Basic information

2020/0160(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link **Subject** 3.20.02.01 Railway safety 3.20.15.08 Rail transport agreements and cooperation **Geographical area** France United Kingdom	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism		

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	ROBERTI Franco (S&D)	15/09/2020

Council of the European Union

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
27/07/2020	Legislative proposal published	COM(2020)0622	Summary
14/09/2020	Committee referral announced in Parliament, 1st reading		
08/10/2020	Decision by Parliament, 1st reading	T9-0262/2020	Summary
09/10/2020	Act adopted by Council after Parliament's 1st reading		
19/10/2020	End of procedure in Parliament		
21/10/2020	Final act signed		
22/10/2020	Final act published in Official Journal		

Technical information

Procedure reference	2020/0160(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Rules of Procedure EP 170 Rules of Procedure EP 41 Treaty on the Functioning of the European Union TFEU 091
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/03678

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Specific opinion	JURI	PE657.373	28/09/2020	
Text adopted by Parliament, 1st reading/single reading		T9-0262/2020	08/10/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00031/2020/LEX	21/10/2020	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2020)0622	27/07/2020	Summary
Commission response to text adopted in plenary	SP(2020)532	05/11/2020	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES3940/2020	18/09/2020	

Additional information

Source	Document	Date

European Commission	EUR-Lex	

Final act

Decision 2020/1531
OJ L 352 22.10.2020, p. 0004

Empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link

2020/0160(COD) - 27/07/2020 - Legislative proposal

PURPOSE: to empower France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link.

PROPOSED ACT: Decision 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: the Treaty between France and the United Kingdom of Great Britain and Northern Ireland concerning the construction and operation by concessionnaires of a Channel Fixed Link, signed at Canterbury on 12 February 1986 established an Intergovernmental Commission to supervise all matters concerning the construction and operation of the Channel Fixed Link.

After the end of the transitional period set out in the agreement on the withdrawal of the UK from the EU, the Intergovernmental Commission shall constitute a body established by a Member State and a third country and shall therefore cease to be the national safety authority within the meaning of the EU Railway Safety Directive 2016/798 for the Channel Fixed Link. From the same date, EU law shall no longer be applicable to the part of the Channel Fixed Link under the jurisdiction of the United Kingdom.

Considering the special position of the Channel Fixed Link as a railway link involving a single, complex engineering structure situated partly in the territory of France and of a third country respectively, it is appropriate to authorise France to enter into an international agreement with the United Kingdom regarding the application of the railway safety rules of the Union to the Channel Fixed Link in order to maintain a unified safety regime in the whole Tunnel, provided that certain requirements are fulfilled.

To this end, a proposal for a Regulation amending Directive (EU) 2016/798 on railway safety is also being presented in parallel by the Commission.

CONTENT: following a request submitted by France on 16 July 2020, this proposal aims to authorise France to negotiate an international agreement supplementing the Treaty of Canterbury with the United Kingdom to ensure the safe and efficient operation of the Channel Fixed Link by maintaining a single safety authority responsible for the whole infrastructure, and to define the specific requirements that the proposed agreement must meet, such as the obligation for the Intergovernmental Commission to apply EU rules on railway safety and interoperability.

The Intergovernmental Commission established by the Treaty of Canterbury shall therefore remain the single safety authority and shall continue to apply Union rules on railway safety. The aim is to ensure that the Intergovernmental Commission applies Union law on the whole of the Channel Fixed Link, including in its section under the jurisdiction of the United Kingdom.

In accordance with the Treaty of Canterbury, disputes between France and the United Kingdom concerning the interpretation or application of the Treaty of Canterbury shall be settled by an arbitration tribunal. Where such disputes raise questions relating to the interpretation of Union law, the arbitral tribunal should, in order to ensure the correct application of Union law, refer the matter to the Court of Justice of the European Union and defer to its decision.

Empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link

2020/0160(COD) - 08/10/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 687 votes to 3, with 4 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link.

The European Parliament adopted its position at first reading in accordance with the ordinary legislative procedure by amending the Commission proposal as follows.

Objective

The Intergovernmental Commission is the national safety authority within the meaning of Directive (EU) 2016/798, responsible for the Channel fixed link.

After the end of the transition period provided for in the Withdrawal Agreement of the United Kingdom from the European Union, the Intergovernmental Commission shall become a body established by an international agreement between a Member State, namely France, and a third country, namely the United Kingdom. Unless otherwise provided for in an international agreement binding the United Kingdom, it shall no longer be a national security authority under Union law, which shall no longer apply to the part of the Channel fixed link under the jurisdiction of the United Kingdom.

Consequently, the proposed Decision defines the conditions under which France is authorised to negotiate, sign and conclude an international agreement with the United Kingdom, supplementing the Treaty of Canterbury, concerning the construction and operation by private concessionary companies of a cross-Channel fixed link with regard to the application of railway safety rules on the Channel fixed link, in order to maintain a unified safety regime. Such an international agreement shall enter into force after the end of the transitional period.

Conditions

The international agreement shall comply with a number of conditions. The amended text specifies in this respect that in order to maintain a unified safety regime on the whole Channel fixed link, the Intergovernmental Commission shall ensure the application, as regards the Channel fixed link, of the provisions of Union law, as interpreted by the Court of Justice of the European Union in relation to the tasks of the national safety authorities within the meaning of Directive (EU) 2016/798.

In accordance with the Treaty of Canterbury, disputes between France and the United Kingdom concerning the interpretation or application of the Treaty of Canterbury are settled by an arbitral tribunal. Where such disputes raise questions relating to the interpretation of Union law, the arbitral tribunal shall, in order to ensure the correct application of Union law, ask the Court of Justice of the European Union for a preliminary ruling on those questions.

France shall keep the Commission regularly informed about its negotiations with the United Kingdom on the supplementary agreement. At the end of these negotiations, France shall submit the resulting draft supplementary agreement to the Commission. The Commission shall inform the European Parliament and the Council thereof.

A proposal for a Regulation amending Directive (EU) 2016/798 on railway safety is also being presented in parallel by the Commission.