



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.06.1995
COM(95) 271 final

94/0112 (SYN)

Amended proposal for a
COUNCIL DIRECTIVE
**on the interoperability of the
European high-speed train network**

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)



EXPLANATORY MEMORANDUM

The Commission has decided to amend its proposal for a Council Directive on the interoperability of the European high-speed train network in response to the opinion of the European Parliament ⁽²⁾ of 19 January 1995 and in conformity with Article 189a(2) of the EC Treaty.

The Commission has approved the amendments concerning :

- progress towards the interoperability of the entire European high-speed train network and the development of legislative proposals relating to the interoperability of the conventional rail network, which will boost the development of the industrial sector and the railway undertakings (amendments 1 and 2),
- the development of technical, operational and/or administrative solutions which will make it possible to integrate rapid goods services in the European high-speed rail network to the benefit of clients (amendment 3),
- the interconnection of the ticketing, reservation and information systems in order to give users easy access to the whole European high-speed rail network (amendment 4),
- the change in the wording designed to make a clear distinction between the notified body as such and the staff working for it (amendment 9),
- the independent status of the notified bodies, which reinforces the obligation as to the impartiality and independence of those bodies (amendment 10),
- the periodic report on interoperability which will enable Parliament and the Council to monitor progress towards achieving interoperability of the European high-speed train network (amendment 12).

(2) EP doc. 186.411 – A4-0097/94, 19.1.1995.



The Commission rejected the amendments concerning :

- The involvement of non-Community European countries, in particular Switzerland and the countries of Central and Eastern Europe, in the interoperability activities in the framework of the Directive (amendment 5).

Nevertheless, the Commission recognizes the importance of a truly trans-European network which does not stop at the Union's frontiers; however, this should be dealt with in bilateral or multilateral agreements. Negotiations are in progress or planned outside the scope of the Directive. As regards Switzerland, it is already fully integrated in the work on developing the technical interoperability specifications provided for in the Directive.

- The harmonization of staff training and of examination and qualification procedures relating to the operation of high-speed trains. Given that education and training are the responsibility of Member States, such harmonization would conflict with the subsidiarity principle (amendments 7 and 8).
- Specific high-speed train systems and the networks using this rolling stock. The Directive cannot under any circumstances include names of undertakings or of specific systems (amendment 13).



**Amended proposal for a Council Directive
on the interoperability of the European high-speed train network**

Original text

Amended text

I.

Recital 1a (new)

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 train network;

II.

Recital 3a (new)

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⁽¹⁾ which also includes network schemes for conventional train networks; whereas, therefore, once this Decision enters into force the Commission will also submit proposals for the interoperability of the conventional rail network, in particular with a view to removing obstacles to transfrontier regional traffic;

⁽¹⁾ COM (94) 0106, 7.4.1994.

III.

Recital 5

Whereas the operation in commercial service of high-speed trains requires that there is excellent coherence between the characteristics of the infrastructure and that of the rolling stock; whereas performance levels, service quality and cost depend upon that coherence and that, in particular, the interoperability of the European high-speed train network is founded upon that coherence;

Whereas the operation in commercial service of high-speed trains requires that there is excellent coherence between the characteristics of the infrastructure and that of the rolling stock; whereas performance levels, service quality and cost depend upon that coherence and whereas, in particular, the interoperability of the European high-speed train network is founded upon that coherence; whereas, although the high-speed network is designed primarily for passengers, ways and means should gradually be found of enabling the network to carry rapid goods services;

IV.

Recital 5a (new)

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

V.

Article 24 (new)

Every two years the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the European high-speed train network.

VI. Article 25 (ex Article 24)

This Directive shall enter into force 21 days after its publication in the *Official Journal of the European Communities*.

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VII. Annex VIII (2)

2. The body and the staff responsible for inspection must carry out the checking operations with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which may affect their judgment or the results of their inspection, and in particular those generated by persons or groups of persons affected by the results of the checks.

2. The staff responsible for inspection must carry out the checking operations with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which may affect their judgment or the results of their inspection, and in particular those generated by persons or groups of persons affected by the results of the checks.

VIII. Annex VIII (3) (new)

3. The Member States shall take the measures necessary to ensure that the bodies referred to in this Annex are legally independent entities in terms of management, administration and internal administrative, economic and accounting controls.

IX. Annex VIII (4) (ex point 3)

3. That body must employ staff and possess the means that are required in order adequately to perform the technical and administrative tasks that are linked with the conducting of checks. It should also have access to the equipment needed for exceptional checks.

4. That body must employ staff and possess the means that are required in order adequately to perform the technical and administrative tasks that are linked with the conducting of checks. It should also have access to the equipment needed for exceptional checks.

X. Annex VIII (5) (ex point 4)

4. The staff responsible for checking shall possess :

- proper technical and vocational training,
- a satisfactory knowledge of the requirements relating to the checks that it carries out and sufficient practice in those checks,
- the abilities needed in order to draw up certificates, records and reports which are the tangible outcome of the inspections conducted.

5. The staff responsible for checking shall possess :

- proper technical and vocational training,
- a satisfactory knowledge of the requirements relating to the checks that it carries out and sufficient practice in those checks,
- the abilities needed in order to draw up certificates, records and reports which are the tangible outcome of the inspections conducted.

XI. Annex VIII (6) (ex point 5)

5. The independence of the staff responsible for inspections must be guaranteed. No official must be remunerated either on the basis of the number of inspections performed or on the results of those inspections.

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Original text

Amended text

XII.

Annex VIII (7) (ex point 6)

6. That body shall take out civil liability insurance unless that liability is covered by the State under national law or unless the inspections are carried out directly by that Member State.

7. That body shall take out civil liability insurance unless that liability is covered by the State under national law or unless the inspections are carried out directly by that Member State.

XIII.

Annex VIII (8) (ex point 7)

7. The staff of that body are bound by professional confidentiality with regard to everything that they learn in the performance of their functions (with the exception of the competent administrative authorities in the State where they perform those activities) in pursuance of this Directive or any provision of national law implementing the Directive.

8. The staff of that body are bound by professional confidentiality with regard to everything that they learn in the performance of their functions (with the exception of the competent administrative authorities in the State where they perform those activities) in pursuance of this Directive or any provision of national law implementing the Directive.

ISSN 0254-1475

COM(95) 271 final

DOCUMENTS

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Catalogue number : CB-CO-95-292-EN-C

ISBN 92-77-90448-8

Office for Official Publications of the European Communities

L-2985 Luxembourg