



3.12.2013

NOTICE TO MEMBERS

(0122/2013)

Subject: Proposal for a directive of the European Parliament and of the Council
Interoperability of the rail system within the European Union (recast)
(COM(2013)30 – C7-0029/2013 – 2013/0015(COD))

The Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹ requires a consultative working party of the legal services of Parliament, the Council and the Commission to consider any Commission proposal for recasting.

Please find attached the Consultative Working Party's opinion on the above proposal.

The Committee on Legal Affairs intends to state its views on the opinion at its meeting on 16 December 2013.

Annex

¹ OJ C 77, 28.3.2002, p. 1.



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels,

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT THE COUNCIL THE COMMISSION

Proposal for a directive of the European Parliament and of the Council Interoperability of the rail system within the European Union COM(2013)30 of 30.1.2013 – 2013/0015(COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 21 February 2013 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a directive of the European Parliament and of the Council recasting Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community resulted in the Consultative Working Party's establishing, by common accord, as follows.

- 1) As far as the explanatory memorandum is concerned, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have specified which provisions of the earlier act remain unchanged in the proposal, as is provided for under point 6(a)(iii) of that agreement.
- 2) In the draft recast text, the following proposed changes should have been identified with the grey-shaded type generally used for marking substantive changes:
 - in the first citation, the replacement of the existing reference to Article 156 of the Treaty establishing the European Community with a reference to Articles 170 and 171 of the Treaty on the Functioning of the European Union;
 - in the initial wording of Article 4(4), the deletion of the words "*To the extent necessary to achieve the objective referred to in Article 1*";
 - in Article 9(1), the adding of the words "*being interoperable*";

¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

- in Article 54(3), the deletion of the existing reference to Chapter IV.

3) in Article 44(1)(b), the expression "*referred to in paragraph 3*" should be adapted so as to read "*referred to in paragraph 2*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance.

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