Basic information

2002/0023(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Trans-European railway transport: interoperability. 2nd package Amending Directive 96/48/EC 1994/0112(SYN) Amending Directive 2001/16/EC 1999/0252(COD) **Subject** 3.20.02 Rail transport: passengers and freight 3.20.11 Trans-European transport networks	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	AINARDI Sylviane H. (GUE /NGL)	13/11/2003

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	AINARDI Sylviane H. (GUE /NGL)	21/02/2002
RETT Regional Policy, Transport and Tourism	AINARDI Sylviane H. (GUE /NGL)	21/02/2002

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2420	2002-03-25
Transport, Telecommunications and Energy	2472	2002-12-05
Transport, Telecommunications and Energy	2452	2002-10-03
Transport, Telecommunications and Energy	2499	2003-03-27
Agriculture and Fisheries	2578	2004-04-26

	Agriculture and Fisheries	2516	2003-06-25
	Environment	2555	2003-12-22

European Commission	Commission DG	Commissioner
	Energy and Transport	

Key events

Date	Event	Reference	Summary
24/01/2002	Legislative proposal published	COM(2002)0022	Summary
27/02/2002	Committee referral announced in Parliament, 1st reading		
25/03/2002	Debate in Council		
03/10/2002	Debate in Council		
27/11/2002	Vote in committee, 1st reading		Summary
27/11/2002	Committee report tabled for plenary, 1st reading	A5-0418/2002	
05/12/2002	Debate in Council		
14/01/2003	Decision by Parliament, 1st reading	T5-0006/2003	Summary
14/01/2003	Debate in Parliament		
25/06/2003	Council position published	08556/2/2003	Summary
03/07/2003	Committee referral announced in Parliament, 2nd reading		
01/10/2003	Vote in committee, 2nd reading		Summary
01/10/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0321/2003	
21/10/2003	Debate in Parliament		
23/10/2003	Decision by Parliament, 2nd reading	T5-0455/2003	Summary
22/12/2003	Parliament's amendments rejected by Council		Summary
16/03/2004	Formal meeting of Conciliation Committee		
16/03/2004	Final decision by Conciliation Committee		Summary
16/03/2004	Report tabled for plenary, 3rd reading	A5-0243/2004	
23/03/2004	Joint text approved by Conciliation Committee co-chairs	3639/2004	
21/04/2004	Debate in Parliament		
22/04/2004	Decision by Parliament, 3rd reading	T5-0357/2004	Summary
26/04/2004	Decision by Council, 3rd reading		
29/04/2004	End of procedure in Parliament		
30/04/2004	Final act signed		
30/04/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0023(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 96/48/EC 1994/0112(SYN) Amending Directive 2001/16/EC 1999/0252(COD)
Legal basis	EC Treaty (after Amsterdam) EC 156 EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/20327

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0418/2002	27/11/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0006/2003 OJ C 038 12.02.2004, p. 0016-0119 E	14/01/2003	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0321/2003	01/10/2003	
Text adopted by Parliament, 2nd reading		T5-0455/2003 OJ C 082 01.04.2004, p. 0320-0536 E	23/10/2003	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0243/2004	16/03/2004	
Text adopted by Parliament, 3rd reading		T5-0357/2004 OJ C 104 30.04.2004, p. 0743-0949 E	22/04/2004	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	10587/2001	20/06/2003	
Council statement on its position	10587/2003	20/06/2003	
Council position	08556/2/2003 OJ C 270 11.11.2003, p. 0007-0024 E	25/06/2003	Summary
Council statement on its position	10840/2003	25/06/2003	

European Commission

Document type	Reference	Date	Summary

Legislative proposal	COM(2002)0022 OJ C 126 28.05.2002, p. 0312 E	24/01/2002	Summary
Commission communication on Council's position	SEC(2003)0754	30/06/2003	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2003)0719	26/11/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1028/2002 OJ C 061 14.03.2003, p. 0131	18/09/2002	
CofR	Committee of the Regions: opinion	CDR0097/2002	10/10/2002	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3639/2004	23/03/2004	

Additional information

Source	Document	Date
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Directive 2004/0050
OJ L 164 30.04.2004, p. 0114

Corrigendum to final act 32004L0050R(01)
OJ L 220 21.06.2004, p. 0040 Summary

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 29/04/2004 - Corrigendum to final act

PURPOSE: to set out the conditions to be met to achieve interoperability within Community territory of the trans-European high-speed rail system.

LEGISLATIVE ACT: Directive 2004/50/EC of the European Parliament and of the Council amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system. (Corrigendum to the Regulation published in OJ L164 of 30 April 2004).

CONTENT: this Directive has been adopted as part of the second railway package. The Second Railway Package will help to accelerate the integration of the market by removing important obstacles to cross-border services. It will guarantee a high level of safety for railway operation and will contribute to reducing costs and facilitating operations through a greater harmonisation of technical standards in the railway sector.

It should be stressed that rail's share of the freight market has continued to decline and is now under 8%. In half of the EU countries the volume of goods transported by rail diminished, making a total decline of one per cent between 2002 and 2003. Equally, the opening of the railway freight market is too slow and new entrants share only 3 to 4% of the market.

The aim of this Directive is to amend Council Directive 96/48/EC and Directive 2001/16/EC on the interoperability of the trans-European rail system. Amendment of the interoperability Directives 96/48/EC and 2001/16/EC. This amendment is essentially designed to ensure consistency of scope

between the network on which there will be open access and that subject to the interoperability rules, with a progressive extension of the field of application to the whole European network.

The aim of this Directive is to establish the conditions to be met to achieve interoperability within Community territory of the trans-European high-speed rail system. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system placed in service, as well as the qualifications and health and safety conditions of the staff who contribute to its operation.

The pursuit of this objective must lead to the definition of an optimal level of technical harmonisation and make it possible to:

- facilitate, improve and develop international rail transport services within Community territory and with third countries;
- contribute to the gradual creation of the internal market in equipment and services for the construction, operation, renewal and upgrading of the trans-European high-speed rail system;
- contribute to the interoperability of the trans-European high-speed rail system.

This Directive states that trains must be equipped with a recording device. The data collected by this device and the processing of the information must be harmonised.

The Commission shall adopt, by 1 January 2006, a work programme aiming at the development of new TSIs and/or the review of TSIs already adopted with a view to covering the lines and rolling stock not yet covered. This work programme will indicate a first group of new TSIs and/or amendments to TSIs to be developed by January 2009, as regards the possibility of providing for specific cases and allowing for derogations in particular circumstances. The choice of the subjects to be covered by the TSIs will be based on the expected cost-effectiveness of each proposed measure and on the principle of proportionality of measures taken at Community level.

ENTRY INTO FORCE: 30/04/2004.

TRANSPOSITION: 30/04/2006.

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 22/12/2003

The Council did not approve the European Parliament's second reading amendments regarding the four proposals (3 Directives and 1 Regulation) on the Community's railways. Consequently the Conciliation Committee is convened in accordance with Article 251(3) of the TEC.

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 23/10/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Sylviane AINARDI (EUL/NGL, France) making a few amendments to the common position. (Please see the document dated 01/10/03.) An additional clause states the directive establishes the conditions to be met to achieve interoperability of the trans-European conventional rail system. These conditions concern the design, construction, putting into service, upgrading, renewal, operation and maintenance of the parts of this system put into service after the date of entry into force of the directive, as well as the professional qualifications and health and safety conditions of its staff.

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 24/01/2002 - Legislative proposal

PURPOSE : to amend Directives 96/48/CE et 2001/16/CE to take account of experience in implementing the Directives, and the development of the technical specifications for interoperability (TSIs), proposals on safety and an Agency, and the adoption of the infrastructure package.

CONTEXT : This proposal is part of a package to revitalise the Community railway system by creating an integrated European railway system. The directive is linked to other proposals in this same package, in particular the proposal to establish a common regulatory framework for railway safety and the proposal to create a European Rail Agency. It applies a gradual approach to harmonisation and the development of common principles, taking into account the great differences that exist between the Member States. The other measures in the package relate to safety, the establishment of a European Railway Agency, and the integration of the rail freight market.

CONTENT : Directive 2001/16/EC on the interoperability of the conventional rail system, like that on the high-speed system, introduces Community procedures for the preparation and adoption of TSIs and common rules for assessing conformity to these specifications.

The directive requires a first group of priority TSIs to be adopted within three years, i.e. in 2004, in certain areas.

A number of lessons have been learned from the work on developing TSIs in the high-speed sector, the application of the directive to specific projects and the work of the Committee set up under Article 21 of Directive 96/48/EC, which have led the Commission to propose changes to the two rail interoperability directives.

They mainly concern the following points:

-precise objectives of the directive,

-geographical scope,

-technical scope,

-how the European specifications should be used,

-coordination of the notified bodies,

-application of the directive and of the TSIs in the case of upgrading, renewal and maintenance work,

-implementation strategy to be specified in the TSIs,

-verifications after placing in service, with TSIs not covering all the essential requirements,

-need for registers of infrastructure and rolling stock and

-independence of the notified bodies.

Furthermore, the establishment of an Agency and the adoption of a directive on safety, as proposed jointly with this proposal, (please see COD /2002 /0022, COD/2002/0024, COD/2002/0025) mean that some provisions of the two rail interoperability directives need to be reformulated.

In particular, the mandates for developing and reviewing the TSIs would no longer be addressed to the joint representative body, but to the Agency, which would assume responsibility for the draft TSI while relying on the joint working groups proposed by the JRB.

Lastly, the adoption of the "infrastructure package" (Directives 2001/12, 13 and 14) means that the entry into force of these new directives also has an impact on the implementation of interoperability. In particular, the complete opening up of the rail network to international freight services, scheduled for 2008 by Directive 2001/12/EC, implies the need to implement interoperability on the whole network. It is therefore necessary to extend the geographical scope, in particular since the related proposal to amend Directive 91/440/EEC provides for opening up the network sooner.

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 22/04/2004 - Text adopted by Parliament, 3rd reading

The European Parliament approved the agreements in conciliation on the second rail package. (Please refer to the previous summary).

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 29/04/2004

PURPOSE : to set out the conditions to be met to achieve interoperability within Community territory of the trans-European high-speed rail system.

LEGISLATIVE ACT : Directive 2004/50/EC of the European Parliament and of the Council amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system. (Corrigendum to the Regulation published in OJ L164 of 30 April 2004).

CONTENT : this Directive has been adopted as part of the second railway package. The Second Railway Package will help to accelerate the integration of the market by removing important obstacles to cross-border services. It will guarantee a high level of safety for railway operation and will contribute to reducing costs and facilitating operations through a greater harmonisation of technical standards in the railway sector.

It should be stressed that rail's share of the freight market has continued to decline and is now under 8%. In half of the EU countries the volume of goods transported by rail diminished, making a total decline of one per cent between 2002 and 2003. Equally, the opening of the railway freight market is too slow and new entrants share only 3 to 4% of the market.

The aim of this Directive is to amend Council Directive 96/48/EC and Directive 2001/16/EC on the interoperability of the trans-European rail system. Amendment of the interoperability directives 96/48/EC and 2001/16/EC. This amendment is essentially designed to ensure consistency of scope between the network on which there will be open access and that subject to the interoperability rules, with a progressive extension of the field of application to the whole European network.

The aim of this Directive is to establish the conditions to be met to achieve interoperability within Community territory of the trans-European high-speed rail system. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system placed in service, as well as the qualifications and health and safety conditions of the staff who contribute to its operation.

The pursuit of this objective must lead to the definition of an optimal level of technical harmonisation and make it possible to:

- facilitate, improve and develop international rail transport services within Community territory and with third countries;

- contribute to the gradual creation of the internal market in equipment and services for the construction, operation, renewal and upgrading of the trans-European high-speed rail system;

- contribute to the interoperability of the trans-European high-speed rail system.

This Directive states that trains must be equipped with a recording device. The data collected by this device and the processing of the information must be harmonised.

The Commission shall adopt, by 1 January 2006, a work programme aiming at the development of new TSIs and/or the review of TSIs already adopted with a view to covering the lines and rolling stock not yet covered. This work programme will indicate a first group of new TSIs and/or amendments to TSIs to be developed by January 2009, as regards the possibility of providing for specific cases and allowing for derogations in particular circumstances. The choice of the subjects to be covered by the TSIs will be based on the expected cost-effectiveness of each proposed measure and on the principle of

proportionality of measures taken at Community level.

ENTRY INTO FORCE : 30/04/2004.

TRANSPOSITION : 30/04/2006.

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 14/01/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Sylviane AINARDI (EUL/NGL, France) making several amendments to the Commission's proposals. (Please refer to the document dated 27/11/02.) Parliament made the following additional amendments: - a definition of "placing on the market"; - a new clause stating that the Directive sets out to establish the conditions to met to achieve interoperability with Community territory of the trans-European conventional rail system. These conditions concern the design, construction, putting into service, upgrading, renewal, operation and maintenance of the parts of this system put into service after the entry into force of the Directive, as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance; - where so required by the TSIs, the notified body with which the manufacturer or his authorised representative established in the Community has lodged an application will carry out assessment of the suitability for use of an interoperability constituent.

Trans-European railway transport: interoperability. 2nd package

2002/0023(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 common position concerning the draft Directive of the European Parliament and of the Council amending Council Directive 96/48/EC and Directive 2001/16/EC on the interoperability of the trans-European rail system accepts 4 amendments proposed by the European Parliament. The main elements are as follows: - the Council's common position retains the principle of applying the provisions of the Directive to the entire railway network in the European Union. However, because of a number of financial and economic considerations, it provides for a more gradual introduction of the technical specifications for interoperability (TSI) than proposed by the Commission; - a first group of new TSI and/or TSI amendments should now be developed by 1 January 2009; - for the application of a specific TSI, further categories of lines and rolling stock have been added in Annex III, as well as the possibility to further subdivide these categories as required. This will allow the specific TSI to be applied in the most cost-effective way; - the common position expands the possibilities for exemptions from the application of the provisions of a TSI.

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 26/11/2003 - Commission opinion on Parliament's position at 2nd reading

The European Commission supports all of Parliament's amendments to this text. Parliament's amendments are primarily designed to reaffirm the interoperability objective and to improve the consistency of the wording of Directives 96/48/EC and 2001/16/EC. In addition, they seek to include an obligation to fit a recording device in new trains among the essential requirements laid down in the directives.

Trans-European railway transport: interoperability. 2nd package

2002/0023(COD) - 30/06/2003

The Commission supports the texts of the common position. However, as regards the Agency, the Commission would like to draw attention to the forthcoming adoption of the standard provisions for all agencies following the entry into force of the new Financial Regulation. The Commission entered the following statements in the minutes of the Transport Council meeting of 28 March 2003: - The Commission intends to present by the end of 2003 to the European Parliament and the Council a proposal relating to the introduction of a European driving licence for train drivers. Besides, the Commission fully supports and encourages the work in progress in the framework of the European Social Dialogue by the social partners, in accordance with Article 139 of the Treaty, concerning the harmonisation of driving times and rest periods for train drivers and staff accompanying trains; - The Commission declares that the final budgetary needs for the European Railway Agency depend on a clear agreement on the competencies

of this Agency between the Council and the European Parliament. These needs, of which a first assessment has been made in the financial statement attached to the legislative proposal, will have to be translated in the annual budgetary requests tabled by the Commission to the Council and the Parliament acting as the budgetary authority. A precise estimate of these needs for 2004-2006 can only be made once the codecision procedure has been completed; - The arrangements laid down in paragraphs 4 and 5 of Article 8 of the Directive on safety do not constitute a system of prior authorisation.