

Trans-European road network : minimum safety requirements for tunnels

2002/0309(COD) - 05/03/2004 - Commission communication on Council's position

The Council's common position includes the amendments proposed by the Commission in its amended proposal, which seeks to incorporate most of the amendments adopted by the European Parliament at first reading. It differs from the amended proposal in the following major respects: - The initial proposal provided for a schedule for the refurbishment of existing tunnels, requiring 10% of tunnels to be made compliant within 3 years, 50% within 6 years and 100% within 10 years. The common position does not restate the interim deadlines, but leaves them to the discretion of the Member States. Instead, a clause has been inserted in the new Article 15 "Reporting" stipulating that, 30 months after the Directive enters into force, Member States should forward a schedule for the refurbishment of existing tunnels to the Commission. In addition, every two years, they are to give the Commission a progress report on fulfilment of the schedule. This approach is acceptable to the Commission, which will monitor the situation to ensure that the proposed plans are realistic and properly staggered over the whole ten-year period. - The common position proposes introducing a streamlined committee procedure under Article 14 to authorise Member States to grant, on the basis of a duly documented request, a derogation from the terms of the Directive for the implementation of a technical innovation providing an equivalent or higher protection level. The streamlined procedure, aimed at making it easier to examine any derogations, is acceptable insofar as it is applied only if either the Commission or a Member State submits no comments. - The common position introduces a new Article 15 on "Reporting", which incorporates the obligation for Member States to report regularly on the implementation of the Directive and its effectiveness in the event of any accidents occurring in the course of the year. The new Article is acceptable. The Commission considers that the common position adopted unanimously by the Council is faithful to the aims and spirit of the Commission's proposal and that it can therefore approve the common position. The common position includes, either in letter or spirit, many of the amendments adopted by the European Parliament at first reading. There is consequently a high level of agreement between the Council, Parliament and the Commission on the key aspects of the proposal. Accordingly, the Commission invites the European Parliament to approve the common position. The engineering work required to bring tunnels into compliance with the future Directive will take a long time and it is important for this work to begin as soon as possible.