



2013/0015(COD)

25.1.2016

*****II**

DRAFT RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast)
(10579/1/2015 – C8-0416/2015 – 2013/0015(COD))

Committee on Transport and Tourism

Rapporteur: Izaskun Bilbao Barandica

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (recast)

(10579/1/2015 – C8-0416/2015 – 2013/0015(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (10579/1/2015 – C8-0416/2015),
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Lithuanian Parliament and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 11 July 2013¹,
 - having regard to the opinion of the Committee of the Regions of 7 October 2013²,
 - having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2013)0030),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 76 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A8-0000/2016),
1. Approves the Council position at first reading;
 2. Takes note of the Commission statement annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;
 4. Suggests that the act be cited as 'the Bilbao Barandica-Matīss directive on the interoperability of the rail system within the European Union (recast)'⁴;
 5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union

¹ OJ C 327, 12.11.2013, p. 122.

² OJ C 356, 5.12.2013, p. 92.

³ Texts adopted of 26.2.2014, P7_TA(2014)0149.

⁴ Izaskun Bilbao Barandica and Anrijs Matīss led the negotiations on the act on behalf of Parliament and the Council respectively.

6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication, together with the Commission statement thereon, in the *Official Journal of the European Union*;
7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the Commission on explanatory documents

The Commission recalls that the European Parliament, the Council and the Commission acknowledged in their Joint Political Declaration of 27 October 2011 on explanatory documents that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' in order to facilitate the achievement by the Commission of its task overseeing the application of Union law. In the present case, explanatory documents could have been useful to this end. The Commission regrets that the final text does not contain provisions to this effect.

EXPLANATORY STATEMENT

In the last decade, the EU railway market has witnessed profound changes, gradually introduced by three legislative ‘railway packages’ intended to open up national markets and make railways more competitive and interoperable at the EU level, while maintaining high levels of safety.

However, despite the considerable development of the ‘EU acquis’ establishing an internal market for rail transport services, the modal share of rail in intra-EU transport remains modest. At present, rail transport’s overall share of the EU market stagnates at 6 per cent and, according to Eurobarometer, 54 per cent of users are dissatisfied with rail services

This is why, in January 2013, the Commission decided to put forward the Fourth Railway Package, with the aim of enhancing the quality and efficiency of rail services by removing the remaining market obstacles to the creation of a single European rail area.

The Interoperability Directive is a component of the fourth railway package, focusing on the removal of remaining administrative and technical barriers, in particular by:

- establishing a common approach to safety and interoperability rules to increase economies of scale for railway undertakings active across the EU;
- decreasing administrative costs and accelerating harmonised administrative procedures; and
- avoiding disguised discrimination.

Following the adoption of Parliament’s first reading position by the plenary on 26 February 2014, informal negotiations started with the Italian Presidency and continued with the Latvian Presidency. After nine rounds of trilogues with the Latvian Presidency, Parliament’s and Council’s negotiating teams reached an agreement on the file on 17 June 2015.

The text of the agreement was presented to the TRAN Committee and approved by an overwhelming majority on 10 October 2015. On the basis of the Committee’s approval, in his letter to the Chair of the Committee of Permanent Representatives, the Chair of the Committee undertook to recommend to the plenary to approve Council’s position at first reading without amendments. Following legal-linguistic verification, Council adopted its first reading position confirming the agreement on 10 December 2015.

As Council’s first reading position is in conformity with the agreement reached in the trilogues, your Rapporteur recommends accepting it without further amendment.

The outcome of the negotiations

The system put in place by the new directive will bring Europe closer to a Single European Railway Area. It will cut administrative costs and speed up procedures, while maintaining the current high level of safety. At the same time it will help avoid any covert discrimination, in particular against new companies wishing to enter a railway market. It is therefore expected that it will help increase economies of scale for railway undertakings and manufacturers across the EU, improving the competitiveness of enterprises in the EU.

In particular, the agreement will:

- save firms from having to make multiple applications. ERA will authorise vehicles intended for cross-border operations while, for those involved only in national transport, the applicant will be able to choose whether the Agency or the national authority processes its application. At present, when a rolling stock manufacturer wants to place a new vehicle on the market in several EU countries, it has to submit separate applications to the national authorities of the Member States where the vehicle will operate. The new rules will eliminate the need for multiple applications;
- create a "one-stop-shop" which will act as a single entry point for all applications. This information and communication system will make the procedures easy and transparent. It will allow both the Agency and the national safety authorities to follow the different stages of the application throughout the procedure. It will also ensure consistency in the case of different applications for similar authorisations;
- introduce clear time limits for the different steps in the procedures;
- ensure that European Rail Traffic Management System (ERTMS) projects are interoperable. To achieve this, ERA will assess the technical solutions envisaged before any call for tenders relating to ERTMS track-side equipment is issued;
- significantly reduce the number of national rules in areas where harmonised EU-level regulation is being introduced.

The ERA will take on its authorisation tasks within three years after the entry into force of the directive. Member States will have one additional year to continue with the current system if they consider it necessary. In that case, they will have to inform the Agency and the Commission of their decision and provide a justification.

The ERA and national safety authorities will also conclude cooperation agreements. The one-stop-shop and the cooperation agreements will guarantee a clear allocation of tasks between the ERA and the national authorities. They will also ensure consistency in the case of different applications for similar authorisations. The one-stop-shop system is to be in place within three years of the entry into force of the regulation.