

27.6.2012

A7-0196/101

**Amendment 101**

**Sabine Wils, João Ferreira**

on behalf of the GUE/NGL Group

**Report**

**A7-0196/2012**

**Debora Serracchiani**

Single European railway area (recast version)

18581/2/2011 – C7-0073/2012 – 2010/0253(COD)

**Proposal for a directive**

**Article 8 – paragraph 2**

*Council position*

*Amendment*

2. **Having** due regard to Articles 93, 107 and 108 of the Treaty, Member States **may** also provide the infrastructure manager with financing consistent with its **functions** as referred to in point (2) of Article 3, the size of the infrastructure and financial requirements, in particular in order to cover new **investments. Member States may decide to finance those investments through means other than direct State funding.**

2. **Whenever revenues are not sufficient to cover the financing needs of the infrastructure manager, without prejudice to the charging framework of Articles 31 and 32 of this Directive, and having** due regard to Articles 93, 107 and 108 of the Treaty, Member States **shall** also provide the infrastructure manager with financing consistent with its **tasks** as referred to in point (2) of Article 3, the size of the infrastructure and financial requirements, in particular in order to cover new investments.

Or. en

*Justification*

*Re-establishing an amendment from the EP 1st reading and adopted by the Transport and Tourism committee in the 2nd reading procedure to support the development of railway infrastructure and to ensure a sound financial structure for infrastructure managers taking into account their tasks as in Article 7.*

27.6.2012

A7-0196/102

**Amendment 102**

**Sabine Wils**

on behalf of the GUE/NGL Group

**Report**

**A7-0196/2012**

**Debora Serracchiani**

Single European railway area (recast version)

18581/2/2011 – C7-0073/2012 – 2010/0253(COD)

**Proposal for a directive**

**Article 13 – paragraph 3 – subparagraph 1**

*Council position*

*Amendment*

*To guarantee full transparency and non-discrimination of access to the service facilities referred to in point 2 (a), (b), (c) and (g) of Annex II, and the supply of services in these facilities where the operator of such a service facility is under direct or indirect control of a body or firm which is also active and holds a dominant position in national railway transport services markets for which the facility is used, the operators of these service facilities shall be organised in such a way that they are independent of this body or firm in organisational and decision-making terms. Such independence shall not entail the establishment of a separate body or firm for service facilities and may be fulfilled with the organisation of distinct divisions within a single undertaking.*

*deleted*

Or. en

*Justification*

*The provision is too much prescriptive and creates excessive administrative burdens, while the obligation for each service facility operator of having separate accounts is sufficient and consistent with the requirements already listed in paragraph 2.*

27.6.2012

A7-0196/103

**Amendment 103**

**Sabine Wils, João Ferreira**

on behalf of the GUE/NGL Group

**Report**

**A7-0196/2012**

**Debora Serracchiani**

Single European railway area (recast version)

18581/2/2011 – C7-0073/2012 – 2010/0253(COD)

**Proposal for a directive**

**Article 13 – paragraph 4 – subparagraph 2**

*Council position*

*Amendment*

Where requests by railway undertakings concern access to, and supply of services in a service facility managed by an operator of the service facility referred to in paragraph 3, the operator of the service facility shall justify any decision of refusal and indicate viable alternatives in other facilities.

Where requests by railway undertakings concern access to, and supply of services in a service facility managed by an operator of the service facility referred to in paragraph 3, the operator of the service facility shall justify any decision of refusal ***in written form and address it to the regulatory body in charge to indicate to the applicant*** viable alternatives in other facilities.

Or. en

*Justification*

*The knowledge and the recommendation to use other available service facilities located in viable alternative routes is a regulatory body's task as well as finding a solution in case of dispute among applicants requiring the same service facility. It could not be endorsed to a railway undertaking or a service facility operator responsible only for his own management and internal organization.*

27.6.2012

A7-0196/104

**Amendment 104**

**Sabine Wils, João Ferreira**

on behalf of the GUE/NGL Group

**Report**

**A7-0196/2012**

**Debora Serracchiani**

Single European railway area (recast version)

18581/2/2011 – C7-0073/2012 – 2010/0253(COD)

**Proposal for a directive**

**Article 13 – paragraph 6**

*Council position*

*Amendment*

***6. Where a service facility referred to in point 2 of Annex II has not been in use for at least three consecutive years and interest by railway undertakings for access to this facility has been expressed to the operator of that service facility on the basis of demonstrated needs, its owner shall publicise the operation of the facility as being for lease or rent as a rail service facility, as a whole or in part, unless the operator of that service facility demonstrates that an ongoing process of reconversion prevents its use by any railway undertaking.***

***deleted***

Or. en

*Justification*

*Meaningless in relation to all provisions that are already granting the right to access to a railway maintenance facility and moreover it is too much prescriptive according to the competence of each Railway Undertaking in granting future development to the owned railway maintenance sites.*

27.6.2012

A7-0196/105

**Amendment 105**

**Sabine Wils**

on behalf of the GUE/NGL Group

**Report**

**A7-0196/2012**

**Debora Serracchiani**

Single European railway area (recast version)

18581/2/2011 – C7-0073/2012 – 2010/0253(COD)

**Proposal for a directive**

**Article 17 – paragraph 1**

*Council position*

*Amendment*

1. A railway undertaking shall be entitled to apply for a licence in the Member State in which it is established.

1. A railway undertaking shall be entitled to apply for a licence in the Member State in which it is established. ***In the Member States that border third countries, with the network whose track gauge is different from the main rail network within the Union and whose rail freight markets are dominated by the rail freight carriages to and from third countries, the licensing authorities when making decision on the issue of licences to railway undertakings which are directly or indirectly effectively controlled through the ownership shares of third country or nationals of third country, may take into account existence or non-existence of reciprocal access for the EU rail undertakings to the rail freight market of the respective third country.***

Or. en

*Justification*

*This amendment aim to solve the situation of Baltic countries, where the freight markets and external trade are dominated by third country railway undertakings in order to allow a suitable rail market and momentum to trade in these concerned Member States where the track gauge is different from the main rail network in the EU.*

27.6.2012

A7-0196/106

**Amendment 106**

**Sabine Wils**

on behalf of the GUE/NGL Group

**Report**

**A7-0196/2012**

**Debora Serracchiani**

Single European railway area (recast version)

18581/2/2011 – C7-0073/2012 – 2010/0253(COD)

**Proposal for a directive**

**Article 63 – paragraph 2**

*Council position*

*Amendment*

This report shall also assess the development of the market, ***including the state of preparation of a further opening-up*** of the rail market. In its report the Commission shall also analyse the different models for organising this market and the impact of this Directive on public service contracts and their financing. In so doing, the Commission shall take into account the implementation of Regulation (EC) No 1370/2007 and the intrinsic differences between Member States (density of networks, number of passengers, average travel distance). ***In its report the Commission shall, if appropriate, propose complementary legislative measures to facilitate any such opening, and shall assess the impact of any such measures.***

This report shall also assess the development of the market of the rail market. In its report the Commission shall also analyse the different models for organising this market and the impact of this Directive on public service contracts and their financing. In so doing, the Commission shall take into account the implementation of Regulation (EC) No 1370/2007 and the intrinsic differences between Member States (density of networks, number of passengers, average travel distance).

Or. en

*Justification*

*Fully respecting the EC competences and its right of initiative it's worthwhile before any new proposal to allow the transposition of such a recast directive by each Member State and then carefully check the impact of its provisions.*

27.6.2012

A7-0196/107

**Amendment 107**

**Sabine Wils**

on behalf of the GUE/NGL Group

**Report**

**A7-0196/2012**

**Debora Serracchiani**

Single European railway area (recast version)

18581/2/2011 – C7-0073/2012 – 2010/0253(COD)

**Proposal for a directive**

**Annex II – point 2 – point e**

*Council position*

*Amendment*

(e) maintenance facilities, with the exception of heavy maintenance services supplied in maintenance facilities **exclusively** dedicated to specific types of rolling stock, and other technical facilities, including cleaning and washing facilities;

(e) maintenance facilities, with the exception of heavy maintenance services, **as defined in Article 3**, supplied in maintenance facilities dedicated to specific types of rolling stock, and other technical facilities, including cleaning and washing facilities;

Or. en

*Justification*

*Clarification needed based on the definition provided by the European Commission as in Article 3.*

27.6.2012

A7-0196/108

**Amendment 108**

**Sabine Wils**

on behalf of the GUE/NGL Group

**Report**

**A7-0196/2012**

**Debora Serracchiani**

Single European railway area (recast version)

18581/2/2011 – C7-0073/2012 – 2010/0253(COD)

**Proposal for a directive**

**Annex 2 – point 4 – point e**

*Council position*

*Amendment*

(e) heavy maintenance services supplied in maintenance facilities ***exclusively*** dedicated to specific types of rolling stock.

(e) heavy maintenance services supplied in maintenance facilities, ***as defined in Article 3***, dedicated to specific types of rolling stock.

Or. en

*Justification*

*Clarification needed based on the definition provided by the European Commission as in Article 3.*