

Wednesday 17 May 2000

**European Parliament legislative resolution on the proposal for a European Parliament and Council regulation laying down rules for the prevention and control of certain transmissible spongiform encephalopathies (COM(1998) 623 – C4-0025/1999 – 1998/0323(COD))**

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(1998) 623) <sup>(1)</sup>,
  - having regard to Article 251(2) and Article 152 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C4-0025/1999),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Agriculture and Rural Development (A5-0117/2000),
1. Approves the Commission proposal as amended;
  2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

<sup>(1)</sup> OJ C 45, 19.2.1999, p. 2.

## **8. Interoperability of the trans-European conventional rail system \*\*\*I**

**A5-0113/2000**

**Proposal for a European Parliament and Council directive on the interoperability of the trans-European conventional rail system (COM(1999) 617 – C5-0301/1999 – 1999/0252(COD))**

The proposal was amended as follows:

TEXT PROPOSED  
BY THE COMMISSION <sup>(1)</sup>

AMENDMENTS  
BY PARLIAMENT

(Amendment 1)  
*Recital 5*

(5) The Commission Communication on 'Integration of conventional rail systems' recommends the adoption of this directive and justifies the similarities and main differences compared with the directive adopted in the high-speed sector. The main differences lie in the adaptation of the geographical scope, in the extension of the technical scope to take account of the results of the above study and in the adoption of a gradual approach to eliminating obstacles to the interoperability of the rail system;

(5) The Commission Communication on 'Integration of conventional rail systems' recommends the adoption of this directive and justifies the similarities and main differences compared with the directive adopted in the high-speed sector. The main differences lie in the adaptation of the geographical scope, in the extension of the technical scope to take account of the results of the above study and in the adoption of a gradual approach to eliminating obstacles to the interoperability of the rail system **which includes establishing an order of priorities and a timetable;**

<sup>(1)</sup> OJ C 89 E, 28.3.2000, p. 11.

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 44/corr.)

*Recital 5a (new)*

**(5a) The adoption of a gradual approach meets the specific needs related to the aim of ensuring the interoperability of the conventional rail system, which operates using old national infrastructure and rolling stock and which requires substantial investment to upgrade and renew. It is important to ensure in particular that rail transport is not penalised economically in relation to other means of transport, and that secondary networks are maintained;**

(Amendment 3)

*Recital 6a (new)*

**(6a) The European Parliament, in its opinion of 10 March 1999<sup>(1)</sup> on the development of the Community's railways, called for free access and transit rights in respect of the infrastructure of all the Member States for the international transport of goods by rail;**

<sup>(1)</sup> OJ C 175, 21.6.1999, p. 115.

(Amendment 36)

*Recital 8*

(8) Pursuant to Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways railway companies must have increased access to the network, which in turn requires infrastructure, equipment and stock interoperability;

(8) Pursuant to Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways, railway companies must have increased access to the network **of the Member States**, which in turn requires infrastructure, equipment and stock interoperability, **as well as management and operating system interoperability, including the staff qualifications and health and safety conditions at work required for the operation and maintenance of the subsystem concerned and for the application of each technical specification for interoperability (TSI).** However, this does not mean that this Directive aims to pursue, either directly or indirectly, harmonisation of the working conditions in the rail sector;

(Amendment 5)

*Recital 15a (new)*

**(15a) Developing and applying the TSIs to the conventional rail system must not hamper technical innovation, which must be directed in particular towards improving the economic performance of the railways;**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

(Amendment 6)

*Recital 15b (new)*

**(15b) The interoperability of the conventional rail system must be exploited, particularly in the area of freight, in order to create the conditions necessary to improve intermodal interoperability;**

(Amendment 47)

*Recital 27*

(27) The 'EC' verification procedure is based on technical specifications for interoperability (TSIs). These TSIs are drawn up to the order of the Commission by the joint body representing the infrastructure managers, the railway companies and the industry. The reference to TSIs is required in order to ensure interoperability of the trans-European conventional rail system. These TSIs are subject to the provisions of Article 18 of Directive 93/38/CEE;

(27) The 'EC' verification procedure is based on technical specifications for interoperability (TSIs). These TSIs are drawn up to the order of the Commission by the joint body representing the infrastructure managers, the railway companies and the industry. The reference to TSIs is required in order to ensure interoperability of the trans-European conventional rail system. These TSIs are subject to the provisions of Article 18 of Directive 93/38/EEC; **representatives of third countries, particularly those countries which are candidates for accession, may be permitted to take part from the outset as observers in the meetings of the joint representative body;**

(Amendment 48)

*Article 1*

Article 1

1. In accordance with Articles 154 and 155 of the Treaty, 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.

2. *The resultant technical harmonisation must also make for a single market in the equipment and services needed to construct, renew, upgrade and operate the trans-European conventional rail system.*

Article 1

1. In accordance with Articles 154 and 155 of the Treaty, 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 staff qualifications and health and safety conditions at work that are a vital part of its operation.**

2. **In accordance with Article 155 of the Treaty, the pursuit of this objective shall lead to the definition of a minimum level of technical harmonisation and must:**

- **facilitate, improve and develop international rail transport services in the European Union and with third countries,**
- **contribute to the gradual emergence of a single market in equipment, construction, renewal, upgrading and operational services for the trans-European conventional rail system,**
- **contribute to the interoperability of the conventional rail system.**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 41)

*Article 2(k)*

(k) 'specific case' means any part of the trans-European conventional rail system which needs special provisions in the TSIs, either temporary or definitive, because of geographical, topographical, urban environment or compatibility with the existing system constraints;

(k) 'specific case' means any part of the trans-European conventional rail system which needs special provisions in the TSIs, either temporary or definitive, because of geographical, topographical, urban environment or compatibility with the existing system constraints. **This category may include, for example, lines and networks isolated from the rest of the Community, loading gauge, track gauge or minimum track centre distance, rolling stock intended for purely local, regional or historical use, or rolling stock originating from or bound for third countries, provided that it does not cross a border between two Member States;**

(Amendment 10)

*Article 2(ma) (new)*

**(ma) 'existing rail system' means the whole of the existing railway network, consisting of railway infrastructure, including lines and fixed installations, and all categories of rolling stock regardless of origin which use the infrastructure.**

(Amendment 11)

*Article 5(3)*

3. To the extent necessary in order to achieve *interoperability of the trans-European conventional rail system and the single market* referred to in Article 1, each TSI shall:

3. To the extent necessary in order to achieve **the objectives** referred to in Article 1, each TSI shall:

(a) lay down essential requirements for each subsystem concerned and its interfaces vis-à-vis other subsystems;

**(-a) indicate the intended field of application (part of network or rolling stock indicated in Annex I; subsystem or part of subsystem indicated in Annex II);**

(b) establish the functional and technical specifications to be met by the subsystem and its interfaces vis-à-vis other subsystems, for each of the categories of line and/or hub provided for in Annex I;

(a) lay down essential requirements for each subsystem concerned and its interfaces vis-à-vis other subsystems;

(b) establish the functional and technical specifications to be met by the subsystem and its interfaces vis-à-vis other subsystems, for each of the categories of line and/or hub provided for in Annex I;

(c) *establish possible implementing rules in specific cases;*

(d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the trans-European conventional rail system;

(d) determine the interoperability constituents and interfaces which must be covered by European specifications, including European standards, which are necessary to achieve interoperability within the trans-European conventional rail system;

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

- (e) state, in each case under consideration, which of the modules defined in Decision 93/465/EEC or, where appropriate, which specific procedures are to be used to assess either the conformity or the suitability for use of interoperability constituents and 'EC' verification of subsystems;
- (f) *propose, where necessary, an indicative timetable and a strategy for implementing the TSIs, including the technical and/or geographical stages to be completed for achieving interoperability within the trans-European conventional rail system.*

- (e) state, in each case under consideration, which of the modules defined in Decision 93/465/EEC or, where appropriate, which specific procedures are to be used to assess either the conformity or the suitability for use of interoperability constituents and 'EC' verification of subsystems;
- (f) **indicate the** strategy for implementing the TSIs, including the technical and/or geographical stages to be completed for achieving interoperability within the trans-European conventional rail system.

- (fa) indicate the staff qualifications and health and safety conditions at work required for the operation and maintenance of the subsystem concerned and for the application of the TSI.**

(Amendment 42)

Article 5(4)

4. Each TSI shall be drawn up on the basis of an examination of an existing subsystem and indicate a target subsystem that may be obtained gradually within a reasonable time-scale. Accordingly, the gradual adoption of TSIs and compliance therewith will help gradually to achieve the interoperability of the trans-European conventional rail system *while retaining, as far as possible, the compatibility of the existing railway network in each Member State.*

4. Each TSI shall be drawn up on the basis of an examination of an existing subsystem and indicate a target subsystem that may be obtained gradually within a reasonable time-scale. Accordingly, the gradual adoption of TSIs and compliance therewith will help gradually to achieve the interoperability of the trans-European conventional rail system.

**4a. The TSIs shall, in an appropriate manner, retain the compatibility of the existing railway network in each Member State. To that end, specific cases may be provided for in each TSI, whether relating to infrastructure or to rolling stock; particular attention shall be paid to loading gauge, track gauge or minimum track centre distance, and wagons originating from or bound for third countries. In each specific case, the TSI shall lay down implementing rules for the TSI provisions referred to in points (b) to (fa) of paragraph 3.**

(Amendment 13)

Article 5(4b) (new)

**4b. The TSIs shall not stand in the way of Member States' decisions concerning the use of infrastructure for the operation of rolling stock not concerned by the TSIs.**

(Amendment 49)

Article 6(1)

1. Draft TSIs shall be drawn up to the order of the Commission in accordance with the procedure set out in Article 21(2). TSIs shall be adopted and reviewed by the same procedure. They shall be published by the Commission in the Official Journal of the European Communities.

1. Draft TSIs shall be drawn up **by the joint representative body** to the order of the Commission in accordance with the procedure set out in Article 21(2). TSIs shall be adopted and reviewed by the same procedure. They shall be published by the Commission in the Official Journal of the European Communities.

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 14)

Article 6(2)

2. The joint representative body shall be designated in accordance with the procedure set out in Article 21(2); it shall comply with the rules laid down in Annex VIII. Where the joint representative body does not comply with these rules or does not have the authority needed to draw up a particular TSI another authorised body shall be designated by the same procedure.

2. The joint representative body shall be designated in accordance with the procedure set out in Article 21(2); it shall comply with the rules laid down in Annex VIII. Where the joint representative body does not comply with these rules or does not have the authority needed to draw up a particular TSI another authorised body shall be designated by the same procedure. **In that event, the joint representative body shall be involved in the work of the other authorised body.**

(Amendment 15)

Article 6(4)

4. Each draft TSI shall be drawn up in two stages.

4. Each draft TSI shall be drawn up in two stages.

First of all, the joint representative body shall identify the basic parameters for this TSI. The most viable solutions accompanied by technical and economic justification shall be put forward for each of these parameters *and a decision taken in accordance with the procedure set out in Article 21(2).*

First of all, the joint representative body shall identify the basic parameters for this TSI, **the interfaces with the other sub-systems and any specific cases that are necessary.** The most viable solutions accompanied by technical and economic justification shall be put forward for each of these parameters **and interfaces.** A decision **shall be** taken in accordance with the procedure set out in Article 21(2).

The joint representative body shall then draw up the draft TSI on the basis of those basic parameters. Where *necessary*, the joint representative body shall take account of standardisation work already carried out, of working parties already in place and of acknowledged research work.

The joint representative body shall then draw up the draft TSI on the basis of those basic parameters. Where **appropriate**, the joint representative body shall take account of **technical progress, of** standardisation work already carried out, of working parties already in place and of acknowledged research work. **An overall assessment of the foreseeable costs and benefits of the implementation of the TSI shall be attached to the draft TSI; this assessment shall indicate the estimated impact on all the economic operators and agents involved.**

(Amendment 16)

Article 6(5)

5. The drafting, adoption and review of TSIs shall take account of the estimated *cost* of the technical solutions *required* so as to establish *and put into effect* the most viable solutions.

*To this end, the joint representative body or, where appropriate, the authorised body shall attach to each draft TSI a global assessment of the estimated costs and benefits of the solution put forward. This evaluation shall note the impact anticipated for all the economic operators and agents concerned.* Member States shall participate in this assessment by providing the requisite data.

5. The drafting, adoption and review of **each TSI (including the basic parameters)** shall take account of the estimated **costs and benefits** of **all** the technical solutions **considered, as well as the interfaces between them**, so as to establish the most viable solutions. Member States shall participate in this assessment by providing the requisite data.

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

(Amendment 17)

Article 6(6)

6. The Committee referred to in Article 21 shall be kept regularly informed of the preparatory work on the TSI. During this work the Committee may formulate any useful *recommendations* concerning the design of the TSIs and the cost-benefit analysis.

6. The Committee referred to in Article 21 shall be kept regularly informed of the preparatory work on the TSI. During this work the Committee may formulate any useful **brief or recommendation** concerning the design of the TSIs and the cost-benefit analysis.

(Amendment 18)

Article 6(7)

7. The date of entry into force of each TSI adopted shall be established in accordance with the procedure provided for in Article 21(2).

7. The date of entry into force of each TSI adopted shall be established in accordance with the procedure provided for in Article 21(2). **Where different subsystems must be put into service simultaneously for reasons of technical compatibility, the dates of entry into force of the TSIs concerned shall coincide.**

(Amendment 50)

Article 6(7a) (new)

**7a. The drafting and review of TSIs shall take into account the opinion of the social partners with regard to the conditions referred to in Article 5(3)(fa).**

**With this in view, the social partners shall be consulted before the draft TSI is submitted to the committee referred to in Article 21 for adoption or review.**

**The social partners shall be consulted within the framework of the Sectoral Dialogue Committee established by Commission Decision 98/500/EC<sup>(1)</sup>.**

**The social partners shall deliver their opinion within 3 months.**

<sup>(1)</sup> OJ L 225, 12.8.1998, p. 27.

(Amendment 19)

Article 6(7b) (new)

**7b. The drafting and review of TSIs shall take into account the opinion of users with regard to characteristics having a direct impact on the conditions of use of the subsystems by these users.**

**With this in view, the joint representative body or, where appropriate, the authorised body concerned shall consult associations and organisations representing users during the work on the drafting and review of TSIs. It shall attach a report on the results of this consultation to the draft TSI.**

**The list of associations and organisations to be consulted shall be drawn up by the committee referred to in Article 21 before the adoption of the mandate for the first TSI and may be reviewed and updated at the request of a Member State or the Commission.**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendments 51, 20, 35 and 37)

## Article 7

## Article 7

A Member State may opt not to apply certain TSIs, including in connection with rolling stock, in the following cases and circumstances:

- for any element referred to Article 1(1) at an advanced stage of development when these TSIs are published, or
- for any project concerning the renewal or upgrading of an existing line where *the basic parameters of these TSIs are not compatible with those of the existing line and the application of these TSIs would compromise the economic viability of the project and the compatibility of the rail system in the Member State.*

In *both* of these cases the Member State concerned shall serve prior notice of its intended derogation to the Commission and shall forward to it a file setting out the TSIs or the parts of TSIs that it wishes not to apply as well as the corresponding specifications that it does wish to apply. The *Commission shall examine whether the measures envisaged by the Member State are justified and shall take a decision in accordance with the procedure in Article 21(2). Where necessary, a recommendation shall be drawn up concerning the specifications to be applied.*

## Article 7

1. A Member State may opt not to apply certain TSIs, including in connection with rolling stock, in the following cases and circumstances:

- (a) **for a project to build a new line or upgrade an existing line or** for any element referred to in Article 1(1) at an advanced stage of development **or which is the subject of a contract currently in the course of implementation** when these TSIs are published;
- (b) **for a project to renew or upgrade an existing line where the loading gauge, track gauge, minimum track centre distance or electrical voltage laid down in these TSIs are incompatible with those of the existing line;**
- (c) **for a project to build a new line or renew or upgrade an existing line carried out on the territory of that Member State where its railway network is hemmed in or cut off by the sea from the railway network of the rest of the Community;**
- (d) for any project concerning the renewal, **extension** or upgrading of an existing line where the application of these TSIs would compromise the economic viability of the project and/or the compatibility of the rail system in the Member State;
- (e) **when, following a natural disaster or an accident, the conditions relating to the rapid restoration of the network do not allow, for economic or technical reasons, the application in full or in part of the relevant TSIs;**
- (f) **for any freight wagons of third countries that do not cross the border between two Member States.**

In **all** of these cases the Member State concerned shall serve prior notice of its intended derogation to the Commission and shall forward to it a file setting out the TSIs or the parts of TSIs that it wishes not to apply as well as the corresponding specifications that it does wish to apply. **The Committee referred to in Article 21, to which the matter has been referred, shall consider** the measures envisaged by the Member State. **In cases (b) and (d) the Commission shall take a decision in accordance with the procedure in Article 21(2). Where necessary, a recommendation shall be drawn up concerning the specifications to be applied. In cases relating to the loading gauge, track gauge, or minimum track centre distance, as referred to in point (b), the Committee shall deliver its opinion within two months.**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

2. Member States shall ensure that registers of infrastructure and rolling stock to which certain TSIs are not applied are published and updated on a yearly basis. These registers shall detail the main characteristics (e.g. the basic parameters) of each subsystem or part of subsystem concerned, and their divergence from the characteristics required by the TSIs.

3. A copy of the registers shall be forwarded to the Member States and the joint representative body and shall be made available to the public.

(Amendment 21)

Article 10(2)

2. Compliance of an interoperability constituent with the respective essential requirements or the suitability for use shall be established in relation to the conditions laid down by the corresponding TSI, including any relevant European specifications that may exist.

2. Compliance of an interoperability constituent with the respective essential requirements **and, where necessary**, the suitability for use shall be established in relation to the conditions laid down by the corresponding TSI, including any relevant European specifications that may exist.

(Amendment 52)

Article 10(6)

6. Where a European specification is not yet available at the time of adoption of a TSI, the TSI shall refer to the most advanced version available of the draft specification that has to be complied with or shall incorporate all or part of that draft.

6. Where a European specification is not yet available at the time of adoption of a TSI, **and where compliance with the specification in question is an essential prerequisite for ensuring interoperability**, the TSI may refer to the most advanced version available of the draft **European** specification that has to be complied with or incorporate all or part of that draft.

(Amendments 53 and 23)

Article 14

Article 14

1. Each Member State shall authorise the placing in service of those structural subsystems constituting the trans-European conventional rail system which are located in its territory or operated by railway undertakings established there.

To this end, Member States shall take all necessary steps to ensure that these subsystems may be placed in service only if they are designed, constructed and installed in such a way as not to hinder the meeting of the essential requirements concerning them when integrated into the trans-European conventional rail system.

2. Each Member State shall check at the placing in service, and at regular intervals thereafter, that these subsystems are operated and maintained in accordance with the essential requirements concerning them.

Article 14

1. Each Member State shall authorise the placing in service of those structural subsystems constituting the trans-European conventional rail system which are located in its territory.

To this end, Member States shall take all necessary steps to ensure that these subsystems may be placed in service only if they are designed, constructed and installed in such a way as not to hinder the meeting of the essential requirements concerning them when integrated into the trans-European conventional rail system. **In particular, they shall ascertain that subsystems are compatible with the system into which they are to be incorporated.**

2. Each Member State shall check at the placing in service, and at regular intervals thereafter, that these subsystems are operated and maintained in accordance with the essential requirements concerning them.

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

**2a. Where renewal or upgrading is to be carried out, the infrastructure manager or railway undertaking shall submit a file describing the project to the Member State concerned. The Member State shall consider the file and, taking account of the implementation strategy set out in the relevant TSI, determine whether the extent of the work is such that fresh authorisation needs to be obtained for the purposes of placing in service within the meaning of this Directive. Authorisation for placing in service shall be required whenever the degree of safety might be affected by the projected work.**

(Amendment 24)

Article 18(2)

2. The activities of the notified body responsible for the 'EC' verification of a subsystem shall begin at the design stage and cover the entire manufacturing period through to the type-approval stage before a subsystem is placed in service. It shall also cover verification of the compatibility of the subsystem in question with the system into which it is incorporated.

2. The activities of the notified body responsible for the 'EC' verification of a subsystem shall begin at the design stage and cover the entire manufacturing period through to the type-approval stage before a subsystem is placed in service. It shall also cover verification of the compatibility of the subsystem in question with the system into which it is incorporated, **on the basis of the information in the relevant TSI and the registers provided for in Article 7(2) and (3).**

(Amendment 39)

Article 18(3)

3. The notified body shall be responsible for compiling the technical file that has to accompany the 'EC' declaration of verification. This technical file must contain all of the necessary documents relating to the characteristics of the subsystem and, where appropriate, all the documents certifying conformity of the interoperability constituents. It must also contain all of the elements relating to the conditions and limits of use and to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance.

3. The notified body shall be responsible for the compiling the technical file that has to accompany the 'EC' declaration of verification. This technical file must contain all of the necessary documents relating to the characteristics of the subsystem and, where appropriate, all the documents certifying conformity of the interoperability constituents. It must also contain all of the elements relating to the conditions and limits of use and to the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance. **The monitoring of the operation of installations and rolling stock shall be entrusted to external verification and certification bodies.**

(Amendment 25)

Article 21(2)

2. Where reference is made to this paragraph, the regulatory procedure provided for in Article 5 of Council Decision 1999/468/EC of 28 June 1999 shall apply, pursuant to the provisions of Article 8 thereof.

2. Where reference is made to this paragraph, the regulatory procedure provided for in Article 5 of Decision 1999/468/EC shall apply, **having regard to Articles 7 and 8** thereof.

(Amendment 45)

Article 22(1)

1. The Committee shall draw up a work programme which takes account of the order of priority in drawing up the TSIs, on the one hand, and the respective priorities of its own tasks, on the other. This work programme shall be adopted by the Commission in accordance with the procedure set out in Article 21(2).

1. **The order of priority for the adoption of the TSIs shall be as follows, without prejudice to the sequence of adoption of the orders referred to in Article 6(1):**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

- (a) **The first group of TSIs will cover control-command and signalling; telematics applications for freight services; traffic operation and management (including staff qualifications for cross-border services following the criteria outlined in Annexes II and III); freight wagons; noise problems related to infrastructure and rolling stock.**

**As regards rolling stock, that intended for international use will be developed first.**

- (b) **The second group of TSIs will be dealt with in the light of the resources of the Commission and the joint representative body: telematics applications for passenger services; maintenance, with particular attention to safety; passenger carriages; locomotives and other traction units; infrastructure; power supply systems, air pollution.**

**As regards rolling stock, that intended for international use will be developed first.**

- (c) **At the request of the Commission, a Member State or the joint representative body, the Committee may decide, in accordance with the procedure laid down in Article 21(2), to draw up a TSI on any complementary subject, without prejudice to the order of priorities set out above, provided that it relates to one of the subsystems referred to in Annex II.**

(Amendment 27)

Article 22(2)

2. *After consultation of the joint representative body the order of priority for the development of TSIs shall be adopted, for example, according to subsystems or parts of subsystems, categories of lines or rolling stock, network hubs. The order of priority shall be established by comparing the advantages that each TSI is likely to generate in respect of estimated costs. The following aspects shall be considered as priorities in the first work programme: control/command and signalling; telematic applications for freight services; traffic operation and management (including staff qualifications); noise; and rolling stock.*

**2. The Committee, in accordance with the procedure laid down in Article 21(2), shall draw up a work programme which takes account of the order of priorities indicated in paragraph 1 and other tasks assigned to it by this Directive.**

**The TSIs in the first group referred to in paragraph 1(a) shall be drawn up within three years of the entry into force of this Directive.**

(Amendment 28)

Article 22(3)

3. *The first work programme shall consist of the following stages:*

- (a) *designation of the joint representative body;*
- (b) *development on the basis of a draft established by the joint representative body of a representative architecture of the conventional rail system, based on the list of subsystems (Annex 2), to guarantee consistency between TSIs. This architecture must include in particular the different*

3. **The work programme shall consist of the following stages:**

- (a) **designation of the joint representative body;**
- (b) **development on the basis of a draft established by the joint representative body of a representative architecture of the conventional rail system, based on the list of subsystems (Annex II), to guarantee consistency between TSIs. This architecture must include in particular the different**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

- constituents of this system and their interfaces and act as a reference framework for defining the areas of use of each TSI;
- (c) adoption of a model structure for developing TSIs;
- (d) adoption of a method of cost-benefit analysis of the solutions set out in the TSIs;
- (e) adoption of the mandates needed to draw up the TSIs;
- (f) adoption of the basic parameters for each TSI;
- (g) approval of draft standardisation programmes;
- (h) management of the transition period between the date of entry into force of this Directive and publication of the TSIs.

- constituents of this system and their interfaces and act as a reference framework for defining the areas of use of each TSI;
- (c) adoption of a model structure for developing TSIs;
- (d) adoption of a method of cost-benefit analysis of the solutions set out in the TSIs;
- (e) adoption of the mandates needed to draw up the TSIs;
- (f) adoption of the basic parameters for each TSI;
- (g) approval of draft standardisation programmes;
- (h) management of the transition period between the date of entry into force of this Directive and publication of the TSIs **including the adoption of the reference system referred to in Article 24a.**

**If necessary, the Commission shall have the task of drawing up, no later than one year after the entry into force of this Directive, a uniform standard for tracks and electricity supply systems for all new lines.**

(Amendments 29 and 54)

Article 24(1)

1. Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive no later than 18 months after entry into force of this Directive. They shall forthwith inform the Commission thereof. *The fact that TSIs have not been published shall not under any circumstances justify failure to meet the above deadline*

1. Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive no later than 18 months after entry into force of this Directive, **with the exception of the provisions relating to the application of the TSIs, which shall be brought into force in accordance with the arrangements contained in each TSI.** They shall forthwith inform the Commission thereof.

(Amendment 55)

Article 24a (new)

**Article 24a**

1. **The joint representative body shall draw up, on the basis of information supplied by the Member States under Articles 10(5) and 16(3), and of technical documents produced by the industry and the texts of the relevant international agreements, a draft reference system relating to the technical rules that ensure the current level of interoperability in the trans-European conventional rail system. The Committee shall consider the draft and decide whether or not it might constitute a reference system pending the adoption of the TSIs.**

2. **Following the adoption of the reference system referred to above, any Member State intending to adopt a national provision or develop a project on its national territory that does not comply with the reference system shall notify the Committee.**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 46)

Article 25

Article 25

Every two years the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the trans-European conventional rail system

*To this end*, the joint representative body shall develop and regularly update a tool capable of providing, at the request of a Member State or the Commission, a chart of the trans-European conventional rail system *showing, for each component of the system (lines and hubs, rolling stock series), the principal characteristics (e.g. basic parameters) and their compliance with the characteristics laid down by the TSIs.*

Article 25

Every two years, **beginning four years after the entry into force of this Directive**, the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the trans-European conventional rail system, **including progress on the TSIs concerning the aspects referred to in Article 22(1)(b).**

**This report shall also contain an analysis of the cases referred to in Article 7.**

The joint representative body shall develop and regularly update a tool capable of providing, at the request of a Member State or the Commission, a chart **showing the level of interoperability** of the trans-European conventional rail system. **This tool shall make use of the information available in the registers referred to in Article 7(2).**

(Amendment 43)

Annex I

INFRASTRUCTURE

The infrastructure of the trans-European conventional rail system shall be that on the lines of the trans-European transport network identified in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network or listed in any update to the same Decision as a result of the revision provided for in Article 21 of the guidelines.

For the purposes of this Directive, this network may be subdivided into the following categories:

- lines intended for *long-distance* passenger services;
- lines intended for mixed services (passengers and freight);
- lines specially designed or upgraded for freight services (*freight corridor*);
- *lines intended for regional services*;
- passenger hubs;
- freight hubs;
- lines connecting the abovementioned components.

1. INFRASTRUCTURE

The infrastructure of the trans-European conventional rail system shall be that on the lines of the trans-European transport network identified in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network or listed in any update to the same Decision as a result of the revision provided for in Article 21 of the guidelines.

For the purposes of this Directive, this network may be subdivided into the following categories:

- lines intended for passenger services;
- lines intended for mixed services (passengers and freight);
- lines specially designed or upgraded for freight services;
- passenger hubs;
- freight hubs, **including intermodal terminals**;
- lines connecting the abovementioned components.

**The infrastructure shall include traffic management, location and navigation systems: technical data-processing and telecommunications facilities intended for long-distance passenger services and freight services running on the network in order to enable the network to be operated safely and harmoniously and traffic to be managed efficiently.**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

## ROLLING STOCK

The rolling stock shall comprise all the stock likely to travel on all or part of the trans-European conventional rail network, including:

- self-propelling thermal or electric trains;
- thermal or electric traction units;
- passenger carriages;
- freight wagons.

## COMPATIBILITY OF THE TRANS-EUROPEAN CONVENTIONAL RAIL SYSTEM

The quality of rail services in Europe depends, inter alia, on excellent compatibility between the characteristics of the infrastructure (in the broadest sense, i.e. the fixed parts of all the subsystems concerned) and those of the rolling stock (including the onboard components of all the subsystems concerned). Performance levels, safety, quality of service and cost depend upon that compatibility.

## 2. ROLLING STOCK

The rolling stock shall comprise all the stock likely to travel on all or part of the trans-European conventional rail network including:

- self-propelling thermal or electric trains;
- thermal or electric traction units;
- passenger carriages;
- freight wagons, **including rolling stock designed for the transportation of trucks and lorries.**

**Each of these categories shall be subdivided into:**

- **rolling stock for international use,**
- **rolling stock for domestic use,**

**and shall take due account of its local, regional or long-distance use.**

## 3. COMPATIBILITY OF THE TRANS-EUROPEAN CONVENTIONAL RAIL SYSTEM

The quality of rail services in Europe depends, inter alia, on excellent compatibility between the characteristics of the infrastructure (in the broadest sense, i.e. the fixed parts of all the subsystems concerned) and those of the rolling stock (including the onboard components of all the subsystems concerned). Performance levels, safety, quality of service and cost depend upon that compatibility.

(Amendment Oral)

*Annex II(1)(a) and (b)*

- (a) basically structural areas:
- infrastructure;
  - energy;
  - control and command and signalling;
  - traffic operation and management;
  - *telematics applications for passenger and freight services;*
  - rolling stock;
- (b) basically operational areas:
- maintenance.

- (a) basically structural areas:
- infrastructure;
  - energy;
  - control and command and signalling;
  - traffic operation and management;
  - rolling stock;
- (b) basically operational areas:
- maintenance;
  - **telematics applications for passenger and freight services.**

(Amendment 33)

*Annex II(2.4), 2nd paragraph (new)*

**All professional qualifications that might be required in order to operate cross-border services.**

Wednesday 17 May 2000

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

(Amendment 56)

*Annex III(2.6.1), 1st subparagraph*

Alignment of the network operating rules and the qualifications of drivers and on-board staff and of the staff in the control centres must be such as to ensure safe operation.

Alignment of the network operating rules and the qualifications of drivers and on-board staff and of the staff in the control centres must be such as to ensure safe operation, **taking account of the differing requirements of cross-border and internal services.**

(Amendment 57)

*Annex III(2.6.3)*

Alignment of the network operating rules and the qualifications of drivers, on-board staff and traffic managers must be such as to ensure operating efficiency on the trans-European conventional rail system.

Alignment of the network operating rules and the qualifications of drivers, on-board staff and traffic managers must be such as to ensure operating efficiency on the trans-European conventional rail system, **taking account of the differing requirements of cross-border and internal services.**

(Amendment 40)

*Annex VII(1)*

1. The body, its Director and the staff responsible for carrying out the checks may not become involved, either directly or as authorised representatives, in the design, manufacture, construction, marketing or maintenance of the interoperability constituents or subsystems or in their use. This does not exclude the possibility of an exchange of technical information between the manufacturer or constructor and that body.

1. The body, its Director and the staff responsible for carrying out the checks may not become involved, either directly or as authorised representatives, in the design, manufacture, construction, marketing or maintenance of the interoperability constituents or subsystems or in their use **(external verification and certification bodies)**. This does not exclude the possibility of an exchange of technical information between the manufacturer or constructor and that body.

(Amendment 34)

*Annex VIII(5)*

5. All the working papers necessary in order to monitor the JRB's work must be placed at the Commission's disposal.

5. All the working papers necessary in order to monitor the JRB's work must be placed at the disposal of the Commission **and the Committee established by Article 21.**

**European Parliament legislative resolution on the proposal for a European Parliament and Council directive on the interoperability of the trans-European conventional rail system (COM(1999) 617 – C5-0301/1999 – 1999/0252(COD))**

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(1999) 617)<sup>(1)</sup>,
- having regard to Article 251(2) of the EC Treaty and Article 156 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0301/1999),
- having regard to Rule 67 of its Rules of Procedure,
- having regard to the report of the Committee on Regional Policy, Transport and Tourism, the opinion of the Committee on Industry, External Trade, Research and Energy and the Committee on Legal Affairs and the Internal Market (A5-0113/2000),

<sup>(1)</sup> OJ C 89 E, 28.3.2000, p. 11.