



COUNCIL OF  
THE EUROPEAN UNION



Brussels, 14 March 2014  
7665/14  
(OR. en)  
PRESSE 147

## Council agrees its position on the European Railway Agency

The Council today agreed a **general approach** regarding a proposal aimed at defining **new tasks of the European Railway Agency** to reflect its **future stronger role in safety certification and vehicle authorisation**.

### **New tasks resulting from the draft directives on interoperability and safety**

The revision of the ERA's rules (report to the Council: [7321/14](#); Commission proposal [6012/13](#)) is part of the technical pillar of the **fourth railway package**, published by the Commission in January 2013. The new ERA regulation will formalise the Agency's wider remit that stems from the other two legislative files under the technical pillar: the directives on interoperability (press release [10457/1/13 REV 1](#), p. 20) and safety (press release [14602/13](#)).

According to the general approach adopted on the interoperability and safety directives, a dual system of vehicle authorisations and safety certifications will be set up, with the ERA acting as a one-stop-shop for authorising vehicles intended for cross-border operations and for issuing safety certificates to railway undertakings involved in cross-border traffic. National safety authorities will still have an important role in carrying out the necessary assessments. The compromise also stipulates that, for vehicles and railway undertakings involved in national transport only, there will be a choice between submitting a request for authorisation or certification to the Agency or to the national safety authority.

### **What is the purpose of the new rules?**

The completion of the package's technical pillar is expected to increase economies of scale for railway undertakings across the EU, reduce administrative costs and speed up procedures. It should also help to avoid any disguised discrimination in the issuing of safety certificates and vehicle authorisations.

# P R E S S

---

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6319 Fax: +32 (0)2 281 8026  
[press.office@consilium.europa.eu](mailto:press.office@consilium.europa.eu) <http://www.consilium.europa.eu/press>

7665/14

1  
EN

## **Main elements of the general approach**

One of the Agency's tasks will be to examine national rules in connection with the railway safety and interoperability directives. Where the Agency's assessment of national rules is negative, it can, after consulting the member state, issue an opinion.

In addition, the text agreed by ministers clarifies that only national rules which have already been adopted at national level can be the subject of a Commission decision, while draft national rules may only lead to an opinion by the Agency.

The Agency will monitor, through audits and inspections, how national safety authorities carry out their tasks related to safety and interoperability. If deficiencies are spotted and if, following certain steps, the member state's response is still considered insufficient, the Commission may take appropriate actions concerning the steps to be taken as a result of the audit.

Fees to be charged by the Agency will be set in a transparent manner, with due regard to the principle that they must not lead to an unnecessary burden on companies. They should, however, cover the cost of the services delivered.

The Agency will be held accountable when carrying out its tasks related to safety certifications and vehicle authorisations.

A system of appeals will be set up, with the possibility for any natural or legal person to appeal against a decision addressed to them, or of direct and individual concern to them. In the event of a disagreement between the Agency and the national safety authorities, an arbitration procedure will be launched at the national authority's request.

The general approach on the interoperability and safety directives provides for the possibility of concluding cooperation agreements between the Agency and national safety authorities to facilitate the practical implementation of the new certification and authorisation system. In specific cases of isolated networks, the Agency may subcontract certain certification and authorisation tasks to the national authorities.

The text also includes new rules on the ERA's governance, in line with the [recommendations on the decentralised agencies](#) agreed between the European Parliament, Council and Commission in 2012, inter alia regarding the composition of the Management Board and the conditions of employment of the Executive Director.

In order to be adopted, the regulation has to be approved by the Council - by qualified majority - and the European Parliament.

### **See also:**

- [European Railway Agency](#)
- [Fourth railway package](#)