

Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition periods (Text with EEA relevance)

DIRECTIVE (EU) 2020/700 OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

of 25 May 2020

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as regards the extension of their transposition periods

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure<sup>(1)</sup>,

Whereas:

- (1) In accordance with Article 57(1) of Directive (EU) 2016/797 of the European Parliament and of the Council<sup>(2)</sup> and Article 33(1) of Directive (EU) 2016/798 of the European Parliament and of the Council<sup>(3)</sup>, Member States were to have brought into force the laws, regulations and administrative provisions necessary for them to comply with the relevant provisions of those Directives by 16 June 2019. However, pursuant to Article 57(2) of Directive (EU) 2016/797 and Article 33(2) of Directive (EU) 2016/798, Member States had the possibility to extend the transposition period by one year.
- (2) Seventeen Member States have notified the Commission and the European Union Agency for Railways (the ‘Agency’) of an extension to the transposition deadlines of Directives (EU) 2016/797 and (EU) 2016/798 to 16 June 2020.
- (3) Due to the extraordinary and unforeseeable situation caused by the COVID#19 outbreak, some of those Member States are having difficulties completing the legislative work within the given transposition deadlines and therefore risk failing to comply with them. Such a failure could create legal uncertainty for the rail industry, the national authorities and the Agency as to the legislation that applies to rail safety and interoperability. The inability of certain Member States to transpose Directives (EU) 2016/797 and (EU) 2016/798 as a result of the COVID#19 outbreak has detrimental consequences for the rail sector.

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- (4) It is essential to provide legal clarity and certainty to the rail industry by allowing, where relevant, Member States to continue to apply, from 16 June 2020 and for a limited period, Directives 2004/49/EC<sup>(4)</sup> and 2008/57/EC<sup>(5)</sup> of the European Parliament and of the Council.
- (5) Since the COVID#19 outbreak occurred during the final stage of adoption of the national transposition measures of Directives (EU) 2016/797 and (EU) 2016/798, Member States should be allowed an additional period to complete the transposition process.
- (6) The transposition deadlines of Directives (EU) 2016/797 and (EU) 2016/798 should be extended until 31 October 2020. The repeal dates of Directives 2004/49/EC and 2008/57/EC, as set out in Article 58 of Directive (EU) 2016/797 and Article 34 of Directive (EU) 2016/798 respectively, should be adjusted accordingly.
- (7) A number of delegated acts have been adopted on the basis of Directive (EU) 2016/798 reflecting previous transposition deadlines. In view of the current situation, those delegated acts need to be aligned with the new transposition deadline.
- (8) In view of the urgency entailed by the exceptional circumstances caused by the outbreak of COVID#19, it was considered to be appropriate to provide for an exception to the eight#week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union (TEU), to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (9) Since the objective of this Directive, namely to amend Directives (EU) 2016/797 and (EU) 2016/798 in view of the COVID#19 outbreak, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale or effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (10) Directives (EU) 2016/797 and (EU) 2016/798 should therefore be amended accordingly.
- (11) In order to allow for the prompt application of the measures provided for in this Directive, this Directive should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

**Amendment to Directive (EU) 2016/797**

Directive (EU) 2016/797 is amended as follows:

- (1) in Article 54, paragraph 4 is replaced by the following: