

measures to strengthen them where possible. For the different control layers - whether these are Member States (MS) administrative bodies, NSA, NIB, Assessment and other Certification Bodies - and the accreditation and recognition regimes, an increased performance and trust in their role and activities is fundamental.

3.1 The obligations under Article 4 of Directive (EU) 2016/798 to ensure the maintenance and improvement of safety of the Greek railway system and the roles and responsibilities

3.1.a. Article 4 (1) RSD "With the aim of developing and improving railway safety, Member States, within the limits of their competences, shall: (a) ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved, taking into consideration the development of Union law and international rules and of technical and scientific progress, and giving priority to the prevention of accidents;... (f) develop and publish annual safety plans setting out the measures envisaged to achieve the CSTs;"

Art. 56 of Greek Law 4632/2019 allocates the responsibility to ensure that railway safety is generally maintained and, where reasonably practicable, continuously improved to RAS, which also has the responsibilities of the Greek NSA. The findings mentioned in chapter 3.1 refer to RAS' responsibilities under Article 4 RSD, and not under article 16, given that the NSA related tasks have been audited during the NSA monitoring activity. The Greek law, transposing the RSD, transfers the role from the Member State to RAS without clearly defining the requirements and, for example, the responsibilities of each actor, their objectives, their expected competences, the expected performance, and their evaluation, as well as the obligations relating to the exchange of information.

During the Agency's visit, the Greek Ministry of Infrastructure and Transport repeated that the responsibility to ensure safety in Greece lies with RAS, which is not fully in line with the RSD.

The Agency identified that RAS' powers and capacity to fulfil this task (such as its legislative and administrative tools and resources) are limited. Furthermore, the Agency did not find any evidence either from the Ministry or from RAS on the effective carrying out of this task set out in Art. 4 of RSD. Furthermore, RAS had no clear awareness of the said role under the Greek legislation transposing Art. 4 of RSD.

In the Agency's view, the ultimate responsibility for ensuring that railway safety is generally maintained and, where reasonably practicable, continuously improved lies with the Member State central authorities. Even if some activities can be delegated to other entities, this must be done under specifically defined conditions, while monitoring and eventually coordinating shall still be carried out at the level of the Member State.

As an example of this mixture of roles and responsibilities in assurance of railway safety in Greece, the Agency's assessment team found no evidence of concrete safety plans, at the national level. No annual safety plan developed has been shown to ERA's assessment team, which might mean that safety plans are either not recognised as a proper tool to improve railway safety or not managed and implemented at the correct level in Greece.

In result, in Greece there appears to be no one, at Government nor national operational level, effectively taking overall responsibility to ensure railway safety and drive the system towards continuous improvement. When the Member State decides to delegate parts of its tasks, it is necessary to formalise this to ensure the correct implementation and effectiveness of this delegation (including setting objectives, defining competence, assigning the necessary resources, and carrying out performance monitoring and evaluation) and involving officially the concerned stakeholders.