European railway area: European Railway Agency for interoperability and safety. 2nd package

2002/0024(COD) - 25/06/2003 - Council position

The Council adopted, by qualified majority, the "Second Railway Package", the Belgian, French and Luxembourg delegations voting against, establishing a single market for rail transport service. This package includes the following legal texts: - the Directive on the interoperability of the trans-European rail system; - the Directive on safety on the Community's railways; - the Directive on the development of the Community's railways (market access); - the Regulation establishing a European Railway Agency. The Council recognises that a European Railway Agency can provide a very useful input into the legislative process and other aspects relating to the revitalisation of the European railways. Against this background, the changes introduced in the Council's common position do not significantly alter the substance of the Commission's proposal. These changes concern the tasks and responsibilities of the Agency, the consultation of other parties, the composition of its Working Parties and the Administrative Board, and the working languages. In several instances, the Council has chosen to draw on similar provisions in the Regulations establishing other Community bodies such as the European Maritime Safety Agency (EMSA) and the European Aviation Safety Agency (EASA). In particular, the Council has accepted Article 3 (Composition of the working parties) Parliament's ideas concerning representation of the sector on the Agency's Administrative Board, adding passenger representation, and in the working parties. It has, however, spelt out the criteria for their representation. The Council has not on the other hand accepted the Commission's proposal for the composition of the Administrative Board and, as in the other transport sector agencies, has decided that there should be one representative for each Member State. With regard to the direct participation of rail workers' representatives in the working parties, the Council has preferred to maintain the Commission's initial proposal, which provides for a consultation mechanism. The arrangements for such consultation, both for the social partners and for customers' and passengers' representatives have, however, been strengthened. The Council's text is also acceptable given that the consultation arrangements have been strengthened. The Council has not accepted the proposal for two advisory committees, for the national safety authorities and for the investigative bodies, which the Commission had rejected since the new working of enables these bodies to take part directly in work carried out by the Agency. Furthermore, the Agency still has the task of networking these bodies in order to facilitate their cooperation. With regard to the Agency's working languages, the Council has taken over the text in force for the Aviation Safety Agency and not the solution proposed by Parliament. Lastly, as regards the new provisions introduced by the Council, it has expressed the wish to extend the Agency's powers as regards the working conditions of staff having safety duties.