

Post-Brexit rail safety and interoperability rules within the Channel Tunnel

From 1 January 2021, EU law will no longer apply to the part of the Channel Tunnel under the jurisdiction of the United Kingdom. During the October I plenary session, Parliament is expected to vote on two proposals to maintain safe and efficient railway operations within the Channel Tunnel from that date. They aim to keep a single safety authority for the whole tunnel applying EU rules and to empower France to negotiate a new agreement with the United Kingdom to that end.

Background

The Intergovernmental Commission, established by the [Treaty of Canterbury](#) signed in 1986 between the United Kingdom and France, is currently the national safety authority competent for the Channel fixed link. From the end of the [transition period](#) (31 December 2020) set by the EU-UK [Withdrawal Agreement](#), EU law and rules will cease to apply to the part of the Channel Tunnel under the United Kingdom's jurisdiction. To maintain rail safety and efficient operation of the tunnel it is necessary to amend the EU [Railway Safety Directive](#) to ensure the Intergovernmental Commission is still able to oversee the whole tunnel.

European Commission proposals

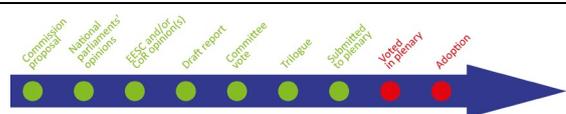
On 27 July 2020, the Commission put forward a proposal for a [regulation](#) to allow a Member State and a third country to entrust a body with railway safety and interoperability tasks on infrastructure such as the Channel fixed link. This would enable the Intergovernmental Commission to keep its function of single safety authority for the whole tunnel. In parallel, the Commission proposed a [decision](#) empowering France, on behalf of the EU, to negotiate and conclude an international agreement with the UK to supplement the Treaty of Canterbury. This agreement would set the obligation to apply EU rules on rail [safety](#) and [interoperability](#) throughout the whole Channel Tunnel, and also cover matters referring to the [EU Agency for Railways](#). Moreover, any issue of interpretation of EU law would have to be referred to the Court of Justice of the EU, with the UK having rights equivalent to a Member State before the Court in this field.

European Parliament position

On 2 September 2020, the European Parliament's Committee on Transport and Tourism (TRAN) held an [exchange of views](#) with the Commission on the proposals. Members welcomed them and underlined the importance of the Channel Tunnel for the economy and trade exchange between France and the United Kingdom. They also highlighted the importance of maintaining a single body to manage Channel Tunnel rail traffic. In view of the urgency of the proposals, they will be submitted directly to plenary without a report from the TRAN committee.

On 9 September 2020, the Council's Permanent Representatives Committee agreed on a [mandate](#) to negotiate the two proposals. Under the mandate, the proposed regulation amending the safety provisions would be split into two texts. The additional text would introduce necessary amendments to the statute of the Court of Justice of the EU, respecting its prerogatives, and avoid a delay in the start of the negotiations. Parliament is expected to vote on the proposals during the October I plenary session.

First-reading reports: [2020/0161\(COD\)](#); [2020/0160\(COD\)](#);
Committee responsible: TRAN. For further information see EP [study](#): 'Brexit: Transport and tourism – The consequences of a no-deal scenario'.



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