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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Directive of the European Parliament and of the Council on railway safety (recast) (First reading) - Adoption a) of the Council's position b) of the statement of the Council's reasons = Statements

Statement by the Commission on non-opinion clause

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Statement by the United Kingdom

The United Kingdom fully supports the aims and objectives of the Fourth Railway Package Technical Pillar and believes that significant progress has been made in agreeing a cohesive and coherent set of texts.

However, the United Kingdom regrets that the final adoption by delegated act of technical content in relation to Common Safety Methods and Common Safety Targets in the recast of the Railway Safety Directive sets an unwelcome legal precedent and unnecessarily politicises key technical matters. Consequently, the UK is voting against the recast Railway Safety Directive.