Empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link

2020/0160(COD) - 08/10/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 687 votes to 3, with 4 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link.

The European Parliament adopted its position at first reading in accordance with the ordinary legislative procedure by amending the Commission proposal as follows.

Objective

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 transition period provided for in the Withdrawal Agreement of the United Kingdom from the European Union, 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.

Consequently, the proposed Decision defines the conditions under which France is authorised to negotiate, sign and conclude an international agreement with the United Kingdom, supplementing the Treaty of Canterbury, concerning the construction and operation by private concessionary companies of a cross-Channel fixed link with regard to the application of railway safety rules on the Channel fixed link, in order to maintain a unified safety regime. Such an international agreement shall enter into force after the end of the transitional period.

Conditions

The international agreement shall comply with a number of conditions. The amended text specifies in this respect that in order to maintain a unified safety regime on the whole Channel fixed link, the Intergovernmental Commission shall ensure the application, as regards the Channel fixed link, of the provisions of Union law, as interpreted by the Court of Justice of the European Union in relation to the tasks of the national safety authorities within the meaning of Directive (EU) 2016/798.

In accordance with the Treaty of Canterbury, disputes between France and the United Kingdom concerning the interpretation or application of the Treaty of Canterbury are settled by an arbitral tribunal.

Where such disputes raise questions relating to the interpretation of Union law, the arbitral tribunal shall, in order to ensure the correct application of Union law, ask the Court of Justice of the European Union for a preliminary ruling on those questions.

France shall keep the Commission regularly informed about its negotiations with the United Kingdom on the supplementary agreement. At the end of these negotiations, France shall submit the resulting draft supplementary agreement to the Commission. The Commission shall inform the European Parliament and the Council thereof.

A proposal for a Regulation amending Directive (EU) 2016/798 on railway safety is also being presented in parallel by the Commission.