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INFORMATION ON DEVELOPMENTS IN VARIOUS RAILWAY FIELDS

Addendum 2

Transmitted by the European Commission (EC)

Safety

The Council and the European Parliament adopted, on 29 April 2004, the railway safety directive.¹

This directive addresses four main problem areas related to the development of safe railways in Europe. It applies a gradual approach to harmonization and the development of common principles, taking into account the great differences that exist between the Member States.

The first and most important task in the evolving restructuring of European railways is to **modernize and harmonize the safety regulatory structure** and the content of safety rules in the Member States and on the European level. This is to ensure that responsibilities are defined and distributed in a common manner and that safety is ensured through the restructuring process.

¹ Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on 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. Published in the OJEU L164 of 30 April 2004.

By applying the gradual approach, the directive defines procedures for the development of common safety targets (CST) and common safety methods (CSM). It establishes a mechanism for migration towards common safety rules.

The second problem addressed by the directive is the **removal of barriers to further market opening** and the creation of a single European rail system. The safety certificate, granted to the railway undertaking for operation on a specific network, is still recognized as the means to achieve access to infrastructure. In this directive, the concept is further developed by introducing common requirements for and common elements of a safety management system that must be implemented also by infrastructure managers.

The third problem area addressed by the directive concerns **transparency, information and the application of due process in railway regulation**. The directive introduces common principles for decisions by the railway authorities, requires availability of rules and regulations, stages timetables and makes mandatory provisions for actors to be allowed to appeal against all decisions. Common safety indicators (CSI) are laid down by the directive and will be further developed through the committee procedure. These indicators will render it possible to monitor the development of railway safety in the Member States and on Community level. Railway undertakings and infrastructure managers are obliged to submit annual reports on the development of safety to their national safety authority which in turn must publish a report each year and make it available to the European Rail Agency. This will further open up the closed structure and enable all actors to share experience and gain confidence.

The fourth area addressed by the directive is **investigation of accidents and incidents**. Influenced by legislation for accident investigation in aviation, provided for on Community level by Directive 94/56, many Member States move towards independent accident investigation also for other transport modes and, in some cases, towards the creation of multimodal investigation boards, modelled after the National Transportation Safety Board (NTSB) in the USA.

The directive sets out the principles of mandatory investigations of serious accidents and incidents, above a defined threshold level, and provides for the establishment of independent investigation bodies in the Member States.

The safety directive should not be seen as an isolated piece of legislation. It continues on system level what the interoperability directives introduced on subsystem level and it relies on the same committee (Interoperability Committee) as is used for the development of the TSIs.

Thus interoperability and safety will be developed in a consistent and coherent way. The gradual approach is similar to that introduced by Directive 2001/16 on the interoperability of the conventional rail system and will heavily depend on support by the actors of the sector and by the European Rail Agency.² This agency is being set up in Lille/Valenciennes (France) and will deliver its first results in 2005.

² Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency. Published in the OJEU L164 of 30 April 2004.

Environmental issues

Two main issues concerning environmental questions related to railways are tackled at the European level. By setting stringent emission limits (noise/atmospheric emissions), the EC encourages the development of new technologies in railways.

- Atmospheric emissions by diesel vehicles

The limitation of the atmospheric emissions is addressed in a generic way in Directive 97/68/EC on the internal combustion engines to be installed in non-road mobile machinery. It fixes emission limits according to a multiple step approach; it describes a test procedure for emissions, and it determines a marketing authorization procedure of engines respecting the criteria. The Commission proposed at the end of December 2002 to amend this Directive (see: COM (2002)765) by introducing a third stage with more binding emission limits and including in the scope of this directive railway applications. The European Parliament and the Council wished the strengthening of these mechanisms. They agreed on 30 March 2004. The publication in the JOUE of the amended Directive is still pending.

In addition, Directive 2001/16/EC concerning the interoperability of the conventional trans-European railway system provides, in its Article 23, that a Technical Specification of Interoperability (TSI) shall be developed to deal with the problem of the air pollution of the conventional rolling stock. The Commission decided that the TSI shall simply refer to the directive to avoid duplication.

- Noise emissions

The principal source of noise of the rolling stock is made up by pass-by noise, i.e. the noise produced by rail-wheel interaction. This problem concerns of course both the transport of passengers and that of freight, but it is much more acute in the latter case.

Under Directive 96/48/EC concerning the interoperability of the trans-European high speed railway system, the Technical Specifications for Interoperability (TSI) for Rolling Stock fixes noise emission limits for high-speed vehicles. An on-going measurement campaign called "NOEMIE project" funded by EC and AEIF assesses the feasibility of these limits and the validity of the measurement method based on reference track specifications.

In September 2001, the Commission gave a mandate to the European Association for Rail Interoperability to work out a TSI fixing profitable but ambitious limit values of noise level of the new conventional rolling stock within the framework of the implementation of Directive 2001/16/EC concerning the interoperability of the conventional trans-European railway system. The decision concerning the TSI on Noise might be adopted at the end of 2004. The draft noise TSI covers noise emitted by freight wagons, locomotives, coaches, DMU/EMU and stationary noise, starting noise, pass-by noise, and interior noise within the driver's cab, where applicable. A reference track is functionally described. Renewed or upgraded wagons are concerned by limits. These limits ensure the banishment of cast-iron brake blocks and encourage the use of K-blocks recently homologated by UIC.

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Directive 2002/49/EC on environmental noise invites the Member States to draw maps of noise exposure and adopt action plans to reduce or limit the noise to the right of the transport infrastructures.
