



3.12.2013

NOTICE TO MEMBERS

(0123/2013)

Subject: Proposal for a directive of the European Parliament and of the Council European Union Agency for Railways and repeal of Regulation (EC) No 881/2004 (recast) (COM(2013)31 – C7-0029/2013 – 2013/0016(COD))

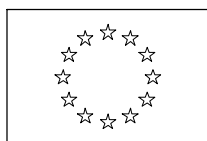
The Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹ requires a consultative working party of the legal services of Parliament, the Council and the Commission to consider any Commission proposal for recasting.

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 European Union Agency for Railways and repeal of Regulation (EC) No 881/2004
COM(2013)31 of 30.1.2013 – 2013/0016(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 2004/49/EC of the European Parliament and of the Council of 29 April 2004 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 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:
 - the deletion of recital 14 of Directive 2004/49/EC;
 - in Article 3(g), the deletion of the final words "*for specialised cross-border infrastructures*";

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 4(2)(b), the adding of the word "*Union*" and the deletion of the word "*standards*";
- the deletion of paragraph 1 of Article 7 of Directive 2004/49/EC;
- the deletion of the second sentence of paragraph 5 of Article 7 of Directive 2004/49/EC;
- in Article 13(1), the adding of the words "*operating services on their network*";
- in Article 13(4), the deletion of the final words "*as set out in Article 9 and Annex III*";
- in the second subparagraph of Article 14(4), the deletion of the words "*a railway undertaking*";
- in the introductory wording of paragraph 2 of Article 15, the adding of the words "*or the Agency*";
- in Article 17(2), the adding of the initial words "*The Agency*";
- in Article 25(2), the adding of the word "*Agency*";
- in point 6.4.2 of the Appendix to Annex I, the deletion of the words "*railway signal showing, to the train, a running aspect only when protection and/or warning of level crossing are activated*".

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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