

Office of Rail Transport

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4th railway package: Time to prepare an application in accordance with the new rules

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On October 31, 2020, a part of the provisions of the technical pillar of the 4th railway package enters into force. Applicants who plan to apply for an authorisation for placing in service of a vehicle or for a safety certificate or safety authorisation should submit their application in accordance with the new rules. If the application is not processed before October 31, it will be dealt with under the new procedure.

The technical pillar of the 4th railway package is a set of legislative texts, i.a. Directive 2016/798 on railway safety^[1] and Directive 2016/797 on the interoperability of the rail system within the European Union^[2]. The deadline for transposition of these directives into Polish law is October 30, 2020. The implementation procedure in the Parliament is still ongoing^[3].

However, some provisions of the technical pillar of the 4th railway package do not require transposition into the national legal order – they are directly applicable. This includes provisions regarding vehicle type approval^[4] and issuing of safety certificates.

Applications for vehicle authorisation for placing in service, safety authorisations and safety certificates which were submitted in accordance with the regulations still in force and not successfully processed by October 30, 2020, will have to be submitted to UTK again under the new procedure. The date of receipt of the application by UTK is thus irrelevant. Applicants who consider applying for an authorisation for placing in service of a vehicle or for a safety certificate or safety authorisation should prepare and submit the documents in accordance with the new rules. Under the new regime applications can be submitted through the One Stop Shop, OSS, which is a web application prepared by the European Union Agency for Railways. It enables the submission of applications for a vehicle authorisations for placing on the market.

^[1] Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety, OJ L 138, 26.5.2016, p. 102-149

[2] Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union, OJ L 138, 26.5.2016, p. 44–101.

[3]

<https://www.sejm.gov.pl/Sejm9.nsf/PrzebiegProc.xsp?id=E5EA410147E27BE8C12585C40034C280> , <https://legislacja.rcl.gov.pl/projekt/12336306/katalog/12702412#12702412>

[4] Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council, C/2018/1866 OJ L 90, 6.4.2018, p. 66–104.