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*****III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)
(PE-CONS 3638/2004 – C5-0153/2004 – 2002/0022(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Dirk Sterckx

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

At its sitting of 14 January 2003 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (COM(2002) 21 – 2002/0022(COD)).

At the sitting of 3 July 2003 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (8557/2/2003 – C5-0297/2003).

At the sitting of 23 October 2003 Parliament adopted amendments to the common position.

By letter of 22 December 2003 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 27 January 2004.

By letter of 5 March 2004 the President of the Council informed Parliament that it was necessary to extend the period for the work in committee and the deadline for adopting the act, as laid down in Article 251(7) of the EC Treaty.

At its meetings of 27 January and 16 March 2004 the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the last meeting, it reached agreement on a joint text.

At its meeting of 16 March 2004 the Parliament delegation approved the results of the conciliation by 8 votes to 1 and 1 abstention.

The following took part in the vote: Charlotte Cederschiöld (Vice-President and chairwoman of the delegation), Dirk Sterckx (rapporteur), Sylviane H. Ainaridi, Luigi Cocilovo (for Giorgos Dimitrakopoulos), Jean-Maurice Dehousse (for Renzo Imbeni), Jacqueline Foster, (for Konstantinos Hatzidakis), Georg Jarzembowski, Wilhelm Ernst Piecyk, Hannes Swoboda and Peder Wachtmeister (for Françoise Grossetête).

On 23 March 2004 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure¹, and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 7 April 2004.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the joint text by the Conciliation Committee for a European Parliament and Council directive on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (PE-CONS 3638/2004 – C5-0153/2004 – 2002/0022(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3638/2004 – C5-0153/2004),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2002) 21)²,
 - having regard to its position at second reading³ on the Council common position⁴,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2003) 719 - C5-0586/2003)⁵,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0245/2004),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 38 E, 12.2.2004, p. 92.

² OJ C 126 E, 28.5.2002, p. 332.

³ Texts Adopted, 23.10.2003 P5_TA(2003)0454.

⁴ OJ C 270 E, 11.11.2003, p. 25.

⁵ Not yet published in OJ.

EXPLANATORY STATEMENT

Background

On 24 January 2002 the Commission submitted a proposal for a directive on safety on the Community's railways amending the existing legislation on the licensing of railway undertakings, railway infrastructure and safety certification. The objective of the new Directive is to harmonise the regulatory structure in the Member States and to develop common safety targets and methods with a view to greater harmonisation of national rules and to prevent the emergence of further barriers to an EU-wide rail system. It defines the main elements of common safety systems for infrastructure managers and railway undertakings, puts in place a common system for the issue and content and validity of safety certificates, as well as introducing the principle of independent technical investigations in the event of accidents.

The Parliament delivered its opinion at first reading on 14 January 2003 and the Council adopted its Common Position on 25 June 2003.

At second reading on 23 October 2003 the Parliament adopted 28 amendments to the Common Position.

Conciliation procedure

Parliament's delegation, which held its constituent meeting on 18 November 2003, instructed its chair, Charlotte CEDERSCHIÖLD and Dirk STERCKX, rapporteur, together with the rapporteurs for the other 3 files of the second railway package and the Chair of the Transport Committee, to begin negotiations with the Council.

The Council formally concluded its second reading on 22 December 2003 and the conciliation procedure was formally opened on 27 January 2004. After a series of dialogues and delegation meetings, an overall agreement was reached on 10 March which was confirmed by the Parliament delegation and the Conciliation Committee at their final meetings on 16 March.

The main points of the agreement reached within the Conciliation Committee can be summarised as follows:

- ✓ Status of national safety rules and the Commission's role

The Member States agreed to keep the introduction of national safety rules to a minimum with an ultimate objective of establishing a situation in which European rules apply. As a result of conciliation, the Commission's powers to scrutinise new national safety rules was considerably strengthened: it was given the power to suspend the application of a national safety rule for a maximum period of six months if there is a serious doubt about the compatibility of draft safety rules with the European rules or if the Commission considers that it constitutes a means of arbitrary discrimination or a disguised restriction on rail transport operation between Member States. The final verdict on the conformity of new national safety rules with Community legislation lies with a regulatory committee.

- ✓ Training for train drivers as well as on-board and ground-based safety staff and their certificates

The Member States will be obliged to ensure access to training facilities for train drivers, on-board safety personnel as well as for ground-based infrastructure managers and their staff performing vital safety tasks.

To allow mobility of these members of staff between railways companies, Parliament and Council agreed that train drivers, on-board safety personnel as well as ground-based infrastructure managers will have the right to have access to and obtain copies of all documents attesting to their qualifications. Railway undertakings will have the right to take into account all previous training, qualifications and experience.

Conclusion

The new Directive represents an important step towards the creation of a safe European railway system and sets out a clear regulatory structure for its gradual establishment. The European Railway Agency, another essential part of the second railway package, will play a key role in the implementation, monitoring and further development and harmonisation of the system.

The agreement reached within the Conciliation Committee fully reflects the Parliament position at second reading and therefore the delegation recommends that Parliament adopt the text at third reading.