commission

8. The drafting, adoption and review of the TSIs shall take account of the opinion of the social partners as regards the conditions referred to in Article 4(4)(g). To this end, the Agency shall consult the social partners before submitting to the Commission recommendations on TSIs and their amendments. The social partners shall be consulted in the context of the Sectoral Dialogue Committee set up in accordance with Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level¹². The social partners shall issue their opinion within three months.

Amendment

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

European level¹². The social partners shall issue their opinion within three months.

Or. es

Amendment 173
Jörg Leichtfried
Proposal for a directive
Article 5 – paragraph 10 – subparagraph 1

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 46 concerning the TSIs and their amendments.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 43(3) concerning the TSIs and their amendments.

Or. de

Amendment 174
Bogusław Liberadzki

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 175
Michael Cramer

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

Text proposed by the Commission

Amendment

3a. A member of the network of representative bodies may act as applicant to request opinions about deficiencies in a TSI via the Commission. The Commission shall inform the applicant of its decision and justify refusals.

Or. en

Justification

Companies working on the ground are often the first to detect deficiencies and they should be able to take action and request opinions.

Amendment 176
Carlo Fidanza

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

Text proposed by the Commission

Amendment

3a. A member of the network of representative bodies may act as applicant to request opinions about deficiencies in a TSI via the Commission. The Commission shall inform the applicant of its decision and justify refusals.

Or. en

Justification

The sector detects various deficiencies and bears the risks / costs (project delay) and should have the right to give input and be informed when refused.

Amendment 177
Luis de Grandes Pascual

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

Text proposed by the Commission

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part of it , when the application of these TSIs would compromise the economic viability of the project.

Amendment

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part of it , when the application of these TSIs would compromise the economic viability of the project ***and/or the compatibility of the rail system in that Member State, such as in relation to the loading gauge, track gauge, space between tracks or electrification voltage;***

Or. en

Amendment 178
Carlo Fidanza

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

Text proposed by the Commission

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part ***of it*** , when the application of these TSIs would compromise the economic viability of the project.

Amendment

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part ***of it*** , when the application of these TSIs would compromise the economic viability of the project ***and/or the compatibility of the rail system in that Member State;***

Or. en

Justification

There could be a need to upgrade just limited parts of existing subsystems which are not fully compliant with TSI's where the full application of TSI could undermine the compatibility of these small parts within the subsystem where they are integrated.

Amendment 179
Dominique Riquet
Proposal for a directive
Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part of it , when the application of these TSIs would compromise the economic viability of the project.

Amendment

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part of it , when the application of these TSIs would **seriously** compromise the economic viability of the project.

Or. fr

Justification

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

Amendment 180
Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a directive
Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) for any proposed renewal, extension or upgrading of an existing subsystem, when the application of these TSIs would compromise the economic viability of the project and/or the compatibility of the rail system in that Member State;

Or. en

Amendment 181
Roberts Zile

Proposal for a directive
Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) for vehicles coming from or going to third countries the track gauge of which is different from that of the main rail network within the Union.

Or. en

Justification

Because of the large number of vehicles being used for the carriages between the EU and third countries with a non-standard track gauge, it would be too complicated for national safety authorities to request and to get permission from the Commission for each relevant case of non-application of TSI.

Amendment 182
Dominique Riquet
Proposal for a directive
Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) for vehicles coming from or travelling to third countries which use a gauge different to that most commonly employed in the Union.

Or. fr

Justification

Rail exchanges between the Union and third countries should not be made more complicated.

Amendment 183
Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a directive
Article 7 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) for vehicles coming from or going to third countries the track gauge of which is different from that of the main rail network within the Community

Or. en

Amendment 184
Luis de Grandes Pascual

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. In all cases referred to in paragraph 1, the Member State concerned shall submit to the Commission the request for non-application of the TSI, also specifying the alternative provisions that the Member State intends to apply instead of the TSIs. The Commission shall by means of implementing acts establish the content of the file which shall accompany the request of non-application of one or more TSIs or parts of them, the details, the format and the transmission modalities of that file. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3). The Commission shall check that file, analyse the alternative provisions that the Member State intends to apply instead of the TSIs, decide whether to accept or not the request of non-application of the TSI and inform the Member State of this decision.

3 In all cases referred to in paragraph 1, the Member State concerned shall submit to the Commission the request for non-application of the TSI, also specifying the alternative provisions that the Member State intends to apply instead of the TSIs. The Commission shall by means of implementing acts establish the content of the file which shall accompany the request of non-application of one or more TSIs or parts of them, the details, the format and the transmission modalities of that file. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3). The Commission shall check that file, analyse the alternative provisions that the Member State intends to apply instead of the TSIs, decide whether to accept or not the request of non-application of the TSI and inform the Member State of this decision.

The Commission's decision shall not cover the loading gauge and the track gauge.

Or. en

Amendment 185
Roberts Zile

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. In *all* cases referred to in paragraph 1, the Member State concerned shall submit to the Commission the request for non-application of the TSI, also specifying the alternative provisions that the Member State intends to apply instead of the TSIs. The Commission shall by means of implementing acts establish the content of the file which shall accompany the request of non-application of one or more TSIs or parts of them, the details, the format and the transmission modalities of that file. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3). The Commission shall check that file, analyse the alternative provisions that the Member State intends to apply instead of the TSIs, decide whether to accept or not the request of non-application of the TSI and inform the Member State of this decision.

Amendment

3. In cases referred to in paragraph 1 *(a), (b) and (c)*, the Member State concerned shall submit to the Commission the request for non-application of the TSI, also specifying the alternative provisions that the Member State intends to apply instead of the TSIs. The Commission shall by means of implementing acts establish the content of the file which shall accompany the request of non-application of one or more TSIs or parts of them, the details, the format and the transmission modalities of that file. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3). The Commission shall check that file, analyse the alternative provisions that the Member State intends to apply instead of the TSIs, decide whether to accept or not the request of non-application of the TSI and inform the Member State of this decision.

Or. en

Justification

Because of the large number of vehicles being used for the carriages between the EU and third countries with a non-standard track gauge, it would be too complicated for national safety authorities to request and to get permission from the Commission for each relevant case of non-application of TSI.

Amendment 186
Inés Ayala Sender
Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) are used in their area of use as intended ***in accordance with the area of use defined in Article 2 (39a (new))*** and are suitably installed and maintained.

Or. es

Justification

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

Amendment 187

Inés Ayala Sender

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

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

Or. es

Justification

This new subparagraph supports the idea of reducing the additional requirements for a constituent that has already been recognised for a particular area to a minimum. It explicitly

prevents a State from placing obstacles in the way of authorisation for placing in service if the area concerned is situated within its territory. Clearly, this constituent will not be interoperable outside the area for which it has been recognised.

Amendment 188

Artur Zasada, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

1. Member States **and the Agency** shall consider as being interoperable and meeting the essential requirements, those interoperability constituents which are covered by the 'EC' declaration of conformity or suitability for use.

Amendment

1. Member States shall consider as being interoperable and meeting the essential requirements, those interoperability constituents which are covered by the 'EC' declaration of conformity or suitability for use.

Or. pl

Justification

The proposal for the ERA to issue permits for the placing on the market of railway vehicles and the placing in service of trackside control-command subsystems (Articles 18-22 of the proposal for a directive) should be seen as premature.

Amendment 189

Artur Zasada, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive

Article 9 – paragraph 3

Text proposed by the Commission

3. Member States and **the Agency** shall consider that an interoperability constituent meets the essential requirements if it complies with the conditions laid down by the corresponding TSI or the corresponding European specifications developed to comply with these conditions.

Amendment

3. Member States shall consider that an interoperability constituent meets the essential requirements if it complies with the conditions laid down by the corresponding TSI or the corresponding European specifications developed to comply with these conditions.

Or. pl

Amendment 190
Silvia-Adriana Țicău
Proposal for a directive
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a Member State finds that an interoperability constituent covered by the 'EC' declaration of conformity or suitability for use and placed on the market **is unlikely, when used as intended, to** meet the essential requirements, it shall take all necessary steps to restrict its field of application, prohibit its use, withdraw it from the market or recall it . The Member State shall forthwith inform the Commission and the other Member States of the measures taken and give the reasons for its decision, stating in particular whether failure to conform is due to:

Amendment

Where a Member State finds that an interoperability constituent covered by the 'EC' declaration of conformity or suitability for use and placed on the market **does not meet the essential requirements when used as intended**, it shall take all necessary steps to restrict its field of application, prohibit its use, withdraw it from the market or recall it . The Member State shall forthwith inform the Commission and the other Member States of the measures taken and give the reasons for its decision, stating in particular whether failure to conform is due to:

Or. ro

Amendment 191
Markus Ferber
Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Verification of the interoperability, in accordance with the essential requirements, of a structural subsystem constituting the rail system shall be established by reference to TSIs, and national rules notified in accordance with paragraph 3 .
Decisions on granting authorisation shall be based on TSIs and notified national rules applicable when the application was made.

Or. de

Justification

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

Amendment 192

Gilles Pargneaux

Proposal for a directive

Article 13 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. fr

Justification

In some Member States the national authorities or the national safety authority have laid down 'acceptable national means of compliance'. These must be published and notified to rail actors, because even if they are not mandatory departing from them may give rise to problems.

Amendment 193

Dominique Riquet

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 194
Markus Ferber
Proposal for a directive
Article 13 – paragraph 4

Text proposed by the Commission

4. Member States shall designate the bodies responsible for establishing, in the case of these technical regulations, the EC declaration of verification referred to in Article 15.

Amendment

4. Member States shall designate the bodies responsible for establishing, in the case of these technical regulations, the EC declaration of verification referred to in Article 15 *or the declaration of verification in the case of national rules.*

Justification

Verification bodies also exist for national rules and, to make matters clear, should also be incorporated into the directive.

Amendment 195
Michael Cramer

Proposal for a directive
Article 14 – title

Text proposed by the Commission

National rules

Amendment

National *technical* rules

Amendment 196
Luis de Grandes Pascual

Proposal for a directive
Article 14 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) where the national rule(s) has not yet been notified by the date of entry into force of this Directive;

Or. en

Amendment 197

Artur Zasada, Bogdan Kazimierz Marcinkiewicz

**Proposal for a directive
Article 14 – paragraph 2**

Text proposed by the Commission

Amendment

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

2. Member States shall notify the full text of existing national rules to the Agency and the Commission through the appropriate IT system in accordance with article 23 of Regulation (EU) No .../... [Agency Regulation]. ***Member States shall submit the full text if possible, otherwise at least the reference to the appropriate document.***

Or. en

Amendment 198

Luis de Grandes Pascual

**Proposal for a directive
Article 14 – paragraph 3 – introductory part**

Text proposed by the Commission

Amendment

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

3. Member States may lay down new national rules only in the ***cases referred to in Article 13 paragraph 3***

Or. en

Justification

This amendment supports the line of the rapporteur.

Amendment 199
Luis de Grandes Pascual

Proposal for a directive
Article 14 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) when a TSI does not fully meet the essential requirements;

deleted

Or. en

Amendment 200
Gilles Pargneaux
Proposal for a directive
Article 14 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) when a TSI does not fully meet the essential requirements;

*(a) when a TSI does not fully meet the essential requirements **or if it is necessary to maintain the existing level of safety;***

Or. fr

Justification

It is important to make allowance for the introduction of new national rules in cases where the lack of a clear definition is jeopardising existing safety levels in some Member States, a situation at odds with Article 4(1) of the safety directive. In such cases national rules should be authorised (under the supervision of the Agency) and would apply temporarily.

Amendment 201
Luis de Grandes Pascual

Proposal for a directive
Article 14 – paragraph 3 – point b

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 202
Gilles Pargneaux
Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

Amendment

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

4. If a Member State intends to introduce a new national rule, it shall ***submit*** the draft to the Agency ***for consideration, giving the reason for the introduction, in accordance with Article 21 of Regulation (EU) No .../... [Agency Regulation]***, through the appropriate IT system in accordance with Article 23 of Regulation (EU) No .../... [Agency Regulation]. ***The Agency shall have two months in which to consider the draft rule and approve or reject it. Only in the case of emergency preventive measures, Member States may adopt and apply a new rule immediately and that rule shall be valid for two months. If such a rule affects several Member States, the Agency, working in cooperation with the national safety authorities, shall harmonise the rule at EU level.***

Or. fr

Justification

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

Amendment 203
Michael Cramer

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 204
Artur Zasada, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 205
Carlo Fidanza

Proposal for a directive
Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. **Member States shall ensure that** national rules, including those covering the interfaces between vehicles and network, **are made available** free of charge and in a language that can be understood by all parties concerned.

5. 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 proposal strengthens the duty of member state for what concerns the translation of the rules.

Amendment 206

Artur Zasada, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive

Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall ensure that national rules, including those covering the interfaces between vehicles and network, are made available free of charge and in **a** language that can be understood by **all** parties concerned.

5. Member States shall ensure that national rules, including those covering the interfaces between vehicles and network, are made available free of charge **if possible** and in **clear** language that can be understood by **the** parties concerned.

Or. en

Amendment 207

Dominique Riquet

Proposal for a directive

Article 14 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different

The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different

groups with the aim of facilitating the compatibility checks between fixed and mobile equipment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).

groups with the aim of facilitating *their mutual acceptance in different Member States and* the compatibility checks between fixed and mobile equipment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).

Or. fr

Amendment 208
Gilles Pargneaux
Proposal for a directive
Article 14 – paragraph 8 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of facilitating *their mutual acceptance in different Member States and* the compatibility checks between fixed and mobile equipment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3). ***The Agency shall classify, in accordance with the implementing acts referred to in the first subparagraph, the national rules which are notified in accordance with this Article, and shall publish the corresponding register. This register shall also provide a list of all other means of compliance.***

Or. fr

Justification

This amendment reintroduces the great improvement made in the current directive regarding mutual acceptance. National rules, which are only verified once, should also be classified in order to facilitate their mutual acceptance. The register must also set out the acceptable means of compliance.

Amendment 209
Luis de Grandes Pascual

Proposal for a directive
Article 14 – paragraph 8 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of facilitating the ***cross-acceptance in different Member States and the*** compatibility checks between fixed and mobile equipment , ***and in particular the classification into those related to paragraphs 1b (b), (c) or (d) in article 20.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).

Or. en

Amendment 210
Dominique Riquet
Proposal for a directive
Article 14 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The Agency shall classify in accordance with the implementing acts referred to in the first subparagraph the national rules which are notified in accordance with this Article.

Amendment

The Agency shall classify in accordance with the implementing acts referred to in the first subparagraph the national rules which are notified in accordance with this Article, ***and shall publish the register.***

Or. fr

Amendment 211
Jörg Leichtfried
Proposal for a directive
Article 14 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Member States' non-discriminatory rules on training, labour and health standards and the fitting-out of passenger vehicles shall not be subject to the provisions of paragraphs 2 to 9 of this Article.

Or. de

Justification

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

Amendment 212
Bogusław Liberadzki

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

Amendment

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

Or. en

Justification

Only when major changes appear, new EC declarations of verification are needed. Deleting this paragraph will prevent the sector from useless administrative burden on "non-major" changes.

Amendment 213
Dominique Riquet

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 214
Carlo Fidanza

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 215
Michael Cramer

Proposal for a directive
Chapter 5 – title

Text proposed by the Commission

**PLACING ON THE MARKET AND
PLACING IN SERVICE**

Amendment

AUTHORISATION AND USE

Justification

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

Amendment 216
Gilles Pargneaux
Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. The trackside control-command and signalling, energy and infrastructure subsystems shall be placed in service only if they are designed, constructed and installed in such a way as to meet the essential requirements as set out in Annex III, and the relevant authorisation is received in accordance with paragraph 2.

deleted

Justification

Authorisation of mobile subsystems could be integrated into the authorisation of the vehicle (Article 20). The objective is to avoid unnecessary double verifications of the subsystem and the vehicle.

Amendment 217
Bogusław Liberadzki

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

Text proposed by the Commission

Amendment

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

Each national safety authority shall ***act as a one-stop-shop for all fixed installations such as energy, infrastructure, trackside control command and signalling***

territory of its Member State.

subsystems which are located or operated
in the territory of its Member State.

Or. en

Amendment 218

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Each national safety authority shall **act as a one-stop-shop for all fixed installations: energy, infrastructure and trackside control command and signalling** subsystems which are located or operated in the territory of its Member State.

Or. en

Amendment 219

Michael Cramer

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Agency shall authorise the placing in service of the energy and infrastructure subsystems **and of the trackside control-command and signalling subsystems** located or operated **throughout the Union**.

Or. en

Justification

The European Railway Agency should also take over the authorisation of infrastructure.

Amendment 220
Gilles Pargneaux
Proposal for a directive
Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Each national safety authority shall **act as a single reference point for all fixed installations: energy, infrastructure and trackside control-command and signalling** subsystems which are located or operated in the territory of its Member State. **For trackside ERTMS installations, the national safety authority shall consult the ERA, which is the deciding authority. For all other fixed installations, the national safety authority is the deciding authority.**

Or. fr

Justification

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

Amendment 221
Luis de Grandes Pascual

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 222
Erik Bánki
Proposal for a directive
Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Each national safety authority shall authorise the placing in service of the energy and infrastructure subsystems **and of the trackside control-command and signalling sub-systems** which are located or operated in the territory of its Member State.

Or. hu

Amendment 223
Dieter-Lebrecht Koch, Thomas Ulmer
Proposal for a directive
Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Each national safety authority shall **operate as a one-stop shop for all permanently installed system components:** energy and infrastructure systems, rail control command and signalling facilities, **plus the** subsystems **thereof**, located in the territory of its Member State.

Or. de

Amendment 224
Jaromír Kohlíček
Proposal for a directive
Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Each national safety authority shall **authorise the placing in service of the**

Amendment

Each national safety authority shall **act as a one-stop-shop for all fixed installations:**

energy *and infrastructure* subsystems which are located or operated in the territory of its Member State.

energy, *infrastructure and trackside control command and signalling* subsystems which are located or operated in the territory of its Member State. ***For trackside ERTMS, the NSA shall consult ERA being the decision making authority. For all other fixed installations the NSA shall be the decision making authority.***

Or. en

Justification

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

Amendment 225 Michael Cramer

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 226 Gilles Pargneaux Proposal for a directive Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. fr

Amendment 227

Luis de Grandes Pascual

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 228

Erik Bánki

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. hu

Amendment 229

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

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

Text proposed by the Commission

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

Amendment

For trackside ERTMS, the NSA shall consult ERA being the decision making authority. For all other fixed installations the NSA shall be the decision making authority.

Or. en

Amendment 230
Inés Ayala Sender
Proposal for a directive
Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

The Agency shall grant decisions authorising the placing in service of the trackside control-command and signalling subsystems located or operated throughout the Union *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 231

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The Agency and the national safety authorities shall provide detailed guidance on how to obtain the authorisations referred to in the first and second subparagraph. An application guidance document describing and explaining the requirements for those authorisations and listing the required documents shall be made available to applicants free of charge. The Agency and the national safety authorities shall cooperate in disseminating such information.

deleted

Or. en

Amendment 232

Michael Cramer

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The Agency *and the national safety authorities* shall provide detailed guidance on how to obtain *the* authorisations *referred to in the first and second subparagraph*. An application guidance document describing and explaining the requirements for those authorisations and listing the required documents shall be made available to applicants free of charge. The Agency and the national safety authorities shall cooperate in disseminating

The Agency shall provide detailed guidance on how to obtain authorisations. An application guidance document describing and explaining the requirements for those authorisations and listing the required documents shall be made available to applicants free of charge *and in all official languages of the Union*. The Agency and the national safety authorities shall cooperate in disseminating such information.

such information.

Or. en

Amendment 233
Luis de Grandes Pascual

Proposal for a directive
Article 18 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Agency and the national safety authorities shall provide detailed guidance on how to obtain the authorisations referred to in the first and second subparagraph. An application guidance document describing and explaining the requirements for those authorisations and listing the required documents shall be made available to applicants free of charge. The Agency and the national safety authorities shall cooperate in disseminating such information.

Amendment

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

Or. en

Amendment 234
Erik Bánki
Proposal for a directive
Article 18 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The **Agency and the** national safety authorities shall provide detailed guidance on how to obtain the authorisations referred to in the first and second subparagraph. An application guidance document describing and explaining the requirements for those authorisations and listing the required documents shall be made available to applicants free of charge.

The Agency and the national safety authorities shall cooperate in disseminating such information.

Amendment

The national safety authorities shall provide detailed guidance on how to obtain the authorisations referred to in the first and second subparagraph. An application guidance document describing and explaining the requirements for those authorisations and listing the required documents shall be made available to applicants free of charge.

Or. hu

Amendment 235

Luis de Grandes Pascual

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 3 – point 1 (new)

Text proposed by the Commission

(1) National safety authorities shall provide detailed guidance on how to obtain the authorisations referred to this Article. An application guidance document describing and explaining the requirements for those authorisations and listing the required documents shall be made available to applicants free of charge. The Agency and the national safety authorities shall cooperate in disseminating such information.

Amendment

Or. en

Amendment 236

Luis de Grandes Pascual

Proposal for a directive

Article 18 – paragraph 3 – introductory part

Text proposed by the Commission

3. In order to authorise the placing in service of the subsystems referred to in paragraph 1, the national safety authority **or the Agency, depending on which is the competent authority as set out in paragraph 2**, shall obtain proof of:

Amendment

3. In order to authorise the placing in service of the subsystems referred to in paragraph 1, the national safety authority shall obtain proof of:

Or. en

Amendment 237

Erik Bánki

Proposal for a directive

Article 18 – paragraph 3 – introductory part

Text proposed by the Commission

3. In order to authorise the placing in service of the subsystems referred to in paragraph 1, the national safety authority **or the Agency, depending on which is the competent authority as set out in paragraph 2**, shall obtain proof of:

Amendment

3. In order to authorise the placing in service of the subsystems referred to in paragraph 1, the national safety authority shall obtain proof of:

Or. hu

Amendment 238

Gilles Pargneaux

Proposal for a directive

Article 18 – paragraph 3 – point e

Text proposed by the Commission

(e) the safe integration of these subsystems, established on the basis of the relevant TSIs, national rules, registers, **and** the common safety methods set out in Article 6 of Directive.../... [on the safety of the rail system within the Union].

Amendment

(e) the safe integration of these subsystems, established on the basis of the relevant TSIs, national rules, registers, the common safety methods set out in Article 6 of Directive.../... [on the safety of the rail system within the Union], **and consultations with stakeholders.**

Or. fr

Justification

The stakeholders should be consulted in order to verify whether the infrastructure would permit the use of existing vehicles or of vehicles under construction.

Amendment 239

Gilles Pargneaux

Proposal for a directive

Article 18 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the national declaration of verification

Or. fr

Justification

The national declaration of verification must be added. It remains essential for granting authorisation.

Amendment 240

Luis de Grandes Pascual

Proposal for a directive

Article 18 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 241

Luis de Grandes Pascual

Proposal for a directive

Article 18 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) The national safety authority shall verify the completeness, relevance and consistency of the file and issue the authorisation for placing in service of fixed installations, or inform the applicant of its negative decision, within a pre-determined, reasonable time, and in any case, within four months from receipt of all relevant information.

Or. en

Amendment 242
Michael Cramer

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 243
Inés Ayala Sender
Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. es

Amendment 244
Luis de Grandes Pascual

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. In the event of renewal or upgrading of existing subsystems, the applicant shall send to the national safety authority (***for energy and infrastructure subsystems***) or ***the Agency (for trackside control-command and signalling subsystems)***, a file describing the project. The national safety authority ***or the Agency*** shall examine this file and shall decide, on the basis of the criteria set out in paragraph 5, whether a new authorisation for placing in service is needed. The national safety

Amendment

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

authority *and the Agency* shall take *their decisions* within a pre-determined, reasonable time, and, in any case, within four months from receipt of all relevant information.

information *from the applicant*. *Within one month from receipt of the information, the national safety authority shall indicate to the applicant whether the file is complete or not*

Or. en

Amendment 245
Erik Bánki
Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. hu

Justification

The ERA is not familiar with the different national systems and, lacking appropriately-trained staff, is not able to undertake the necessary tasks involved in on-site checks where these are required. Since the specialists on the staff of the national safety authorities have the requisite knowledge and local expertise, the national safety authorities should continue to issue authorisations for trackside control-command and signalling subsystems.

Amendment 246
Carlo Fidanza

Proposal for a directive
Article 18 – paragraph 5 – introductory part

Text proposed by the Commission

5. In the event of renewal or upgrading of existing subsystems, a new '*EC*' declaration of verification shall be needed *as set out in Article 15(4)*. In addition, a new authorisation for placing in service shall be required when:

Amendment

5. In the event of renewal or upgrading of existing subsystems, a new '*EC*' declaration of verification shall be needed. In addition, a new authorisation for placing in service shall be required when:

Or. en

Amendment 247
Carlo Fidanza

Proposal for a directive
Article 18 – paragraph 5 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 248
Carlo Fidanza

Proposal for a directive
Article 18 – paragraph 5 – point h

Text proposed by the Commission

(h) it is required by the national implementation plans established by the Member States.

Amendment

(h) it is required by the national implementation plans established by the Member States *according to articles 5*.

Or. en

Amendment 249
Michael Cramer

Proposal for a directive
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

**Placing on the market of mobile
subsystems**

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

2. In particular, the applicant shall ensure that the EC declaration of verification has been provided.

3. In the event of renewal or upgrading of existing subsystems, a new 'EC' declaration of verification shall be needed as set out in Article 15(4).

Or. en

Justification

This article is not necessary after the improvement of Articles 20 and 21. There should be a European vehicle authorisation so that vehicles can be purchased "ready for use". The proposed distinction between "placing on the market" and "placing into service" does not remove the hurdles for easy and quicker purchase and use of rolling stock.

Amendment 250
Carlo Fidanza

Proposal for a directive
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Placing on the market of mobile subsystems

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

2. In particular, the applicant shall ensure that the EC declaration of verification has been provided.

3. In the event of renewal or upgrading of existing subsystems, a new 'EC' declaration of verification shall be needed as set out in Article 15(4).

Or. en

Justification

There is no need to keep considering CCS and vehicles as two separate subsystems requiring two independent certifications. The CCS subsystem can only function when integrated into a vehicle.

Amendment 251

David-Maria Sassoli, Franco Frigo

Proposal for a directive

Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Placing on the market of mobile subsystems

1. The rolling stock subsystem and the on-board control-command and signalling subsystem shall be placed on the market

by the applicant only if they are designed, constructed and installed in such a way as to meet the essential requirements as set out in Annex III.

2. In particular, the applicant shall ensure that the EC declaration of verification has been provided.

3. In the event of renewal or upgrading of existing subsystems, a new 'EC' declaration of verification shall be needed as set out in Article 15(4).

Or. en

Amendment 252
Jaromír Kohlíček

Proposal for a directive
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Placing on the market of mobile subsystems

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

2. In particular, the applicant shall ensure that the EC declaration of verification has been provided.

3. In the event of renewal or upgrading of existing subsystems, a new 'EC' declaration of verification shall be needed as set out in Article 15(4).

Or. en

Justification

There is no need to keep considering CCS and vehicles as two separate subsystems requiring two independent certifications. The CCS subsystem can only function when integrated into a vehicle.

Amendment 253
Bogusław Liberadzki

Proposal for a directive
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

***Placing on the market of mobile
subsystems***

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

2. In particular, the applicant shall ensure that the EC declaration of verification has been provided.

3. In the event of renewal or upgrading of existing subsystems, a new 'EC' declaration of verification shall be needed as set out in Article 15(4).

Or. en

Justification

For simplification reasons, article 19 and 20 should be merged. This will make sure that the authorisation process is properly described while including the responsibilities of all involved actors.

Amendment 254
Gilles Pargneaux

Proposal for a directive
Article 20 – title

Text proposed by the Commission

Amendment

Vehicle authorisation for placing **on the market**

Authorisation for placing **in service of the vehicle**

Or. fr

Justification

The concept of 'authorisation for placing a product on the market' is not adapted to the complexities of railway rolling stock (it does not provide a solution for checking the technical compatibility, nor for safe integration in the vehicle or on the network).

Amendment 255
Michael Cramer

Proposal for a directive
Article 20 – title

Text proposed by the Commission

Amendment

Vehicle authorisation **for placing on the market**

Vehicle authorisation

Or. en

Justification

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

Amendment 256
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. A vehicle shall be placed **on the market**

1. A vehicle shall be placed **in service** only

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

after having received the vehicle authorisation for placing **in service** issued by the Agency in accordance with paragraph 5.

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 257

Phil Bennion

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

Text proposed by the Commission

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

Amendment

1. **The applicant** shall **place a vehicle** on the market only after having received the vehicle authorisation for placing on the market issued by the Agency in accordance with paragraph 5.

Or. en

Amendment 258

Gilles Pargneaux

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

The concept of 'authorisation for placing a product on the market' is not adapted to the complexities of railway rolling stock (it does not provide a solution for checking the technical compatibility, nor for the safe integration in the vehicle or on the network).

Amendment 259

Michael Cramer

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 260

Erik Bánki

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. A vehicle shall be placed on the market only after having received the vehicle authorisation for placing on the market issued by the ***national safety authority of the Member State in which the applicant is established*** in accordance with paragraph 5.

Or. hu

Amendment 261
Roberts Zile

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. A vehicle shall be placed on the market only after having received the vehicle authorisation for placing on the market issued by the Agency ***or in the cases of paragraphs 1a, 1b and 1c, by the national safety authority*** in accordance with paragraph 5.

Or. en

Justification

For vehicles operated in only one Member State, applicants should be given the choice whether to apply to the Agency or to the national safety authority and receive authorisation for vehicles issued by the Agency or by a national safety authority. Allowing applicants to choose between European and national authorisation provides greater certainty that the costs and time of the procedure will be reduced. It also avoids the risk of the Agency being overloaded by applications.

Amendment 262
Roberts Zile

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

Text proposed by the Commission

Amendment

1a. Where the vehicle is intended to be used in one Member State only, applicants may choose to submit its application for the vehicle authorisation for placing on the market to the Agency or to the relevant national safety authority.

Or. en

Justification

This Amendment proposes one option for choice: for vehicles operated in only one Member State, applicants should be able to choose whether to apply to the Agency or to the national safety authority and receive authorisation for vehicles issued by the Agency or by a NSA. Allowing applicants this choice provides greater certainty that the costs and time of the procedure will be reduced. It also avoids the risk of the Agency being overloaded by applications.

Amendment 263 **Roberts Zile**

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

Text proposed by the Commission

Amendment

1b. Where the vehicle is operated or is intended to be operated exclusively on an isolated network, applicants may choose to submit applications for the vehicle authorisation for placing on the market to the Agency or to a relevant national safety authority.

Or. en

Justification

This Amendment proposes another option for choice: for vehicles operated on isolated networks, applicants should be able to choose whether to apply to the Agency or to national safety authorities and receive authorisation for vehicles issued by the Agency or by a national safety authority. Allowing applicants this choice provides greater certainty that the costs and time of the procedure will be reduced. It also avoids the risk of the Agency being overloaded by applications.

Amendment 264 **Roberts Zile**

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

Text proposed by the Commission

Amendment

1c. Where the vehicle is operated or is intended to be operated exclusively on rail networks with a different track gauge from that of 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, applicants may choose to submit application for the vehicle authorisation for placing on the market to the Agency or to a relevant national safety authority.

Or. en

Justification

This Amendment proposes third option: for vehicles operated on that part of on rail networks with a different track gauge only in those Member States which are well-integrated into those networks together with third countries but isolated from the Union's main network, applicants should be able to choose whether to apply to the Agency or to the national safety authority and receive authorisation for vehicles issued by the Agency or by a national safety authority.

Amendment 265
Roberts Zile

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

Text proposed by the Commission

Amendment

1d. A national safety authority may, under its own responsibility and when the applicant so requests, issue the vehicle authorisation for placing on the market. In order to issue such authorisations, the national safety authority shall assess the file in relation to the elements set out in paragraph 4.

Or. en

Amendment 266
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The Agency shall issue decisions granting vehicle authorisations for placing ***in service***. Those authorisations attest the values of the parameters relevant for checking the technical compatibility between the vehicle and the fixed installations as set out in the TSIs ***and sets of national rules for the area of use according to paragraph 9***. The vehicle authorisation for placing ***in service*** shall also provide information about the vehicle's compliance with the relevant TSIs and sets of national rules ***for the area of use according to paragraph 9*** related to these parameters.

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 267
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

2. The Agency shall issue decisions granting vehicle authorisations for placing ***on the market***. Those authorisations attest the values of the parameters relevant for checking the technical compatibility between the vehicle and the fixed

Amendment

2. The Agency shall issue decisions granting vehicle authorisations for placing ***in service***. Those authorisations attest the values of the parameters relevant for checking the technical compatibility between the vehicle and the fixed

installations as set out in the TSIs. The vehicle authorisation for placing **on the market** shall also provide information about the vehicle's compliance with the relevant TSIs and sets of national rules, related to these parameters.

installations as set out in the TSIs, **and the national rules for networks or lines and groups of networks or lines selected pursuant to paragraph 9.**

The vehicle authorisation for placing **in service** shall also provide information about the vehicle's compliance with the relevant TSIs and sets of national rules **for networks or lines and groups of networks or lines selected pursuant to paragraph 9**, related to these parameters.

Or. fr

Justification

Authorisation for the placing in service of a vehicle should be granted following verification of the vehicle's compatibility with European rules and with the specific rules of the system in operation on the selected networks or lines on which the vehicle is intended to be used.

Amendment 268 **Michael Cramer**

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

Text proposed by the Commission

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

Amendment

2. The Agency shall issue decisions granting vehicle authorisations for placing on the market. Those authorisations attest the values of the parameters relevant for checking the technical compatibility between the vehicle and the fixed installations as set out in the TSIs. The vehicle authorisation for placing on the market shall also provide information about the vehicle's compliance with the relevant TSIs and sets of national rules **for the selected networks or lines or group of networks or lines according to paragraph 9.**

The vehicle authorisation for placing in

service shall also provide information about the vehicle's compliance with the relevant TSIs and sets of national rules for the selected networks or lines or group of networks or lines according to paragraph 9 related to these parameters.

Or. en

Justification

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

Amendment 269 **Roberts Zile**

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 270 **Erik Bánki** **Proposal for a directive** **Article 20 – paragraph 2**

Text proposed by the Commission

Amendment

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

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

Or. hu

Amendment 271
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

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

3. The vehicle authorisation for placing ***in service shall*** stipulate conditions for the use of the vehicle and other restrictions.

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 272
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. The vehicle authorisation for placing ***on***

3. The vehicle authorisation for placing ***in***

the market may stipulate conditions for the use of the vehicle and other restrictions.

service shall stipulate conditions for the use of the vehicle and other restrictions.

Or. fr

Justification

It is vital that the authorisation to place a vehicle in service indicate the conditions of use and the restrictions on vehicles on the selected networks or lines on which the vehicles are intended to be used.

Amendment 273
Michael Cramer

Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

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

3. The vehicle authorisation for placing ***in service shall*** stipulate conditions for the use of the vehicle and other restrictions.

Or. en

Justification

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

Amendment 274
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

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

4. The vehicle authorisation for placing ***in service*** shall be issued on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the

the *documentary evidence of:*

following:

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 275
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 4 – introductory part

Text proposed by the Commission

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

Amendment

4. The vehicle authorisation for placing ***in service*** shall be issued on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the ***following:***

(a) the EC declaration of verification of the vehicle and the technical file accompanying it;

(b) certificate of verification in the case of national rules pursuant to Annex VI 3;

(c) documentary proof of correct integration in the vehicle if this is not covered by points (a) or (b);

(d) documentary evidence of the vehicle's technical compatibility and safe integration on the networks or lines selected pursuant to paragraph 9, established on the basis of the relevant TSIs, the national rules, the registers, if necessary by means of a question to the infrastructure manager, and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system in the EU].

Or. fr

Justification

(a) *Consistent with the deletion of Article 19, which can be integrated into vehicle authorisation (Article 20).*

(b) *the documents which are necessary for verifying compliance with the TSI and with the system-specific rules are the 'EC declaration of verification' (i.e. the verification carried out by the notified body) and the 'certificate of verification in the case of national rules' (i.e. the verification carried out by the delegated body).*

(c) *the technical compatibility and safe integration of the vehicle on the network are missing.*

Amendment 276 **Michael Cramer**

Proposal for a directive **Article 20 – paragraph 4 – introductory part**

Text proposed by the Commission

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

Amendment

4. The vehicle authorisation for placing ***in service*** shall be issued on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the ***following***:

(a) the declaration of EC verification of the vehicle and the technical file accompanying it ;

(b) the certificate of verification in the case of national rules according to annex VI 3;

(c) documentary evidence of the safe integration within the vehicle if not covered by a) and b);

(d) documentary evidence of the technical compatibility and safe integration of the vehicle within the selected networks or lines or group of networks or lines according to paragraph 9, established on the basis of the relevant TSIs, national rules, registers, if necessary, in consultation with the infrastructure manager, and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the

Union].

Or. en

Justification

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

Amendment 277

Carlo Fidanza

Proposal for a directive

Article 20 – paragraph 4 – introductory part

Text proposed by the Commission

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

Amendment

4. The vehicle **authorization** for placing on the market **shall be issued only if the vehicle is designed, constructed and installed in such a way as to meet the essential requirements as set out in Annex III. This authorization** shall be issued on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the documentary evidence of:

Or. en

Amendment 278

David-Maria Sassoli, Franco Frigo

Proposal for a directive

Article 20 – paragraph 4 – introductory part

Text proposed by the Commission

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

Amendment

4. The vehicle **authorization** for placing on the market **shall be issued only if the vehicle is designed, constructed and installed in such a way as to meet the essential requirements as set out in Annex**

III. This authorization shall be issued on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the documentary evidence of:

(a) EC declaration of verification for TSI's requirements;

(b) Declaration of verification for national rules requirements;

(c) In the event of renewal or upgrading of existing subsystems, a new 'EC' declaration of verification shall be needed as set out in Article 15(4).

(d) The technical compatibility and safe integration of the vehicle with the network(s) concerned, established on the basis of the relevant TSIs, national rules and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

Or. en

Amendment 279
Jaromír Kohlíček

Proposal for a directive
Article 20 – paragraph 4 – introductory part

Text proposed by the Commission

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

Amendment

4. The vehicle authorisation for placing on the market shall be issued **only if the vehicle is designed, constructed and installed in such a way as to meet the essential requirements as set out in Annex III. This authorization shall be issued** on the basis of a file of the vehicle or type of vehicle produced by the applicant and including the documentary evidence of.:

(a) EC declaration of verification for TSI's requirements;

(b) Declaration of verification for national rules requirements;

(c) In the event of renewal or upgrading of existing subsystems, a new 'EC' declaration of verification shall be needed as set out in Article 15(4).

(d) The technical compatibility and safe integration of the vehicle with the network(s) concerned, established on the basis of the relevant TSIs, national rules and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

Or. en

Justification

By deleting art. 19, the art. 20 needs to be rewrite taking into account the merging of CCS on Board and vehicle subsystems. Moreover the process to check technical compatibility and the safe integration between vehicle and network(s) concerned needs to be better explained since in the original proposal doesn't seem to be duly described.

Amendment 280

Carlo Fidanza

Proposal for a directive

Article 20 – paragraph 4 – point -i (new)

Text proposed by the Commission

Amendment

(-i) The technical compatibility and safe integration of the vehicle with the network(s) concerned, established on the basis of the relevant TSIs, national rules and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

Or. en

Amendment 281

Carlo Fidanza

Proposal for a directive
Article 20 – paragraph 4 – point -i a (new)

Text proposed by the Commission

Amendment

(-ia) In the event of renewal or upgrading of existing subsystems, a new 'EC' declaration of verification shall be needed as set out in Article 15(4).

Or. en

Amendment 282
Carlo Fidanza

Proposal for a directive
Article 20 – paragraph 4 – point -i b (new)

Text proposed by the Commission

Amendment

(-ib) Declaration of verification for national rules requirements;

Or. en

Amendment 283
Carlo Fidanza

Proposal for a directive
Article 20 – paragraph 4 – point -i c (new)

Text proposed by the Commission

Amendment

(-ic) EC declaration of verification for TSI's requirements;

Or. en

Amendment 284
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 4 – point i

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 285
Michael Cramer

Proposal for a directive
Article 20 – paragraph 4 – point i

Text proposed by the Commission

Amendment

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

Or. en

Amendment 286
Carlo Fidanza

Proposal for a directive
Article 20 – paragraph 4 – point i

Text proposed by the Commission

Amendment

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

Or. en

Amendment 287
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 4 – point i

Text proposed by the Commission

Amendment

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

(i) the *declaration of EC verification* of the *vehicle and the technical file accompanying it*;

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 288

Gilles Pargneaux

Proposal for a directive

Article 20 – paragraph 4 – point j

Text proposed by the Commission

Amendment

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

deleted

Or. fr

Amendment 289

Michael Cramer

Proposal for a directive

Article 20 – paragraph 4 – point j

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 290
Carlo Fidanza

Proposal for a directive
Article 20 – paragraph 4 – point j

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 291
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 4 – point j

Text proposed by the Commission

Amendment

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

(j) the certificate of verification in the case of national rules according to annex VI 3;

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 292
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 4 – point j a (new)

Text proposed by the Commission

Amendment

(ja) documentary evidence of the safe integration within the vehicle if not covered by a) and b)

Or. en

(This Article 20, paragraph 4c refers to Article 20, paragraph 4a and 4b)

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 293

Gilles Pargneaux

Proposal for a directive

Article 20 – paragraph 4 – point k

Text proposed by the Commission

Amendment

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

deleted

Or. fr

Amendment 294

Michael Cramer

Proposal for a directive

Article 20 – paragraph 4 – point k

Text proposed by the Commission

Amendment

(k) the safe integration of the subsystems referred to in point (a) within the vehicle, established on the basis of the relevant TSIs, national rules, and the common

deleted

safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

Or. en

Amendment 295
Carlo Fidanza

Proposal for a directive
Article 20 – paragraph 4 – point k

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 296
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 4 – point k

Text proposed by the Commission

Amendment

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

(k) *documentary evidence of the technical compatibility and safe* integration of the *vehicle within the area of use according to paragraph 9*, established on the basis of the relevant TSIs, national rules, *registers, if necessary, in (non-binding) consultation with the infrastructure manager*, and the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union].

(This Article shall be the new Article 20, paragraph 4d.)

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 297

Bogusław Liberadzki

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Agency shall take the decisions referred to in paragraph 2 within a pre-determined, reasonable time, and, in any case, within four months from receipt of all relevant information ***from the applicant. Within 1 month, the Agency shall indicate to the applicant whether the file is complete or not. Any negative decision made by the Agency shall be duly justified. Such authorisations shall be recognised*** in all Member States.

The criteria checked by the Agency may be related to rules referred to in Article 13.3. The Agency may request additional information to be supplied, risk analyses to be carried out in accordance with Article 6(3)(a) of Directive 2004/49/EC or tests to be conducted on the network in order to verify the criteria referred to in the paragraph above. The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests can take place within three months of the applicant's request. Where appropriate, the Agency shall take measures to ensure that the tests take place.

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 298
Michael Cramer

Proposal for a directive
Article 20 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Agency shall take the decisions referred to in paragraph 2 within a pre-determined, reasonable time, and, in any case, within four months from receipt of ***the application. Within 1 month from receipt of the application, the Agency shall indicate to the applicant whether the file is complete or not and, if necessary, request additional*** information.

The criteria checked by the Agency may be related to rules referred to in Article 13(3). The Agency may request additional information to be supplied, risk analyses to be carried out in accordance with Article 6(3)(a) of Directive 2004/49/EC or tests to be conducted on the network in order to verify the criteria referred to in the above paragraph. The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests can take place within one month of the applicant's request. Where appropriate, the Agency shall take measures to ensure that the tests take place.

Any negative or restrictive decision made by the Agency shall be duly justified. Authorisations shall be ***recognised*** in all Member States.

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

Or. en

Justification

There need to be clear time limits throughout the entire procedure in order to make it predictable and transparent for all actors.

Amendment 299
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Agency shall take the decisions referred to in paragraph 2 within a pre-determined, reasonable time, and, in any case, within four months from receipt of all relevant information **from the applicant**. **Any negative or restrictive decision made by the Agency shall be duly substantiated**. Those authorisations shall be **recognised by** all Member States.

Or. fr

Justification

Authorisation to place a vehicle in service should only be valid on the selected networks and lines chosen by the applicant and for which the applicant has provided proof of compliance with the basic requirements laid down in the TSIs, with other legislation and with the

system-specific rules. Should the applicant wish to enlarge the geographic area for their vehicles, the European section of the authorisation should be recognised in other Member States, and no additional proof should be required for this.

Amendment 300

Erik Bánki

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

The vehicle authorisation for placing on the market shall be issued by the national safety authority of the Member State in which the applicant is established, with the involvement of the national safety authorities of all Member States where the vehicle will be used. If the railway undertaking intends to use the vehicle in only one Member State, the national safety authority of the Member State concerned shall issue the vehicle authorisation for placing on the market without involving the national safety authority of any other Member State. In this case, the vehicle may not be used for activities of the railway undertaking in other Member States.

Or. hu

Amendment 301

Roberts Zile

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Agency *or, in the case of paragraphs 1a, 1b, and 1c, the national safety authority* shall take the decisions *granting vehicle authorisations for placing on the market* within a pre-determined, reasonable time, and, in any case, within four months from receipt of all relevant

information. *Authorisations issued by the Agency shall be valid in all Member States. In case of paragraphs 1a, 1b and 1c authorisations issued by a national safety authority shall be valid in the respective Member State.*

Or. en

Justification

For vehicles operated only one or a limited number of Member States, applicants should be given the choice whether to apply to the Agency or to national safety authorities and receive authorisation for vehicles issued by the Agency or by a national safety authority. Allowing applicants to choose between European and national authorisation provides greater certainty that the costs and time of the procedure will be reduced. It also avoids the risk of the Agency being overloaded by applications.

Amendment 302

Erik Bánki

Proposal for a directive

Article 20 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. hu

Amendment 303

Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

The Agency shall provide detailed guidance on how to obtain the vehicle authorisation for placing ***in service***. An application guidance document describing and explaining the requirements for the vehicle authorisation for placing ***in service*** 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.

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 304
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

The Agency shall provide detailed guidance on how to obtain the vehicle authorisation for placing ***in service***. An application guidance document describing and explaining the requirements for the vehicle authorisation for placing ***in service*** 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.

Or. fr

Amendment 305
Roberts Zile

Proposal for a directive
Article 20 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

The Agency ***or in case of paragraphs 1a, 1b and 1c, the national safety authorities*** shall provide detailed guidance on how to obtain the vehicle authorisation for placing on the market. An application guidance document describing and explaining the requirements for the vehicle authorisation for placing on the market and listing the required documents shall be made available to applicants free of charge. The national safety authorities shall cooperate with the Agency in disseminating such information.

Or. en

Amendment 306
Erik Bánki
Proposal for a directive
Article 20 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The railway undertaking shall indicate in its application the Member States in which it intends to use the vehicle. The railway undertaking shall attach the technical documents as set out in point 4.

Or. hu

Amendment 307
Erik Bánki
Proposal for a directive
Article 20 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Following receipt of the application, the national safety authority of the Member State in which the applicant is established shall examine the application and attached documents for completeness. If it finds that the application or the documents are incomplete, it shall invite the applicant to rectify the situation, for which it shall set a deadline of no less than 15 days. If the applicant does not rectify the situation within the deadline, the national safety authority of the Member State in which the applicant is established shall reject the application.

Or. hu

Amendment 308
Erik Bánki
Proposal for a directive
Article 20 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. If the application and the documentation are complete, the national safety authority of the Member State in which the applicant is established shall, within 45 days, send the application, the documentation and its own decision to the national safety authority of the Member State where the vehicle will be used for an opinion. The national safety authority of the Member State where the applicant is established must give reasons for its decision. The national safety authority of the Member State in which the vehicle will be used shall have 45 days in which to give its opinion. The national safety authority of the Member State in which the vehicle will be used must give reasons for its opinion. In the event of failure to meet the deadline, the national safety authority of the Member State in which

the vehicle will be used shall be understood to be in agreement with the decision of the national safety authority of the Member State in which the applicant is established. The procedure shall be conducted in English.

Or. hu

Amendment 309
Erik Bánki
Proposal for a directive
Article 20 – paragraph 5 d (new)

Text proposed by the Commission

Amendment

5d. If the national safety authority of any Member State in which the vehicle will be used does not agree with the decision of the national safety authority of the Member State in which the applicant is established, the Agency shall decide whether to issue a vehicle authorisation for placing on the market. The national safety authority of the Member State in which the applicant is established shall send the application, the documentation, its own decision and the opinions received within the deadline to the Agency without delay. On receipt of the documents, the Agency shall make its decision within one month, solely on the basis of the documents. The Agency's decision shall be binding for all concerned. If the Agency decides that a vehicle authorisation for placing on the market is to be issued, the national safety authority of the Member State in which the applicant is established must issue the authorisation without delay.

Or. hu

Amendment 310
Erik Bánki

Proposal for a directive
Article 20 – paragraph 5 e (new)

Text proposed by the Commission

Amendment

5e. The vehicle authorisation for placing on the market must indicate the Member States in which the vehicle can be used.

Or. hu

Amendment 311
Erik Bánki
Proposal for a directive
Article 20 – paragraph 5 f (new)

Text proposed by the Commission

Amendment

5f. The Agency shall, with the involvement of the national safety authority, provide detailed guidance on how to obtain the vehicle authorisation for placing on the market. An application guidance document describing and explaining the requirements for the vehicle authorisation for placing on the market and listing the required documents shall be made available to applicants by the Agency free of charge.

Or. hu

Amendment 312
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 6

Text proposed by the Commission

Amendment

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

6. The Agency may issue vehicle authorisation for placing ***in service*** for a series of vehicles. ***Any negative decision made by the Agency shall be duly justified.*** Those authorisations shall be ***recognised*** in all Member States.

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 313

Phil Bennion

Proposal for a directive

Article 20 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 314

Michael Cramer

Proposal for a directive

Article 20 – paragraph 6

Text proposed by the Commission

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

Amendment

6. The Agency may issue vehicle authorisation for placing ***in service*** for a series of vehicles. ***Any negative or restrictive decision made by the Agency shall be duly justified.*** Those authorisations shall be ***recognised*** in all Member States.

Or. en

Amendment 315
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 6

Text proposed by the Commission

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

Amendment

6. The Agency may issue vehicle authorisation for placing ***in service*** for a series of vehicles. ***Any negative or restrictive decision made by the Agency shall be duly substantiated.*** Those authorisations shall be ***recognised*** in all Member States.

Or. fr

Justification

Authorisation to place a vehicle in service should only be valid on the selected networks and lines chosen by the applicant and for which the applicant has provided proof of compliance with the basic requirements laid down in the TSI, with other legislation and with the system-specific rules. Should the applicant wish to enlarge the geographic area for their vehicles, the European section of the authorisation should be recognised in other Member States, and no additional proof should be required for this. Any negative or restrictive decision made by the Agency shall be duly substantiated in order to ensure transparency and to facilitate potential appeals against such decisions.

Amendment 316
Erik Bánki
Proposal for a directive
Article 20 – paragraph 6

Text proposed by the Commission

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

Amendment

6. The ***national safety authority of the Member State in which the applicant is established*** may issue vehicle authorisation for placing on the market for a series of vehicles ***in accordance with the procedure set out in paragraphs 5-5e.***

Or. hu

Amendment 317
Boguslaw Liberadzki

Proposal for a directive
Article 20 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The applicant, **any natural or legal person or a member of the network of representative bodies** may bring an appeal before the Board of Appeal designated under Article 51 of Regulation (EU) No .../... [establishing a European railway agency] against **any** decisions of the Agency or its failure to act within the time limits referred to in **this article**.

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 318
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The applicant may bring an appeal before the Board of Appeal designated under Article 51 of Regulation (EU) No .../... [establishing a European railway agency] against decisions of the Agency or its failure to act within the time limits referred to in **that article**. **Any other person may challenge a decision that, in spite of being directed at another person, directly and personally concerns the former. Furthermore, these rights shall apply to bodies representing those persons.**

Justification

The expansion of the list of persons entitled to appeal (to include other persons directly and personally affected by the decision and to representative associations) should be added.

Amendment 319

Michael Cramer

Proposal for a directive

Article 20 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The applicant, **any natural or legal person or a member of the network of representative bodies** may bring an appeal before the Board of Appeal designated under Article 51 of Regulation (EU) No .../... [establishing a European railway agency] against **any** decisions of the Agency or its failure to act within the time limits referred to in **this article.8**.

Justification

There need to be clear appeal procedures.

Amendment 320

Erik Bánki

Proposal for a directive

Article 20 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The applicant may bring an appeal before the **Agency** against **the decision** of the **national safety authority of the Member State in which the applicant is established or because of** failure to act within the time limits referred to in

limits referred to in paragraph 5.

paragraph 5-5e. ***The Agency shall make its decision solely on the basis of the documentation.***

Or. hu

Justification

The ERA does not currently have the specially-trained staff needed for issuing authorisations. It will only become the sole responsible body for issuing authorisations in the long term, after a continuous process of years of transition and appointment of appropriate staff. Nevertheless, it must have a greater role to play in the procedure from the start. This justification applies to all Ams on paragraph 5.

Amendment 321
Bogusław Liberadzki

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

Text proposed by the Commission

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

Amendment

8. In the event of renewal or upgrading of existing vehicles, ***in addition to the requirement for a new 'EC' declaration of verification, the applicant shall ask the Agency for a new*** vehicle authorisation for placing ***in service when either***:

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 322
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 8

Text proposed by the Commission

8. In the event of renewal or upgrading of

Amendment

8. In the event of renewal or upgrading of

existing vehicles *which already have a vehicle* authorisation for placing *on the market*:

(a) a new 'EC' declaration of verification shall be needed as set out in Article 15(4), and

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

existing vehicles, *in addition to the requirement for a new EC declaration of verification, the applicant shall request from the Agency a new* authorisation for placing *the vehicle in service where:*

(a) the general safety level of the vehicle in question could be substantially adversely affected by the planned work; or

(b) this is required by the relevant TSIs.

When undertaking upgrades or renewals, only the modification falls within the scope of this article.

Or. fr

Justification

The indicator for changes in the values of the parameters is irrelevant, since there may be a margin within which safety levels are not adversely affected. It is more appropriate to refer to the cases in which a TSI requests a new authorisation or when the safety level is substantially affected. There will no longer be different interpretations of the degree implied by the term 'substantially', as the ERA will be the only authorisation authority.

Amendment 323 **Michael Cramer**

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

Text proposed by the Commission

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

Amendment

8. In the event of renewal or upgrading of existing vehicles, *in addition to the requirement for a new 'EC' declaration of verification, the applicant shall ask the Agency for a new* vehicle authorisation for placing *in service when either:*

Or. en

Amendment 324
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 8 – point (a)

Text proposed by the Commission

(a) a new ‘EC’ declaration of verification shall be needed as set out in Article 15(4), and

Amendment

(a) the overall safety level of the vehicle concerned may be substantially adversely affected by the works envisaged; or

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 325
Michael Cramer

Proposal for a directive
Article 20 – paragraph 8 – point (a)

Text proposed by the Commission

(a) a new ‘EC’ declaration of verification shall be needed as set out in Article 15(4), and

Amendment

(a) the overall safety level of the vehicle concerned may be substantially adversely affected by the works envisaged; or

Or. en

Amendment 326
Bogusław Liberadzki

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

Text proposed by the Commission

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

Amendment

(b) it is required by the relevant TSIs. During an upgrade or a renewal only the modification shall be in scope of this

parameters included in the vehicle authorisation already granted.

article.

Or. en

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 327
Michael Cramer

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

Text proposed by the Commission

Amendment

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

(b) it is required by the relevant TSIs. During an upgrade or a renewal only the modification shall be in scope of this article.

Or. en

Amendment 328
Bogusław Liberadzki

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

Text proposed by the Commission

Amendment

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

*The applicant shall include in its request the demonstration of the technical compatibility of the vehicle with the area of use for which it applies. The vehicle authorisation for placing **in service** shall include a clear indication of the **area of use** or lines or groups of networks or lines where the vehicle **can run** without further verifications, checks or tests concerning*

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

the technical compatibility between the vehicle and these networks or lines *(without prejudice of temporary restrictions on the network or lines concerned or related to the vehicle itself)*. In that case, the applicant shall include in its request the proof of the technical compatibility of the vehicle with the networks or lines concerned.

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

The authorisation shall also be valid without extension of the area of use 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

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 329 **Phil Bennion**

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

Text proposed by the Commission

At the request of the applicant, the vehicle authorisation for placing on the market *may* include a clear indication of

Amendment

the vehicle authorisation for placing on the market *shall* include a clear indication of *the areas of use*, the networks or lines or

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

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

Or. en

Amendment 330
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 9 – subparagraph 1

Text proposed by the Commission

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

Amendment

The applicant *shall include, in its application, evidence of the vehicle's technical compliance with the networks, lines or groups of networks and lines to which the application relates*. Authorisation for placing *in service shall* include a clear indication of the networks or lines or groups of networks or lines where *the vehicle may travel* without further verifications, checks or tests concerning the technical compatibility between the vehicle and these networks or lines (*without prejudice to temporary restrictions on the networks or the lines concerned or relating to the vehicle itself*). In that case, the applicant shall include in its request the proof of the technical compatibility of the vehicle with the networks or lines.

Or. fr

Justification

It is essential that the authorisation indicate the network or the lines on which the vehicle may

travel without additional controls (change from ‘may’ to ‘shall’). This may be extended upon request under the same procedure. The applicant for vehicle authorisation is responsible for demonstrating the technical compliance of the vehicle with the networks or lines selected.

Amendment 331
Michael Cramer

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

Text proposed by the Commission

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

Amendment

The applicant shall include in its request the demonstration of the technical compatibility of the vehicle with the networks or lines or groups of networks or lines for which it applies.

*The vehicle authorisation for placing **in service shall** include a clear indication of the networks or lines or groups of networks or lines where the vehicle **can run** without further verifications, checks or tests concerning the technical compatibility between the vehicle and these networks or lines, **without prejudice of temporary restrictions on the network or lines concerned or related to the vehicle itself.***

*In that case, the applicant shall include in its request the proof of the technical compatibility of the vehicle with the networks or lines. **This indication may be also broadened to other networks or lines, at the request of the original or another applicant, after the relevant authorisation for placing in service has been issued.***

Or. en

Justification

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

Amendment 332

Carlo Fidanza

Proposal for a directive

Article 20 – paragraph 9 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The indication of the networks or lines or groups of networks or lines needs to be mandatory in order to provide railway undertakings with proper information related to the scope of the authorization.

Amendment 333

David-Maria Sassoli, Franco Frigo

Proposal for a directive

Article 20 – paragraph 9 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 334
Jaromír Kohlíček

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

Text proposed by the Commission

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

Amendment

The applicant shall include in its request the demonstration of the technical compatibility of the vehicle with the networks or lines for which it applies. The vehicle authorisation for placing in service shall include a clear indication of the networks or lines or groups of networks or lines where the such a vehicle **can run** without further verifications, checks or tests concerning the technical compatibility between the vehicle and these networks or lines. In that case, the applicant shall include in its request the proof of the technical compatibility of the vehicle with the networks or lines concerned.

Or. en

Justification

The indication of the networks or lines or groups of networks or lines needs to be mandatory in order to provide railway undertakings with proper information related to the scope of the authorization.

Amendment 335

Bogusław Liberadzki

Proposal for a directive

Article 20 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Amendment

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

Or. en

(Already included in Paragraph 9)

Amendment 336

Phil Bennion

Proposal for a directive

Article 20 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Amendment

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

Or. en

Amendment 337

Carlo Fidanza

Proposal for a directive

Article 20 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 338
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Amendment

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

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

Or. fr

Justification

It is essential that the authorisation indicate the network or the lines on which the vehicle may travel without additional controls (change from 'may' to 'shall'). This may be extended upon request under the same procedure. The applicant for vehicle authorisation is responsible for demonstrating the technical compliance of the vehicle with the networks or lines selected.

Amendment 339
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 9 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Agency can amend or revoke an authorisation to place in service a vehicle, if it no longer satisfies the conditions according to which it was issued, giving reasons for its decision. The Agency shall

immediately update the European register defined in Article 43.

Or. en

(This shall be the new paragraph 10.)

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 340
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 9 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

If a National Safety Authority finds that an authorised vehicle does not comply with essential requirements, it shall immediately inform the Agency and other relevant NSA's. The Agency shall decide on the necessary measures within 1 month. In case of urgent preventive measures, the Agency can immediately restrict or suspend the authorisation before its decision is taken.

Or. en

(This shall be the new paragraph 11.)

Justification

The vehicle authorisation process must be coherent. Therefore a strict and logic distinction of competences between the involved railway actors must be introduced.

Amendment 341
Bogusław Liberadzki

Proposal for a directive
Article 20 – paragraph 9 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

The authorisation for vehicles operated or intended to be operated exclusively on a network with 1.520 mm, 1.524 mm or 1.600 mm track gauge or on a rail network being geographically fully separated from that of the main rail network within the Union, the vehicle authorisation shall be granted by the National Safety Authority.

Member States may decide not to require any authorisation by the responsible safety authority for vehicles registered in non-EU countries entering the network of Member States of which the track gauge is different from that of the main rail network within the Union. In this case the authorisation is only valid on this network.

Or. en

(This shall be the new paragraph 12.)

Justification

Some Member States such as the Baltic States operate railway networks which are geographically and technically separated of the Union's main rail network. The authorisation of vehicle exclusively running on these isolated network can be facilitated by the national safety authorities.

Amendment 342

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

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

Text proposed by the Commission

Amendment

9 a. The authorisation for vehicles operated or intended to be operated

exclusively on a network with track gauge (1.520 mm, 1.524 mm, 1.600 mm) either being different from the main rail network within the Union or on a rail network being geographically fully separated, the vehicle authorisation shall be granted by the national safety authority.

Or. en

Amendment 343
Roberts Zile

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

Text proposed by the Commission

Amendment

9a. Freight wagons belonging to a pool of freight wagons in shared use with third countries the track gauge of which is different from that of the main rail network within the Union and authorised pursuant to a different vehicle authorisation procedure shall not be authorised in accordance with this Article.

The rules governing the authorisation procedure in respect of such wagons shall be in line with Union law and national law and shall be published and notified to the Commission. The conformity of such wagons with the essential requirements of this Directive shall be ensured by the railway undertaking in the context of its safety management system.

Or. en

Justification

Account needs to be taken of the special situation of freight wagons that form a pool used within certain Member States and third countries.

Amendment 344
Michael Cramer

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

Text proposed by the Commission

Amendment

9a. The Agency can amend or revoke an authorisation to put in service a vehicle, if it no longer satisfies the conditions according to which it was issued, giving reasons for its decision. The Agency shall immediately update the European register defined in Article 43.

Or. en

Amendment 345
Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

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

Text proposed by the Commission

Amendment

9b. Member States may decide not to require any authorisation by the responsible safety authority for vehicles registered in third countries entering the network of Member States the track gauge of which is different from that of the main rail network within the Union. In this case the authorisation is only valid on this network.

Or. en

Amendment 346
Michael Cramer

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

Text proposed by the Commission

Amendment

9b. If an NSA finds that an authorised vehicle does not comply with essential requirements, it shall immediately inform the Agency and other relevant NSAs. The Agency shall decide on the necessary measures within 1 month. In case of urgent preventive measures, the Agency can immediately restrict or suspend the authorisation before its decision is taken.

Or. en

Amendment 347
Roberts Zile

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

Text proposed by the Commission

Amendment

9b. 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 ensure cross acceptance regarding the national rules that are common on this network.

The national safety authorities concerned shall agree on principles of mutual recognition for authorisations issued by them.

Or. en

Amendment 348
Michael Cramer

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

Text proposed by the Commission

Amendment

9c. If an NSA finds that an authorised vehicle does not comply with essential requirements, it shall immediately inform the Agency and other relevant NSAs. The Agency shall decide on the necessary measures within 1 month. In case of urgent preventive measures, the Agency can immediately restrict or suspend the authorisation before its decision is taken.

Or. en

Amendment 349
Luis de Grandes Pascual

Proposal for a directive
Article 20

Text proposed by the Commission

Amendment

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

1. The applicant shall place a vehicle on the market only after having received the vehicle authorisation for placing on the market issued by the Agency in accordance with paragraph 5 to 7 or by the national safety authority in accordance with paragraph 8.

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

2. In its application for a vehicle authorisation for placing on the market, the applicant shall specify the intended area of use of the vehicle, i.e. a network or networks within a Member State, or a group of Member States. The application shall include evidence that the technical compatibility between the vehicle and the network of the area of use has been checked.

parameters.

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

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

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

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

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

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

The Agency shall provide detailed guidance on how to obtain the vehicle authorisation for placing on the market. An application guidance document describing and explaining the requirements for the vehicle authorisation for placing on the market and listing the

3. The application shall be accompanied by a file concerning the vehicle or type of vehicle and including the documentary evidence of:

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

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

(c) the safe integration of the subsystems referred to in point (a) within the vehicle, established on the basis of the relevant TSIs, and where applicable, national rules, and the common safety methods set out in Article 6(3)(e) of Directive .../... [Railway Safety Directive];

(d) the technical compatibility of the vehicle with the network in the area of use referred to in paragraph 2, established on the basis of the relevant TSIs and, where applicable, national rules and the common safety method on risk assessment referred to in Article 6(3)(e) of Directive .../... [Railway Safety Directive].

(e) the safe integration of the vehicle with the network in the area of use referred to in paragraph 2, established on the basis of the relevant TSIs and, where applicable, national rules and the common safety method on risk assessment referred to in Article 6(3)(e) of Directive .../... [Railway Safety Directive].

required documents shall be made available to applicants free of charge. The national safety authorities shall cooperate with the Agency in disseminating such information.

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

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

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

(a) a new 'EC' declaration of verification shall be needed as set out in Article 15(4), and

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

9. At the request of the applicant, the

Whenever tests are necessary in order to obtain documentary evidence of the technical compatibility referred to in paragraph 3 points (b) and (d), the national safety authorities involved may, issue temporary authorisations to the applicant to use the vehicle for practical verifications on the network. The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests take place within three months of the receipt of the applicant's request. Where appropriate, the national safety authority shall take measures to ensure that the tests take place.

4. The Agency or in the case of paragraph 8, the national safety authority shall issue vehicle authorisations for placing on the market within a pre- determined, reasonable time, and, in any case, within four months from receipt of all relevant information. These authorisations shall allow vehicles to be placed on the Union market.

5. The Agency shall issue vehicle authorisations for placing on the market in respect of vehicles having an area of use in one or more Member State(s). In order to issue such authorisations, the Agency shall:

(a) assess the elements of the file set out in paragraphs 3(a), 3(b) and 3(c) in order to verify the completeness, relevance and consistency of the file in relation to the relevant TSIs; and

(b) refer the applicant's file to the

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

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

national safety authorities concerned by the intended area of use for assessment of the file in order to verify its completeness, relevance and consistency in relation to paragraphs 3 points (d) and (e) and to the elements set out in paragraphs 3 points (a), (b) and (c) in relation to the relevant national rules.

As part of the above assessments and in case of justified doubts, the Agency or the national safety authorities may request tests to be conducted on the network. In order to facilitate these tests, the national safety authorities involved may issue temporary authorisations to the applicant to use the vehicle for tests on the network. The infrastructure manager shall make every effort to ensure that any such test takes place within three months from the request of the Agency or the national safety authority.

6. 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. With regard to the completeness, relevance and consistency of file, the Agency may also assess the elements set out in paragraph 3 point (d).

The Agency shall take full account of the assessments under paragraph 5 before taking its decision on the issuance of the vehicle authorisation for placing on the market. The Agency shall issue the authorisation for placing on the market, or inform the applicant of its negative decision, within a pre-determined, reasonable time, and in any case, within four months from receipt of all relevant information.

In the event of non-application of one or more TSIs or parts of them referred to in Article 7, the Agency shall issue the vehicle authorisation only after application of the procedure set out in that Article.

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

7. When the Agency disagrees with a negative assessment carried out by one or more national safety authorities pursuant to paragraph 5 point (b), it shall inform the said authority or authorities, giving reasons for the disagreement. The Agency and the national safety authority or authorities shall cooperate with a view to reaching a mutually acceptable assessment. Where necessary, as decided by the Agency and the national safety authority or authorities, this process shall also involve the applicant. If no mutually acceptable assessment can be found within one month after the Agency has informed the national safety authority 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 .../...[establishing a European railway agency]. The Committee shall decide whether to confirm the Agency's draft decision within one month of the request of the national safety authority or authorities.

When the Board of Appeal agrees with the Agency, the Agency may take a decision without delay.

When the Board of Appeal agrees with the negative assessment of the national safety authority, the Agency shall issue an authorisation with an area of use excluding the parts of the network which received a negative assessment.

When the Agency disagrees with a positive assessment of one or more national safety authorities pursuant to paragraph 5 point (b), it shall inform the said authority or authorities, giving reasons for disagreement. The Agency and the national safety authority or authorities shall cooperate with a view to reaching a mutually acceptable assessment. Where necessary, as decided by the Agency and the national safety authority or authorities, this process shall also involve the applicant. If no mutually acceptable assessment can be found within one month after the Agency has informed the national safety authority and authorities of its disagreement, the Agency shall take its final decision.

8. Where the area of use is limited to a network or networks within one member State only, the national safety authority of that Member State may, under its own responsibility and when the applicant so requests, issue the vehicle authorisation for placing on the market. In order to issue such authorisations, the national safety authority shall assess the file in relation to the elements set out in paragraph 3 and according to the procedures to be established in the implementing act under paragraph 9. The authorisation shall also be valid without extension of the area of use 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.

If the area of use is limited to the territory of one Member State and in the event of non-application of one or more TSIs or parts of them referred to in Article 7, the national safety authority shall issue the

vehicle authorisation only after application of the procedure set out in that Article.

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

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

a) detailed guidance for the applicant describing and explaining the requirements for the vehicle authorisation for placing on the market and listing the required documents;

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

c) criteria for assessment of the applicants' files.

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

They shall take into account the experience gained during the implementation of the cooperation agreements between the Agency and the national safety authorities referred to in paragraph 14.

10. Vehicle authorisations for placing on the market shall state:

(a) the area(s) of use;

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

(c) the vehicle's compliance with the relevant TSIs and sets of national rules, related to the parameters referred to

under point (b);

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

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

If the negative decision of the Agency is confirmed, the applicant may bring an appeal before the Board of Appeal designated under Article 51 of Regulation (EU) No .../... [establishing a European railway agency]. 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 under Article 17(3) of Directive .../... [Railway Safety Directive]. Member States may designate the regulatory body set out in Article 56 of Directive 2012/34/EU [establishing a single European railway area] for the purpose of this appeal procedure.

12. In the event of renewal or upgrading of existing vehicles which already have a vehicle authorisation for placing on the market, a new vehicle authorisation for placing on the market shall be required if:

(a) changes are made to the values of the parameters referred to in paragraph 10 (b),

(b) the overall safety level of the vehicle concerned may be adversely affected by the works envisaged, or

(c) it is required by the relevant TSIs.

13. Where the applicant wishes to extend the area of use of a vehicle already authorised, it shall complement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. The applicant shall submit the file to the Agency, which shall, after following the procedures in paragraphs 4 to 7, issue an updated authorisation covering the extended area of use.

If the applicant received a vehicle authorisation in accordance with paragraph 8 and wishes to extend the area of use within that Member State, it shall complement the file with the relevant documents referred to in paragraph 3 concerning the additional area of use. It shall submit the file to the national safety authority which shall, after following the procedures in paragraphs 8, issue an updated authorisation covering the extended area of use.

14. For the purposes of paragraphs 5. and 1e., the Agency shall conclude cooperation agreements with national safety authorities in accordance with Article 69 of Regulation .../... [establishing a European railway agency]. 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, 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 18 months following the date of entry into force of this Directive at the

latest.

Or. en

Amendment 350
Gilles Pargneaux
Proposal for a directive
Article 20– paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. The Agency may modify or revoke an authorisation to bring a vehicle into service if the vehicle in question no longer meets the conditions on the basis of which the authorisation was granted, giving the reasons for its decision. The Agency shall immediately update the European register referred to in Article 43.

Or. fr

Amendment 351
Luis de Grandes Pascual
Proposal for a directive
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20 a

Registration of vehicles authorised to be placed on the market

1. Before a vehicle is used for the first time, after the authorisation to be placed on the market according to Article 20 is granted, it shall be registered in accordance with Article 43 in a national vehicle register at the request of the keeper.

2. When the area of use of the vehicle is restricted to the territory of one Member State it shall be registered in the national

vehicle register of that Member State.

3. When the area of use of the vehicle covers the territory of more than one Member State it shall be registered in the national vehicle register of one of the concerned Member States.

Or. en

Amendment 352
Gilles Pargneaux
Proposal for a directive
Article 20 – paragraph 9 b (new)

Text proposed by the Commission

Amendment

9 b. If a national safety authority learns that an authorised vehicle does not comply with the basic requirements, it shall immediately notify the Agency and the other relevant authorities of this fact. The Agency shall decide on the measures to be taken within one month. In the case of urgent preventive measures, the Agency may immediately restrict or suspend authorisation before taking a decision.

Or. fr

Justification

The responsibilities of the national safety authority should include the supervision of authorised vehicles. In cases where urgent preventive measures have to be taken (for instance, following an accident or an incident), it would be appropriate to formulate an emergency procedure. The ERA would always validate the rule, but the rule could be applied immediately for a limited time (two months) before the Agency validates (or rejects) the rule.