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*Committee on Regional Development*

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**2013/0015(COD)**

16.10.2013

## **OPINION**

of the Committee on Regional Development

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council  
on the interoperability of the rail system within the European Union (Recast)  
(COM(2013)0030 – C7-0027/2013 – 2013/0015(COD))

Rapporteur: Marie-Thérèse Sanchez-Schmid

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## SHORT JUSTIFICATION

### Introduction:

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

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

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

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

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

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

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

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

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

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

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

### **The proposed amendments:**

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

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

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

*The architecture proposed:* The amendments are largely based on the compromise reached in the Council on 10 June 2013, which strikes a balance between European arbitration and national expertise. The Agency thus remains the one-stop shop for all vehicle authorisations. The applicant must specify the ‘area of use’ of the vehicle in his request. The Agency verifies compliance with the TSI and transfers the requests for verification of technical compatibility with national rules to the NSA in the ‘area of use’.

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

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

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

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

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

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

## AMENDMENTS

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

### Amendment 1

#### Proposal for a directive Citation 1

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

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

##### *Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles **4(2)(c)**, 91(1), 170 and 171 thereof,

### Amendment 2

#### Proposal for a directive Recital 2

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

(2) In order to enable citizens of the Union, economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers, it is appropriate, in particular, to improve the interlinking and interoperability of the national rail networks as well as access

##### *Amendment*

(2) In order to enable citizens of the Union, economic operators and regional and local authorities to benefit to the full from the advantages deriving from the establishing of an area without internal frontiers ***and attaining the objective of territorial cohesion***, it is appropriate, in particular, to improve the interlinking and

thereto, implementing any measures that may prove necessary in the field of technical standardisation.

interoperability of the national rail networks as well as access thereto, implementing any measures that may prove necessary in the field of technical standardisation.

### Amendment 3

#### Proposal for a directive Recital 14

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

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

##### *Amendment*

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

### Amendment 4

#### Proposal for a directive Recital 14

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

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

##### *Amendment*

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

## Amendment 5

### Proposal for a directive Article 1 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

#### *Justification*

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

## Amendment 6

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

*Text proposed by the Commission*

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

*Justification*

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

**Amendment 7**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

*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.

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

*Justification*

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

**Amendment 8**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 12**

*Text proposed by the Commission*

*Amendment*

(12) ‘upgrading’ means any modification

(12) ) ‘upgrading’ means any ***major***



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;

modification work on a subsystem or part of it, ***or on a vehicle or part of it***, which improves the overall performance of the subsystem; ***each TSI specifies the 'major' modifications for the subsystem or vehicle concerned;***

#### *Justification*

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

### **Amendment 9**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point 13**

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

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

##### *Amendment*

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

### **Amendment 10**

#### **Proposal for a directive**

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

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

##### *Amendment*

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

## Amendment 11

### Proposal for a directive

#### Article 4 – paragraph 4 – point d

*Text proposed by the Commission*

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 includes identifying potential railway spare parts to be standardised in accordance with Article 41 of the Regulation on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004;***

*Justification*

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

## Amendment 12

### Proposal for a directive

#### Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

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

*Justification*

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

*solutions, especially of benefit to local and regional authorities.*

## **Amendment 13**

### **Proposal for a directive**

#### **Article 6 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

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

*Justification*

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

## **Amendment 14**

### **Proposal for a directive**

#### **Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

*Justification*

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

## Amendment 15

### Proposal for a directive

#### Article 18 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

*Justification*

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

## Amendment 16

### Proposal for a directive

#### Article 20 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

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

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

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

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

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

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

## Amendment 17

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

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.

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

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

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

## **Amendment 18**

### **Proposal for a directive**

#### **Article 20 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

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

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

*rules.*

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

## **Amendment 19**

### **Proposal for a directive**

#### **Article 20 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*2b. Within one month of receipt of the application, the Agency shall inform the applicant that his file is complete or ask him for additional relevant information to be provided within a reasonable time limit. With respect to the completeness, accuracy and consistency of the file, the Agency may also assess the aspects set out in paragraph 1b(d).*

## **Amendment 20**

### **Proposal for a directive**

#### **Article 20 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

*2c. The Agency shall take full account of the assessments made under paragraph 2a before taking a decision on issuing the authorisation for placing vehicles on the market. The Agency shall issue the authorisation, or notify the applicant of its*

*negative decision and give its reasons, within a reasonable predetermined period of time and in any case within four months of receipt of all relevant information.*

## **Amendment 21**

### **Proposal for a directive**

#### **Article 20 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 22**

### **Proposal for a directive**

#### **Article 20 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

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

*The Agency and the national safety authority or authorities shall cooperate in deciding on an assessment acceptable to all parties. If necessary, and so decided by the Agency and the national safety authority or authorities, this process may also involve the applicant. If no assessment acceptable to all parties has been reached within 15 days of the Agency having informed the national*



*safety authority or authorities of its disagreement, the Agency shall make its decision final, unless the national safety authority or authorities has submitted the matter for arbitration by the board of appeals established pursuant to Article 51 of Regulation (EU) No .../... [Agency Regulation]. The board of appeal shall decide whether to confirm the Agency's proposed decision within 15 days of the demand being submitted by the national safety authority or authorities.*

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

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

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

## **Amendment 23**

### **Proposal for a directive Article 20 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

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

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

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

## **Amendment 24**

### **Proposal for a directive**

#### **Article 20 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

*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. ***Those authorisations shall be valid in all Member States.***

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

## **Amendment 25**

### **Proposal for a directive**

#### **Article 20 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

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

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

***(b) the procedural formalities for the authorisation procedure, such as the content and the time allowed for each stage of the process ;***

***(c) the assessment criteria for application files;***

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

**Amendment 26**

**Proposal for a directive  
Article 20 – paragraph 6**

*Text proposed by the Commission*

6. The Agency may issue vehicle authorisation for placing on the market for a series of vehicles. Those authorisations

*Amendment*

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

shall be valid in all Member States.

‘marketing’ is concerned and throughout the relevant field of application described in paragraph 1a for ‘use’.

## **Amendment 27**

### **Proposal for a directive**

#### **Article 20 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 28**

### **Proposal for a directive**

#### **Article 20 – paragraph 8 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 29**

### **Proposal for a directive**

#### **Article 20 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. In all cases, the authorisation shall have the same validity, without any need***

*to expand its field of application, for all vehicles circulating in neighbouring Member States with similar network characteristics, where stations are close to the border, after prior consultation with the national safety authorities. Such consultation may take place on a case-by-case basis, or be set out in a cross-border agreement between the national safety authorities.*

## **Amendment 30**

### **Proposal for a directive**

#### **Article 20 – paragraph 9 – subparagraph 1**

*Text proposed by the Commission*

*At the request of the applicant, the vehicle authorisation for placing on the market **may include** a clear indication of the networks or lines or groups of networks or lines where the railway undertaking may place such a vehicle in service without further verifications, checks or tests 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 **includes** a clear indication of the networks or lines or groups of networks or lines where the railway undertaking may place such a vehicle in service without further verifications, checks or tests concerning the technical compatibility between the vehicle and these networks or lines. **This indication may be extended to other networks or lines, at the request of the original or another applicant, after the relevant authorisation for placing on the market has been issued.***

## **Amendment 31**

### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

***The infrastructure manager, together with the applicant, shall make every effort to***

*ensure that the tests are carried out within three months of the receipt of the applicant's request.*

## **Amendment 32**

### **Proposal for a directive Article 21 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 33**

### **Proposal for a directive Article 21 – paragraph 3**

*Text proposed by the Commission*

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

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

***(o) it is required by the relevant TSIs.***

*Amendment*

***deleted***

## **Amendment 34**

### **Proposal for a directive Article 42 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 35**

**Proposal for a directive  
Article 42 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

*Justification*

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

**Amendment 36**

**Proposal for a directive  
Article 43 – title**

*Text proposed by the Commission*

*Amendment*

***National*** vehicle ***registers***

***European*** vehicle ***register***

**Amendment 37**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 38**

**Proposal for a directive**

**Article 43 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 39**

**Proposal for a directive**

**Article 43 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

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



## Amendment 40

### Proposal for a directive Article 43 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 41

### Proposal for a directive Article 43 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 42

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

*Text proposed by the Commission*

*Amendment*

***5a. National vehicle registers shall be included in the European vehicle register by not later than two years after the entry into force of this directive. The***

*Commission shall determine, by means of implementing acts, the standard document format. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).*

## **Amendment 43**

### **Proposal for a directive**

#### **Article 44 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. For each vehicle, the register shall contain at least the following information:*

*(a) the European vehicle number ;*

*(b) references to the EC declaration of verification and the issuing agency;*

*(c) references to the European register of authorised types of vehicles referred to in Article 44;*

*(d) identification of the vehicle user ;*

*(e) restrictions on the use of the vehicle ;*

*(f) the entity in charge of maintenance.*

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

#### *Justification*

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

## **Amendment 44**

### **Proposal for a directive**

#### **Article 50 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 45**

**Proposal for a directive**

**Article 50 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

**Amendment 46**

**Proposal for a directive**

**Article 51 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 47

### Proposal for a directive

#### Article 54 – paragraph 1 – subparagraph 1

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

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

##### *Amendment*

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

## Amendment 48

### Proposal for a directive

#### Article 55 – paragraph 1

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

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

##### *Amendment*

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

## Amendment 49

### Proposal for a directive Article 56 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 50

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

*Text proposed by the Commission*

*Amendment*

#### **2a. MONITORING OF COSTS**

*The cost-benefit analysis of the proposed measures shall take into account the following aspects, among others:*

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

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



## PROCEDURE

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