



## **Railway safety: Commission refers Bulgaria to the Court of Justice for failure to transpose and comply with EU rules on railway safety**

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### **Railway safety: Commission refers Bulgaria to the Court of Justice for failure to transpose and comply with EU rules on railway safety.**

Today, the Commission has decided to refer **Bulgaria** to the Court of Justice of the EU for failure to correctly transpose and implement EU legislation on railway safety ([Directive 2004/49/EC](#)). The Directive requires Member States to establish an investigating body which is independent in its organisation, legal structure and decision-making from any railway undertaking, infrastructure manager, charging body, allocation body and notified body, and more generally from any party whose interests could conflict with the tasks entrusted to the investigating body. Bulgaria has failed to fully transpose and implement the Directive at national level in this regard.

More specifically, Bulgarian legislation does not guarantee that investigations of serious rail accidents and incidents are performed by an independent investigating body.

#### **Background**

The purpose of the [Directive 2004/49/EC](#) is to ensure the development and improvement of safety on the EU's railways by, among others, harmonising the regulatory structure in the Member States, defining common principles for the management, regulation and supervision of railway safety and requiring the establishment, in every Member State, of an accident and incident investigating body. Each Member State must ensure that investigations of accidents and incidents are conducted by a permanent body, which comprises at least one investigator able to perform the function of investigator-in-charge in the event of an accident or incident.

Criteria governing the independence of the investigating body are strictly defined so that this body has no link with the various actors of the sector. The investigating body should be able to independently decide whether or not an investigation of a rail accident or incident should be undertaken, and determines the extent of investigations and the procedure to be followed. The time-limit for the transposition of the Directive expired on 30 April 2006. The Commission had already requested Bulgaria to transpose and correctly implement Directive 2004/49/EC through a reasoned opinion in [October 2017](#). At this time, Bulgaria had still failed to take the necessary legislative steps to comply with its obligations under that Directive.

#### **For More Information**

- On the key decisions in the November 2018 infringements package, see full [MEMO/18/6247](#).
- On the general infringements procedure, see [MEMO/12/12](#).
- On the [EU infringements procedure](#).

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