Certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link

2020/0347(COD) - 27/11/2020 - Legislative proposal

PURPOSE: to establish interim measures to ensure the continuity of cross-border rail services with the United Kingdom after the end of the transition period.

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 concessionaries of a Channel fixed link, signed in Canterbury on 12 February 1986, established an intergovernmental committee to supervise all matters concerning the construction and operation of the Channel Fixed Link.

After the end of the transition period set out in the withdrawal agreement, unless otherwise provided, EU law will no longer be applicable to the part of the Channel Fixed Link under the jurisdiction of the United Kingdom and, as regards the part of the Channel Fixed Link under French jurisdiction, the Intergovernmental Commission will no longer be a national safety authority under Union law.

The safety authorisations for the Channel Fixed Link infrastructure manager and safety certificates for railway undertakings operating through the Fixed Link issued by the Intergovernmental Commission will no longer be valid.

By Decision (EU) 2020/1531 of the European Parliament and of the Council, France was empowered to negotiate, sign and conclude an international agreement with the United Kingdom regarding the application of the railway safety and interoperability rules of the Union to the Channel Fixed Link, with the aim of maintaining a unified safety regime.

However, it is unlikely that such agreement will enter into force by the end of the transition period.

In the light of the economic importance of the Channel Fixed Link to the EU, it is essential that the Channel Fixed Link continue to operate after 1 January 2021.

CONTENT: in view of the end of the transitional period referred to in the withdrawal agreement, the proposed Regulation lays down transitional provisions for certain safety certificates and safety approvals issued under Directive 2004/49/EC and for certain licences of railway undertakings issued under Directive 2012/34/EU.

In concrete terms, the proposal:

- extends the validity of safety authorisations of the infrastructure manager by two months and the validity of safety certificates and licences of railway undertakings by nine months;

- also extends by nine months the validity of the operating licences issued by the United Kingdom under Directive 2012/34/EU in order to allow railway undertakings to continue to operate up to the Calais-Fréthun border-crossing station and thus ensure connectivity between the Union and the United Kingdom;

- provides that such authorisations, certificates and licences are subject to Directive (EU) 2016/798 and Directive 2012/34/EU respectively and requires their holders of to cooperate with the French National Safety Authority and licensing authority and provide the necessary information; the French National Safety Authority and licensing authority must monitor that the holders of these authorisations, certificates and licences

comply with EU law;

- confers implementing powers on the Commission to withdraw the benefit conferred on the holders of the approvals/certificates and licences in question, where compliance with EU requirements is not ensured.