Railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union

2019/0040(COD) - 12/02/2019 - Legislative proposal

PURPOSE: to mitigate the effects that a Brexit without a withdrawal agreement would have on rail safety and connectivity between the European Union and the United Kingdom.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: a withdrawal agreement was concluded between the Union and the United Kingdom and endorsed by the European Council (Article 50) on 25 November 2018. However, its ratification in the United Kingdom is uncertain. This proposal is part of a package of emergency measures proposed by the Commission to deal with a possible withdrawal from the European Union without the United Kingdom's agreement.

The withdrawal of the United Kingdom from the Union without an agreement affects the validity of safety authorisations issued under Directive 2004/49/EC to infrastructure managers for the management and operation of cross-border infrastructure linking the Union and the United Kingdom.

In the area of rail transport, in most cases the effect of the withdrawal of the United Kingdom from the European Union on certificates, authorisations and licences can be remedied by stakeholders through various measures, in particular by their establishment in a Member State and through obtaining the appropriate authorisations, certificates and licences there.

However, the negotiation and signature of agreements between the EU Member States concerned and the UK would be necessary to address issues relating directly to rail cross border operations, ensure their continuity after the withdrawal date, and thereby mitigate disruptions in the Union. The conclusion of such bilateral agreements would only be possible after the UK becomes a third country.

In particular the situation regarding the binational safety authority, set up under the Treaty of Canterbury relating to the Channel Tunnel would have to be adapted taking into account the new status of the United Kingdom as third country.

Therefore it is appropriate that the Commission proposes measures ensuring continued validity of authorisations for certain parts of the rail infrastructure in line with the relevant EU law in order to ensure the continuity limited to cross-border operations and services. An interruption in these activities would cause significant social and economic problems.

CONTENT: the proposal for a Regulation aims to guarantee the validity of safety authorisations for certain parts of railway infrastructure for a period strictly limited to three months, in order to enable long-term solutions to be put in place in accordance with Union law.

This measure concerns, in particular, the Channel Tunnel and will be subject to the United Kingdom maintaining safety standards identical to EU requirements. It should ensure the protection of rail

passengers, the safety of citizens and will avoid serious disruptions to rail operations and cross-border shuttle train services after the withdrawal from the United Kingdom.

The measures in this proposal are conditional on safety standards identical with the EU requirements being applied to the infrastructure on the UK territory, which are used for the purposes of ensuring cross-border rail connectivity.

Major disruption can however only be avoided if the rail operators and the national authorities take all required measures speedily to ensure that market access licences, train drivers licences, as well as all other certificates and authorisations required to operate on Union territory are issued in good time before 30 March 2019.