Basic information

2020/0347(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link Amended by 2021/0228(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 Commission	**Commission DG**	**Commissioner**	
	Mobility and Transport	VĂLEAN Adina	
European Economic and Social Committee			
European Committee of the Regions			

Key events

Date	Event	Reference	Summary
27/11/2020	Legislative proposal published	COM(2020)0782	Summary
14/12/2020	Committee referral announced in Parliament, 1st reading		
17/12/2020	Decision by Parliament, 1st reading	T9-0381/2020	Summary
22/12/2020	End of procedure in Parliament		
23/12/2020	Act adopted by Council after Parliament's 1st reading		
23/12/2020	Final act signed		
28/12/2020	Final act published in Official Journal		

Technical information

Procedure reference	2020/0347(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amended by 2021/0228(COD)
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/9/04755

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0381/2020	17/12/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00060/2020/LEX	23/12/2020	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2020)0782	27/11/2020	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5483/2020	02/12/2020	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2020/2222
OJ L 437 28.12.2020, p. 0043

Certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link

2020/0347(COD) - 27/11/2020 - Legislative proposal

PURPOSE: to establish interim measures to ensure the continuity of cross-border rail services with the United Kingdom after the end of the transition period.

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 concessionaries of a Channel fixed link, signed in Canterbury on 12 February 1986, established an intergovernmental committee to supervise all matters concerning the construction and operation of the Channel Fixed Link.

After the end of the transition period set out in the withdrawal agreement, unless otherwise provided, EU law will no longer be applicable to the part of the Channel Fixed Link under the jurisdiction of the United Kingdom and, as regards the part of the Channel Fixed Link under French jurisdiction, the Intergovernmental Commission will no longer be a national safety authority under Union law.

The safety authorisations for the Channel Fixed Link infrastructure manager and safety certificates for railway undertakings operating through the Fixed Link issued by the Intergovernmental Commission will no longer be valid.

By Decision (EU) 2020/1531 of the European Parliament and of the Council, France was empowered to negotiate, sign and conclude an international agreement with the United Kingdom regarding the application of the railway safety and interoperability rules of the Union to the Channel Fixed Link, with the aim of maintaining a unified safety regime.

However, it is unlikely that such agreement will enter into force by the end of the transition period.

In the light of the economic importance of the Channel Fixed Link to the EU, it is essential that the Channel Fixed Link continue to operate after 1 January 2021.

CONTENT: in view of the end of the transitional period referred to in the withdrawal agreement, the proposed Regulation lays down transitional provisions for certain safety certificates and safety approvals issued under Directive 2004/49/EC and for certain licences of railway undertakings issued under Directive 2012/34/EU.

In concrete terms, the proposal:

- extends the validity of safety authorisations of the infrastructure manager by two months and the validity of safety certificates and licences of railway undertakings by nine months;

- also extends by nine months the validity of the operating licences issued by the United Kingdom under Directive 2012/34/EU in order to allow railway undertakings to continue to operate up to the Calais-Fréthun border-crossing station and thus ensure connectivity between the Union and the United Kingdom;

- provides that such authorisations, certificates and licences are subject to Directive (EU) 2016/798 and Directive 2012/34/EU respectively and requires their holders of to cooperate with the French National Safety Authority and licensing authority and provide the necessary information; the French National Safety Authority and licensing authority must monitor that the holders of these authorisations, certificates and licences

comply with EU law;

- confers implementing powers on the Commission to withdraw the benefit conferred on the holders of the approvals/certificates and licences in question, where compliance with EU requirements is not ensured.

Certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link

2020/0347(COD) - 17/12/2020 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 684 votes to 3, with 2 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 cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link.

Parliament adopted its position at first reading in accordance with the ordinary legislative procedure, taking over the Commission's proposal.

At the end of the transitional period established by the agreement on the withdrawal of the United Kingdom from the EU, Union law will no longer be applicable to the part of the Channel fixed link under the jurisdiction of the United Kingdom. In view of the economic importance of the Channel Fixed Link for the EU, it is essential that the operation of the Channel Fixed Link continues after 1 January 2021.

The proposed Regulation aims to ensure the continuity of cross-border rail services with the United Kingdom after the end of the transitional period mentioned in the agreement on the withdrawal of the United Kingdom from the EU. It lays down transitional arrangements for certain safety certificates and safety approvals issued under Directive 2004/49/EC and for certain licences of railway undertakings issued under Directive 2012/34/EU.

In concrete terms, the proposal:

- extends the validity of safety authorisations of the infrastructure manager by two months and the validity of safety certificates and licences of railway undertakings by nine months;

- also extends by nine months the validity of the operating licences issued by the United Kingdom under Directive 2012/34/EU in order to allow railway undertakings to continue to operate up to the Calais-Fréthun border-crossing station and thus ensure connectivity between the Union and the United Kingdom.