

9.11.2011

A7-0367/155

**Amendment 155**

**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 13 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

Requests by railway undertakings for access to the service facility may only be rejected if there are viable alternatives allowing them to operate the freight or passenger service concerned on the same route under economically acceptable conditions. The burden of proving for the existence of a viable alternative lies with the *operator of the service facility*.

Requests by railway undertakings for access to the service facility may only be rejected if there are viable alternatives allowing them to operate the freight or passenger service concerned on the same route under economically acceptable conditions. The burden of proving for the existence of a viable alternative lies with the *regulatory body thus avoiding disputes and delays*.

Or. en

*Justification*

*The knowledge and the suggestion to use economically viable alternative routes could lie in the Regulatory body in case of rejected access by the railway operator managing the required service facility.*

9.11.2011

A7-0367/156

**Amendment 156**

**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 13 – paragraph 2 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

When the operator of the service facility encounters conflicts between different requests, he shall attempt the best possible matching of all requirements. If no viable alternative is available, and it is not possible to accommodate all requests for capacity for the relevant facility on the basis of demonstrated needs, the regulatory body referred to in Article 55 shall on ***its own initiative or on*** the basis of a complaint take appropriate action ***to ensure that an appropriate part of the capacity is devoted to railway undertakings other than the ones which are part of the body or firm to which the facility operator also belongs.*** However ***newly built*** maintenance and other technical facilities developed for specific new rolling stock may be reserved to the use of one railway undertaking for a period of ***five years*** from the start of their operation.

When the operator of the service facility encounters conflicts between different requests, he shall attempt the best possible matching of all requirements. If no viable alternative is available, and it is not possible to accommodate all requests for capacity for the relevant facility on the basis of demonstrated needs, the regulatory body referred to in Article 55 shall on the basis of a complaint take appropriate action. However maintenance and other technical facilities developed for specific new rolling stock ***as included in a public service contract under Regulation (EC) 1370/2007*** may be reserved ***for the contracting railway operator for the duration of the contract. In other cases these facilities may be reserved*** to the use of one railway undertaking for a period of ***ten years*** from the start of their operation.

Or. en

*Justification*

*The action eventually undertaken by the Regulatory body should respect timeframe and human resources available in the requested facility.*

9.11.2011

A7-0367/157

**Amendment 157**

**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 13 – paragraph 2 – subparagraph 5**

*Text proposed by the Commission*

*Amendment*

*Where the service facility has not been in use for at least two consecutive years its owner shall publicise the operation of the facility as being for lease or rent.*

*deleted*

Or. en

*Justification*

*Meaningless in relation to all provisions granting the right to access to railway facilities.*

9.11.2011

A7-0367/158

**Amendment 158**

**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 31 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*Annex VIII, point 1 may be amended in the light of experience in accordance with the procedure referred to in Article 60.*

*deleted*

Or. en

*Justification*

*Essential element not falling under the delegated acts procedure.*

9.11.2011

A7-0367/159

**Amendment 159**

**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 31 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*Annex VIII, point 2 may be amended in the light of experience, in accordance with the procedure referred to in Article 60, in particular to specify the elements of differentiated infrastructure charges.*

*deleted*

Or. en

*Justification*

*Essential element not falling under the delegated acts procedure.*

9.11.2011

A7-0367/160

**Amendment 160**

**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 56 – paragraph 8 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The regulatory body shall have the power to carry out audits or initiate external audits with infrastructure managers and, when relevant, railway undertakings, to verify compliance with accounting separation provisions laid down in Article 6.* *deleted*

Or. en

*Justification*

*Out of scope of a regulatory body to carry overall audits on all activities of the infrastructure manager and railway undertakings, while the regulatory body has to solve possible disputes, the competent parliamentary authorities have the task to assess the correct implementation of the directive provisions they transposed in their legislative framework.*

9.11.2011

A7-0367/161

**Amendment 161**

**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 56 – paragraph 8 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*Annex X may be amended in the light of experience in accordance with the procedure referred to in Article 60.*      *deleted*

Or. en

*Justification*

*Essential element not falling under the delegated acts procedure.*

