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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of delegation of powers to the Commission to adopt delegated acts, pursuant to Articles 6(6), 7(6) and 27 of Directive (EU) 2016/798

1. INTRODUCTION

Articles 6(6) and 7(6) of Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety ([1]) confer powers on the Commission to adopt delegated acts in accordance with the conditions laid down in Article 27 of that directive, for a period of five years, starting from 15 June 2016, and tacitly extended for periods of identical duration.

This report concerns the power of the Commission to adopt delegated acts and lists the acts adopted by the Commission in its exercise for the period from 17 January 2022, date of the previous report ([2]), to 16 september 2025.

2. LEGAL BASIS FOR THE REPORT

Under Article 27(2) of Directive (EU) 2016/798, the Commission is required to draw up a report on the delegation of power *no later than nine months before the end of the five-year period*.

3. EXERCISE OF THE POWER TO ADOPT DELEGATED ACTS

The following table shows the relevant empowerments:

Directive (EU) 2016/798	Empowerment to adopt delegated acts
Article 6(6) in conjunction with Article 6(1)	The Commission is empowered to adopt delegated acts in accordance with Article 27 concerning the content of the *Common Safety Methods* in: (a) the risk evaluation and assessment methods; (b) the methods for assessing conformity with requirements in safety certificates and safety authorisations issued in accordance with Articles 10 and 12; (c) the methods for supervision to be applied by national safety authorities and the methods for monitoring to be applied by railway undertakings, infrastructure managers and entities in charge of maintenance; (d) the methods for assessing the safety level and the safety performance of railway operators at national and Union level;

([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, ELI: http://data.europa.eu/eli/dir/2016/798/oj.

([2]) Report from the Commission to the European Parliament and the Council on the exercise of delegation of powers to the Commission to adopt delegated acts, pursuant to Article 6(6), 7(6) and 27 of Directive 2016/798 (COM/2022/12 final).

Directive (EU) 2016/798	Empowerment to adopt delegated acts
	(e) the methods for assessing the achievement of safety targets at national and Union level; and (f) any other methods covering a process of the safety management system which need to be harmonised at Union level.
Article 7(6) in conjunction with Article 7(1)	The Commission is empowered to adopt delegated acts in accordance with Article 27 concerning the content of the *Common Safety Targets*, in particular: (a) individual risks relating to passengers, staff including employees or contractors, level crossing users and others, and, without prejudice to existing national and international liability rules, individual risks relating to trespassers; (b) societal risks.

In the period covered by this report, the Commission has not exercised its empowerments under Article 6(6) and Article 7(6) of Directive (EU) 2016/798. The Commission considers the existing regulatory framework sufficient to ensure the stability and efficiency of the European rail system.

In the previous period and still in force, the Commission exercised its empowerment under Article 6(6) of Directive (EU) 2016/798 to adopt:

(1) Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 ([3]);

(2) Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010 ([4]).

([3]) Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012, OJ L 129, 25.5.2018, p. 16, ELI: http://data.europa.eu/eli/reg_del/2018/761/oj.

([4]) Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010, OJ L 129, 25.5.2018, p. 26, ELI: http://data.europa.eu/eli/reg_del/2018/762/oj.

These delegated regulations set out coherent methods to guarantee and to improve safety via the supervision exercised by the national safety authorities and the setting of safety management system requirements.

4. CONCLUSIONS

With this report the Commission complies with the reporting obligation laid down in Article 27(2) of Directive (EU) 2016/798.

The Commission invites the European Parliament and the Council to take note of this report.