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**INFORMATION NOTE**

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee/Council |
| Subject: | **ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING**<br>Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004<br>- Outcome of the European Parliament's second reading<br>(Brussels, 27 to 28 April 2016) |

## I. VOTE

Since no amendment had been adopted, the President of the European Parliament declared the Council's position at first reading approved.

The text of the European Parliament's legislative resolution is annexed to this note.

## II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294 (7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act in question will be published in the *Official Journal* of the European Union.

**ANNEX**
**(28.04.2016)**

# EU Agency for Railways ***II

**European Parliament legislative resolution of 28 April 2016 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (10578/1/2015 – C8-0415/2015 – 2013/0014(COD))**

**(Ordinary legislative procedure: second reading)**

*The European Parliament*,

– having regard to the Council position at first reading (10578/1/2015 – C8-0415/2015),

– having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Lithuanian Parliament, the Romanian Senate and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

– having regard to the opinion of the European Economic and Social Committee of 11 July 2013[1],

– having regard to the opinion of the Committee of the Regions of 8 October 2013[2],

– having regard to its position at first reading[3] on the Commission proposal to Parliament and the Council (COM(2013)0027),

– having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

– having regard to Rule 76 of its Rules of Procedure,

– having regard to the recommendation for second reading of the Committee on Transport and Tourism (A8-0073/2016),

1. Approves the Council position at first reading;

2. Takes note of the Commission statements annexed to this resolution;

3. Notes that the act is adopted in accordance with the Council position;

4. Suggests that the act be cited as 'the Zīle-Matīss Regulation on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004'[4];

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1 OJ C 327, 12.11.2013, p. 122.
2 OJ C 356, 5.12.2013, p. 92.
3 Texts adopted of 26.2.2014, P7_TA(2014)0151.
4 Roberts Zīle and Anrijs Matīss led the negotiations on the act on behalf of Parliament and the Council respectively.

5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

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.