

Application of railway safety and interoperability rules within the Channel Fixed Link

2020/0161(COD) - 27/07/2020 - Legislative proposal

PURPOSE: to amend Directive (EU) 2016/798, as regards the application of railway safety in order to deal specifically with the situation of the Channel Fixed Link after the withdrawal of the United Kingdom from the Union.

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: the Treaty between France and the United Kingdom of Great Britain and Northern Ireland concerning the construction and operation by private concessionaires of a Channel Fixed Link, signed at Canterbury on 12 February 1986 established an Intergovernmental Commission to supervise all matters concerning the construction and operation of the Channel Fixed Link.

After the end of the transitional period set out in the agreement on the withdrawal of the UK from the EU, the Intergovernmental Commission shall constitute a body established by a Member State and a third country and shall therefore cease to be the national safety authority within the meaning of the EU Railway Safety Directive 2016/798 for the Channel Fixed Link. From the same date, EU law shall no longer be applicable to the part of the Channel Fixed Link under the jurisdiction of the United Kingdom.

To ensure the safe and efficient operation of the Channel Fixed Link, it would be beneficial to retain the Intergovernmental Commission as the single safety authority responsible for the whole of this infrastructure.

To this end, it is necessary to adapt Directive (EU) 2016/798.

In a parallel and related initiative, the Commission also proposes the adoption of a [decision](#) of the European Parliament and Council empowering France to negotiate and conclude under certain conditions an international agreement that would maintain the Intergovernmental Commission as the single national safety authority for the Channel Fixed Link.

CONTENT: this proposal aims to amend Article 3(7) of [Directive \(EU\) 2016/798](#), which defines the concept of ‘national safety authority’ for the purposes of both railway safety under that Directive and railway interoperability under [Directive \(EU\) 2016/797](#).

Specifically, the proposal shall:

- allow a body entrusted by a Member State and a third country with the tasks regarding railway safety and interoperability on the basis of an international agreement concluded or authorised by the EU to be considered as a national safety authority under Union law;
- provide that, where necessary for reasons of railway safety, the Member State concerned should make use without delay of the right afforded by the agreement with the third country concerned, whereby the national safety authority is entitled to assume sole competence over the part of the rail infrastructure situated in that Member State;

- provide that the European Court of Justice would have jurisdiction to give a ruling at the request of an arbitration tribunal set up by an international agreement such as the one that France should be empowered to negotiate and conclude with the United Kingdom.