

1.	3.1.a, §2	G	EL	<p>The claim is contested for the following reasons:</p> <p>- With the adoption of Law 4632/2019, the Greek institutional framework was harmonized with Directive 2016/798 and the RAS (Railway Regulatory Authority) was designated as the National Safety Authority. During the harmonization of the Safety Directive 2016/798 it was decided that the RAS will assume the responsibilities of Article 4(1) of the Directive, since as an Independent Authority it is included in the legal persons of the State, is included in the central administration of Greece and in addition it has expertise and experience in the railway sector.</p> <p>- It should be noted that when the transposition of the Directive into Greek legislation was notified and in the context of EUPILLOT 9931/21, no issue of non-compliance with the Directive was raised with regard to Article 4, nor was the need to provide for additional regulations concerning the monitoring and evaluation of the RAS pointed out.</p> <p>- Also :</p> <p>1. In ERA's Compliance audit report (Approved 21-12-2022) for the NSA Monitoring 2nd audit cycle - NSA Greece, the following is mentioned: "Since 2013, RAS is also entrusted with the task of The National Safety Authority (NSA) of Article 16 of Railway Safety Directive 2004/49." Furthermore it is stated that "In October 2019, following the transposition of</p>	R	<p>It is the position of the assessment team that responsibilities that are laid upon a Member State in the RSD cannot be transferred to a separate entity, in this case the NSA, for which the tasks are specified in Art. 16 of that same RSD. This is put in question by the Greek Government.</p> <p>Since, in essence, this is a question of (in-)correct transposition of an EU Directive, the judgement falls outside the remit of ERA's powers and is left to the European Commission.</p> <p>In any case, in terms of substance, the finding and fact remains that no Greek entity takes on the overall responsibility to ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved, which is a Member State obligation under Article 4(1) of Directive (EU) 2016/798 (RSD).</p> <p>Furthermore, the argument that this element was not taken into account in the report that resulted from ERA's NSA monitoring activities is not valid, since the scope of this audits was limited to the scope of Article 16 of the RSD.</p>
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