Basic information

2019/0040(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union **Subject** 3.20.02.01 Railway safety 3.20.15.08 Rail transport agreements and cooperation **Geographical area** United Kingdom	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	ERTUG Ismail (S&D)	27/02/2019
	Shadow rapporteur BACH Georges (PPE) LEGUTKO Ryszard Antoni (ECR) RIQUET Dominique (ALDE) CARTHY Matt (GUE/NGL) CRAMER Michael (Verts/ALE)	

Council of the European Union

European Commission

Commission DG	Commissioner
Mobility and Transport	BULC Violeta

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
12/02/2019	Legislative proposal published	COM(2019)0088	Summary

12/02/2019	Committee referral announced in Parliament, 1st reading		
13/03/2019	Decision by Parliament, 1st reading	T8-0185/2019	Summary
13/03/2019	Results of vote in Parliament		
22/03/2019	Act adopted by Council after Parliament's 1st reading		
25/03/2019	Final act signed		
27/03/2019	End of procedure in Parliament		
27/03/2019	Final act published in Official Journal		

Technical information

Procedure reference	2019/0040(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Rules of Procedure EP 170 Treaty on the Functioning of the European Union TFEU 091-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/15530

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0185/2019	13/03/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00072/2019/LEX	25/03/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2019)0088	12/02/2019	Summary
Commission response to text adopted in plenary	SP(2019)393	30/04/2019	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act	
Regulation 2019/0503 OJ L 085I 27.03.2019, p. 0060	Summary

Railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union

2019/0040(COD) - 27/03/2019 - Final act

PURPOSE: to ensure the validity of safety authorisations for certain parts of the rail infrastructure and the connectivity of rail transport with the United Kingdom in the event of Brexit without a withdrawal agreement.

LEGISLATIVE ACT: Regulation (EU) 2019/503 of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union.

CONTENT: the Regulation introduces temporary measures to extend certain approvals, certificates and licences in order to ensure the continuity of rail services between the EU and the United Kingdom, without disruption, in the event that the United Kingdom leaves the EU without a withdrawal agreement. This measure concerns, in particular, the Channel Tunnel and shall be subject to the United Kingdom maintaining safety standards identical to EU requirements.

Validity

Safety authorisations, safety certificates, operating licences and train driver licences shall be valid for **nine months** from the date of application of the Regulation in order to allow the parties concerned to conclude the necessary agreements and to take any other necessary measures to prevent disturbances, taking into account the third-country status of the United Kingdom.

Controls

The rail operators and the national authorities shall take the required measures speedily to ensure that certificates, authorisations and licences falling under this Regulation are issued in good time before this Regulation ceases to apply, and that other certificates, autorisations and licences required to operate on Union territory are issued before the date of the United Kingdom's withdrawal.

The National Safety Authority shall monitor the railway safety standards applied to railway undertakings established in the United Kingdom using the cross-border infrastructure linking the Union and the United Kingdom. In addition, the National Safety Authority shall check that infrastructure managers comply with the safety requirements set out in Union law and that the train drivers operating on the territory under its jurisdiction fulfil the requirements set out in the relevant provisions of Union law.

Where the Commission has justified doubts that the safety standards applied to the operation of cross-border railway services or infrastructure falling within the scope of this Regulation or the part of the same infrastructure that is situated in the United Kingdom are in line with the relevant provisions of Union law, it shall without undue delay, adopt implementing acts to withdraw the benefit conferred on the holder.

ENTRY INTO FORCE: 28.3.2019. This Regulation shall apply from the day following that on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) of the Treaty on European Union. It shall cease to apply nine months from the day on which it has become applicable.

Railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union

2019/0040(COD) - 13/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 661 votes to 5, with 5 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union.

The European Parliament’s position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Objective

The proposed Regulation aims to put in place temporary measures to extend the validity of railway safety authorisations in order to ensure the continuity of rail services between the EU and the United Kingdom in the absence of a withdrawal agreement.

It lays down specific provisions for certain safety certificates and safety authorisations issued pursuant to Directive 2004/49/EC, certain train driver's licences issued pursuant to Directive 2007/59/EC and certain licences of railway undertakings issued under to Directive 2012/34/EU which are reportedly valid on the day preceding the date of application of the Regulation.

Validity

Safety authorisations, safety certificates, operating licences and train driver licences shall be valid for 9 months from the date of application of the Regulation.

National authorities shall take prompt action to ensure that certificates, approvals and licences covered by the Regulation are issued before it ceases to apply, and that other certificates, approvals and licences necessary to operate within the Union are issued before the date of withdrawal from the United Kingdom.

Monitoring compliance with Union law

The proposed measures are subject to safety standards identical to EU requirements for infrastructure in the United Kingdom, which ensure cross-border rail connectivity.

The National Safety Authority shall monitor the railway safety standards applied to railway undertakings established in the United Kingdom using the cross-border infrastructure, and applied to that cross-border infrastructure. In addition, the National Safety Authority shall check that infrastructure managers comply with the safety requirements set out in Union law and that the train drivers operating on the territory under its jurisdiction fulfil the requirements set out in the relevant provisions of Union law.

Where the Commission has justified doubts that the safety standards applied to the operation of cross-border railway services or infrastructure falling within the scope of this Regulation or the part of the same infrastructure that is situated in the United Kingdom are in line with the relevant provisions of Union law, it shall without undue delay, adopt implementing acts to withdraw the benefit conferred on the holder.

The Regulation shall apply from the day following the day on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) of the Treaty on European Union. It shall cease to apply 9 months from the day it becomes applicable.

Railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union

2019/0040(COD) - 12/02/2019 - Legislative proposal

PURPOSE: to mitigate the effects that a Brexit without a withdrawal agreement would have on rail safety and connectivity between the European Union and the United Kingdom.

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: a withdrawal agreement was concluded between the Union and the United Kingdom and endorsed by the European Council (Article 50) on 25 November 2018. However, its ratification in the United Kingdom is uncertain. This proposal is part of a package of emergency measures proposed by the Commission to deal with a possible withdrawal from the European Union without the United Kingdom's agreement.

The withdrawal of the United Kingdom from the Union without an agreement affects the validity of safety authorisations issued under Directive 2004/49 /EC to infrastructure managers for the management and operation of cross-border infrastructure linking the Union and the United Kingdom.

In the area of rail transport, in most cases the effect of the withdrawal of the United Kingdom from the European Union on certificates, authorisations and licences can be remedied by stakeholders through various measures, in particular by their establishment in a Member State and through obtaining the appropriate authorisations, certificates and licences there.

However, the negotiation and signature of agreements between the EU Member States concerned and the UK would be necessary to address issues relating directly to rail cross border operations, ensure their continuity after the withdrawal date, and thereby mitigate disruptions in the Union. The conclusion of such bilateral agreements would only be possible after the UK becomes a third country.

In particular the situation regarding the binational safety authority, set up under the Treaty of Canterbury relating to the Channel Tunnel would have to be adapted taking into account the new status of the United Kingdom as third country.

Therefore it is appropriate that the Commission proposes measures ensuring continued validity of authorisations for certain parts of the rail infrastructure in line with the relevant EU law in order to ensure the continuity limited to cross-border operations and services. An interruption in these activities would cause significant social and economic problems.

CONTENT: the proposal for a Regulation aims to guarantee the validity of safety authorisations for certain parts of railway infrastructure for a period strictly limited to three months, in order to enable long-term solutions to be put in place in accordance with Union law.

This measure concerns, in particular, the Channel Tunnel and will be subject to the United Kingdom maintaining safety standards identical to EU requirements. It should ensure the protection of rail passengers, the safety of citizens and will avoid serious disruptions to rail operations and cross-border shuttle train services after the withdrawal from the United Kingdom.

The measures in this proposal are conditional on safety standards identical with the EU requirements being applied to the infrastructure on the UK territory, which are used for the purposes of ensuring cross-border rail connectivity.

Major disruption can however only be avoided if the rail operators and the national authorities take all required measures speedily to ensure that market access licences, train drivers licences, as well as all other certificates and authorisations required to operate on Union territory are issued in good time before 30 March 2019.