



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.06.1996  
COM(96) 249 final

94/0112 (SYN)

Re-examined proposal for a

COUNCIL DIRECTIVE

**on the interoperability of the  
trans-European high-speed railway system**

(presented by the Commission pursuant to Article 189 c (d)  
of the EC Treaty)



## A. EXPLANATORY MEMORANDUM

On 8 December 1995, the Council unanimously adopted a common position [(EC) No 36/95 <sup>(1)</sup>] on the adoption of a Council Directive on the interoperability of the trans-European high-speed railway system. This Directive is based on the Commission proposal [COM(94)0107 of 15 April 1994 <sup>(2)</sup>], as modified, following first reading by the European Parliament, by the amended proposal [COM(95)0271 of 15 June 1995 <sup>(3)</sup>].

At its plenary session of 15 - 19 April 1996, the European Parliament adopted, on second reading, eight amendments to the text of the Council's common position, numbered 1 to 4 and 9 to 12.

*Amendment No 1* adds to the *first recital*, stressing, in line with Article 129b of the Treaty, the aim of the interoperability of the entire European rail network. The Commission approved this amendment, as progressive convergence toward the interoperability of the European rail network as a whole will further the development of the railway sector.

*Amendment No 2* adds to the *third recital*, opening up a global vision of the rail transport network schemes and indicating that, in future, proposals for the interoperability of the conventional rail network will be submitted by the Commission. The Commission approved this amendment, while making the requisite editing alterations, as it accords with the aims it set out in the explanatory memorandum to its "proposal for a European Parliament and Council Decision on Community guidelines for the development of the trans-European transport network" [COM(94)0106 of 7 April 1994 <sup>(4)</sup>].

*Amendment No 3* modifies the *fifth recital*, specifying that, beyond passenger transport, ways and means need gradually to be found for the network to carry rapid goods services. The Commission approved this amendment, especially as the whole area of the high-speed transportation of rapid services or urgent or perishable goods is under study in a number of Member States.

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(1) OJ No C 356 of 30.12.1995, p. 43.

(2) OJ No C 134 of 17.05.1994, p. 6.

(3) OJ No C 203 of 08.08.1995, p. 13.

(4) OJ No C 220 of 08.08.1994, p. 1.

*Amendment No 4* adds to the *fifth recital*, specifying that access to the European high-speed train network must be rendered easier. The Commission approved this amendment as it accords with its vision of a "citizens' network". It is also in line with the opinion delivered by the Economic and Social Committee, which was approved on 23 November 1994 [ESC 1297/94 <sup>(5)</sup>].

*Amendments No's 9 and 12* relate to *Article 7*, which deals with derogations from the Directive. They propose, in view of the major economic considerations involved, the application of one and the same vetting procedure for all four derogations allowed under this Article. The Commission approved these amendments, while making the requisite editing alterations, as it sees them as recognition of the fact that all the derogations under this Article relate to economic considerations.

*Amendment No 10* overhauls *Article 21*. It replaces the advisory committee procedure contained in the Council's common position by the consultative committee procedure advocated by the Commission in its original proposal. The Commission approved this amendment, while making the requisite editing alterations, as it makes for a simpler and faster procedure.

*Amendment No 11* adds an essential requirement to *Annex III* aimed at the consumer protection. The Commission approved this amendment, as it sees interoperability of the trans-European high-speed rail system as an urgent necessity, not just for technical reasons but also to meet the needs of citizens.

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<sup>(5)</sup> OJ No C 307 of 31.12.1994, p. 8.

## B. RE-EXAMINED PROPOSAL

### I. Preamble

1. The following recital is added following the first recital :

"Whereas, with a view to making a people's Europe a reality, this Directive represents the first step towards the interoperability of the entire European railway network ;"

2. The following recital is added following the third recital :

"Whereas in April 1994 the Commission submitted a proposal for a European Parliament and Council Decision on Community guidelines for the development of the trans-European transport network <sup>(6)</sup>, which also includes network schemes for the conventional railway network ; whereas, therefore, once this decision enters into force, the Commission retains the option of submitting proposals for the interoperability of the conventional rail network, in particular with a view to removing obstacles to trans-frontier local and regional traffic ;"

3. The fifth recital is replaced by the following :

"Whereas the commercial operation of high-speed trains requires excellent compatibility between the characteristics of the infrastructure and those of the rolling stock ; whereas performance levels, safety, quality of service and cost depend upon such compatibility as does, in particular, the interoperability of the European high-speed rail system ; whereas, although the high-speed network is designed primarily for passengers, the intention is that ways and means should gradually be found of enabling the network to carry rapid goods services ;

Whereas passengers must have easy access to the whole European high-speed railway network ; whereas, therefore, the interoperability of the ticketing, reservation and information systems of the European high-speed railway network must also be guaranteed ;"

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<sup>(6)</sup> COM(94)0106 of 07.04.1994 (OJ No C 220 of 08.08.1994, p. 1.)

## **II. The text proper**

1. The text of the introductory part to Article 7, and paragraphs (a), (b) and (c) thereof remain unchanged.
2. The text of paragraph (d) of Article 7 is replaced by the following :

"(d) in the case of a project for upgrading an existing line for high-speed, where application of these TSIs compromises the economic viability of the project.

The Member State concerned shall notify its intended derogation to the Commission in advance and shall forward to it a file setting out the technical specifications or parts of specifications for interoperability which it wishes not to apply."

3. The following paragraph 2 is added to Article 7 :

"2. In the cases referred to under (a) to (d) 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)."

4. The text of Article 21 is replaced by the following :

"1. The Commission shall be assisted by an advisory committee for rail transport, composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the standing committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft – if necessary, by taking a vote – within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be recorded in the minutes; in addition, any Member State may request that its position be recorded in the minutes.

The Commission shall take account of the committee's opinion as far as possible. It shall inform the committee how it has taken account of its opinion.

3. The committee may discuss any matter concerning the interoperability of the European high-speed rail system.
4. Should it prove necessary, the committee may set up working parties to aid it in carrying out its tasks, in particular with a view to contributing to the coordination of the notified bodies."

### **III. Annexes**

The text of Annex III is supplemented, after § 2.7.3., by the following text :

"2.8. *Users*

2.8.1. **Consumer protection**

Information and offers concerning services must be transparent and guaranteed throughout the European high-speed rail network."

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