

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0244/2004

7 April 2004

*****III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation establishing a European Railway Agency (Agency Regulation)
(PE-CONS 3640/2004 – C5-0155/2004 – 2002/0024(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Gilles Savary

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)

CONTENTS

	Page
PROCEDURAL PAGE	4
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	6

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 regulation establishing a European Railway Agency (Agency Regulation) (COM(2002) 23 – 2002/0024(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 (8558/2/2003 – C5-0296/2003).

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), Sylviane H. Ainardi, Luigi Cocilovo (for Giorgos Dimitrakopoulos), Jean-Maurice Dehousse (for Gilles Savary), Jacqueline Foster (for Konstantinos Hatzidakis), Georg Jarzembowski, Wilhelm Ernst Piecyk, Dirk Sterckx (for Paolo Costa), 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 regulation establishing a European Railway Agency (Agency Regulation) (PE-CONS 3640/2004 – C5-0155/2004 – 2002/0024(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee and the relevant Commission statement (PE-CONS 3640/2004 – C5-0155/2004),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2002) 23)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 - C5-0588/2003)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 (A5-0244/2004),
1. Approves the joint text and draws attention to the Commission statement thereon;
 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, together with the Commission statement thereon, 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. 135.

² OJ C 126 E, 28.5.2002, p. 323.

³ Texts Adopted, 23.10.2003 P5_TA(2003)0456.

⁴ OJ C 270 E, 11.11.2003, p. 48.

⁵ Not yet published in OJ.

EXPLANATORY STATEMENT

Background

The Commission submitted a proposal for a Regulation establishing a European railway agency on 24 January 2002. The Agency is designed to be a European pool of expertise providing technical support to the European Commission for the work on interoperability and safety. Its areas of activity will be to prepare, evaluate and develop some of the provisions of the directives in the framework of railway safety and interoperability on which agreement has been found in the framework of the first two railway packages.

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 31 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 Gilles SAVARY, 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 that first meeting and a series of trialogues the Conciliation Committee reached an overall agreement on 16 March.

The main points of the agreement can be summarised as follows:

✓ Composition of the Administrative Board

After long negotiations the Parliament delegation reluctantly agreed that the Administrative Board of the Agency would consist of one representative of each Member State in addition to the four representatives of the Commission and six representatives (without voting rights) of the stakeholders of the sector, including the industry and social partners. To meet the concerns of the Parliament, it was agreed that the Commission shall present in 5 years time a proposal to revise the make-up of the board in the context of the overall review of the framework for regulatory agencies that is at present in progress.

✓ Participation of the workers' organisations in the working parties

Council accepted Parliament's proposal that representatives from the workers' organisations would participate in relevant *working parties* preparing recommendations on safety measures, safety certificates, interoperability, certification of maintenance workshops or vocational

competences whenever these recommendations would have a direct impact on the working conditions, health and safety of workers. This constitutes a major victory for the European Parliament and will contribute to making the Agency the centre of a common European railway culture, a key factor if we are to succeed in revitalising the railway sector in Europe.

✓ Budgetary arrangements

Council accepted all Parliament's proposals for more efficient and transparent budgetary arrangements. Under the terms agreed, the executive director of the Agency prepares *estimates* of all revenues and expenditure of the Agency. Once confirmed, they are forwarded through the Commission to Parliament and Council, annexed to the preliminary draft general budget of the European Union. The Budgetary Authority adopts the establishment plan and authorises the appropriations for the subsidy to the Agency. On this basis, the administrative board adopts the *budget* of the Agency, subject to the adoption of the EU general budget. The board is obliged to *notify the Budgetary Authority* of any intention to implement projects having significant financial implications for the funding of the budget.

Council also accepted Parliament's proposal to enhance the transparency of the financial management of the Agency. Its accounting officer communicates every year the Agency's *provisional accounts*, together with a report on the budgetary and financial management for the financial year, to the Commission's accounting officer. He/she forwards them to the Court of Auditors and in addition, prepares a report on the budgetary and financial management for Parliament and Council. Subsequently, it is the duty of the executive director to draw up the Agency's *final accounts*. He/she will forward them, together with the opinion of the Administrative Board, to Parliament, Council, the Commission and the Court of Auditors. The final accounts will be published.

The Regulation also contains provisions for linking the implementation of the Agency's budget to the general EU *discharge* procedure for each financial year.

Conclusion

The adoption of the second railway package in general is an important step forward in the process of revitalising the European railway sector. The Agency established through this regulation will play a crucial role in the preparation and implementation of existing EU legislation and in the development of further legislation. Even if Parliament did not succeed in convincing the Council to diminish the size of the Administrative Board at this stage, it gave a strong signal to the Council that the question of more efficient administrative structures for all Community regulatory agencies needs to be tackled as soon as possible. The Commission committed itself to present a legislative proposal covering all agencies.

The overall outcome of the conciliation procedure can be considered satisfactory for Parliament and the delegation therefore recommends that Parliament approve the text at third reading.