

Commission Decision of 23 April 2012 on the second set of common safety targets as regards the rail system (notified under document C(2012) 2084) (Text with EEA relevance) (2012/226/EU)

COMMISSION DECISION

of 23 April 2012

on the second set of common safety targets as regards the rail system

(notified under document C(2012) 2084)

(Text with EEA relevance)

(2012/226/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 (Railway Safety Directive)⁽¹⁾, and in particular the second subparagraph of Article 7(3) thereof,

Whereas:

- (1) The Commission issued a mandate to the European Railway Agency ('the Agency') in accordance with Directive 2004/49/EC to draw up draft common safety targets ('CSTs') and the related draft common safety methods for the period from 2011 to 2015. The Agency submitted its recommendation on the second set of draft CSTs to the Commission. This Decision is based on the recommendation by the Agency.
- (2) According to the methodology established by Commission Decision 2009/460/EC of 5 June 2009 on the adoption of a common safety method for assessment of achievement of safety targets, as referred to in Article 6 of Directive 2004/49/EC of the European Parliament and of the Council⁽²⁾, and in order to establish the first and second set of CSTs in accordance with Directive 2004/49/EC, it is necessary to quantitatively identify the current safety performance of railway systems in Member States by means of national reference values ('NRVs'). Decision 2009/460/EC defines NRV as a reference measure indicating, for the Member State concerned, the maximum tolerable level for a railway risk category. However, if the NRV is higher than the corresponding CST calculated on the basis of the methodology, the maximum tolerable level of risk for a Member State is the corresponding CST derived from the NRVs, in accordance with the methodology set out in Section 2.2 of the Annex to Decision 2009/460/EC.

- (3) The values for the first set of CSTs, calculated on the basis of data from 2004 to 2007, were set out in Commission Decision 2010/409/EU of 19 July 2010 on Common Safety Targets as referred to in Article 7 of Directive 2004/49/EC of the European Parliament and of the Council⁽³⁾.
- (4) Directive 2004/49/EC provides for a second set of CSTs, which are to be based on the experience gained from the first set of common safety targets and their implementation. It should reflect any priority areas where safety needs to be further improved. The values for the second set of CSTs have been calculated on the basis of the data from 2004 to 2009, which have been supplied to Eurostat by Member States in accordance with Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics⁽⁴⁾. They have been calculated using the methodology set out in points 2.1.1 and 2.3.1 of the Annex to Decision 2009/460/EC.
- (5) Since the first set of CSTs was published in July 2010, there has not been enough time to gain sufficient experience to change the risk categories. The risk categories remain therefore the same as for the first set of CSTs. However, based on the number of accidents and fatalities in rail traffic, the two main risk categories are unauthorised persons on railway premises (60 % of fatalities) and level crossing users (29 % of fatalities).
- (6) The values for the second set of CSTs cover the Union rail system as a whole. There are no data available for calculating CSTs for the different parts of the rail system as laid down in point (e) of Article 3 of Directive 2004/49/EC. That provision defines CSTs as the safety levels that must at least be reached by different parts of the rail system (such as the conventional rail system, the high speed rail system, long railway tunnels or lines solely used for freight transport) and by the system as a whole, expressed in risk acceptance criteria. The development of CSTs for those parts of the rail system is at the moment not feasible due to the lack of harmonised and reliable data on safety performance of parts of rail systems which are in operation in the Member States. However, it is appropriate to adopt the second set of CSTs.
- (7) Decision 2010/409/EU should therefore be replaced by this Decision.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 27(1) of Directive 2004/49/EC,

HAS ADOPTED THIS DECISION:

- (1) OJ L 164, 30.4.2004, p. 44.
- (2) OJ L 150, 13.6.2009, p. 11.
- (3) OJ L 189, 22.7.2010, p. 19.
- (4) OJ L 14, 21.1.2003, p. 1.