

*Amendment of Regulation (EC) Regulation (EC) No 91/2003 on rail transport statistics, COM (2013) 611 final*

<b>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents -COM (2013) 611, 2013/0297 (COD)</b>			
<b>Procedure</b>	<ul style="list-style-type: none"> <li>• Legal Basis: Treaty of the Functioning of the EU TFEU 338-p1</li> <li>• Ordinary Legislative Procedure: Council and EP</li> </ul>		
<b>Stages in the procedure</b>	Commission	Commission adoption:	30.08.2013
	Council	<ul style="list-style-type: none"> <li>• Proposal received: 30.08.2013</li> <li>• Council WP meetings: 28.04.2014, 19.06.2014, 22.07.2014, 16.10.2014 (AOB), 31.10.2014</li> <li>• COREPER: 19.12.2014</li> <li>• Council of the EU: to be announced</li> </ul>	
	European Parliament	<ul style="list-style-type: none"> <li>• Proposal received: 30.08.2013</li> <li>• Committee responsible: Transport and tourism (TRAN) <ul style="list-style-type: none"> <li>○ Rapporteur: Michael Cramer (DE)</li> <li>○ Committee referral announced in Parliament, 1<sup>st</sup> reading/single reading: 10.09.2013</li> <li>○ Committee draft report: 23.10.2013, PE521.755</li> <li>○ Amendments tabled in Committee: 22.11.2013, PE523.118</li> <li>○ Vote in TRANS Committee: 17.12.2013</li> <li>○ Committee report tabled for plenary, 1<sup>st</sup> reading/single reading: 06.01.2014</li> </ul> </li> <li>• EP Plenary: 11.03.2014</li> <li>• Trilogue: 25.11.2014</li> </ul>	

## Summary

The aim of this proposal is to amend Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, in order to update, simplify and optimise the existing legal framework for European statistics on rail transport and to align it with the new institutional context.

Main changes are: to delete the annex on accidents, as data are collected by the European Rail Agency as well, to delete the concept of simplified and provisional reporting, to improve the timeliness for passenger data collection and to adapt (lower) the thresholds so that small countries will not lose an important part of their data.

The EP Rapporteur Mr. Michael Cramer was appointed on 25 September 2013 and the Committee draft report was issued on 23 October. The TRAN Committee voted on 17 December 2013 and the final report was tabled for plenary on 6 January 2014. The text was adopted by the European Parliament on the 11 March EP plenary session.

The Council received the proposal on 30 August 2013. Discussions on the dossier started at the CWPS early in 2014. The Greek Presidency launched a written consultation asking for Member States to provide their comments by 3 March 2014. On the basis of the input received, the Presidency compiled a document, incorporating the comments of Member States, which was distributed to the delegations. During the first discussion of the Commission proposal at the CWPS on 28 April 2014, Member States generally supported the proposal but nevertheless expressed concerns with regard to the broad empowerment of the Commission to adopt delegated acts, mainly regarding essential elements of the Regulation. The Greek Presidency prepared a compromise proposal on the basis of the input from the interventions of Member States, which was discussed at the 19 June 2014 CWPS meeting. The CWPS agreed on the text, with minor changes.

On 22 July, the EP amendments were examined during the first CWPS meeting under the Italian Presidency (doc. 7421/14). Member States did not agree on those amendments concerning the reference to the European Rail Agency, the reintroduction of Annex H (rail accidents) and the introduction of a new Annex, Ga (infrastructures) as well as the use of delegated acts. The Commission is in favour of deleting the sentence on the assurance of the comparability of the two data sets since it is against the reintroduction of Annex H.

No written procedure on EP amendments was launched considering that a long and in-depth discussion took place at the last CWPS meeting. On 14 October 2014 an informal dialogue took place with the EP Committee (TRAN).

As a result, on 23 October the Italian Presidency circulated, by means of written consultation, a document summarizing the CWPS position on the EP amendments. The aim of the consultation was to get support from the MS and consequently be granted the formal mandate to meet the EP TRAN Commission. The written hearings showed a general support for the positions reported by the IT Presidency as they reflected the conclusions reached at previous CWPS meetings.

On 31 October CWPS meeting the Presidency updated delegations on the written consultations, and, informed the Group about the next meeting with the EP TRAN Commission scheduled on 5th November.

The text has now reached the negotiation stage. On 25 November 2014 the informal trilogue among the EP, the Commission and the Presidency took place in Strasbourg. The discussion took place in a positive and constructive atmosphere. Five issues were on the table: the EP re-introduction of Annex H on rail accidents that the Commission proposed to delete from the Regulation 91/2003; the introduction of a new Annex ,Ga, on rail infrastructure variables (namely rail vehicles and rail network

equipped with ERTMS, abandoned cross-border rail points and accessible ones); the extension of Annex F (namely new variables “tonne-km” and “passenger-km” and “the distance-based modal shares”); the use of delegated acts where the regulatory procedure with scrutiny was originally used and the introduction of the “no-opinion clause”.

According to the CWPS mandate, the Italian Presidency rejected 13 of the EP (namely am. 3, 5, 6, 7, 9, 15, 16, 17, 18, 19, 21, 22) and stood for the CWPS position on delegated acts [Art 10(1a) new, Art 10(3), Art 10(5)].

The EP TRAN Committee was absolutely firm on the need for data on rail infrastructures in order to improve passengers’ safety and European railway interoperability in view of the creation of a single railway market. The variables on rail vehicles and rail network, equipped with ERTMS as well as those on cross-border rail points were deemed as unmovable pillars. The EP left it clear that the Council's position could be accepted provided that the Council was flexible and able to reach a compromise on rail infrastructure data.

The Italian Presidency made considerable efforts in order to seek an appropriate and viable compromise and proposed to carry out pilot studies on rail-infrastructure-related variables using financial contribution from the European Commission. The proposal received the support by the Commission which led then to the withdrawal of the amendment on the “no-opinion” clause.

With regard to the first two issues, the Presidency totally rejected the 4 amendments (Am. 5, 6, 15, 19) concerning the reintroduction of annex H on rail accidents, as agreed by the CWPS. The EP request to introduce a new data collection on rail infrastructure (Am. 7, 22 and the entire annex Ga – Am. 23), in the current Regulation was also rejected. However, as a negotiating tool the Presidency proposed to add a new article on pilot studies [art. 8a] on the above-mentioned variables to be carried out with the financial contribution by the Commission.

The Presidency also rejected the extension of Annex F on variables tonne-km, passenger-km and the distance-based modal shares (Am. 16, 17, 18) proposing to use, for the latter, the O/D matrix.

Concerning recitals, the EP accepted the CWPS position on amendments 3 and 4 but proposed to add a new recital, 3b, on the cooperation between Eurostat and ERA for data collection on incidents and precursors of accidents. The Presidency accepted the EP proposal as Eurostat stated that ERA’s data, which are collected through the National Security Authorities, can actually be used and published. Moreover, regarding the cooperation between Eurostat and ERA, the EP proposed – and the Presidency accepted - to reformulate Amendment 8 with its corresponding recital 3a in order to “ensure methodological consistency between common safety indicators listed in Annex I to Directive 2009/149/EC on railway safety and the indicators used in other modes of transport” .

On the 10 December CWPS meeting, the Presidency circulated among MS the draft consolidated text, which was submitted to the EP for check. Some delegations expressed their concerns mainly on the “mandatory” character of the pilot studies and on the short time allowed to scrutinize the final

compromise. The CWPS was asked to endorse the Presidency to submit the text, once finally consolidated, to the Coreper meeting scheduled on 17th December.

Following a request from the Commission, Article 10 (1a) was slightly amended to be consistent with the standard formulation on the consultation process of experts as usual practice.

After this request the Italian Presidency contacted again the EP that accepted this slightly change. Due to a final request from Parliament, recital 12a was also slightly modified as a precondition for the acceptance of the above formulation.

The Coreper meeting was shifted to the 19 December and the file was an item for discussion. Some delegations were not willing to endorse this file (document No 16794/1/14 REV 2) mainly because of the mandatory character of the pilot studies. At the same time, MS supported the proposed standard formulation on the experts' consultation process to be consistent with the "standard" wording used in other statistical legal acts.

During the Coreper meeting, the final text submitted did not reached the qualified majority and no endorsement was given.