

9.11.2011

A7-0367/145

Amendment 145

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. **Chapter II does not** apply to railway undertakings ***which only operate urban, suburban or regional*** services.

1. ***This Directive shall*** apply to railway undertakings ***operating domestic and international rail*** services ***with the exception of other track-based modes such as metro or tramways.***

Or. en

Justification

Clarification of scope is essential taking into account regional and suburban services as they are often operated on railway network infrastructure and by railway undertakings.

9.11.2011

A7-0367/146

Amendment 146

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 2 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States may exclude the following from the application of Chapter III :

2. Member States may exclude, ***in accordance with their national laws concerning safe operating conditions***, the following from the application of Chapter III :

Or. en

Justification

Each Member State has the responsibility to ensure the respect of all existing safety and rail operation rules within its national laws even when eventually according an exemption.

9.11.2011

A7-0367/147

Amendment 147

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 2 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) networks ***intended*** only for the operation of urban or suburban rail passenger services;

(b) networks ***used*** only for the operation of urban or suburban rail passenger services ***and solely by one railway undertaking not falling under the provisions of paragraph 1 and until capacity on that network is requested by another applicant in addition to this railway undertaking;***

Or. en

Justification

Clarification on which kind of regional passenger network and services may be excluded unless they are not falling under provisions of paragraph 1.

9.11.2011

A7-0367/148

Amendment 148

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 3 – point 6

Text proposed by the Commission

Amendment

(6) "urban and suburban services" means **transport** services operated to meet the transport needs of an urban centre or conurbation, together with transport needs between such a centre or conurbation and surrounding areas;

(6) "urban and suburban services" means **railway** services operated **on a network other than track-based modes such as metro or tramways** to meet the transport needs of an urban centre or conurbation, together with transport needs between such a centre or conurbation and surrounding areas;

Or. en

Justification

Clarification needed to identify the related railway networks and the concerned railway services operating on those networks.

9.11.2011

A7-0367/149

Amendment 149

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 3 – point 12

Text proposed by the Commission

Amendment

(12) "applicant" means a railway undertaking ***and other persons or legal entities, such as competent authorities under Regulation (EC) No 1370/2007 and shippers, freight forwarders and combined transport operators,*** with a public-service or commercial interest in procuring infrastructure capacity ;

(12) "applicant" means a ***licensed*** railway undertaking with a public-service or commercial interest in procuring infrastructure capacity ***for the operation of railway services;***

Or. en

Justification

According to the complexe technical knowledge to reserve network capacity allocation avoiding any misuse or track trading practices, the authorised applicant is a licensed railway undertaking. Any additional extension to other applicants apart from railway undertakings such as freight forwarders or parcel services suppliers is not consistent with provision of art.15 of EU Regulation 913/2010 .

9.11.2011

A7-0367/150

Amendment 150

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 5 – title

Text proposed by the Commission

Amendment

Management of the railway undertakings
according to commercial principles

Management of the railway undertakings

Or. en

Justification

Railway services form part of the service of general interest too, therefore they are not limited to commercial principles to which are no longer referred Member States decisions when establishing public service obligations.

9.11.2011

A7-0367/151

Amendment 151

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall enable railway undertakings to adjust their activities to the market and to ***manage those activities under the responsibility of their management bodies, in the interests of providing*** efficient and appropriate services ***at the lowest possible cost for the quality*** of service ***required***.

Member States shall enable railway undertakings to adjust their activities to the market and to ***provide reliable***, efficient and appropriate services ***including public service obligations in the framework of rail transport as a service of public interest***.

Or. en

Justification

Shifting railway undertakings to be adequately market oriented has not to prejudice their obligations to provide public service in the framework of the contract stipulated with the concerned Member State.

9.11.2011

A7-0367/152

Amendment 152

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. If the Member State directly or indirectly owns or controls the railway undertaking, its controlling rights in relation to management shall not exceed the management-related rights that national company law grants to shareholders of private joint-stock companies. Policy guidelines, as mentioned in paragraph 3, which the State may set for companies in the context of exercise of shareholder control, may only be of a general nature and shall not interfere with specific business decisions of the management.

deleted

Or. en

Justification

Full responsibility lies in the management board that will respect the will of the shareholders implementing the appropriate executive guidelines.

9.11.2011

A7-0367/153

Amendment 153

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States may limit the right of access provided for in Article 10 on services between a place of departure and a destination which are covered by one or more public service contracts conforming to the Union legislation in force. Such limitation shall not have the effect of restricting the right to pick up passengers at any station located on the route of an international service and to set them down at another, including stations located in the same Member State, except where the exercise of this right would compromise the *economic* equilibrium of a public service contract.

1. Member States ***or the local authorities concerned stipulating a public service contract*** may limit the right of access provided for in Article 10 on services between a place of departure and a destination which are covered by one or more public service contracts conforming to the Union legislation in force. Such limitation shall not have the effect of restricting the right to pick up passengers at any station located on the route of an international service and to set them down at another, including stations located in the same Member State, except where the exercise of this right would compromise the ***socio-economic*** equilibrium ***and the objectives of cohesion policy set out in a*** public service contract.

Or. en

Justification

Social cohesion policy and related transport objectives stipulated in a public service contract have to be taken into account when deciding on the right of access or to pick up passengers.

9.11.2011

A7-0367/154

Amendment 154

Sabine Wils

on behalf of the GUE/NGL Group

Report

A7-0367/2011

Debora Serracchiani

Single European railway area (recast)

COM(2010)0475 – C7-0268/2010 – 2010/0253(COD)

Proposal for a directive

Article 11 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Whether the economic equilibrium of a public service contract would be compromised shall be determined by the relevant regulatory body or bodies referred to in Article 55 on the basis of an objective economic analysis and based on pre-determined criteria, after a request from any of the following :

The relevant regulatory body or bodies referred to in Article 55 ***may be asked to take a decision, where a dispute lies on the decision undertaken by the authority under the provisions of paragraph 1 of this Article*** on the basis of an objective economic analysis and based on pre-determined criteria ***and*** after a request from any of the following :

Or. en

Justification

The regulatory body is asked to intervene only in case of disputes.