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**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the common position adopted by the Council with a view to adopting a European Parliament and Council Directive 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 (8556/2/2003 – C5-0298/2003 – 2002/0023(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Sylviane H. Ainardi

### ***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)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## 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 directive 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 (COM(2002) 22 – 2002/0023(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 (8556/2/2003 – C5-0298/2003).

The committee had appointed Sylviane H. Ainardi rapporteur at its meeting of 21 February 2002.

It considered the common position and the draft recommendation for second reading at its meetings of 8 July, 9 September, 30 September and 1 October 2003.

At the last meeting it adopted the draft legislative resolution by 46 votes to 0, with one abstention.

The following were present for the vote: Rijk van Dam (vice-chairman and acting chairman), Gilles Savary and Helmuth Markov (vice-chairmen), Sylviane H. Ainardi (rapporteur), Emmanouil Bakopoulos, Graham H. Booth (for Alain Esclopé), Philip Charles Bradbourn, Luigi Cocilovo, Danielle Darras, Jean-Maurice Dehousse (for John Hume), Jan Dhaene, Giovanni Claudio Fava, Markus Ferber (for Rolf Berend), Jacqueline Foster, Mathieu J.H. Grosch, Cristina Gutiérrez Cortines (for Christine de Veyrac, pursuant to Rule 153(2)), Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Giorgio Lisi, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Bill Miller (for Garrelt Duin), Enrique Monsonís Domingo, Francesco Musotto, James Nicholson, Josu Ortuondo Larrea, Peter Pex, Wilhelm Ernst Piecyk, Samuli Pohjamo, Bernard Poignant, Alonso José Puerta, Reinhard Rack, Ingo Schmitt, Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Margie Sudre, Hannes Swoboda (for Mark Francis Watts), Joaquim Vairinhos, Jaime Valdivielso de Cué (for Felipe Camisón Asensio, pursuant to Rule 153(2)), Ari Vatanen and Herman Vermeer.

The recommendation for second reading was tabled on 1 October 2003 .

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the common position adopted by the Council with a view to adopting a European Parliament and Council directive 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  
(8556/2/2003 – C5-0298/2003 – 2002/0023(COD))

(Codecision procedure: second reading)

*The European Parliament,*

- having regard to the Council common position (8556/2/2003 – C5-0298/2003),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2002) 22)<sup>2</sup>,
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0321/2003),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

Council common position

Amendments by Parliament

Amendment 1

ARTICLE 1, PARAGRAPH 1

Article 1, paragraph 2, introductory part (Directive 96/48/EC)

The pursuit of this objective must lead to the definition of a *minimum* level of technical harmonisation and make it possible to:

The pursuit of this objective must lead to the definition of a *high* level of technical harmonisation and make it possible to:

*Justification*

*For safety reasons in particular, the harmonisation vital in this area must be more than minimum.*

<sup>1</sup> P5\_TA(2003)006.

<sup>2</sup> OJ C 126E, 28.5.2002, p. 312.

Amendment 2  
ARTICLE 1, PARAGRAPH 20 a (NEW)  
Annex III, Point 2.4.3 a (new) (Directive 96/48/EC)

*20a) the following point shall be added to Annex III:*

**"2.4.3a. Controls**

***Trains must be equipped with a recording device. The data collected by this device and the processing of the information must be harmonised."***

*Justification*

*For reasons of safety and control, following the example of the road and air transport networks, trains must be equipped with a device to record operations undertaken during the journey. The data collected and the procedures for processing them must be harmonised.*

Amendment 3  
ARTICLE 2, PARAGRAPH 1 a (NEW)  
Article 1, paragraph 1 (Directive 2001/16/EC)

*1a) paragraph 1 of Article 1 shall be replaced by the following:*

***"1. This Directive sets out to establish the conditions to be met to achieve interoperability within the Community territory of the trans-European conventional rail system, as described in Annex I. 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 this Directive, as well as the professional qualifications and health and safety conditions of the staff who contribute to its operation and maintenance."***

*Justification*

*The aim is to correct an oversight. Reference to the maintenance of the parts of the system should automatically entail a reference to the staff responsible for it.*

Amendment 4

ARTICLE 2, PARAGRAPH 1 b (NEW)

Article 1, paragraph 2, introduction (Directive 2001/16/EC)

***1b) in paragraph 2, the introductory part shall be replaced by the following:***

***"2. The pursuit of this objective must lead to the definition of a high level of technical harmonisation and make it possible to:"***

*Justification*

*See Amendment 1.*

Amendment 5

ARTICLE 2, PARAGRAPH 18 a (NEW)

ANNEX III, point 2.4.3 a (new) (Directive 2001/16/EC)

***18a) the following point shall be added to Annex III:***

***"2.4.3a. Controls***

***Trains must be equipped with a recording device. The data collected by this device and the processing of the information must be harmonised."***

*Justification*

*See Amendment 2.*

## EXPLANATORY STATEMENT

Parliament stressed the need for changes to the interoperability directives in its resolution of 17 May 2000. In that resolution, Parliament requested the Commission to submit proposals to revise the directive along the lines of the forthcoming directive on the interoperability of the conventional rail network.

With reference to the common position, your rapporteur welcomes the progress made towards making the two directives more consistent and the adoption of a more realistic approach which has had the effect of extending the scope of the directive in line with Parliament's wishes. The gradual approach advocated by the Council reflects a great understanding of the complexity of the problem and, above all, of the costs involved. Unfortunately, however, the question of funding is still no nearer a solution, given the failure to take a firm decision in this area despite the fact that it is crucial for the future of the railways in Europe.

Set against the above-mentioned positive points, however, the Council did not take on board a number of important amendments proposed by Parliament on first reading.

On first reading, your rapporteur centred her analysis of the Commission's original proposal on the following three issues:

- Need for improvements.
- Need for democracy.
- Funding.

These three central concerns are still relevant.

On first reading, Parliament adopted amendments seeking to make it compulsory for trains to be equipped with harmonised recording devices.

Some rail operators have been using recording devices for many years, others have not. Your rapporteur considers that, in an age in which the use of recording devices is compulsory for the purpose of monitoring incidents arising in the course of journeys by lorries, coaches and aircraft, exempting rail transport from any such requirement is unacceptable both on safety grounds and in the interest of progressing towards a harmonised European railway network. Moreover, that would also be the view of the great majority of members of the public.

With regard to the harmonisation of recording devices, it is clear that the existence of a multiplicity of recording devices designed to record different kinds of information, and process them in a different way, is incompatible with the requirements of a trans-European railway network capable of meeting the needs of European passengers and freight operators in the 21st century.

The European public takes a keen interest in any developments presented as improving our railways, particularly in terms of safety. Although harmonisation is often, inevitably, the result of compromise, we should be failing in our duty to represent the people if we allowed



safety to be jeopardised because we had decided to accept a minimum level of technical harmonisation. The outcome of these compromises and this legislation should, after all, have the effect of 'levelling up' the rail networks. Legislation should not allow a standard of safety which falls below that which can be delivered by the skills and technologies currently existing in Europe.

Although safety concerns us all, it is the overriding concern and area of expertise of the staff working daily in the rail sector. That is why it is essential that all those who operate, build or maintain the system should have the benefit of equivalent qualifications and identical health and safety conditions, regardless of their place of work.

It is also advisable for such persons to be involved in questions relating both to their area of expertise and their working conditions. This involvement of the main players, far from being a waste of time, would generate considerable efficiency gains and assist the modernisation and harmonisation of the entire European rail network.

By specifying that the drafting, adoption and review of TSIs should take account of the estimated cost of the technical solutions considered, the Commission proposal limits the concept of good financial management to a purely actuarial approach. Your rapporteur considers that such an approach ignores the need to provide operators, investors and potential political decision-makers with the necessary information to ensure that decisions are taken in full knowledge of all the factors involved. Parliament proposed that TSIs should be justified on the basis of studies showing expected advantages in terms of market share and traffic development while taking into account external costs, in other words the effect on the environment, safety and social dimension. External costs must be taken into account to ensure that the main advantages which currently make railways one of the most sustainable and effective means of transport, from the social, ecological and town planning perspective, are not only conserved but enhanced when choices are made concerning future development.

To sum up, your rapporteur notes the positive aspects of the common position, encourages the Council to adopt the few amendments we seek to restore on second reading, which can only improve the interoperability of the network, and recommends that the common position be approved as amended.