



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 4 March 2014
(OR. en)**

7261/14

TRANS 116

COVER NOTE

From:	European Commission
date of receipt:	28 February 2014
To:	General Secretariat of the Council
No. Cion doc.:	D031518/02
Subject:	COMMISSION DIRECTIVE ../.../EU of XXX amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs

Delegations will find attached document D031518/02.

Encl.: D031518/02



Brussels, **XXX**
[...](2014) **XXX** draft

COMMISSION DIRECTIVE ../.../EU

of XXX

amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs

(Text with EEA relevance)

COMMISSION DIRECTIVE ../.../EU

of **XXX**

amending Directive 2004/49/EC of the European Parliament and of the Council as regards common safety indicators and common methods of calculating accident costs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety of the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)¹, and in particular Article 5(2) thereof,

Whereas:

- (1) In accordance with Article 5(1) of Directive 2004/49/EC information on common safety indicators (CSIs) is to be collected by Member States in order to facilitate assessment as to whether the common safety targets (CSTs) have been achieved and provide for the monitoring of the general development of railway safety. In conformity with Article 7(3) of the Directive, the CSTs should define the safety levels expressed in risk acceptance criteria for societal risks. The main purpose of the CSIs should be to measure safety performance and facilitate assessment of the economic impact of CSTs. Therefore, it is necessary to move from indicators relating to accident-related costs borne by railways to indicators relating to the economic impact of accidents on society.
- (2) Attributing monetary values to improved safety performance should be seen in the context of limited budgetary resources for public policy actions. Priority should therefore be given to initiatives that ensure an efficient allocation of resources.
- (3) Article 9 of Regulation (EC) No 881/2004 of the European Parliament and of the Council² mandates the European Railway Agency (the Agency) to set up a network with the safety authorities (as defined in Article 3 of Directive 2004/49/EC) and with the national bodies responsible for investigations in order to define the content of the CSIs listed in Annex I to Directive 2004/49/EC. The Agency delivered its

¹ OJ L 164, 30.4.2004, p. 44. .

² Regulation (EC) No 881/2004 of the European parliament and the Council of 29 April 2004 establishing a European railway agency (Agency Regulation) , OJ L 164, 30.4.2004, p. 1.

recommendation on the revision of Annex I on 10 December 2013 (ERA-REC-08-2013).

- (4) Annex I to Directive 2004/49/EC should therefore be amended accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee established pursuant to Article 27(1) of Directive 2004/49/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2004/49/EC is replaced by the text in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after entry into force] at the latest. They shall communicate the text of those provisions to the Commission forthwith.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.
3. The obligations to transpose and implement this Directive shall not apply to the Republic of Cyprus and the Republic of Malta for as long as no railway system is established on their territories.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Commission
The President
José Manuel BARROSO