Basic information

2020/0161(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Application of railway safety and interoperability rules within the Channel Fixed Link Amending Directive 2016/798 2013/0016(COD) **Subject** 3.20.02.01 Railway safety	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	TRAN Transport and Tourism		
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)0623	Summary
14/09/2020	Committee referral announced in Parliament, 1st reading		
08/10/2020	Decision by Parliament, 1st reading	T9-0261/2020	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	2020/0161(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Directive 2016/798 2013/0016(COD)

Legal basis	Rules of Procedure EP 170 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/9/03677

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0261/2020	08/10/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00032/2020/LEX	21/10/2020	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2020)0623	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	CES3941/2020	18/09/2020	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2020/1530
OJ L 352 22.10.2020, p. 0001

Application of railway safety and interoperability rules within the Channel Fixed Link

2020/0161(COD) - 27/07/2020 - Legislative proposal

PURPOSE: to amend Directive (EU) 2016/798, as regards the application of railway safety in order to deal specifically with the situation of the Channel Fixed Link after the withdrawal of the United Kingdom from the Union.

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

To ensure the safe and efficient operation of the Channel Fixed Link, it would be beneficial to retain the Intergovernmental Commission as the single safety authority responsible for the whole of this infrastructure.

To this end, it is necessary to adapt Directive (EU) 2016/798.

In a parallel and related initiative, the Commission also proposes the adoption of a decision of the European Parliament and Council empowering France to negotiate and conclude under certain conditions an international agreement that would maintain the Intergovernmental Commission as the single national safety authority for the Channel Fixed Link.

CONTENT: this proposal aims to amend Article 3(7) of Directive (EU) 2016/798, which defines the concept of ‘national safety authority’ for the purposes of both railway safety under that Directive and railway interoperability under Directive (EU) 2016/797.

Specifically, the proposal shall:

- allow a body entrusted by a Member State and a third country with the tasks regarding railway safety and interoperability on the basis of an international agreement concluded or authorised by the EU to be considered as a national safety authority under Union law;

- provide that, where necessary for reasons of railway safety, the Member State concerned should make use without delay of the right afforded by the agreement with the third country concerned, whereby the national safety authority is entitled to assume sole competence over the part of the rail infrastructure situated in that Member State;

- provide that the European Court of Justice would have jurisdiction to give a ruling at the request of an arbitration tribunal set up by an international agreement such as the one that France should be empowered to negotiate and conclude with the United Kingdom.

Application of railway safety and interoperability rules within the Channel Fixed Link

2020/0161(COD) - 08/10/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 687 votes to 4, with 4 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Directive (EU) 2016/798, as regards the application of railway safety and interoperability rules within the Channel Fixed Link.

The European Parliament adopted its position at first reading in accordance with the ordinary legislative procedure on the proposal which aims to ensure the safe and efficient operation of the Channel fixed link after the end of the transitional period provided for in the Agreement on the withdrawal of the United Kingdom from the European Union.

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 transitional period, 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.

The proposal to amend Directive (EU) 2016/798 aims to:

- retain the Intergovernmental Commission as the single competent safety authority for the whole of that infrastructure. To this end, a proposal for a Decision of the European Parliament and of the Council shall empower France, under certain conditions, to negotiate and conclude an international agreement supplementing the Treaty of Canterbury, which shall maintain the Intergovernmental Commission as the single national safety authority for the Channel fixed link;

- establish specific rules regarding the specific safety authorities and the duties of the Member State concerned to take all the necessary measures to ensure that Union law is applied at all times by the specific safety authority or, failing that, by its national safety authority;

- give the Court of Justice of the European Union jurisdiction to give preliminary rulings at the request of an arbitral tribunal set up by an international agreement where a dispute submitted to arbitration raises a question of interpretation of Union law. Where the arbitral tribunal does not comply with a judgment of the Court of Justice, the Member State concerned shall make use without delay of the right granted by the international agreement, according to which the national security authority is entitled to exercise exclusive jurisdiction over the part of the civil engineering works located in that Member State.