Council of the European Union

Brussels, 3 May 2016
(OR. en)

8520/16

Interinstitutional File:
2013/0016 (COD)

CODEC 567
TRANS 153
PE 55

INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	**ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING** Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast) - Outcome of the European Parliament's second reading (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.

Railway safety ***II

European Parliament legislative resolution of 28 April 2016 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on railway safety (recast) (10580/1/2015 – C8-0417/2015 – 2013/0016(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

– having regard to the Council position at first reading (10580/1/2015 – C8-0417/2015),

– 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)0031),

– 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 (A8-0056/2016),

1. Approves the Council position at first reading;

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

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

4. 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;

5. 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, together with the Commission statement thereon, in the *Official*

[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)0150.

Journal of the European Union;

6. 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 explanatory documents

The Commission recalls that the European Parliament, the Council and the Commission acknowledged in their Joint Political Declaration of 27 October 2011 on explanatory documents that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' in order to facilitate the achievement by the Commission of its task overseeing the application of Union law. In the present case, explanatory documents could have been useful to this end. The Commission regrets that the final text does not contain provisions to this effect.