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Railway safety - Council agrees its position

The Council today agreed a **general approach on new rules for the safety of European railways**. This recast of the 2004 railway safety directive is aimed at further improving the safety of the Union's railways and facilitating access to the market for rail transport services.

The draft directive is applicable to the rail system as a whole, including the management of infrastructure and operation of the traffic. Local rail systems, such as metros, trams and other light rail systems, are excluded.

In order to operate, a railway undertaking has to possess a safety certificate. While safety certificates are currently issued by each member state, the text agreed by ministers provides for a **dual system of safety certification** introducing a **single safety certificate**.

The European Railway Agency (ERA) would serve as a one-stop-shop for railway undertakings operating **in more than one member state**, but national authorities would retain an important role in carrying out the assessments necessary for the issuance of the safety certificate. Where the area of operation is **limited to one member state**, the applicant may choose to submit a request for certification either to the Agency or to the national safety authority.

The new provisions will also **clarify the roles** and responsibilities of the different actors involved.

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Under the general approach, the **national safety authorities will supervise** rail companies' and infrastructure managers' continued compliance with safety requirements. Important prerogatives will be left in this area at the national level, for example concerning temporary safety measures. Decisions taken by the national authority in relation to such measures will be subject to judicial review.

Ministers also agreed that the question of **fees** to be charged on the issuance and renewals of safety certificates will be addressed in the context of the future ERA regulation, taking into account the principle that they should not lead to any unnecessary burden on companies.

The adoption of the railway safety directive requires the approval of both the Council and the European Parliament.

The draft safety directive is part of the technical pillar of the fourth railway package, published by the Commission in January. This technical pillar also includes a new regulation on the European Railway Agency, which will replace the current regulation from 2004, and a recast of the 2008 directive on the interoperability of the EU rail system, on which the Council reached a general approach in June this year (see [10457/1/13, p. 20](#)). The dual system of safety certification agreed today is similar to the vehicle authorisation procedure agreed upon by the Council in its general approach on the rail interoperability directive.

See also:

- [Commission's webpage on the fourth railway package](#)
- [European Railway Agency's website](#)