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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.10.2008  
COM(2008) 687 final

2006/0274 (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's common position regarding the  
Proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
amending Regulation (EC) No 881/2004 establishing a European railway agency**

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

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### **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 881/2004 establishing a European railway agency**

#### **1. INTRODUCTION**

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission shall 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 Parliament.

#### **2. BACKGROUND**

Date of transmission of the proposal to the European Parliament and the Council (document COM(2006) 785 final – 2006/0274 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 Parliament's opinion at 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 the Regulation which established the European Railway Agency in order to include new tasks with the aim of facilitating the free movement of trains. Notably:

- to develop a reference document cross-referencing all the national rules applied by the Member States for putting rolling stock into service;
- to organise the systems work of the national safety authorities so as gradually to reduce the number of national rules imposed by each Member State and to identify those which can be deemed to be equivalent;
- to produce technical opinions if requested by the national safety authorities or the Commission.

In addition, the amendment of the Regulation provided an opportunity to clarify a number of different tasks based on the experience acquired following the establishment of the Agency, particularly in the context of setting up ERTMS (the European Rail Traffic Management System) and the registers of rolling stock.

#### **4. COMMISSION'S OPINION ON THE AMENDMENTS PROPOSED BY PARLIAMENT**

After several months of negotiations under the Slovenian Council Presidency, a solution leading to an agreement was arrived at during the informal triologue on 24 June 2008. The agreement mainly concerned the Agency's tasks in the area of ERTMS.

The Commission can accept the compromise amendment adopted by the European Parliament at the end of the second reading.