



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Transport and Tourism*

---

**2013/0013(COD)**

17.9.2013

# **AMENDMENTS**

## **9 - 18**

**Draft report**  
**Jaromír Kohlíček**  
(PE513.242v01-00)

on the proposal for a Regulation repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings

Proposal for a regulation  
(COM(2013)0026 – C7-0026/2013 – 2013/0013(COD))

AM\1001915EN.doc

PE516.925v01-00

**EN**

*United in diversity*

**EN**

AM\_Com\_LegReport

**Amendment 9**  
**Marita Ulvskog**

**Proposal for a regulation**

—

*Proposal for a rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. sv

**Amendment 10**  
**Gilles Pargneaux**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) A series of legislative measures has been adopted at European level, opening up the rail freight and international rail passenger markets to competition and establishing, by way of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast), certain fundamental principles which include that railway undertakings shall be managed according to principles that apply to commercial companies, that entities responsible for the allocation of capacity and charging for rail infrastructure shall be separate from entities which operate rail services and that there shall be a separation of accounts, that any railway undertaking licensed in accordance with EU criteria should have access to railway infrastructure on fair, non-discriminatory terms, and that infrastructure managers may benefit from State financing.

*Amendment*

(2) A series of legislative measures has been adopted at European level, opening up the rail freight and international rail passenger markets to competition and establishing, by way of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast), certain fundamental principles which include that railway undertakings shall be managed according to principles that apply to commercial companies, that entities responsible for the allocation of capacity and charging for rail infrastructure shall be separate from entities which operate rail services and that there shall be a separation of accounts, that any railway undertaking licensed in accordance with EU criteria should have access to railway infrastructure on fair, non-discriminatory terms, and that infrastructure managers may benefit from State financing. ***This directive will bring about far-reaching changes in the rail sector, and will in some cases necessitate difficult adjustments to current practices. The time limit for transposition of Directive 2012/34/EU into national law is 16 June 2015.***

Or. fr

*Justification*

*Directive 2012/34/EU (recast) has not yet been transposed in all the Member States, since the time limit for transposition is 16 June 2015. The consequences of the repeal of Regulation No 1192/69 cannot be fully evaluated until this directive has been transposed.*

**Amendment 11**  
**Gilles Pargneaux**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Railway undertakings may, in certain situations, be obliged to make payments which undertakings in other transport modes do not have to make, such as special family allowances, insurance premiums and contributions to pension schemes. In the current economic climate, where railways are under-funded in many Member States, additional resources to guarantee public financial support for railway undertakings should be maintained for as long as is needed to evaluate in detail the consequences of Directive 2012/34/EU and identify the various possible options for development.***

Or. fr

*Justification*

*Directive 2012/34/EU (recast) has not yet been transposed in all the Member States, since the time limit for transposition is 16 June 2015. The consequences of the repeal of Regulation No 1192/69 cannot be fully evaluated until this directive has been transposed.*

**Amendment 12**  
**Gilles Pargneaux**

**Proposal for a regulation**  
**Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***(2b) The Member States' insurance and pension schemes for railway undertakings diverge from those applicable to other modes of transport, in that they involve,***

*for example, an obligation on railway undertakings to pay additional social allowances in respect of particular medical treatment or supplementary days of rest or early retirement schemes for workers performing arduous work in the railway sector. Such obligations, deriving from the respective national legislative framework, must be able to be covered by the provision of public financial support to railway undertakings.*

Or. fr

#### *Justification*

*It is important to stress that there are certain obligations on railway undertakings under national legislation in respect of social benefits and pensions, which must be able to be covered by public subsidies to railway undertakings.*

**Amendment 13**  
**Gilles Pargneaux**

**Proposal for a regulation**  
**Recital 2 c (new)**

*Text proposed by the Commission*

*Amendment*

*(2c) The provisions of Directive 2012/34/EU must be transposed by Member States into national law by 2015. Owing to the complexity of the systems which make up the rail sector, it will only then be possible to assess the impact of these provisions on the rail sector. Before abandoning the current provisions on the normalisation of accounts, it is useful to assess in greater detail the effects of such a change on the rail system.*

Or. fr

### *Justification*

*Directive 2012/34/EU (recast) has not yet been transposed in all the Member States, since the time limit for transposition is 16 June 2015. The consequences of the repeal of Regulation No 1192/69 cannot be fully evaluated until this directive has been transposed.*

#### **Amendment 14**

**Karim Zéribi**

#### **Proposal for a regulation**

##### **Recital 3**

*Text proposed by the Commission*

(3) Regulation (EEC) No 1192/69 is inconsistent and incompatible with legislative measures currently in force. ***In particular, in the context of a liberalised market where railway undertakings compete directly with the enumerated railway undertakings, it is no longer appropriate to discriminate between these two groups of different undertakings.***

*Amendment*

(3) Regulation (EEC) No 1192/69 is inconsistent and incompatible with legislative measures currently in force ***and must therefore be comprehensively recast.***

Or. fr

### *Justification*

*Self-explanatory.*

#### **Amendment 15**

**Karim Zéribi**

#### **Proposal for a regulation**

##### **Recital 4**

*Text proposed by the Commission*

(4) As a consequence, ***it is appropriate to repeal Regulation (EEC) No 1192/69 to eliminate inconsistencies in the EU legal order and this will contribute to simplification by eliminating a legal act***

*Amendment*

(4) As a consequence, ***the possibility should be assessed of extending the same rights to all railway undertakings, in accordance with the new Union legal framework governing the railway sector.***

*which is now obsolete.*

Or. fr

**Amendment 16**  
**Gilles Pargneaux**

**Proposal for a regulation**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Regulation (EEC) No 1192/69 *is repealed.*

*At the latest two years after the date of entry into force of directive X, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions assessing the development of the rail sector. On the basis of that report, the Commission shall, if it deems it appropriate, propose the repeal or amendment of Regulation (EEC) No 1192/69.*

Or. fr

*Justification*

*It would make sense to postpone the repeal of Regulation (EEC) No 1192/69 without setting a firm date at this stage, so as to take into account the evaluation of the impact of Directive 2012/34/EU, which the Commission has to implement during the course of 2017. That evaluation will enable us to decide whether the regulation should be repealed or merely amended.*

**Amendment 17**  
**Karim Zéribi**

**Proposal for a regulation**  
**Article 1 – paragraph 1**



*Text proposed by the Commission*

*Amendment*

Regulation (EEC) No 1192/69 *is* repealed.

Regulation (EEC) No 1192/69 *shall be* repealed *with effect from the date of transposition of Directive 2012/34/EU. At the latest two years before that date, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions assessing the development of the rail sector. On the basis of that report, the Commission shall, if it deems it appropriate, propose a postponement of the repeal of that Regulation and its amendment, with the aim of laying down common rules for the normalisation of the accounts of all railway undertakings.*

Or. fr

**Amendment 18**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

This Regulation shall enter into force *on the day following that of* its publication in the Official Journal of the European Union.

This regulation shall enter into force *two years after* its publication in the Official Journal of the European Union.

Or. fr

*Justification*

*This two-year period will make it possible to have a clearer picture of the effects of the implementation of the legislation on the rail sector.*