

Directive 2008/57/EC of the European Parliament and of the Council
of 17 June 2008 on the interoperability of the rail system within
the Community (Recast) (Text with EEA relevance) (repealed)

CHAPTER X

FINAL PROVISIONS

Article 37

Motivation

Any decision taken pursuant to this Directive concerning the assessment of conformity or suitability for use of interoperability constituents, the checking of subsystems constituting the rail system or any decision taken pursuant to Articles 7, 12, 14 and 19 shall set out in detail the reasons on which it is based. It shall be notified as soon as possible to the party concerned, together with an indication of the remedies available under the law in force in the Member State concerned and of the time limits allowed for the exercise of such remedies.

Article 38

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, Article 2, Article 4(2), Article 5(2), (5), (6) and (8), Article 6(1), (2), (3), (9) and (10), Articles 7, 8, and 9, Article 11(4) and (5), Article 12, Article 13(5), Articles 15, 16 and 17, Article 18(1), (2), (4) and (5), Article 19(3), Articles 20 to 27, Article 28(4) and (6), Articles 32 to 35 and Annexes I to IX not later than 19 July 2010. They shall forthwith communicate to the Commission the text of those measures.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such reference shall be laid down by the Member States. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

2 The obligation to transpose and implement Chapters IV, V, VII and VIII of this Directive shall not apply to the Republic of Cyprus and the Republic of Malta for as long as no railway system is established within their territory.

However, as soon as a public or private entity submits an official application to build a railway line in view of its operation by one or more railway undertakings, the Member States concerned shall put in place legislation to implement the Chapters referred to in the first subparagraph within one year from the receipt of the application.

Article 39

Reports and information

1 Every three years and for the first time 19 July 2011, the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the rail system. That report shall also include an analysis of the cases set out in Article 9.

2 The Commission shall, by 19 July 2013, publish a report including an analysis of the application of Chapter V and of the improvements in the cross-acceptance of vehicles in the Community in terms of length and costs of the procedures for applicants. Where appropriate, the report shall also assess the impact of various options for further simplifying procedures relating to the authorisation of vehicles. In this case, several options concerning cooperation between national safety authorities and the Agency shall be analysed.

3 The Agency shall develop and regularly update a tool capable of providing, at the request of a Member State or the Commission, a chart of the interoperability level of the rail system. That tool shall use the information included in the registers provided for in Articles 33, 34 and 35.

Article 40

Repeal

Directives 96/48/EC and 2001/16/EC shall be repealed with effect from 19 July 2010, without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of those Directives.

References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex XI.

Article 14 of Directive 2004/49/EC shall be repealed with effect from 19 July 2008.

Article 41

Entry into force

This Directive shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Article 42

Addressees

This Directive is addressed to the Member States.