



**COUNCIL OF  
THE EUROPEAN UNION**

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#### **INFORMATION NOTE**

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from: General Secretariat  
to: Permanent Representatives Committee/Council  
Subject: Proposal for a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast)  
- Outcome of the European Parliament's first reading  
(Strasbourg, 24 to 27 February 2014)

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#### **I. INTRODUCTION**

The rapporteur, Ms Izaskun BILBAO BARANDICA (ALDE, ES), presented a report on the abovementioned proposal, on behalf of the Committee on Transport and Tourism (TRAN). The report contained 153 amendments (amendments 1 - 153).

In addition, two other amendments had been tabled, amendment 154 by a group of 40 or more MEPs and amendment 155 by the S&D group.

## **II. DEBATE**

The debate on the proposal, which took place on 25 February 2014, was a joint debate on the six proposals making up the fourth railway package (the single European railway area; opening of the market for domestic passengers; interoperability of the railway system; railway safety; the European Union Agency for Railways (ERA) and Common rules for the accounts of railway undertakings). A summary of the debate is set out in document 6815/14<sup>1</sup>.

## **III. VOTE**

The vote on the proposal took place on 26 February 2014. The European Parliament adopted 153 amendments to the proposal.

All of the Committee's 153 amendments were adopted. No other amendments were adopted.

The amendments adopted are set out in the Annex together with the legislative resolution.

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<sup>1</sup> See also documents 6816/14, 6822/14, 6829/14 and 6830/14.

## **Interoperability of the rail system \*\*\*I**

**European Parliament legislative resolution of 26 February 2014 on the proposal for a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast) (COM(2013)0030 – C7-0027/2013 – 2013/0015(COD))**

**(Ordinary legislative procedure – recast)**

*The European Parliament,*

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

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<sup>1</sup> OJ C 327, 12.11.2013, p. 122.

<sup>2</sup> OJ C 356, 5.12.2013, p. 92.

<sup>3</sup> OJ C 77, 28.3.2002, p. 1.

regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a directive Recital 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 2

### Proposal for a directive Recital 3

*Text proposed by the Commission*

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

## Amendment 3

### Proposal for a directive Recital 4

*Text proposed by the Commission*

(4) The commercial operation of trains throughout the rail network requires in

*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 *and* communication systems of the different infrastructure managers and railway undertakings. Performance levels, safety, quality of service and cost depend upon such compatibility and interconnection, as does, in particular, the interoperability of the rail system.

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

#### **Amendment 4**

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

##### **Recital 5**

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

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

###### *Amendment*

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

#### **Amendment 5**

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

##### **Recital 6**

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

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

###### *Amendment*

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

#### **Amendment 6**

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

##### **Recital 23**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 7**

**Proposal for a directive  
Recital 24**

*Text proposed by the Commission*

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

*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 ***for persons with disabilities and persons with reduced mobility*** is therefore an important requirement for the interoperability of the rail system, ***in line with Union legislation on passengers with reduced mobility***.

## Amendment 8

### Proposal for a directive Recital 26

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 9

### Proposal for a directive Recital 39 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

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

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



## Amendment 10

### Proposal for a directive Recital 40

*Text proposed by the Commission*

(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.

## Amendment 11

### Proposal for a directive Recital 41

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 12

### Proposal for a directive Recital 46 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 13

### Proposal for a directive Recital 48

*Text proposed by the Commission*

(48) In order to amend non-essential elements of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the

*Amendment*

(48) In order to amend non-essential elements of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the

European Union should be delegated to the Commission in respect of the adaptation to technical progress of Annex II regarding the breakdown of the rail system into subsystems and to the description of these subsystems, the content of the TSIs and the amendments to TSIs, including those amendments needed to remedy TSIs deficiencies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

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

## Amendment 14

### Proposal for a directive Recital 51

#### *Text proposed by the Commission*

(51) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission relating to: the content of the file which shall accompany the request of non-application of one or more TSIs or parts of them, the details, the format and the transmission modalities of that file; ***the scope and the content of the EC declaration of conformity and suitability for use of interoperability constituents, its format and the details of the information included in it;*** the classification of the notified national rules in different groups with the aim of facilitating the compatibility checks between fixed and mobile equipment; ***the***

#### *Amendment*

(51) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission relating to: the content of the file which shall accompany the request of non-application of one or more TSIs or parts of them, the details, the format and the transmission modalities of that file; ***the format and the details of the information included in the EC*** declaration of conformity and suitability for use of interoperability constituents; the classification of the notified national rules in different groups with the aim of facilitating the compatibility checks between fixed and mobile equipment; the templates for the 'EC' declaration of

*verification procedures for subsystems, including the general principles, the content, procedure and documents related to the ‘EC’ verification procedure, and to the verification procedure in the case of national rules;* the templates for the ‘EC’ declaration of verification and for the declaration of verification in the case of national rules and templates for documents of the technical file that has to accompany the declaration of verification; the common specifications relating to content, data format, functional and technical architecture, operating mode and rules for data input and consultation for the register of infrastructure. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>13</sup>.

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<sup>13</sup> OJ L 55, 28.2.2011, p.13.

verification and for the declaration of verification in the case of national rules and templates for documents of the technical file that has to accompany the declaration of verification; the common specifications relating to content, data format, functional and technical architecture, operating mode and rules for data input and consultation for the register of infrastructure. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>13</sup>.

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<sup>13</sup> OJ L 55, 28.2.2011, p.13.

## Amendment 15

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

*making it possible to contribute to the progressive creation of the internal market in equipment and services for the construction, renewal, upgrading and operation of the rail system in the Union.*

## **Amendment 16**

### **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:

## **Amendment 17**

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

*Text proposed by the Commission*

(a) metros, trams and light rail systems;

*Amendment*

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

## **Amendment 19**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 20**

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 21

### Proposal for a directive Article 1 – paragraph 4

*Text proposed by the Commission*

*Amendment*

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

**deleted**

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

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

## Amendment 22

### Proposal for a directive Article 2 – point 1

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 23

### Proposal for a directive Article 2 – 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 regulatory, technical and operational conditions that need to be applied in order to meet essential requirements.***

## Amendment 24

### Proposal for a directive

## Article 2 – point 3

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 25

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 27

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 28

### Proposal for a directive Article 2 – point 12

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 29**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 30**

**Proposal for a directive  
Article 2 – point 17**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 31

### Proposal for a directive Article 2 – point 18

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 32

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 33

### Proposal for a directive Article 2 – 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;

## Amendment 34

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

*Text proposed by the Commission*

*Amendment*

***(27a) ‘area of use’ means a network or networks in the Union, whether within a Member State or a group of Member States, on which a vehicle is technically***



*compatible according to its technical file;*

### **Amendment 35**

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

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 36**

#### **Proposal for a directive Article 2 – point 28**

*Text proposed by the Commission*

*Amendment*

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

(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;*

### **Amendment 37**

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

*Text proposed by the Commission*

*Amendment*

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

*notified to the Agency.*

### **Amendment 38**

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

*Text proposed by the Commission*

(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 **or its** behalf in relation to specified tasks;

### **Amendment 39**

#### **Proposal for a directive Article 2 – point 32**

*Text proposed by the Commission*

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

*Amendment*

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

### **Amendment 40**

#### **Proposal for a directive Article 2 – point 37**

*Text proposed by the Commission*

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

*Amendment*

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

### **Amendment 41**

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

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

## Amendment 42

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

*Text proposed by the Commission*

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

## Amendment 43

### Proposal for a directive Article 4 – paragraph 4 – point d

*Text proposed by the Commission*

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

*Amendment*

(d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the rail system. ***This shall include the identification of the rail spare parts to be standardised in accordance with Article 41 of Regulation (EU) No ... of the European Parliament and of the Council<sup>1a</sup>. The list of spare parts to be standardised, including existing parts,***

*shall be included in each TSI.*

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<sup>1a</sup> *Regulation (EU) No ... of the European Parliament and of the Council of ... on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L ...).*

#### Amendment 44

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

*Text proposed by the Commission*

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

#### Amendment 45

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

*Text proposed by the Commission*

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

*Amendment*

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

#### Amendment 46

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

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

#### **Amendment 47**

##### **Proposal for a directive Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 48**

##### **Proposal for a directive Article 5 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

*requisite data.*

## Amendment 49

### Proposal for a directive Article 5 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 50

### Proposal for a directive Article 5 – paragraph 7

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 51

### Proposal for a directive Article 5 – paragraph 8

*Text proposed by the Commission*

(8) The drafting, adoption and review of

*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). 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 level<sup>15</sup>. The social partners shall issue their opinion within three months.

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

the TSIs shall take account of the opinion of the **representative** social partners **in all the Member States** as regards the conditions referred to in Article 4(4)(g), **and in any other TSI that directly or indirectly affects the staff involved**. To this end, the Agency shall consult the social partners before submitting to the Commission recommendations on TSIs and their amendments. The social partners shall be consulted in the context of the Sectoral Dialogue Committee set up in accordance with Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level<sup>15</sup>. The social partners shall issue their opinion within three months.

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

## Amendment 52

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 53

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

*Text proposed by the Commission*

*Amendment*

(c) for any proposed renewal, extension or upgrading of an existing subsystem or part of it, when the application of these TSIs

(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.

would *seriously* compromise the economic viability of the project.

#### Amendment 54

##### Proposal for a directive

##### Article 8 – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

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

#### Amendment 55

##### Proposal for a directive

##### Article 8 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. 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*

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

#### Amendment 56

##### Proposal for a directive

##### Article 8 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

The Commission shall *establish, by means of implementing acts*, the scope and the content of the EC declaration of conformity and suitability for use of

*Amendment*

The Commission shall *be empowered to adopt delegated acts in accordance with Article 46 concerning* the scope and the content of the EC declaration of



interoperability constituents, *its format and the details of the information included in it. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3).*

conformity and suitability for use of interoperability constituents.

#### Amendment 57

##### Proposal for a directive Article 8 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

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

#### Amendment 58

##### Proposal for a directive Article 11 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

#### Amendment 59

##### Proposal for a directive Article 11 – paragraph 4

*Text proposed by the Commission*

*Amendment*

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

**deleted**

#### **Amendment 60**

##### **Proposal for a directive Article 13 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 61**

##### **Proposal for a directive Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

#### **Amendment 62**

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

*Text proposed by the Commission*

*Amendment*

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

*application was made.*

## **Amendment 63**

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

*Text proposed by the Commission*

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:

*Amendment*

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

## **Amendment 64**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 65**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 66**

### **Proposal for a directive Article 14 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 67

### Proposal for a directive Article 14 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 68

### Proposal for a directive Article 14 – paragraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 69

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 70

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 71

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 72**

**Proposal for a directive  
Article 14 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 73**

**Proposal for a directive  
Article 14 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

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

**The Agency shall have two months in which to consider the draft rule and to make a recommendation to the Commission. The Commission shall approve or reject the draft rule. Only in**

*the case of emergency preventive measures, Member States may adopt and apply a new rule immediately and that rule shall be valid for two months. If such a rule affects several Member States, the Commission, working in cooperation with the Agency and the national safety authorities, shall harmonise the rule at Union level.*

## Amendment 74

### Proposal for a directive

#### Article 14 – paragraph 8 – subparagraph 1

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

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

##### *Amendment*

1. The Commission shall establish, by means of implementing acts, the classification of the notified national rules in different groups with the aim of facilitating ***cross-acceptance in different Member States and*** the compatibility checks between fixed and mobile equipment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(3). ***The Agency shall classify, in accordance with those implementing acts, the national rules notified pursuant to this Article, and shall publish the corresponding register. That register shall also list any acceptable national means of compliance.***

## Amendment 75

### Proposal for a directive

#### Article 15 – paragraph 2

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

2. The task of the notified conformity assessment body responsible for the 'EC' verification of a subsystem shall begin at the design stage and cover the entire manufacturing period through to the acceptance stage before the subsystem is placed in service. It ***may*** also cover verification of the interfaces of the subsystem in question with the system into

##### *Amendment*

2. The task of the notified conformity assessment body responsible for the 'EC' verification of a subsystem shall begin at the design stage and cover the entire manufacturing period through to the acceptance stage before the subsystem is placed in service. It ***shall*** also cover verification of the interfaces of the subsystem in question with the system into

which it is incorporated, based on the information available in the relevant TSI and in the registers provided for in Articles 44 and 45.

which it is incorporated, based on the information available in the relevant TSI and in the registers provided for in Articles 44 and 45.

#### **Amendment 76**

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

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 77**

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

*Text proposed by the Commission*

*Amendment*

##### **Article 15a**

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

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

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

#### **Amendment 78**

##### **Proposal for a directive Article 15 – paragraph 7**

*Text proposed by the Commission*

**7. The Commission shall establish, by**

*Amendment*

**deleted**

*means of implementing acts:*

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

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

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

## **Amendment 79**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 80**

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

*Text proposed by the Commission*

*Amendment*

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



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

## Amendment 81

### Proposal for a directive

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

*Text proposed by the Commission*

2. 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*

2. Each national safety authority shall authorise the placing in service of the energy *and infrastructure subsystems and the trackside control-command and signalling* which *is not ERTMS* located or operated in the territory of its Member State. *National safety authorities shall take into account the opinion of the Agency when TEN-T corridors or cross borders sections are involved.*

*The Agency shall authorise cross-border infrastructures with one single infrastructure manager.*

## Amendment 82

### Proposal for a directive

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 83

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

*2a. In the case of the ERTMS, the Agency*

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

*When the Agency disagrees with a negative assessment carried out by a national safety authority, it shall inform the authority in question to that effect, giving reasons for the disagreement. The Agency and the national safety authority shall cooperate with a view to reaching a mutually acceptable assessment. Where necessary, as decided by the Agency and the national safety authority, this process shall also involve the applicant. If no mutually acceptable assessment can be found within one month after the Agency has informed the national safety authority of its disagreement, the Agency shall take its final decision unless the national safety authority has referred the matter for arbitration to the Board of Appeal established under Article 51 of Regulation (EU) No .../[Agency Regulation]. The Board of Appeal shall decide whether to confirm the Agency's draft decision within one month of the request of the national safety authority.*

*Any decision refusing the request for an authorisation for placing in service of fixed installations shall be duly substantiated by the Agency. The applicant may, within one month of receipt of the negative decision, submit a*

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

#### **Amendment 84**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 85**

##### **Proposal for a directive Article 18 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 86**

##### **Proposal for a directive Article 18 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. In the event of renewal or upgrading of existing subsystems, the applicant shall send to the national safety authority (for energy **and** infrastructure subsystems) or

4. In the event of renewal or upgrading of existing subsystems, the applicant shall send **a file describing the project** to the national safety authority (for energy and

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.

infrastructure subsystems *and for trackside control-command and signalling subsystems which are not ERTMS*) or the Agency (for *ERTMS and for cross-border infrastructures with one single infrastructure manager*). The national safety authority or the Agency shall examine this file and shall decide, on the basis of the criteria set out in paragraph 5, whether a new authorisation for placing in service is needed. The national safety authority and the Agency shall take their decisions within a pre-determined, reasonable time, and, in any case, within **three** months from receipt of all relevant information.

## Amendment 87

### Proposal for a directive Article 19 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 88

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 89

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

***The vehicle authorisation shall state:***

- (a) the area of use;***
- (b) the values of the parameters set out in the TSIs and, where applicable, in the national rules, as relevant for checking the technical compatibility between the vehicle and the area of use;***
- (c) the vehicle's compliance with the relevant TSIs and sets of national rules, in relation to the parameters referred to in point (b);***
- (d) the conditions for the use of the vehicle and any other restrictions.***

## **Amendment 90**

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

*Text proposed by the Commission*

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

***– in relation to the mobile subsystems composing the vehicle:***

- (a) the appropriate declaration of verification in accordance with Article 19;***
- (b) the technical compatibility within the vehicle;***
- (c) the safe integration within the vehicle;***

***– in relation to the vehicle:***

***the technical compatibility of the vehicle***

*with the networks in the area of use.*

## **Amendment 91**

### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

*The safe integration of the subsystems within the vehicle shall be established on the basis of the relevant TSIs, the common safety methods set out in Article 6 of Directive .../... [on the safety of the rail system within the Union] and, where applicable, national rules.*

## **Amendment 92**

### **Proposal for a directive**

#### **Article 20 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

*complete. Any negative decision made in relation to an application shall be duly substantiated.*

*Authorisations shall be recognised in all Member States.*

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

## **Amendment 93**

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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

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

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

## **Amendment 94**

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

*Text proposed by the Commission*

*Amendment*

*3a. During the transitional period referred to in article 50a, the applicant may choose to submit its application for vehicle authorisation to the Agency or to*

*the relevant national safety authority.*

## **Amendment 95**

### **Proposal for a directive**

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

*Text proposed by the Commission*

**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.**

*Amendment*

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

## **Amendment 96**

### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 97**

### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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



*that appeal procedure.*

## **Amendment 98**

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

*Text proposed by the Commission*

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

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

## **Amendment 99**

### **Proposal for a directive Article 20 – paragraph 7**

*Text proposed by the Commission*

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

*Amendment*

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

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

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

*process;*

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

## **Amendment 100**

### **Proposal for a directive**

#### **Article 20 – paragraph 8 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 101**

### **Proposal for a directive**

#### **Article 20 – paragraph 9**

*Text proposed by the Commission*

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

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

*Amendment*

**deleted**

## **Amendment 102**

### **Proposal for a directive**

#### **Article 20 – paragraph 9 a (new)**

***9a. Authorisation for vehicles operated or intended to be operated on railway infrastructure of isolated rail networks may also be granted by national safety authorities of the Member States in which the network in question is located. In such cases, the applicant may choose between applying to the Agency or to the national safety authorities of those Member States.***

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

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

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

***Ten years after the entry into force of this Directive, the Commission shall present to the European Parliament and the Council a report on the progress achieved towards***

*interoperability on the isolated rail network and shall, if necessary, submit the appropriate legislative proposal.*

## **Amendment 103**

### **Proposal for a directive Article 20 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 20a*

##### *Registration of authorised vehicles*

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

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

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

## **Amendment 104**

### **Proposal for a directive Article 21 – title**

*Text proposed by the Commission*

*Amendment*

*Placing in service* of vehicles

*Use* of vehicles

## **Amendment 105**

### **Proposal for a directive Article 21 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*1. Railway undertakings shall place in service a vehicle only after having checked, , in consultation with the*

*1. Before a railway undertaking uses a vehicle in the area of use specified in the vehicle authorisation, it shall ensure,*

*infrastructure manager, the technical compatibility between the vehicle and the route and the safe integration of the vehicle into the system in which it is intended to operate, established on the basis of the relevant TSIs, national rules, registers, and the common safety methods set out in Article 6 of Directive.*

*using its safety management system:*

#### **Amendment 106**

##### **Proposal for a directive Article 21 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 107**

##### **Proposal for a directive Article 21 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 108**

##### **Proposal for a directive Article 21 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

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

## Amendment 109

### Proposal for a directive Article 21 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. In order to help the railway undertakings to check the technical compatibility and safe integration as between the vehicle and the route(s), the infrastructure manager shall, upon request, provide the railway undertakings with additional information relating to the characteristics of the route(s).***

## Amendment 110

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

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 111

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

*Text proposed by the Commission*

*Amendment*

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

***deleted***

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

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

## Amendment 112

### Proposal for a directive Article 22 – title

*Text proposed by the Commission*

*Amendment*

*Authorisation to place vehicle types on the market*

*Vehicle type authorisation*

## Amendment 113

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

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 114

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

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 115

### Proposal for a directive Article 22 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. However, if the Agency *issues a* vehicle

2. However, if *a vehicle authorisation is*

authorisation *for placing on the market*, it *shall* at the same time *issue the authorisation to place the corresponding vehicle type on the market* .

*issued* by the Agency *or by the national safety authorities*, the vehicle *type* authorisation *shall be issued* at the same time.

#### Amendment 116

##### Proposal for a directive Article 22 – paragraph 3

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

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

###### *Amendment*

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

#### Amendment 117

##### Proposal for a directive Article 22 – paragraph 4

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

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

###### *Amendment*

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

#### Amendment 118

##### Proposal for a directive Article 22 a (new)



***Article 22a***

***Cooperation between the Agency and the national safety authorities***

***For the purposes of Articles 18, 20 and 22, the Agency may conclude cooperation agreements with national safety authorities in accordance with Article 69 of Regulation .../... [establishing a European railway agency].***

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

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

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

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

## Amendment 119

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 120

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 121

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

*Text proposed by the Commission*

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

*Amendment*

2. The railway undertaking operating a vehicle shall ensure the vehicle is marked with the assigned EVN ***and shall be responsible for ensuring that the vehicle is properly registered***.

## Amendment 122

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

*Text proposed by the Commission*

(c) it shall be ***accessible to the national safety authorities and investigating bodies designated in Articles 16 and 21 of***

*Amendment*

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

*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<sup>16</sup>, 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.*

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<sup>16</sup> OJ L 343 of 14.12.2012, p. 32.

### **Amendment 123**

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

*Text proposed by the Commission*

*Amendment*

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

***(a) the EVN;***

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

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

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

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

### **Amendment 124**

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

*Text proposed by the Commission*

*Amendment*

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

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* .

*used*.

## Amendment 125

### Proposal for a directive Article 43 – paragraph 4

*Text proposed by the Commission*

4. *As long as Member States' national vehicle registers are not linked*, each Member State shall update its register with the modifications made by another Member State in its own register, as regards the data with which it is concerned.

*Amendment*

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

## Amendment 126

### Proposal for a directive Article 43 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 127

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

*Text proposed by the Commission*

*Amendment*

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

*Article 48(3).*

**Amendment 128**

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

*Text proposed by the Commission*

*Amendment*

**Article 43a**

***European vehicle register***

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

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

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

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

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

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

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

***(a) the EVN;***

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

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

***(d) identification of the keeper and the***

*owner of the vehicle;*

*(e) restrictions on how the vehicle may be used;*

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

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

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

#### **Amendment 129**

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

*Text proposed by the Commission*

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

*Amendment*

*deleted*

#### **Amendment 130**

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

*Text proposed by the Commission*

*Amendment*

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

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

*(b) the manufacturer's name;*

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

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

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

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

## Amendment 131

### Proposal for a directive Article 45 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 132

### Proposal for a directive Article 45 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 133

### Proposal for a directive Article 45 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 134

### Proposal for a directive Article 45 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 135

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

*Text proposed by the Commission*

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

*Amendment*

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

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

## Amendment 136

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

*Text proposed by the Commission*

*Amendment*

***Article 49a***

***Penalties***

***The Commission shall be empowered to adopt delegated acts in accordance with Article 46 in order to establish rules on penalties for failure to comply with the***



*deadlines set in this Regulation for the adoption of decisions by the Agency. It shall also establish a compensation scheme for cases in which the Board of Appeal provided for in the Agency Regulation finds in favour of the addressee of an Agency decision. The penalties and the compensation scheme must be effective, proportionate, non-discriminatory and dissuasive.*

## Amendment 137

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

## Amendment 138

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

*Text proposed by the Commission*

*Amendment*

***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 Agency and the progress made by it in carrying out its new responsibilities.***

## Amendment 139

### Proposal for a directive Article 50 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 140

### Proposal for a directive Article 50 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 50a***

##### ***Transitional regime***

***Without prejudice to Article 20(9a), as from four years after the entry into force of this Directive, the vehicle authorisations referred to in Articles 20 and 22 shall be granted by the Agency. During that transitional period, a vehicle authorisation may be granted by the Agency or by the national safety authority, at the option of the applicant.***

***The Agency shall have the necessary organisational capacity and expertise to perform all of its functions pursuant to Articles 18, 20 and 22 at the latest four years after the entry into force of this Directive.***

***In order to fulfil its obligations, the Agency may conclude cooperation agreements with national safety authorities in accordance with Article 22a.***

## Amendment 141

### Proposal for a directive

## Article 51 – paragraph 1

### *Text proposed by the Commission*

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].

### *Amendment*

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

## Amendment 142

### Proposal for a directive Article 52

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 143

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Directive.

Directive.

## Amendment 144

### Proposal for a directive Article 55 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 145

### Proposal for a directive Annex I – point 1

#### *Text proposed by the Commission*

#### 1. Network

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

- specially built high-speed lines equipped for speeds generally equal to or greater than 250 km/h,
- specially upgraded high-speed lines equipped for speeds of the order of 200 km/h,
- specially upgraded high-speed lines which have special features as a result of topographical, relief or town-planning constraints, to which the speed must be adapted in each case. This category shall include interconnecting lines between high-speed and conventional networks, lines through stations, accesses to terminals, depots, etc. travelled at

#### *Amendment*

#### 1. Network

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

- (a) specially built high-speed lines equipped for speeds generally equal to or greater than 250 km/h, *while enabling speeds of over 300 km/h to be reached in appropriate circumstances,*
- (b) specially upgraded high-speed lines equipped for speeds of the order of 200 km/h,
- (c) specially upgraded high-speed lines which have special features as a result of topographical, relief or town-planning constraints, to which the speed must be adapted in each case. This category shall include interconnecting lines between high-speed and conventional networks, lines through stations, accesses to terminals, depots, etc. travelled at

- conventional speed by ‘high-speed’ rolling stock,
- conventional lines intended for passenger services,
  - conventional lines intended for mixed traffic (passengers and freight),
  - conventional lines intended for freight services,
  - passenger hubs,
  - freight hubs, including intermodal terminals,
  - lines connecting the abovementioned elements.

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

- conventional speed by ‘high-speed’ rolling stock,
- (d) conventional lines intended for passenger services,
  - (e) conventional lines intended for mixed traffic (passengers and freight),
  - (f) conventional lines intended for freight services,
  - (g) passenger hubs,
  - (h) freight hubs, including intermodal terminals,
  - (i) lines connecting the abovementioned elements.

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

## Amendment 146

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

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

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

*In addition, vehicles designed to operate with a maximum speed lower than 200 km/h which are likely to travel on all or part of the trans-European high-speed network, where compatible with the*

*performance levels of that network, shall fulfil the requirements ensuring safe operation on that network. To that end, the TSIs for conventional vehicles shall also specify requirements for safe operation of conventional vehicles on high-speed networks.*

#### **Amendment 147**

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

##### **Annex I – point 2 – paragraph 1 – indent 2**

*Text proposed by the Commission*

– freight wagons, including vehicles designed to carry lorries;

*Amendment*

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

#### **Amendment 148**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 149**

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

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

*Text proposed by the Commission*

The ***access doors must incorporate an opening and closing system which guarantees*** passenger safety.

*Amendment*

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

#### **Amendment 150**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

### Amendment 151

#### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

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

### Amendment 152

#### Proposal for a directive

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

*Text proposed by the Commission*

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

*Amendment*

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

### Amendment 153

#### Proposal for a directive

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

*Text proposed by the Commission*

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

*Amendment*

Alignment of the network operating rules and the qualifications of drivers, **rolling-stock inspectors, movement controllers** and on-board staff and of the staff in the control centres must be such as to ensure safe operation, bearing in mind the

services.

different requirements of cross-border and domestic services. *Efforts must be made to ensure, across the Union, a high level of training with advanced qualifications.*