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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.10.2008  
COM(2008) 681 final

2006/0272 (COD)

**COMMISSION OPINION**

**pursuant to Article 251(2), third subparagraph, point (c) of the EC Treaty  
on the European Parliament's amendment  
to the Council Common Position regarding the  
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Directive 2004/49/EC on safety on the Community's railways**

**AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the  
EC Treaty**

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#### **1. INTRODUCTION**

Article 251(2), third subparagraph, point (c) of the EC Treaty requires the Commission to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out below its opinion on the amendment proposed by the Parliament.

#### **2. BACKGROUND**

Date of transmission of the proposal to the European Parliament and the Council (document COM(2006) 784 final – 2006/0272 COD): 13.12.2006

Date of the opinion of the European Economic and Social Committee: 11.07.2007

Date of the opinion of the European Parliament, first reading: 29.11.2007

Date of adoption of the common position (by unanimity): 03.03.2008

Date of the opinion of the European Parliament, second reading: 09.07.2008

#### **3. OBJECTIVE OF THE COMMISSION PROPOSAL**

On 13 December 2006, the European Commission adopted a series of measures to support the revitalisation of the railway sector by removing obstacles to the movement of trains throughout the European rail network.

The Commission launched this initiative for two main reasons:

- to facilitate the free movement of trains within the EU by making the procedure for putting locomotives into service more transparent and more efficient.
- to simplify the regulatory environment by consolidating and merging the directives on railway interoperability.

One of these measures consists of amending Directive 2004/49/EC on rail safety. In making this proposal, the Commission had three objectives:

- The introduction of the principle of mutual recognition by other Member States of authorisations already issued by one Member State for putting equipment into service.

According to this principle, rolling stock already authorised to be put into service in one Member State will possibly be required to undergo complementary certification in another Member State only as regards the additional national requirements arising, for example, from local system specifications.

- The extension of the Agency's powers to enable it to make an inventory of the different national procedures and technical regulations in force and to establish and update (extend) the list of requirements where compliance should be checked once only because the requirements concern internationally accepted rules or can be deemed to be equivalent to them.
- The clarification of the relationship between the rail company and the entity in charge of maintenance. The entry into force of the new Convention concerning International Carriage by Railway (COTIF 1999) has brought in new rules governing contracts for the use of vehicles. There is therefore a proposal to define the keeper of a wagon and to specify the relationship between the company and the keeper, in particular as regards maintenance.

#### **4. THE OPINION OF THE COMMISSION ON THE AMENDMENTS PROPOSED BY THE EUROPEAN PARLIAMENT**

As a result of the agreement of the European Parliament and the Council, at first reading, to transfer the provisions of Article 14 of this proposal for a directive regarding the putting into service and cross-acceptance of rolling stock to the proposal to recast the Interoperability Directive, this proposal essentially now covers only the introduction of the regulatory procedure with scrutiny and an article on vehicle maintenance.

After several months of negotiation under the Slovene presidency, a solution for reaching an agreement emerged at the informal triologue on 24 June 2008. This agreement essentially concerns the certification of the entities in charge of vehicle maintenance.

The Commission can accept the compromise amendment adopted by the European Parliament after the second reading.