

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Trans-European railway transport: interoperability. 2nd package  Amending Directive 96/48/EC <a href="#">1994/0112(SYN)</a> Amending Directive 2001/16/EC <a href="#">1999/0252(COD)</a>	
Subject 3.20.02 Rail transport: passengers and freight 3.20.11 Trans-European transport networks	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>DELE</b> EP Delegation to Conciliation Committee		13/11/2003
		GUE/NGL <a href="#">AINARDI Sylviane H.</a>	
	Former committee responsible		
	<b>RETT</b> Regional Policy, Transport and Tourism		21/02/2002
		GUE/NGL <a href="#">AINARDI Sylviane H.</a>	
	<b>RETT</b> Regional Policy, Transport and Tourism		21/02/2002
Council of the European Union		GUE/NGL <a href="#">AINARDI Sylviane H.</a>	
	Former committee for opinion		
	<b>JURI</b> Legal Affairs and Internal Market	The committee decided not to give an opinion.	
	<b>ITRE</b> Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2578</a>	26/04/2004
	<a href="#">Environment</a>	<a href="#">2555</a>	22/12/2003
European Commission	<a href="#">Agriculture and Fisheries</a>	<a href="#">2516</a>	25/06/2003
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2499</a>	27/03/2003
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2472</a>	05/12/2002
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2452</a>	03/10/2002
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2420</a>	25/03/2002
European Commission	Commission DG	Commissioner	
	Energy and Transport		

Key events			
24/01/2002	Legislative proposal published	<a href="#">COM(2002)0022</a>	Summary
27/02/2002	Committee referral announced in Parliament, 1st reading		
25/03/2002	Debate in Council	<a href="#">2420</a>	
03/10/2002	Debate in Council	<a href="#">2452</a>	
27/11/2002	Vote in committee, 1st reading		Summary
27/11/2002	Committee report tabled for plenary, 1st reading	<a href="#">A5-0418/2002</a>	
05/12/2002	Debate in Council	<a href="#">2472</a>	
14/01/2003	Debate in Parliament		
14/01/2003	Decision by Parliament, 1st reading	<a href="#">T5-0006/2003</a>	Summary
25/06/2003	Council position published	<a href="#">08556/2/2003</a>	Summary
03/07/2003	Committee referral announced in Parliament, 2nd reading		
01/10/2003	Vote in committee, 2nd reading		Summary
01/10/2003	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A5-0321/2003</a>	
21/10/2003	Debate in Parliament		
23/10/2003	Decision by Parliament, 2nd reading	<a href="#">T5-0455/2003</a>	Summary
22/12/2003	Parliament's amendments rejected by Council		Summary
16/03/2004	Formal meeting of Conciliation Committee		
16/03/2004	Final decision by Conciliation Committee		Summary
16/03/2004	Report tabled for plenary, 3rd reading	<a href="#">A5-0243/2004</a>	
23/03/2004	Joint text approved by Conciliation Committee co-chairs	<a href="#">3639/2004</a>	
21/04/2004	Debate in Parliament		
22/04/2004	Decision by Parliament, 3rd reading	<a href="#">T5-0357/2004</a>	Summary
26/04/2004	Decision by Council, 3rd reading		
29/04/2004	End of procedure in Parliament		
30/04/2004	Final act signed		
30/04/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0023(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 96/48/EC <a href="#">1994/0112(SYN)</a> Amending Directive 2001/16/EC <a href="#">1999/0252(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 071; EC Treaty (after Amsterdam) EC 156
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/20327

## Documentation gateway

Legislative proposal	<a href="#">COM(2002)0022</a> , <a href="#">OJ C 126 28.05.2002, p. 0312 E</a>	24/01/2002	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES1028/2002</a> <a href="#">OJ C 061 14.03.2003, p. 0131</a>	18/09/2002	ESC	
Committee of the Regions: opinion	<a href="#">CDR0097/2002</a>	10/10/2002	CofR	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0418/2002</a>	27/11/2002	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T5-0006/2003</a> OJ C 038 12.02.2004, p. 0016-0119 E	14/01/2003	EP	Summary
Council statement on its position	<a href="#">10587/2001</a>	20/06/2003	CSL	
Council statement on its position	<a href="#">10587/2003</a>	20/06/2003	CSL	
Council position	<a href="#">08556/2/2003</a> <a href="#">OJ C 270 11.11.2003, p. 0007-0024 E</a>	25/06/2003	CSL	Summary
Council statement on its position	<a href="#">10840/2003</a>	25/06/2003	CSL	
Commission communication on Council's position	<a href="#">SEC(2003)0754</a>	30/06/2003	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A5-0321/2003</a>	01/10/2003	EP	
Text adopted by Parliament, 2nd reading	<a href="#">T5-0455/2003</a> OJ C 082 01.04.2004, p. 0320-0536 E	23/10/2003	EP	Summary
Commission opinion on Parliament's position at 2nd reading	<a href="#">COM(2003)0719</a>	26/11/2003	EC	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	<a href="#">A5-0243/2004</a>	16/03/2004	EP	
Joint text approved by Conciliation Committee co-chairs	<a href="#">3639/2004</a>	23/03/2004	CSL/EP	
Text adopted by Parliament, 3rd reading	<a href="#">T5-0357/2004</a> <a href="#">OJ C 104 30.04.2004, p. 0743-0949 E</a>	22/04/2004	EP	Summary

## Additional information

European Commission	<a href="#">EUR-Lex</a>
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## Trans-European railway transport: interoperability. 2nd package

**PURPOSE** : to amend Directives 96/48/CE et 2001/16/CE to take account of experience in implementing the Directives, and the development of the technical specifications for interoperability (TSIs), proposals on safety and an Agency, and the adoption of the infrastructure package.

**CONTEXT** : This proposal is part of a package to revitalise the Community railway system by creating an integrated European railway system. The directive is linked to other proposals in this same package, in particular the proposal to establish a common regulatory framework for railway safety and the proposal to create a European Rail Agency. It applies a gradual approach to harmonisation and the development of common principles, taking into account the great differences that exist between the Member States. The other measures in the package relate to safety, the establishment of a European Railway Agency, and the integration of the rail freight market.

**CONTENT** : Directive 2001/16/EC on the interoperability of the conventional rail system, like that on the high-speed system, introduces Community procedures for the preparation and adoption of TSIs and common rules for assessing conformity to these specifications.

The directive requires a first group of priority TSIs to be adopted within three years, i.e. in 2004, in certain areas.

A number of lessons have been learned from the work on developing TSIs in the high-speed sector, the application of the directive to specific projects and the work of the Committee set up under Article 21 of Directive 96/48/EC, which have led the Commission to propose changes to the two rail interoperability directives.

They mainly concern the following points:

- precise objectives of the directive,
- geographical scope,
- technical scope,
- how the European specifications should be used,
- coordination of the notified bodies,
- application of the directive and of the TSIs in the case of upgrading, renewal and maintenance work,
- implementation strategy to be specified in the TSIs,
- verifications after placing in service, with TSIs not covering all the essential requirements,
- need for registers of infrastructure and rolling stock and
- independence of the notified bodies.

Furthermore, the establishment of an Agency and the adoption of a directive on safety, as proposed jointly with this proposal, (please see COD /2002/0022, COD/2002/0024, COD/2002/0025) mean that some provisions of the two rail interoperability directives need to be reformulated.

In particular, the mandates for developing and reviewing the TSIs would no longer be addressed to the joint representative body, but to the Agency, which would assume responsibility for the draft TSI while relying on the joint working groups proposed by the JRB.

Lastly, the adoption of the "infrastructure package" (Directives 2001/12, 13 and 14) means that the entry into force of these new directives also has an impact on the implementation of interoperability. In particular, the complete opening up of the rail network to international freight services, scheduled for 2008 by Directive 2001/12/EC, implies the need to implement interoperability on the whole network. It is therefore necessary to extend the geographical scope, in particular since the related proposal to amend Directive 91/440/EEC provides for opening up the network sooner.

## Trans-European railway transport: interoperability. 2nd package

The committee adopted the report by Sylviane AINARDI (EUL/NGL, F) tabling a large number of technical and drafting amendments to the proposal under the codecision procedure (1st reading). It specified inter alia that the economic assessment to be attached to each draft TSI must also look at environmental, safety and social concerns. Another amendment called for trains to be equipped with a recording device, following the example of the road and air transport networks, and for the data thus collected and the processing of the information to be harmonised. Lastly, the committee included a new clause in the annexes to the two directives providing for the harmonisation of operational communications, involving the alignment of the rules and procedures used by the different networks and the development of a common code or vocabulary to ensure operating efficiency and safety on the trans-European high-speed rail network. It pointed out that, for cross-border journeys, it was essential that the various parties concerned should use a terminology or code to prevent misunderstandings. ?

## Trans-European railway transport: interoperability. 2nd package

The European Parliament adopted a resolution drafted by Sylviane AINARDI (EUL/NGL, France) making several amendments to the Commission's proposals. (Please refer to the document dated 27/11/02.) Parliament made the following additional amendments: - a definition of "placing on the market"; - a new clause stating that the Directive sets out to establish the conditions to met to achieve interoperability with Community territory of the trans-European conventional rail system. These conditions concern the design, construction, putting into service, upgrading, renewal, operation and maintenance of the parts of this system put into service after the entry into force of the Directive, as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance; - where so required by the TSIs, the notified body with which the manufacturer or his authorised representative established in the Community has lodged an application will carry out assessment of the suitability for use of an interoperability constituent.?

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## Trans-European railway transport: interoperability. 2nd package

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The Council adopted, by qualified majority, the "Second Railway Package", the Belgian, French and Luxembourg delegations voting against, establishing a single market for rail transport service. This package includes the following legal texts: - the Directive on the interoperability of the trans-European rail system; - the Directive on safety on the Community's railways; - the Directive on the development of the Community's railways (market access); - the Regulation establishing a European Railway Agency. The common position concerning the draft Directive of the European Parliament and of the Council amending Council Directive 96/48/EC and Directive 2001/16/EC on the interoperability of the trans-European rail system accepts 4 amendments proposed by the European Parliament. The main elements are as follows: - the Council's common position retains the principle of applying the provisions of the Directive to the entire railway network in the European Union. However, because of a number of financial and economic considerations, it provides for a more gradual introduction of the technical specifications for interoperability (TSI) than proposed by the Commission; - a first group of new TSI and/or TSI amendments should now be developed by 1 January 2009; - for the application of a specific TSI, further categories of lines and rolling stock have been added in Annex III, as well as the possibility to further subdivide these categories as required. This will allow the specific TSI to be applied in the most cost-effective way; - the common position expands the possibilities for exemptions from the application of the provisions of a TSI.?

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## Trans-European railway transport: interoperability. 2nd package

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The committee adopted the report by Sylviane AINARDI (EUL/NGL, F) amending the Council's common position under the 2nd reading of the codecision procedure. It reinstated a number of amendments adopted by Parliament at 1st reading: - it should be specified that the aim of the legislation is to define a high level of technical harmonisation rather than merely a "minimum" level as stated in the text of the common position; - trains should be equipped with a recording device and the data collected by this device and the processing of the information should be harmonised. ?

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## Trans-European railway transport: interoperability. 2nd package

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The European Parliament adopted a resolution drafted by Sylviane AINARDI (EUL/NGL, France) making a few amendments to the common position. (Please see the document dated 01/10/03.) An additional clause states the directive establishes the conditions to be met to achieve interoperability of the trans-European conventional rail system. These conditions concern the design, construction, putting into service, upgrading, renewal, operation and maintenance of the parts of this system put into service after the date of entry into force of the directive, as well as the professional qualifications and health and safety conditions of its staff.?

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## Trans-European railway transport: interoperability. 2nd package

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The European Commission supports all of Parliament's amendments to this text. Parliament's amendments are primarily designed to reaffirm the interoperability objective and to improve the consistency of the wording of Directives 96/48/EC and 2001/16/EC. In addition, they seek to include an obligation to fit a recording device in new trains among the essential requirements laid down in the directives.?

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## Trans-European railway transport: interoperability. 2nd package

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The Council did not approve the European Parliament's second reading amendments regarding the four proposals (3 Directives and 1 Regulation) on the Community's railways. Consequently the Conciliation Committee is convened in accordance with Article 251(3) of the TEC.?

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## Trans-European railway transport: interoperability. 2nd package

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The Conciliation Committee reached agreement on the directive. The main points of the compromise package can be summarised as follows: - scope and objective of the directive: the pursuit of the objective of the directive must lead to the definition of an optimal level of technical harmonisation. An additional clause states that the directive establishes the conditions to be met to achieve interoperability of the trans-European conventional rail system, thus applying the provisions of the directive to the entire railway network in the European Union; - recording device: the Council accepted Parliament's proposal that trains must be equipped with a recording device. The data collected by this device and the processing of the information must be harmonised.?

## Trans-European railway transport: interoperability. 2nd package

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The European Parliament approved the agreements in conciliation on the second rail package. (Please refer to the previous summary).?

## Trans-European railway transport: interoperability. 2nd package

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**PURPOSE:** to set out the conditions to be met to achieve interoperability within Community territory of the trans-European high-speed rail system.

**LEGISLATIVE ACT:** Directive 2004/50/EC of the European Parliament and of the Council amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system. (Corrigendum to the Regulation published in OJ L164 of 30 April 2004).

**CONTENT:** this Directive has been adopted as part of the second railway package. The Second Railway Package will help to accelerate the integration of the market by removing important obstacles to cross-border services. It will guarantee a high level of safety for railway operation and will contribute to reducing costs and facilitating operations through a greater harmonisation of technical standards in the railway sector.

It should be stressed that rail's share of the freight market has continued to decline and is now under 8%. In half of the EU countries the volume of goods transported by rail diminished, making a total decline of one per cent between 2002 and 2003. Equally, the opening of the railway freight market is too slow and new entrants share only 3 to 4% of the market.

The aim of this Directive is to amend Council Directive 96/48/EC and Directive 2001/16/EC on the interoperability of the trans-European rail system. Amendment of the interoperability Directives 96/48/EC and 2001/16/EC. This amendment is essentially designed to ensure consistency of scope between the network on which there will be open access and that subject to the interoperability rules, with a progressive extension of the field of application to the whole European network.

The aim of this Directive is to establish the conditions to be met to achieve interoperability within Community territory of the trans-European high-speed rail system. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system placed in service, as well as the qualifications and health and safety conditions of the staff who contribute to its operation.

The pursuit of this objective must lead to the definition of an optimal level of technical harmonisation and make it possible to:

- facilitate, improve and develop international rail transport services within Community territory and with third countries;
- contribute to the gradual creation of the internal market in equipment and services for the construction, operation, renewal and upgrading of the trans-European high-speed rail system;
- contribute to the interoperability of the trans-European high-speed rail system.

This Directive states that trains must be equipped with a recording device. The data collected by this device and the processing of the information must be harmonised.

The Commission shall adopt, by 1 January 2006, a work programme aiming at the development of new TSIs and/or the review of TSIs already adopted with a view to covering the lines and rolling stock not yet covered. This work programme will indicate a first group of new TSIs and/or amendments to TSIs to be developed by January 2009, as regards the possibility of providing for specific cases and allowing for derogations in particular circumstances. The choice of the subjects to be covered by the TSIs will be based on the expected cost-effectiveness of each proposed measure and on the principle of proportionality of measures taken at Community level.

**ENTRY INTO FORCE:** 30/04/2004.

**TRANSPOSITION:** 30/04/2006.