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ERRATUM

to the report

on the proposal for a directive of the European Parliament and of the Council establishing a single European railway area (recast)
(COM(2010)0475 – C7-0268/2010 – 2010/0253(COD))

Committee on Transport and Tourism

Rapporteur: Debora Serracchiani
A7-0367/2011

Amendment 79 should read:

Proposal for a directive Article 31

Text proposed by the Commission

Article 31

Principles of charging

1. Charges for the use of railway infrastructure and of service facilities shall be paid to the infrastructure manager and to the service facility operator respectively and used to fund their business.
2. Member States shall require the infrastructure manager and the service facility operator to provide the regulatory

Amendment

Article 31

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1. Charges for the use of railway infrastructure and of service facilities shall be paid to the infrastructure manager and to the service facility operator respectively and used to fund their business.
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body with all necessary information on the charges imposed. The infrastructure manager and the service facility operator must, in this regard, be able to demonstrate to each railway undertaking that infrastructure and service charges actually invoiced to the railway undertaking pursuant to Articles 30 to 37, comply with the methodology, rules, and, where applicable, scales laid down in the network statement.

3. Without prejudice to paragraphs 4 or 5 of this Article or to Article 32, the charges for the minimum access package shall be set at the cost that is directly incurred as a result of operating the train service, according to Annex VIII, point 1.

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

4. The infrastructure charges may include a charge which reflects the scarcity of capacity of the identifiable section of the infrastructure during periods of congestion.

5. When charging for the cost of noise effects is allowed by Union legislation for road freight transport, the infrastructure charges shall be modified to take account of the cost of noise effects caused by the operation of the train in accordance with Annex VIII, point 2.

Annex VIII, point 2 may be amended in the light of experience, in accordance with the

body with all necessary information on the charges imposed. The infrastructure manager and the service facility operator must, in this regard, be able to demonstrate to each railway undertaking that infrastructure and service charges actually invoiced to the railway undertaking pursuant to Articles 30 to 37, comply with the methodology, rules, and, where applicable, scales laid down in the network statement.

3. Without prejudice to paragraphs 4 or 5 of this Article or to Article 32, the charges for the minimum access package shall be set at the cost that is directly incurred as a result of operating the train service, according to Annex VIII, point 1.

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

4. The infrastructure charges may include a charge which reflects the scarcity of capacity of the identifiable section of the infrastructure during periods of congestion.

5. Infrastructure charges shall be modified to take account of the cost of noise effects caused by the operation of the train in accordance with Annex VIII, point 2. ***Such modification of infrastructure charges shall allow for compensation for investments in retrofitting rail vehicles with the most economically viable low-noise braking technology available. Member States shall ensure that the introduction of such differentiated charges shall not have any adverse effect on the financial equilibrium of the infrastructure manager. The rules for European co-funding shall be modified so as to allow for the co-funding for retrofitting rolling stock to reduce noise emissions as it is already the case for ERTMS.***

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.

The infrastructure charges may be modified to take account of the cost of other environmental effects caused by the operation of the train not referred to in Annex VIII, point 2. Any such modification, which may ensure the internalisation of external costs of air pollutants emitted as a result of operating the train service, shall be differentiated according to the magnitude of the effect caused.

Charging of other environmental costs which results in an increase in the overall revenue accruing to the infrastructure manager shall however be allowed only if such charging is **allowed** by Union legislation for road freight transport. If the charging of these environmental costs for road freight transport is not allowed by Union legislation, such modification shall not result in any overall change in revenue to the infrastructure manager.

If charging for environmental costs generates additional revenue, it shall be for Member States to decide how the revenue is to be used. The relevant authorities shall keep the necessary information to ensure that the origin of the charging of environmental costs and its use can be traced. Member States shall provide the Commission with this information on a regular basis.

6. To avoid undesirable disproportionate fluctuations, the charges referred to in paragraphs 3, 4 and 5 may be averaged over a reasonable spread of train services and times. Nevertheless, the relative magnitudes of the infrastructure charge shall be related to the costs attributable to

procedure referred to in **Article 60a**, in particular to specify the elements of differentiated infrastructure charges ***provided that this does not lead to a distortion of competition within the rail transport sector or with road transport to the detriment of rail transport.***

The infrastructure charges may be modified to take account of the cost of other environmental effects caused by the operation of the train not referred to in Annex VIII, point 2. Any such modification, which may ensure the internalisation of external costs of air pollutants emitted as a result of operating the train service, shall be differentiated according to the magnitude of the effect caused.

Charging of other environmental costs which results in an increase in the overall revenue accruing to the infrastructure manager shall however be allowed only if such charging is **applied** by Union legislation for road freight transport. If the charging of these environmental costs for road freight transport is not allowed by Union legislation, such modification shall not result in any overall change in revenue to the infrastructure manager.

If charging for environmental costs generates additional revenue, it shall be for Member States to decide how the revenue is to be used ***for the benefit of transport systems.*** The relevant authorities shall keep the necessary information to ensure that the origin of the charging of environmental costs and its use can be traced. Member States shall provide the Commission with this information on a regular basis.

6. To avoid undesirable disproportionate fluctuations, the charges referred to in paragraphs 3, 4 and 5 may be averaged over a reasonable spread of train services and times. Nevertheless, the relative magnitudes of the infrastructure charge shall be related to the costs attributable to

the services.

7. The supply of services referred to in Annex III, point 2, shall not be covered by this Article. In any event, the charge imposed for such services shall not exceed the cost of providing it, plus a reasonable profit.

8. Where services listed in Annex III, points 3 and 4, as additional and ancillary services are offered by only one supplier the charge imposed for such a service shall not exceed the cost of providing it, plus a reasonable profit.

9. Charges may be levied for capacity used for the purpose of infrastructure maintenance. Such charges shall not exceed the net revenue loss to the infrastructure manager caused by the maintenance.

10. The operator of the facility for supply of the services referred to in Annex III, points 2, 3 and 4 shall provide the infrastructure manager with the information on charges to be included in the network statement according to Article 27.

(Affects all language versions.)

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10. The operator of the facility for supply of the services referred to in Annex III, points 2, 3 and 4 shall provide the infrastructure manager with the information on charges to be included in the network statement according to Article 27.