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*****III REPORT**

on the joint text approved by the Conciliation Committee 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 (PE-CONS 3639/2004 – C5-0154/2004 – 2002/0023(COD))

European Parliament delegation to the Conciliation Committee

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)

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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 and Directive 2001/16/EC 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 (8557/2/2003 – C5-0298/2003).

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 (rapporteur), Luigi Cocilovo (for Giorgos Dimitrakopoulos), Jean-Maurice Dehousse (for Renzo Imbeni), 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 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

(PE-CONS 3639/2004 – C5-0154/2004 – (2002)0023(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3639/2004 – C5-0154/2004),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2002) 22)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 - C5-0587/2003)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 (A5-0243/2004),
1. Approves the joint text;
 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 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. 119.

² OJ C 126 E, 28.5.2002, p. 312.

³ Texts Adopted, 23.10.2003 P5_TA(2003)0455.

⁴ OJ C 270 E, 11.11.2003, p. 7.

⁵ Not yet published in OJ.

EXPLANATORY STATEMENT

Background

On 24 January 2002 the Commission submitted a proposal for a directive, amending previous directives on the interoperability. It seeks to establish the conditions to be met to achieve interoperability of the trans-European rail system, i.e. to allow an uninterrupted movement of trains across Community territory. It is a part of the so-called second railway package the objective of which is to revitalise the railway sector in the European Union and to gradually create an interoperable and safe European rail system.

The Parliament delivered its opinion at first reading on 14 January 2003. The Parliament supported the Commission's proposal to extend the scope of the Directive from the high-speed rail network to the entire rail network of the European Union. The Council adopted its common position on 25 June 2003, retaining the principle of applying the provisions of the Directive to the entire railway network.

At second reading on 23 October 2003 the Parliament adopted five 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 Sylviane H. AINARDI, 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. During the triilogue meeting, held on 13 January 2004, the two institutions reached agreement on all 5 amendments. The conciliation procedure was formally opened on 27 January. The outcome of the negotiations was confirmed by the Parliament delegation and the Conciliation Committee at their final meetings on 16 March.

The main points of the agreement reached within the Conciliation Committee can be summarised as follows:

✓ Scope and objective of the Directive

Under the compromise agreement reached, 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 the 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.

Conclusion

The agreement reached constitutes a major step forward in the process of achieving interoperability of the European rail system. The outcome of the conciliation procedure can be considered very satisfactory for Parliament and therefore the delegation recommends that Parliament approve the joint text at third reading.