Basic information

2023/0192(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Empowering France to negotiate, sign and conclude an international agreement on the safety and interoperability requirements within the 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	VITANOV Petar (S&D)	27/06/2023
	Shadow rapporteur WARBORN Jörgen (EPP) RIQUET Dominique (Renew) PORĘBA Tomasz Piotr (ECR) CHAIBI Leila (The Left)	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	LAGODINSKY Sergey (Greens/EFA)	01/01/2024

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
20/06/2023	Legislative proposal published	COM(2023)0328	Summary
10/07/2023	Committee referral announced in Parliament, 1st reading		
08/01/2024	Vote in committee, 1st reading		
30/01/2024	Committee report tabled for plenary, 1st reading	A9-0018/2024	
07/02/2024	Decision by Parliament, 1st reading	T9-0062/2024	Summary
07/02/2024	Results of vote in Parliament		
04/03/2024	Act adopted by Council after Parliament's 1st reading		
13/03/2024	Final act signed		
18/03/2024	Final act published in Official Journal		

Technical information

Procedure reference	2023/0192(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Rules of Procedure EP 41 Treaty on the Functioning of the European Union TFEU 2-p1 Treaty on the Functioning of the European Union TFEU 091
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/12334

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Specific opinion	JURI	PE758.219	24/01/2024	
Committee report tabled for plenary, 1st reading/single reading		A9-0018/2024	30/01/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0062/2024	07/02/2024	Summary

Council of the EU

Document type	Reference	Date	Summary

Draft final act	00091/2023/LEX	13/03/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2023)0328	20/06/2023	Summary
Commission response to text adopted in plenary	SP(2024)196	30/04/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES3697/2023	20/09/2023	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
DALY Clare	Shadow rapporteur	TRAN	30/11/2022	lufthansa
DALY Clare	Shadow rapporteur	TRAN	30/11/2022	etf
DALY Clare	Shadow rapporteur	TRAN	15/06/2022	ACI Europe
DALY Clare	Shadow rapporteur	TRAN	26/01/2022	Transport and Environment (European Federation for Transport and Environment)
DALY Clare	Shadow rapporteur	TRAN	20/01/2022	Airlines for Europe
DALY Clare	Shadow rapporteur	TRAN	07/12/2021	James Cogan

Final act

Decision 2024/0867
OJ OJ L 18.03.2024

Empowering France to negotiate, sign and conclude an international agreement on the safety and interoperability requirements within the Channel Fixed Link

2023/0192(COD) - 07/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 636 votes to 2, with 3 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council empowering the French Republic to negotiate, sign and conclude an international agreement on the safety and interoperability requirements within the Channel Fixed Link.

The European Parliament's position adopted at first reading under the ordinary legislative procedure.

The proposed decision aims to set out the conditions pursuant to which the French Republic is empowered to negotiate, sign, conclude and in future amend an international agreement with the United Kingdom on the safety and interoperability requirements in the Channel Fixed Link, as well as cooperation between the Etablissement Public de Sécurité Ferroviaire (EPSF) and the Office of Rail and Road (ORR).

In respect of the part of the Channel Fixed Link under the jurisdiction of the French Republic, the agreement should comply with the following conditions:

(a) The agreement is compatible with Union law in all respects. Compliance with the principles of the primacy and, where applicable, direct effect of Union law should be ensured;

(b) Disputes between the French Republic and the United Kingdom concerning the application of the Agreement should not be submitted to the arbitral tribunal set up under Article 19 of the Treaty of Canterbury or to any other means of legally binding dispute settlement;

(c) The French Republic should retain the right to unilaterally suspend or terminate the agreement, with a view to ensuring the full, correct and expeditious application of Union law in the part of the Channel Fixed Link under its jurisdiction;

(d) The agreement provides for a mechanism for its amendment, in order to adapt it to changes in Union law;

(e) The independence and the respective powers granted by Union law to the European Union Agency for Railways and the EPSF, as national safety authority within the meaning of Directive (EU) 2016/798, should be ensured.

In order to account for possible **future changes** of Union law, in particular of Regulation (EU) 2016/796 and Directives (EU) 2016/797 and (EU) 2016 /798, the Agreement should also provide for rules for its amendment. The Commission should be empowered to authorise the French Republic to amend the Agreement in accordance with the amending procedure laid down in that Agreement, provided that such amendments are limited to adaptations to reflect changes in Union law.

In the interests of the Union, the French Republic should also be empowered to **negotiate further amendments** to the agreement concluded on the basis of the empowerment in this decision, reflecting the conditions laid down in Decision (EU) 2020/1531. The empowerment granted by the Union in Decision (EU) 2020/1531, should therefore remain valid insofar as the agreement concluded on the basis of this empowerment could be amended to reflect the conditions laid down in that decision.

Empowering France to negotiate, sign and conclude an international agreement on the safety and interoperability requirements within the Channel Fixed Link

2023/0192(COD) - 20/06/2023 - Legislative proposal

PURPOSE: to empower the French Republic to negotiate, sign and conclude an international agreement on the safety and interoperability requirements within the 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 Channel Fixed Link is a unique railway link involving a single, complex engineering structure situated partly in the territory of the French Republic and partly in a third country, namely the United Kingdom. Since the end of the transition period provided for by the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, the infrastructure manager of the Channel Fixed Link and the rail undertakings operating in the Channel Fixed Link are subject to two separate legal frameworks as regards railway safety and interoperability.

To ensure the safe and efficient operation of the Channel Fixed Link, the French Republic requested, on 23 March 2023, an empowerment to negotiate and conclude with the United Kingdom of Great Britain and Northern Ireland an international agreement on the safety and interoperability requirements within the Channel Fixed Link.

The French Republic had already requested EU authorisation in 2020 to negotiate and conclude an international agreement with the United Kingdom on safety and interoperability requirements for the cross-Channel fixed link. In accordance with this request, Decision (EU) 2020/1531 of the European Parliament and of the Council authorised the French Republic to negotiate an agreement to ensure the uniform and dynamic application of EU law across the Channel Fixed Link. The negotiations carried out under the conditions laid down in the said decision have not yet resulted in an agreement satisfactory to both parties. Therefore, an alternative empowerment is proposed.

CONTENT: the purpose of the proposal for a decision is to authorise, in accordance with Article 2(1) of the TFEU, the negotiation of an international agreement on the safety and interoperability requirements within the Channel Fixed Link ensuring uniform application of rail safety and interoperability requirements across the whole Channel Fixed Link.

The objective sought is to ensure coherent safety and interoperability requirements across the entire Channel Fixed Link, including the part under the United Kingdom’s jurisdiction.

In respect of the part of the Channel Fixed Link under the French Republic jurisdiction, the agreement will comply with the following conditions:

- the agreement will be compatible with Union law in all respects. The principles of primacy and, where applicable, direct effect of Union law will be ensured;

- disputes between the French Republic and the United Kingdom concerning the application of the Agreement will not be submitted to the arbitral tribunal set up under Article 19 of the Treaty of Canterbury or to any other means of legally binding dispute settlement.;

- the French Republic will retain the right to unilaterally suspend or denounce the agreement, with a view to ensuring the full, correct and expeditious application of Union law in the part of the Channel Fixed Link under its jurisdiction;

- the agreement will provide for a mechanism for its amendment, to adapt it to changes in Union law;

- the independence and the respective powers granted by Union law to the European Union Agency for Railways and the EPSF, as national safety authority within the meaning of Directive (EU) 2016/798, will be ensured.

The French Republic will keep the Commission regularly informed of the negotiations with the United Kingdom of the agreement and, where appropriate, invite the Commission to participate as an observer. Upon completion of the negotiations, the French Republic will submit the resulting draft agreement to the Commission. The Commission will inform the Council and the European Parliament thereof.

Throughout the duration of the agreement, the French Republic will ensure the full, correct and expeditious application of Union law in the part of the Channel Fixed Link under its jurisdiction. The French Republic will take appropriate measures in that respect including, where necessary, the suspension or the denunciation of the agreement.