Council of the European Union

Brussels, 3 December 2015
(OR. en)

14524/1/15
REV 1 ADD 1

Interinstitutional File:
2013/0014 (COD)

CODEC 1579
TRANS 382

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (First reading) - Adoption a) of the Council's position b) of the statement of the Council's reasons = Statements

Statement by the Commission on the ERA management board and the selection and dismissal procedure of the executive director

The Commission regrets the fact that compared to the original proposal presented by the Commission, the agreed text on the new ERA Regulation deviates from the key provisions agreed under the Common Approach on EU decentralised agencies, by the European Parliament, the Council and the Commission in 2012. This concerns the number of representatives of the Commission within the Management Board and the selection and dismissal procedure of the executive director. The Commission emphasises in particular that the appointment of an observer among the members of the Management board to follow the selection procedure applied by the Commission for the appointment of the executive director should not result in a duplication of roles in the selection and appointment procedures (Article 51(1)).

Statement by the Commission on necessary budget resources

The 4th Railway Package gives ERA new competences, in particular the power to issue vehicle authorisations and safety certificates directly to the sector. It cannot be excluded that in the transition period fees and charges are not yet available to ERA while the staff needs to be recruited and trained. In order to avoid disruption to the railway market, the Commission will endeavour to reserve the necessary budget in order to cover the costs of relevant staff.

Statement for the minutes by the Federal Republic of Germany

With regard to Article 71(2) of the proposal for a Regulation of the European Parliament and of the Council on the European Agency for Railways and repealing Regulation (EC) No 881/2004, Germany recalls paragraph 8 of the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies, according to which the host State should commit itself to [continue to] respond to the agency's needs and provide the necessary conditions for the smooth operation of the agency [also after the latter has been set up]. Germany considers itself bound by this, so that its agreement to the current wording should not be seen as a precedent for the future foundation of (new) agencies, and it requests the Commission to take this into account in the future when preparing comparable proposals.
Furthermore, Germany regrets very much that it has not received sufficient support for a term of office of the Executive Director of five plus four years.