Empowering France to negotiate, sign and conclude an international agreement on the safety and interoperability requirements within the Channel Fixed Link

2023/0192(COD) - 07/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 636 votes to 2, with 3 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council empowering the French Republic to negotiate, sign and conclude an international agreement on the safety and interoperability requirements within the Channel Fixed Link.

The European Parliament's position adopted at first reading under the ordinary legislative procedure.

The proposed decision aims to set out the conditions pursuant to which the French Republic is empowered to negotiate, sign, conclude and in future amend an international agreement with the United Kingdom on the safety and interoperability requirements in the Channel Fixed Link, as well as cooperation between the Etablissement Public de Sécurité Ferroviaire (EPSF) and the Office of Rail and Road (ORR).

In respect of the part of the Channel Fixed Link under the jurisdiction of the French Republic, the agreement should comply with the following conditions:

(a) The agreement is compatible with Union law in all respects. Compliance with the principles of the primacy and, where applicable, direct effect of Union law should be ensured;

(b) Disputes between the French Republic and the United Kingdom concerning the application of the Agreement should not be submitted to the arbitral tribunal set up under Article 19 of the Treaty of Canterbury or to any other means of legally binding dispute settlement;

(c) The French Republic should retain the right to unilaterally suspend or terminate the agreement, with a view to ensuring the full, correct and expeditious application of Union law in the part of the Channel Fixed Link under its jurisdiction;

(d) The agreement provides for a mechanism for its amendment, in order to adapt it to changes in Union law;

(e) The independence and the respective powers granted by Union law to the European Union Agency for Railways and the EPSF, as national safety authority within the meaning of Directive (EU) 2016/798, should be ensured.

In order to account for possible **future changes** of Union law, in particular of Regulation (EU) 2016/796 and Directives (EU) 2016/797 and (EU) 2016/798, the Agreement should also provide for rules for its amendment. The Commission should be empowered to authorise the French Republic to amend the Agreement in accordance with the amending procedure laid down in that Agreement, provided that such amendments are limited to adaptations to reflect changes in Union law.

In the interests of the Union, the French Republic should also be empowered to **negotiate further amendments** to the agreement concluded on the basis of the empowerment in this decision, reflecting the

conditions laid down in Decision (EU) 2020/1531. The empowerment granted by the Union in Decision (EU) 2020/1531, should therefore remain valid insofar as the agreement concluded on the basis of this empowerment could be amended to reflect the conditions laid down in that decision.