

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

2020/0161(COD) - 08/10/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 687 votes to 4, with 4 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Directive (EU) 2016/798, as regards the application of railway safety and interoperability rules within the Channel Fixed Link.

The European Parliament adopted its position at first reading in accordance with the ordinary legislative procedure on the proposal which aims to ensure the safe and efficient operation of the Channel fixed link after the end of the transitional period provided for in the Agreement on the withdrawal of the United Kingdom from the European Union.

The Intergovernmental Commission is the national safety authority within the meaning of Directive (EU) 2016/798, responsible for the Channel fixed link. After the end of the transitional period, the Intergovernmental Commission shall become a body established by an international agreement between a Member State, namely France, and a third country, namely the United Kingdom. Unless otherwise provided for in an international agreement binding the United Kingdom, it shall no longer be a national security authority under Union law, which shall no longer apply to the part of the Channel fixed link under the jurisdiction of the United Kingdom.

The proposal to amend Directive (EU) 2016/798 aims to:

- retain the Intergovernmental Commission as the single competent safety authority for the whole of that infrastructure. To this end, a [proposal](#) for a Decision of the European Parliament and of the Council shall empower France, under certain conditions, to negotiate and conclude an international agreement supplementing the Treaty of Canterbury, which shall maintain the Intergovernmental Commission as the single national safety authority for the Channel fixed link;
- establish specific rules regarding the specific safety authorities and the duties of the Member State concerned to take all the necessary measures to ensure that Union law is applied at all times by the specific safety authority or, failing that, by its national safety authority;
- give the Court of Justice of the European Union jurisdiction to give preliminary rulings at the request of an arbitral tribunal set up by an international agreement where a dispute submitted to arbitration raises a question of interpretation of Union law. Where the arbitral tribunal does not comply with a judgment of the Court of Justice, the Member State concerned shall make use without delay of the right granted by the international agreement, according to which the national security authority is entitled to exercise exclusive jurisdiction over the part of the civil engineering works located in that Member State.