



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Transport and Tourism

2013/0028(COD)

23.9.2013

AMENDMENTS 39 - 342

Draft report
Mathieu Grosch
(PE514.572v01-00)

on the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail

Proposal for a regulation
(REGULATION (EC) NO. 1370/2007 – C7-0024/2013 – 2013/0028(COD))

AM_Com_LegReport

Amendment 39
Marita Ulvskog
Proposal for a regulation

—

Proposal for a rejection

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

Or. sv

Amendment 40
Peter van Dalen
Draft legislative resolution
Paragraph 1

Draft legislative resolution

***1. Adopts its position at first reading
hereinafter set out;***

Amendment

1. Rejects the Commission proposal;

Or. nl

Justification

The domestic rail passenger transport market must not be opened up until the technical requirements concerning rail infrastructure and rolling stock have been harmonised. Until that has been sufficiently regulated, the domestic rail passenger transport market cannot function properly.

Amendment 41
Sabine Wils, Jacky Hénin

Draft legislative resolution
Paragraph 1

Draft legislative resolution

***1. Adopts its position at first reading
hereinafter set out;***

Amendment

***1. Rejects the European Commission
proposal;***

Or. en

Justification

The Regulation (EC) 1370/2007 has been adopted after difficult negotiations in 2007 and came into force in 2009. The first half of the transition period is not yet ended and Member States have to deliver an interim report only in 2014/2015. Member states national legislation are still going on in adapting and little experiences do exist with the application of the Regulation. Therefore the European Parliament considers a modification of the regulation as premature.

Amendment 42 **Isabelle Durant**

Proposal for a regulation **Recital 1**

Text proposed by the Commission

(1) Over the past decade, the growth of passenger traffic by rail has been insufficient to increase its modal share in comparison to cars and aviation. The 6% modal share of passenger transport for rail in the European Union has remained fairly stable. Rail passenger services have not kept pace with evolving needs in terms of availability and quality.

Amendment

(1) Over the past decade, the **EU's motorway network has increased by 27% while its railway network in use shrunk by 2%. Against this backdrop, the** growth of passenger traffic by rail has been insufficient to increase its modal share in comparison to cars and aviation, the 6% modal share of passenger transport for rail in the European Union has remained fairly stable **and** rail passenger services have not kept pace with evolving needs in terms of availability and quality.

Or. en

Justification

This is probably worth mentioning in this recital in order to avoid anyone jumping to conclusions regarding the relative performance of European railways.

Amendment 43 **Karim Zéribi** **Proposal for a regulation** **Recital 1**

Text proposed by the Commission

(1) Over the past decade, the growth of

Amendment

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passenger traffic by rail has been insufficient to increase its modal share in comparison to cars and aviation. The 6% modal share of passenger transport for rail in the European Union has remained fairly stable. Rail passenger services have not kept pace with evolving needs in terms of availability and quality.

passenger traffic by rail has been insufficient to increase its modal share in comparison to cars and aviation. The 6% modal share of passenger transport for rail in the European Union has remained fairly stable. Rail passenger services have not kept pace with evolving needs in terms of availability and quality. ***With that in mind, all the lessons need to be learnt from the approach adopted by the European Union in the course of the last three railway reforms.***

Or. fr

Amendment 44
Phil Bennion, Philippe De Backer

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) To guarantee high service quality to passengers while achieving public passenger transport policy objectives, open access rights should be the rule to be coordinated with mandatory tendering for public service contracts

Or. en

Justification

Open access operations are based solely on commercial results and passengers satisfaction thus can at best deliver high service quality

Amendment 45
Phil Bennion, Philippe De Backer

Proposal for a regulation
Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) The direct award of a public service contract should be restricted to specific conditions such as the risk of disruption in the provision of services and thus should be limited in time

Or. en

Justification

Directly awarded contract should be the exception and not the rule

Amendment 46
Karim Zéribi
Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) In its White Paper on transport policy of 28 March 2011 the Commission announced its intention to complete the internal railway market, allowing railway undertakings of the Union to provide all types of rail transport services without unnecessary technical and administrative barriers.

(3) In its White Paper on transport policy of 28 March 2011 the Commission announced its intention to complete the internal railway market, allowing railway undertakings of the Union to provide all types of rail transport services without unnecessary technical and administrative barriers. ***Accordingly the current reform needs to be envisaged in the light of the railway models which have proved to be effective in the European Union.***

Or. fr

Amendment 47
Oldřich Vlasák
Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The completion of the opening of the Union railway market shall be seen as essential so that the railway could become a credible alternative to other modes of transport in terms of price and quality.

Or. en

Amendment 48
Gilles Pargneaux
Proposal for a regulation
Recital 4

Text proposed by the Commission

Amendment

(4) When competent authorities organise their public passenger transport services they need to ensure that public service obligations and the geographical scope of public service contracts are appropriate, necessary and proportionate to achieve the objectives of the public passenger transport policy in their territory. This policy should be set out in public transport plans leaving scope for market based transport solutions. The process of defining public transport plans and public service obligations should be made transparent to relevant stakeholders including potential market entrants.

(4) Under the Treaty provisions on services of general economic interest, it is for the competent authorities to define public service obligations. Only where the relevant judicial authorities find that there has been a manifest error of assessment may their scope for action be limited. In particular, the competent authorities may organise their public passenger transport services in a way that encourages network effects so as to achieve transport solutions that reflect the needs of users. They should be able to present the main features of their public transport policies in indicative public transport plans which are transparent to relevant stakeholders including potential market entrants.

Or. fr

Justification

La définition des services publics et des obligations de service public relève des seules autorités compétentes. Il revient ainsi à l'autorité organisatrice de définir le périmètre des contrats mis en concurrence. Les effets de réseau doivent être promus et toute restriction en la matière supprimée. Le service public ne s'apprécie pas ligne par ligne et horaire par horaire,

mais de manière globale. Des lignes rentables peuvent être contractualisées avec celles qui ne le sont pas dans le cadre de bouquets de lignes afin d'améliorer l'équilibre économique global des contrats. Les autorités compétentes devraient même ne pas se voir interdire, dans des circonstances particulières, la contractualisation de services qui pourraient présenter un certain intérêt commercial.

Amendment 49

Sabine Wils, Jacky Hénin

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) When competent authorities organise their public passenger transport services they need to ensure that public service obligations and the geographical scope of public service contracts are appropriate, necessary and proportionate to achieve the objectives of the public passenger transport policy in their territory. This policy should be set out in public transport plans ***leaving scope for market based transport solutions. The process of defining public transport plans and*** public service obligations should be made transparent to relevant stakeholders including potential market entrants.

Amendment

(4) When competent authorities organise their public passenger transport services they need to ensure that public service obligations and the geographical scope of public service contracts are appropriate, necessary and proportionate to achieve the objectives of the public passenger transport ***and cohesion*** policy in their territory. This policy should be set out in public transport plans ***where the*** public service obligations should be made transparent to ***all*** relevant stakeholders including potential market entrants.

Or. en

Justification

Competent public authorities have to ensure sustainable public transport plans integrating the most suitable, economic and social viable modes of transport, according to the mandate they receive from citizens and in coherence of targets in reducing CO2 emissions as undertaken in each Member State.

Amendment 50

Karim Zéribi

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) When competent authorities organise their public passenger transport services they need to ensure that public service obligations and the geographical scope of public service contracts are appropriate, necessary and proportionate to achieve the objectives of the public passenger transport policy in their territory. This policy should be set out in public transport *plans* leaving scope for **market based** transport solutions. The process of **defining** public transport plans and public service obligations should be made transparent to relevant stakeholders including potential market entrants.

Amendment

(4) When competent authorities organise their public passenger transport services they need to ensure that public service obligations and the geographical scope of public service contracts are appropriate, necessary and proportionate to achieve the objectives of the public passenger transport policy in their territory. This policy should be set out in **plans for shared multimodal** public transport leaving scope for transport solutions **based on users' needs and the development of territories, in an approach favouring a modal shift from road to rail**. The process of **devising these shared multimodal** public transport plans and public service obligations **should incorporate three dimensions – economic, social and environmental – and** should be made transparent to relevant stakeholders including potential market entrants.

Or. fr

Amendment 51
Gilles Pargneaux
Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) To ensure sound financing to meet the objectives of public transport plans, competent authorities need to design public service obligations to attain public transport objectives in a cost-effective manner taking account of the compensation for the net financial effect of those obligations and they need to ensure long-term financial sustainability of public transport provided under public service contracts.

Amendment

deleted

Or. fr

Justification

Regulation 1370/2007 already defines very clearly the arrangements for the funding of public service obligations. There does not therefore seem to be any need to add further considerations which, on the one hand, bear no relation to practice and risk causing difficulties of interpretation and, on the other hand, could entail restrictions on the principle of the competent authorities' freedom to define 'public service obligations'.

Amendment 52
Antonio Cancian
Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) To ensure sound financing to meet the objectives of public transport plans, competent authorities need to design public service obligations to attain public transport objectives in a cost-effective manner taking account of the compensation for the net financial effect of those obligations and they need to ensure long-term financial sustainability of public transport provided under public service contracts.

Amendment

(5) To ensure sound financing to meet the objectives of public transport plans, competent authorities need to design public service obligations to attain public transport objectives in a cost-effective manner taking account of the compensation for the net financial effect of those obligations and they need to ensure long-term financial sustainability of public transport provided under public service contracts. ***That includes avoiding both over- and under-compensation caused by the substance of the public service obligations or the failure of the competent authority to meet its financial commitments. Public service obligations may include networks in which some services can be operated with a fair profit without financial compensation; the inclusion of such services should not result in compensation payments exceeding the amount necessary for providing the whole range of services.***

Or. it

Amendment 53
David-Maria Sassoli, Franco Frigo
Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) To ensure sound financing to meet the objectives of public transport plans, competent authorities need to design public service obligations to attain public transport objectives in a cost-effective manner taking account of the compensation for the net financial effect of those obligations and they need to ensure long-term financial sustainability of public transport provided under public service contracts.

Amendment

(5) To ensure sound financing to meet the objectives of public transport plans, competent authorities need to design public service obligations to attain public transport objectives in a cost-effective manner taking account of the compensation for the net financial effect of those obligations and they need to ensure long-term financial sustainability of public transport provided under public service contracts. ***That includes avoiding both over- and under-compensation caused by the substance of the public service obligations or the failure of the competent authority to meet its financial commitments.***

Public service obligations may include networks in which some services can be operated with a fair profit without financial compensation; the inclusion of such services should not result in compensation payments exceeding the amount necessary for providing the whole range of services.

Or. it

Amendment 54
Gilles Pargneaux
Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) It is particularly important that competent authorities comply with these criteria for public service obligations and the scope of public service contracts if the market for public passenger transport by rail is to run smoothly, because open access transport operations need to be well coordinated with those under public service contract. For this reason, the independent rail regulatory body should

Amendment

deleted

ensure that this process is correctly applied and transparent.

Or. fr

Justification

Recital 6 does not give rise to any problems in principle, but refers to a mechanism governed by the directive amending Directive 2012/34. By deleting it, any confusion can be avoided.

Amendment 55
Sabine Wils, Jacky Hénin

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) It is particularly important that competent authorities comply with these criteria for public service obligations and the scope of public service contracts if the market for public passenger transport by rail is to run smoothly, because open access transport operations need to be well coordinated with those under public service contract. For this reason, the independent rail regulatory body should ensure that this process is correctly applied and transparent.

Amendment

(6) It is particularly important that competent authorities comply with these criteria for public service obligations and the scope of public service contracts if the market for public passenger transport by rail is to run smoothly, because open access transport operations need to be well coordinated with those under public service contract. For this reason, the independent rail regulatory body should ensure that this process is correctly applied and transparent ***by the competent authorities who remain the main responsible in delivering such contracts.***

Or. en

Justification

It's useful to underline that the Rail Regulatory authority according to Directive 2012/34 could only monitor the correct accomplishment of tasks and implementation procedures as undertaken by the competent authorities in a non-discriminatory way.

Amendment 56
Sabine Wils, Jacky Hénin

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) A maximum annual volume of a public service contract for passenger transport by rail needs to be set to facilitate competition for such contracts while allowing competent authorities some flexibility to optimise the volume according to economic and operational considerations. **deleted**

Or. en

Justification

Setting a maximum annual volume of public service contract leads to the assumption of misleading thresholds not responding to the specific volume of passenger and geographical needs established in each Member state according to its general transport policy.

Amendment 57
Karim Zéribi
Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) A maximum annual volume of a public service contract for passenger transport by rail needs to be set to facilitate competition for such contracts while allowing competent authorities some flexibility to optimise the volume according to economic and operational considerations. **deleted**

Or. fr

Justification

Under the subsidiarity principle, opening up the market in national rail passenger services as proposed in Directive 2012/34/EU should not lead to a fragmentation that hampers the Member States' management of the network, whatever their annual transport volume, nor to

European standardisation at the expense of efficiency.

Amendment 58

Phil Bennion, Philippe De Backer

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) A maximum annual volume of a public service contract for passenger transport by rail needs to be set *to facilitate* competition for such contracts while allowing competent authorities some flexibility to optimise the volume according to economic and operational considerations.

Amendment

(7) A maximum annual volume of a public service contract for passenger transport by rail needs to be set *in a way that facilitates* competition *between small bidders, new entrants and the incumbent operator*, for such contracts while allowing competent authorities some flexibility to optimise the volume according to economic and operational considerations.

Or. en

Justification

The volume of a public contract should be set in a way that will encourage new entrant and smaller bidders to participate in the tender procedure

Amendment 59

Oldřich Vlasák

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) To facilitate the preparation of tenders, and hence enhance competition competent authorities need to ensure that all public service operators interested in making such a submission receive *certain* information on the transport services and infrastructure covered by the public service contract.

Amendment

(8) To facilitate the preparation of tenders, and hence enhance competition competent authorities need to ensure that all public service operators interested in making such a submission receive information on the transport services and infrastructure covered by the public service contract *to the extent that they cannot be deemed as discriminated by the contracting authority*

with regard to other competitors.

Or. en

Amendment 60
Sabine Wils, Jacky Hénin

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) To facilitate the ***preparation of tenders, and hence enhance competition*** competent authorities need to ensure that all public service operators interested ***in making such a submission*** receive certain information on the transport services and infrastructure covered by the public service contract.

Amendment

(8) To facilitate the ***choice of the awarding procedure more consistent with general public service obligations*** competent authorities need to ensure that all public service operators interested receive certain information on the transport services and infrastructure covered by the public service contract.

Or. en

Justification

Information has to be provided to all interested concerned operators and not limiting it only in case of a tender procedure, if chosen by the competent authority.

Amendment 61
Gilles Pargneaux
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Certain upper limits for the direct award of public service contracts need to be adapted for rail transport to the specific economic conditions under which tender procedures take place in this sector.

Amendment

(9) Certain upper limits for the direct award of public service contracts need to be adapted for rail transport to the specific economic conditions under which tender procedures take place in this sector.

For complex public rail transport services, there should be the option of awarding contracts directly so as to

ensure that the necessary conditions are met in terms of experience, knowledge and organisation.

Or. fr

Justification

The de minimis kilometre threshold proposed for public rail service contracts is inconsistent with those for other modes of transport. It is too low for a railway service. Furthermore, provision should be made for an additional option of awarding public service rail contracts directly to take account of services operated on complex networks with a high frequency of services and high volume of use.

Amendment 62
Karim Zéribi
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Certain upper limits for the direct award of public service contracts need to be adapted for rail transport to the specific economic conditions under which tender procedures take place in this sector.

Amendment

(9) Certain upper limits for the direct award of public service contracts need to be adapted for rail transport ***on the basis of a detailed position paper submitted to the independent national regulatory authority by the competent authority, incorporating technical, operational and economic parameters, to take account of*** the specific economic conditions under which tender procedures take place in this sector

Or. fr

Amendment 63
Sabine Wils, Jacky Hénin

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Certain upper limits for the direct award of public service contracts need to be adapted for rail transport to the

Amendment

(9) Specific economic and social conditions under which tender procedures could take place in this sector should

specific economic conditions under which tender procedures take place in this sector.

reflect public service contracts needs adapted accordingly for rail transport.

Or. en

Justification

Tender procedures when applied should respond to public service contracts need in providing effective rail services to customers.

Amendment 64
Isabelle Durant

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Certain upper limits for the direct award of public service contracts need to be adapted for rail transport to the specific economic conditions under which tender procedures take place in this sector.

Amendment

(9) Certain upper limits for the direct award of public service contracts need to be adapted for rail transport to the specific economic conditions under which tender procedures take place in this sector. ***These limits should be left for the Member States or the competent authorities to decide in application of the subsidiarity principle.***

Or. en

Amendment 65
Liisa Jaakonsaari

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The principle of reciprocity is an important means of counteracting distortion of competition; this principle should apply to companies from third countries that wish to participate in

tendering procedures within the Union.

Or. en

Justification

External reciprocity should be applied within the EU in order to avoid unfair level playing field and competition distortions between EU and non EU service providers.

Amendment 66
Petri Sarvamaa
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Distortion of competition should be avoided under reciprocity principle, which should also be applied to third country undertakings wishing to participate in procurement procedures on EU territory.

Or. fi

Amendment 67
Sirpa Pietikäinen

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The principle of reciprocity is an important means of counteracting distortion of competition; this principle should apply to companies from third countries that wish to participate in tendering procedures within the Union.

Or. en

Amendment 68
David-Maria Sassoli, Franco Frigo
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The principle of reciprocity is an important way to combat distortion of competition; this principle should be applied not only to Member States, to enable them to exclude from competitive tenders organised by the relevant authorities any firms that are registered or located in a country that does not allow the relevant authorities in its territory to award public service contracts through competitive tendering procedures, but also to companies in third countries that wish to take part in tender procedures within the Union.

Or. it

Amendment 69
Sari Essayah, Hannu Takkula

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The principle of reciprocity is an important means of counteracting distortion of competition; this principle should apply to companies from third countries that wish to participate in tendering procedures within the Union.

Or. en

Amendment 70
Joachim Zeller, Dieter-Lebrecht Koch
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The principle of reciprocity is an important means of counteracting distortion of competition; this principle should apply to undertakings from third countries that wish to participate in procurement procedures in the Union.

Or. de

Justification

Non-EU countries should not be given the opportunity to participate in procurement procedures in EU Member States until they have opened up their own markets to EU Member States.

**Amendment 71
Karim Zéribi
Proposal for a regulation
Recital 9 a (new)**

Text proposed by the Commission

Amendment

(9a) The principle of reciprocity is an important tool for counteracting distortion of competition; it should apply to companies from third countries that wish to participate in public procurement procedures within the European Union. This principle could also apply within the Union. Under the subsidiarity principle, the competent transport authorities could decide to limit access by an undertaking from a Member State in which it holds a statutory monopoly.

Or. fr

**Amendment 72
Karim Zéribi
Proposal for a regulation
Recital 10**

Text proposed by the Commission

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States.

Amendment

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised, ***but not uniform***, manner in all Member States.

Or. fr

Amendment 73
Petri Sarvamaa
Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States.

Amendment

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector which are applicable in a harmonised manner in all Member States, ***but taking into account the specific needs of each country***.

Or. fi

Amendment 74
Georges Bach
Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States.

Amendment

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States.
Nevertheless, the specific features and peculiarities of the various Member States

should be taken into consideration.

Or. fr

Justification

Le principe de la proportionnalité doit être respecté.

Amendment 75

Phil Bennion, Philippe De Backer

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States.

Amendment

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States ***to ensure a level-playing field between all potential bidders.***

Or. en

Justification

There is a necessity to have common rules on competitive tendering to create a framework which gives incentives to small and new entrants to compete

Amendment 76

Sabine Wils, Jacky Hénin

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in

Amendment

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on ***adequate social protection and on*** competitive

this sector to be applied in a harmonised manner in all Member States.

tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States ***preventing any economic and social dumping.***

Or. en

Justification

Internal Market implementation regarding all citizens and concerned workers involved includes the binding respect in all procedures of the EU and national standards of social protection that allow to avoid any economic and social dumping damaging both workers and enterprises.

Amendment 77 Isabelle Durant

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States.

Amendment

(10) The establishment of an Internal Market for passenger transport services by rail requires common rules on competitive tendering for public service contracts in this sector to be applied in a harmonised manner in all Member States. ***However, this does not mean that competitive tendering should apply by default throughout the EU, based on a standardized and formatted tendering process.***

Or. en

Amendment 78 Antonio Cancian Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The principle of reciprocity is an important way to combat distortion of competition; this principle should be applied not only to Member States, to enable them to exclude from competitive tenders organised by the relevant authorities any firms that are registered or located in a country that does not allow the relevant authorities in its territory to award public service contracts through competitive tendering procedures, but also to companies in third countries that wish to take part in tender procedures within the Union.

Or. it

**Amendment 79
Michael Cramer
Proposal for a regulation
Recital 10 a (new)**

Text proposed by the Commission

Amendment

(10a) The principle of reciprocity must be applied in order to guarantee fair competition and prevent the misuse of compensation. Undertakings which are awarded public service contracts through a direct award procedure may not take part in procurement procedures for public service contracts.

Or. de

Justification

Undertakings should not exploit advantages which they may have gained through a direct award procedure to distort competition. It should still be possible to employ direct award procedures, but the undertakings concerned should then be banned from taking part in other procurement procedures.

Amendment 80
Antonio Cancian, Carlo Fidanza
Proposal for a regulation
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) In order for public and private companies – which operate on the basis of special or exclusive rights granted to them by a competent authority through a tender procedure – to be treated in a uniform manner, these companies should be excluded from the scope of Directive (EU) No / ... on procurement by entities operating in the water, energy, transport and postal services sectors.

Or. it

Amendment 81
Georges Bach
Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

(11) In view of creating framework conditions for enabling society to fully reap the benefits of ***effective opening of the market for*** domestic passenger transport services by rail it is important that Member States ensure ***an adequate*** level of social protection for the staff of public service operators.

(11) In view of creating framework conditions for enabling society to fully reap the benefits of domestic passenger transport services by rail it is important that Member States ensure ***a high*** level of social protection for the staff of public service operators.

Or. fr

Amendment 82
Sabine Wils, Jacky Hénin

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) In view of creating framework conditions for enabling society to fully reap the benefits of effective opening of the market for domestic passenger transport services by rail it is important that Member States ensure an adequate level of social protection for the staff of public service operators.

Amendment

(11) In view of creating framework conditions for enabling society to fully reap the benefits of effective opening of the market for domestic passenger transport services by rail it is important that Member States ensure ***in any case*** an adequate level of social protection for the staff of public service operators ***on a national, regional and local level. The adequate level should be a compulsory prerequisite for operating rail passenger services and guaranteed by national law and or by sector wide collective agreements both setting clear social standards and requiring the compulsory transfer of staff for the relevant sector.***

Or. en

Justification

The reference to an adequate social protection, already inside the requirements of Reg. 1370/2007 needs to be clearly enhanced in the new framework of opening the market for domestic passenger transport and all operators should comply with in a legal framework to be provided by national law or binding collective agreements to be in force before opening the domestic railway market.

Amendment 83

Philippe De Backer, Ramon Tremosa i Balcells, Giommaria Uggias

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In view of creating framework conditions for enabling society to fully reap the benefits of effective opening of the market for domestic passenger transport services by rail it is important that Member States ensure an adequate level of social protection for the staff of public service

Amendment

(11) In view of creating framework conditions for enabling society to fully reap the benefits of effective opening of the market for domestic passenger transport services by rail it is important that Member States ensure

operators.

(a) an adequate level of social protection for the staff of public service operators.

(b) **a minimum service level during public transport strikes**

Or. en

Justification

Services provided under a public service contract are financed with public money. To make sure passengers can always rely on those services, Member States have to ensure a minimum level of service during strikes.

Amendment 84

Inés Ayala Sender

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In view of creating framework conditions for enabling society to fully reap the benefits of effective opening of the market for domestic passenger transport services by rail it is important that Member States ensure an adequate level of social protection for the staff of public service operators.

Amendment

(11) In view of creating framework conditions for enabling society to fully reap the benefits of effective opening of the market for domestic passenger transport services by rail it is important that Member States ensure an adequate level of social protection for the staff of public service operators. ***It is therefore essential to ensure that if a new company takes over a contract, it should maintain the staff employed by the company previously providing the service.***

Or. es

Justification

It is only acceptable to open the market under conditions which guarantee the safety of the system and respect workers' rights in the event of transfers of undertakings.

Amendment 85

Jörg Leichtfried

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) Where the market does not ensure it under suitable economic and non-discriminatory conditions, public service operators' access to rail rolling stock needs to be facilitated by competent authorities through adequate and effective measures.

deleted

Or. de

Amendment 86
Oldřich Vlasák

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) Where the market does not ensure it under suitable economic and non-discriminatory conditions, public service operators' access to rail rolling stock *needs to be facilitated by competent authorities through adequate and effective measures.*

(12) Where the market does not ensure it under suitable economic and non-discriminatory conditions, ***competent authorities may facilitate*** public service operators' access to rail rolling stock, ***but this must be done in ways which do not discriminate one operator against the other.***

Or. en

Amendment 87
Gilles Pargneaux
Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) Where the market does not ensure it under suitable economic and non-discriminatory conditions, public service operators' access to rail rolling stock ***needs***

(12) Where ***the competent authorities observe that*** the market does not ensure it under suitable economic and non-discriminatory conditions, public service

to be facilitated by competent authorities through adequate and effective measures.

operators' access to rail rolling stock **should be able** to be facilitated by competent authorities through adequate and effective measures.

Or. fr

Justification

While the Commission proposal on public service rail operators' access to rolling stock is to be welcomed, there are a number of constraints on its practical implementation. The decision to implement a mechanism enabling access to rolling stock can only be taken by the competent authorities. Furthermore, the competent authorities should have the necessary room for manoeuvre to implement the mechanism most appropriate to the circumstances.

Amendment 88
Karim Zéribi
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Consistent with the internal logic of Regulation (EC) No 1370/2007, it should be made clear that the transitional period until 2 December **2019** refers only to the obligation to organise competitive tendering procedures for public service contracts.

Amendment

(14) Consistent with the internal logic of Regulation (EC) No 1370/2007, it should be made clear that the transitional period until 2 December **2029** refers only to the obligation to organise competitive tendering procedures for public service contracts.

Or. fr

Amendment 89
Isabelle Durant
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Consistent with the internal logic of Regulation (EC) No 1370/2007, it should be made clear that the transitional period until 2 December 2019 **refers** only to the obligation to organise competitive tendering procedures for public service

Amendment

(14) Consistent with the internal logic of Regulation (EC) No 1370/2007, it should be made clear that the transitional period until 2 December 2019 **referred** only to the obligation to organise competitive tendering procedures for public service

contracts.

contracts.

Or. en

Amendment 90
Sabine Wils, Jacky Hénin

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) When defining the scope of the Public service Obligations, Competent Authorities may take into consideration the relevant network effects.

Or. en

Justification

Public Service Obligations is worded already in Reg.1370/2007 while the new EC proposal risks to limit the freedom of competent authorities that should have the choice to adapt them according to specific impacts on the national and sub-national transport network.

Amendment 91
Karim Zéribi
Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) Preparing railway undertakings for ***mandatory*** competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were ***directly*** awarded ***in the past***. Transitional measures are therefore necessary for contracts ***directly*** awarded between the date of entry into force of this Regulation and 3 December ***2019***.

(15) Preparing railway undertakings for competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which, ***in the past***, such contracts were awarded ***directly and without stating reasons***. Transitional measures are therefore necessary for contracts awarded ***directly and without stating reasons*** between the date of entry into force of this Regulation and 3

December 2029.

Or. fr

Amendment 92
Michel Dantin
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Preparing railway undertakings for mandatory competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were directly awarded in the past. Transitional measures are therefore necessary for contracts directly awarded **between** the date of entry into force of this Regulation **and 3 December 2019**.

Amendment

(15) Preparing railway undertakings for mandatory competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were directly awarded in the past. Transitional measures **lasting eight years** are therefore necessary for contracts directly awarded **on** the date of entry into force of this Regulation.

Or. fr

Amendment 93
Hubert Pirker
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Preparing railway undertakings for **mandatory** competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were directly awarded in the past. **Transitional measures are therefore necessary for contracts directly awarded between the date of entry into force of this Regulation and 3 December 2019.**

Amendment

(15) **Equal conditions are the prerequisite for fair competition.** Preparing railway undertakings for competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were directly awarded in the past. **They should therefore already take action to phase-in this form of tendering, although it is not until 2029 that all public service contracts in the field of public rail passenger transport have to be awarded in accordance with the procurement procedures laid down in this Regulation.**

Justification

In order to create equal tendering conditions for railway undertakings, the deadline must be extended.

Amendment 94
Phil Bennion, Philippe De Backer

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Preparing railway undertakings for mandatory competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were directly awarded in the past. Transitional measures are therefore necessary for contracts directly awarded between the date of entry into force of this Regulation and 3 December 2019.

Amendment

(15) Preparing railway undertakings for mandatory competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were directly awarded in the past. Transitional measures are therefore necessary for contracts directly awarded between the date of entry into force of this Regulation and 3 December 2019. ***The tendering procedure for such contracts should be phased-in between the date of entry into force of this Regulation and 3 December 2019***

Justification

There is a necessity for a phasing-in of tendering procedures to start from the date of entry into force of this Regulation as contracts directly awarded in the past will have to be tendered from 3 December 2019

Amendment 95
Isabelle Durant

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Preparing railway undertakings for **mandatory** competitive tendering **for** public service **contracts** requires some extra time to **allow** effective and sustainable internal restructuring of companies to which such contracts **were** directly awarded in the **past**. Transitional measures are **therefore** necessary for contracts directly awarded between the date of entry into force of this Regulation and 3 December 2019.

Amendment

(15) Preparing railway undertakings for **the optional** competitive tendering **of public service contracts and ensuring an adequate level of social protection for the staff of** public service **operators in the concerned Member States** requires some extra time to **implement the necessary labour market reforms and to allow** effective and sustainable internal restructuring of companies to which such contracts **would not be** directly awarded in the **future**. Transitional measures are **in any case** necessary for contracts directly awarded between the date of entry into force of this Regulation and 3 December 2019.

Or. en

Amendment 96
Joachim Zeller, Dieter-Lebrecht Koch
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Preparing railway undertakings for **mandatory** competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were directly awarded in the past. Transitional measures are therefore necessary for contracts directly awarded between the date of entry into force of this Regulation and 3 December 2019.

Amendment

(15) Preparing railway undertakings for competitive tendering for public service contracts requires some extra time to allow effective and sustainable internal restructuring of companies to which such contracts were directly awarded in the past. Transitional measures are therefore necessary for contracts directly awarded between the date of entry into force of this Regulation and 3 December 2019.

Or. de

Amendment 97
Dieter-Lebrecht Koch, Thomas Ulmer

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) It must still be possible to employ direct award procedures, for example in cases where the specific characteristics of the contract in question are likely to deter a sufficient number of bidders from taking part.

Or. de

Amendment 98
Petri Sarvamaa
Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) Once opening of the market for domestic passenger transport services by rail is achieved, as competent authorities may need to take measures to ensure a high level of competition by limiting the number of contracts that it awards to one railway undertaking, adequate provisions should be provided for.

deleted

Or. fi

Amendment 99
Isabelle Durant

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) Once opening of the market for domestic passenger transport services by rail is ***achieved, as*** competent authorities may ***need*** to take measures to ensure a high level of competition by limiting the number of contracts that ***it awards*** to one

(16) Once opening of the market for domestic passenger transport services by rail is ***initiated,*** competent authorities may ***want*** to take measures ***in their jurisdictions*** to ensure a high level of competition by limiting the number of

railway undertaking, adequate provisions *should* be provided for.

contracts that *they award* to one railway undertaking, adequate provisions *may have to* be provided for.

Or. en

Amendment 100
Karim Zéribi
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Once opening of the market for domestic passenger transport services by rail is achieved, as competent authorities may need to take measures to ensure a *high* level of competition *by limiting the number of contracts that it awards to one railway undertaking, adequate provisions should be provided for.*

Amendment

(16) Once opening of the market for domestic passenger transport services by rail is achieved, as competent authorities may need to take measures to ensure a *sufficient* level of competition *on their territory, it is essential to ensure that these measures are taken in a transparent and fair manner, enabling the best possible operator to be selected without constraints or obstructions regarding the number of public service contracts awarded.*

Or. fr

Amendment 101
Karim Zéribi
Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In order to take full advantage of the benefits of fair and equal competition in passenger transport and in accordance with the principle of subsidiarity, it is essential that the Member States ensure that the social dimension of the rail offer is taken into account so as to eradicate any social dumping which would jeopardise the quality of the rail offer on their territory. By establishing national collective agreements for the rail sector,

but also by ensuring that staff are taken over under contract award procedures, the competent authorities will enable a high-quality social framework to be put in place.

Or. fr

Justification

The form in which a public service contract is awarded is irrelevant unless it is made absolutely conditional on a high level of social standards. The opening up of passenger transport to competition should respect social conditions and social protection measures at national, regional and local level.

Amendment 102
Gilles Pargneaux
Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) In order to ensure uniform conditions for the implementation of Article 5a of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

deleted

Or. fr

Justification

Regulation No 1370/2007 is a lex specialis on state aid which makes it possible to exempt public passenger transport services from the general rules applicable to state aid. The implementation of the mechanism proposed in Amendments 21 to 23 does not require any prior implementing acts. There is therefore no need to refer measures to the Commission.

Amendment 103
Jörg Leichtfried
Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) In order to ensure uniform conditions for the implementation of Article 5a of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

deleted

Or. de

Amendment 104
Isabelle Durant

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) In order to ensure uniform conditions for the implementation of Article 5a of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

deleted

Or. en

Amendment 105
Gilles Pargneaux
Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) In the context of amendments to the Regulation (EC) No 994/98 (Enabling Regulation), the Commission proposed also an amendment of Regulation (EC) No 1370/2007 (COM(2012) 730/3). In order to harmonize the approach to block exemption regulations in the field of State aid and, in accordance with the procedures foreseen in Articles 108(4) and 109 of the Treaty, aid for the coordination of transport or reimbursement for the discharge of certain obligations inherent in the concept of a public service as referred to in Article 93 of the Treaty should be brought under the scope of the Enabling Regulation. *deleted*

Or. fr

Justification

Aid meeting the needs of coordination of transport or representing reimbursement for the discharge of certain obligations inherent in the concept of a public service, referred to in Article 93 of the Treaty, was not included within the scope of Council Regulation (EU) No 733/2013 of 22 July 2013 amending Regulation (EC) No 994/98 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid.

Amendment 106
Karim Zéribi
Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) In the context of amendments to the Regulation (EC) No 994/98 (Enabling Regulation), the Commission proposed *deleted*

also an amendment of Regulation (EC) No 1370/2007 (COM(2012) 730/3). In order to harmonize the approach to block exemption regulations in the field of State aid and, in accordance with the procedures foreseen in Articles 108(4) and 109 of the Treaty, aid for the coordination of transport or reimbursement for the discharge of certain obligations inherent in the concept of a public service as referred to in Article 93 of the Treaty should be brought under the scope of the Enabling Regulation.

Or. fr

Amendment 107
Isabelle Durant

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) In the context of amendments to the Regulation (EC) No 994/98 (Enabling Regulation), the Commission proposed also an amendment of Regulation (EC) No 1370/2007 (COM(2012) 730/3). In order to harmonize the approach to block exemption regulations in the field of State aid and, in accordance with the procedures foreseen in Articles 108(4) and 109 of the Treaty, aid for the coordination of transport or reimbursement for the discharge of certain obligations inherent in the concept of a public service as referred to in Article 93 of the Treaty should be brought under the scope of the Enabling Regulation.

deleted

Or. en

Amendment 108
Joachim Zeller

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) In the context of amendments to the Regulation (EC) No 994/98 (Enabling Regulation), the Commission proposed also an amendment of Regulation (EC) No 1370/2007 (COM(2012) 730/3). In order to harmonize the approach to block exemption regulations in the field of State aid and, in accordance with the procedures foreseen in Articles 108(4) and 109 of the Treaty, aid for the coordination of transport or reimbursement for the discharge of certain obligations inherent in the concept of a public service as referred to in Article 93 of the Treaty should be brought under the scope of the Enabling Regulation.

deleted

Or. de

Justification

Placing exemption from the obligation to notify compensation under the scope of a different piece of legislation would alter the whole logical framework of the regulation on public service obligations and create a major risk of legal uncertainty for public transport services.

Amendment 109

Michael Cramer, Karim Zéribi, Eva Lichtenberger

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Regulation (EC) No 1370/2007 is amended as follows:

Regulation (EC) No 1370/2007 is amended as follows, ***without prejudice to Union law on public procurement [Directive..., yet to be published]***:

Or. en

Justification

This revision of Regulation (EC) No. 1370/2007 may not impede on the general public procurement law of the Union.

Amendment 110
Isabelle Durant

Proposal for a regulation

Article 1 – point 1 – point a Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

Amendment

(a) Point (c) of Article 2 is replaced by the following: *deleted*

‘(c) “competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district;’

Or. en

Justification

There is no reason to make the definition proposed in the current legislation more restrictive. Besides, the definition proposed in the amending regulation lacks rigor and clarity and will inevitably lead to diverging interpretations as well as to discrimination amongst otherwise comparable competent authorities. What if a competent authority covers the transport needs of several urban agglomerations? Or the transport needs of an urban agglomeration and one or more rural districts?...

Amendment 111

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a regulation

Article 1 point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

Amendment

(a) Point (c) of Article 2 is replaced by the following: **deleted**

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district;

Or. en

Justification

The adoption of the definition in proposed wording means that regional authorities who are in charge to organize the public transport in the regions would lose their rights to do it. Consequently, this change will affect the granting of direct contracts for public service obligations (hereinafter referred to as the PSO) to internal operators, who were created on the base of the current Regulation.

Amendment 112
Sabine Wils, Jacky Hénin

Proposal for a regulation
Article 1 – point 1 – point a
Regulation (EC) No. 1370/2007
Article 2 – point c

Text proposed by the Commission

Amendment

(a) Point (c) of Article 2 is replaced by the following: **deleted**

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district;

Or. en

Justification

The definition provided in Art.2 point c of Reg.1370/2007 is correct and reflects the variety of

organisations existing in the Member States

Amendment 113

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No 1370/2007

Article 2 – point c

Text proposed by the Commission

Amendment

(a) Point (c) of Article 2 is replaced by the following: *deleted*

"competent local authority" means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district;

Or. de

Justification

For the sake of legal certainty, and in keeping with the subsidiarity principle, the definition of 'local authority' as laid down in Regulation (EC) 1370/2007 should be retained.

Amendment 114

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

Amendment

*“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration **or** a rural district;*

*“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration, a rural district **or a region**;*

Or. en

Justification

Including the word regions gives more flexibility to the design of competent local authority and the possibility of direct awarding

Amendment 115

Saïd El Khadraoui

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural *district*;

Amendment

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration *and/or* a rural *area*;

Or. en

Amendment 116

Bernadette Vergnaud

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

"(c) "competent local authority" means any competent authority whose geographical area of competence *is not national and* which covers the transport needs of an urban agglomeration or a rural district;"

Amendment

"(c)"competent local authority" means any competent authority whose geographical area of competence *does not cover the whole of a Member State or* which covers the transport needs of an urban agglomeration or a rural district, *including at cross-border level;*"

Or. fr

Justification

Clarifies the definition and takes into account cross-border conurbations.

Amendment 117

Ramon Tremosa i Balcells

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district;

Amendment

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration **and/** or a rural district **or area**;

Or. en

Justification

Under Article 5 (2) of the Regulation any competent local authority may decide to provide the services itself or to award public service contracts directly to an internal operator. This is an exception to the principle of award of contracts following a competitive tendering procedure, which must therefore be clearly and narrowly defined. According to the current definition in Regulation (EC) No. 1370/2007, a competent local authority means any authority whose geographical area of competence "is not national". As such, this definition does not help to clarify the meaning of the term "local". The Commission therefore proposed to refine this definition by making a reference to the concepts of "agglomeration or rural districts". The Commission understands that the new definition proposed might be too restrictive as in many cases transport services cover both agglomerations and rural districts. It is therefore suggested to modify the text proposed by the Commission to cover this situation (.... "an urban agglomeration and/or a rural district or area".

Amendment 118

Oldřich Vlasák

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of **an** urban agglomeration or a rural district;

Amendment

"competent local authority" means any competent authority whose geographical area of competence is not national and which covers the transport needs of **a local territory such as municipality, city**, urban agglomeration or a rural district;

Or. en

Amendment 119

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

"(c) "competent local authority" means any competent authority whose geographical area of competence is not national **and which covers the transport needs of an urban agglomeration or a rural district;**"

Amendment

"competent local authority" means any competent authority whose geographical area of competence is not national;

Or. fr

Justification

The amendment of the definition of ‘competent local authority’ should be read in conjunction with Article 5(2). Its effect is to restrict, at territorial level, the power of competent authorities to call on a domestic operator. This restriction unjustifiably limits the scope for action of competent authorities.

Amendment 120

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No 1370/2007

Article 2 – point c

Text proposed by the Commission

(c) "competent local authority" means any competent authority whose geographical area of competence is not national **and** which covers the transport needs of an **urban** agglomeration **or a rural district**;

Amendment

(c) "competent local authority" means any competent authority whose geographical area of competence is not national **and/or** which covers the transport needs of an agglomeration, **a federal Land and/or rural districts**;

Or. de

Justification

With specific reference to urban areas, the definition is not detailed or clear enough. The term 'agglomeration' better covers both urban transport services and feeder services from the suburbs. Federal Länder should also qualify as competent authorities.

Amendment 121
Brian Simpson

Proposal for a regulation
Article 1 – point 1 – point a
Regulation (EC) No. 1370/2007
Article 2 – point c

Text proposed by the Commission

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or **a rural district**;

Amendment

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration **and/or rural area**;

Or. en

Justification

Competent local authorities can include both urban and rural areas. It is important that this is reflected in the definition in order to avoid the unnecessary reorganisation of administrative regions and their transport services.

Amendment 122
Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district;

Amendment

“competent local authority” means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district **or both;**

Or. en

Justification

The jurisdiction of a competent local authority may cover rural districts as well as urban agglomerations.

Amendment 123

Erik Bánki

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

"(c) "competent local authority" means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district;"

Amendment

"(c) "competent local authority" means any competent authority whose geographical area of competence is not national and which covers the transport needs of an urban agglomeration or a rural district, **in conformity with the Member State's public administration system and geographical situation;**"

Or. hu

Justification

In view of the different ways in which the public administration systems of the Member States

are constructed and the differences in scope of their various levels, the normative text should be amended. Instead of the terms which are not properly defined (agglomeration, sparsely-inhabited region), the text should make reference to the need to ensure that the scope of the competent authority is determined in conformity with the public administration system.

Amendment 124

Karim Zéribi

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

"(c) "competent local authority" means any competent authority *whose* geographical area *of competence* is not national *and which covers the transport needs of an urban agglomeration or a rural district*;"

Amendment

"(c) "competent local authority" means any competent authority *which has the power to intervene in public passenger transport matters in a* geographical area *which* is not national;"

Or. fr

Justification

Retaining the sub-national level will enable the competent local authority to award a contract directly whatever its geographical area of competence, in accordance with Article 5(2) of this Regulation.

Amendment 125

Dominique Vlasto, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No. 1370/2007

Article 2 – point c

Text proposed by the Commission

"(c) "competent local authority" means any competent authority whose geographical area of competence is not national *and which covers the transport needs of an urban agglomeration or a rural district*;"

Amendment

"competent local authority" means any competent authority whose geographical area of competence is not national;

Justification

In the interests of legal clarity, the current definition of 'competent local authority' should be retained.

Amendment 126

Joachim Zeller, Dieter-Lebrecht Koch

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No 1370/2007

Article 2 – point c

Text proposed by the Commission

(c) "competent local authority" means any competent authority whose geographical area of competence *is not national and* which covers the transport needs of an urban agglomeration or a rural district;

Amendment

(c) "competent local authority" means any competent authority whose geographical area of competence *does not comprise the whole territory of a Member State or* which covers the transport needs of *a region*, an urban agglomeration or a rural district, *including at cross-border level*;

Or. de

Justification

The definition must be more clearly worded in order to take account of the emergence of cross-border transport authorities. It also needs to be stated clearly that the scope of the regulation also covers regions.

Amendment 127

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 1 – point a a (new)

Regulation (EC) No. 1370/2007

Article 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Article 2aa is inserted:

(aa) "public rail passenger transport" means public passenger transport by rail,

excluding passenger transport on other track-based modes such as metros, tramways or tram-train systems.

Or. en

Amendment 128
Isabelle Durant

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No. 1370/2007

Article 2 – point e

Text proposed by the Commission

Amendment

(b) Point (e) of Article 2 is complemented by the following:

deleted

‘The scope of public service obligations shall exclude all public transport services that go beyond of what is necessary to reap local, regional or sub-national network effects.’

Or. en

Justification

The EU is made up of a wide variety of countries and regions, whose borders are often just an inheritance of history and have little to do with the public transport needs of their respective populations. Besides, the smallest countries are much smaller than the biggest regions, both in terms of area and population. There is thus no reason why PSOs or network effects on any territory should be treated differently based on whether this territory has the status of a nation or that of a region.

Amendment 129

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No. 1370/2007

Article 2 – point e

Text proposed by the Commission

Amendment

(b) Point (e) of Article 2 is complemented by the following: ***deleted***

The scope of public service obligations shall exclude all public transport services that go beyond of what is necessary to reap local, regional or sub-national network effects.

Or. en

Justification

The proposed change of the definition of ' public service obligation ' seems to be far ambiguous. EC, seeking to limit the scope of PSO, proposed to exclude from it all public transport services, which go beyond what is in order to satisfy local, regional or lower than the national network effects, not defining the network effects at all.

Amendment 130

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No 1370/2007

Article 2 – point e

Text proposed by the Commission

Amendment

(b) Point (e) of Article 2 is complemented by the following: ***deleted***

"The scope of public service obligations shall exclude all public transport services that go beyond of what is necessary to reap local, regional or sub-national network effects.

Or. de

Justification

The addition is vague. The established definition should not be changed.

Amendment 131

Erik Bánki

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No. 1370/2007

Article 2 – point e

Text proposed by the Commission

Amendment

(b) Point (e) of Article 2 is complemented by the following: ***deleted***

"The scope of public service obligations shall exclude all public transport services that go beyond of what is necessary to reap local, regional or sub-national network effects.

Or. hu

Justification

There is a need to take into account the different characteristics of the Member States, so that the question should be left up to the Member States to decide, bearing in mind that EU legal practice means that the Member States have a large amount of freedom in determining public services. Point 1(b) should therefore be deleted.

Amendment 132

Sabine Wils, Jacky Hénin

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No. 1370/2007

Article 2 – point e

Text proposed by the Commission

Amendment

(b) Point (e) of Article 2 is complemented by the following: ***deleted***

The scope of public service obligations shall exclude all public transport services that go beyond of what is necessary to reap local, regional or sub-national network effects.

Or. en

Justification

The original definition in Reg.1370/2007 is perfectly consistent to the need and the freedom of competent authorities to consider the relevant network effects and adapt PSO to them.

Amendment 133

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No. 1370/2007

Article 2 – point e

Text proposed by the Commission

"The scope of public service obligations **shall exclude** all public transport services **that go beyond of what is necessary to reap local, regional or sub-national** network effects.

Amendment

The scope of public service obligations **may include** all public transport services **that permit the benefits of economic, technical or geographical** network effects **to be reaped at local, regional or national level.**

Or. fr

Justification

While the notion of network effects should be retained, no geographical restrictions should be placed on taking these effects into account: they must be allowed to concern both national and local services. Network effects must not be an exclusive element in the definition of public services and public service obligations. When defining public service obligations, the competent authorities take into account the prospect of network effects, but their main consideration is the public's needs for mobility.

Amendment 134

Bernadette Vergnaud

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No. 1370/2007

Article 2 – point e

Text proposed by the Commission

"The scope of public service obligations **shall exclude** all public transport services that **go beyond of what is necessary** to reap local, regional or sub-national network

Amendment

"The scope of public service obligations **may include** public transport services that **have the potential to** reap local, regional or

effects.

sub-national network effects.

Or. fr

Justification

To safeguard the consistency and continuity of public transport networks and limit the overall costs of public transport services, public service contracts should on no account be confined to services that do not make a profit.

Amendment 135

Karim Zéribi

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No. 1370/2007

Article 2 – point e

Text proposed by the Commission

"The *scope* of public service obligations *shall exclude all public transport services that go beyond of what is necessary to reap local, regional or sub-national network effects.*

Amendment

The *definition* of public service obligations *may in some cases make it possible to reap network effects at a particular geographical level or to optimise the costs incurred in meeting these obligations.*

Or. fr

Justification

Taking into account network effects must permit the competent authorities to enhance synergies at the stated geographical level. However, in accordance with the subsidiarity principle, it should not be mandatory to take network effects into account.

Amendment 136

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No 1370/2007

Article 2 – point e

Text proposed by the Commission

(e) The scope of public service obligations *shall exclude all public transport services that go beyond of what is necessary to reap*

Amendment

(e) The scope of public service obligations *may in particular cover services which the competent authorities regard as necessary*

local, regional or sub-national network effects.

to reap local, regional or sub-national network effects; ***in that connection the authorities shall bear in mind that services which do and do not break even may be combined.***

Or. de

Justification

It should be for the competent authority to specify the scope and nature of public service obligations.

Amendment 137

Dominique Vlasto, Michel Dantin, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No. 1370/2007

Article 2 – point e

Text proposed by the Commission

"The scope of public service obligations shall exclude all public transport services that go beyond of what is necessary to reap local, regional or sub-national network effects.

Amendment

"The scope of public service obligations shall exclude all public transport services that go beyond of what is necessary to reap local, regional or sub-national network effects. ***Commercially viable lines may be included in public service contracts where such inclusion generates a network effect, making it possible to preserve the economic balance of public service contracts.***

Or. fr

Amendment 138

Joachim Zeller, Dieter-Lebrecht Koch

Proposal for a regulation

Article 1 – point 1 – point b

Regulation (EC) No 1370/2007

Article 2 – point e

Text proposed by the Commission

(e) The scope of public service obligations

Amendment

(e) The scope of public service obligations

shall **exclude** all public transport services **that go beyond of what is necessary to reap** local, regional or sub-national network effects.

shall **include** all public transport services **which create** local, regional or sub-national network effects; **such network effects may arise from the merger of profitable with unprofitable routes.**

Or. de

Justification

If a regional rail route breaks even or makes a profit, it must be possible under a public service contract for it to be merged with loss-making routes, so that the profits from the former contribute to funding the latter, and in order, where necessary, to optimise technical resources needed for operational purposes.

Amendment 139 **Isabelle Durant**

Proposal for a regulation

Article 1 – point 1 – point b a (new)

Regulation (EC) No. 1370/2007

Article 2 – point i

Text proposed by the Commission

Amendment

(ba) Point (i) of Article 2 is replaced by the following:

"(i) 'public service contract' means one or more legally binding acts confirming the agreement between a competent authority and a public service operator to entrust to that public service operator the management and operation of public passenger transport services subject to public service obligations; depending on the law of the Member State, the contract may take the form of a management service contract passed between the competent authority and an established management service company or ad hoc team, following a competitive award procedure; it may also consist of a decision adopted by the competent authority:

—taking the form of an individual

legislative or regulatory act, or
—containing conditions under which the
competent authority itself provides the
services or entrusts the

Or. en

Justification

The aim of this amendment is to specify that the introduction of competition in passenger transport can also be based on the competitive award of a management service contract, specifically covering the activities and performances of an RU's management team, with no need, therefore, to fragment the company and replace it with one or more new operators.

Amendment 140

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 1 – point b a (new)

Regulation (EC) No. 1370/2007

Article 2 – point i

Text proposed by the Commission

Amendment

(ba) Point (i) second indent of Article 2 is complemented by the following:

“For public passenger rail transport, the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.”

Or. fr

Justification

The proposed addition has been moved from Article 2a(6)(b), and seeks to improve the clarity of the text while keeping it concise.

Amendment 141

Bogusław Liberadzki

Proposal for a regulation
Article 1 – point 1 – point b b (new)
Regulation (EC) No. 1370/2007
Article 2 – point n (new)

Text proposed by the Commission

Amendment

(bb) The following point is inserted:
(n) "Network effects" arise through the integration of transport services which makes public transport more attractive for the passenger and more efficient for the public transport sector. Network effects can be generated at various levels such as geographical-, train schedule- or tariff wise.

Or. en

Justification

The word "network effects" should be defined in Article 2, point (n)

Amendment 142
Gilles Pargneaux
Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) - Title

Text proposed by the Commission

Amendment

Public transport plans ***and public service obligations***

Public transport plans

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 143
Karim Zéribi
Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – Title

Text proposed by the Commission

Amendment

Public transport plans and public service obligations

Shared multimodal public transport plans and public service obligations

Or. fr

Justification

In view of the amendments made to this part of the regulation, the plans should be renamed to take account of the multi-modal aspect and the participatory approach to the production of these plans.

Amendment 144
Gilles Pargneaux
Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the **territory** for which they are responsible. These public transport plans shall define the objectives of public transport policy **and the means to implement them covering all relevant transport modes for the territory for which they are responsible**. They shall **at least include**:

1. Competent authorities shall establish and regularly update **indicative** public passenger transport plans covering all relevant transport modes for the **services** for which they are responsible. These public transport plans shall define the objectives of public transport policy. They shall **describe**:

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the

Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 145
Oldřich Vlasák

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

Amendment

1. Competent authorities shall establish and regularly update **multiannual** public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

Or. en

Justification

In order to preserve legal certainty, the public passenger transport plans should not be changed yearly.

Amendment 146
Brian Simpson

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish and regularly update public passenger transport

Amendment

1. Competent authorities shall establish and regularly update public passenger transport

plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. ***These plans can consist of existing information on public transport plans in the public domain.*** They shall at least include:

Or. en

Justification

If the information required under the public transport plans already exists and is in the public domain there is no reason for the competent authorities to produce a separate document.

Amendment 147

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

Amendment

1. Agglomerations with more than 200 000 inhabitants must have a transport plan. The competent authorities shall draw up public passenger transport plans and update them as necessary. If interregional services are involved, the transport plans shall be adopted accordingly. These public transport plans shall define the objectives of public transport policy.

Or. de

Justification

The objectives of networking existing services, establishing hubs and introducing regular services whilst meeting high quality standards is at odds with the emphasis on tailored solutions as part of local transport plans. These objectives only make sense if introduced on a broader scale. What is more, they should not be adapted constantly, but rather only when necessary, in order to make a sustainable transport concept possible. Smaller areas have no bearing on the internal market.

Amendment 148

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. ***They shall at least include:***

Amendment

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible.

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 149

Isabelle Durant

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

Amendment

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans ***may compile and, where appropriate, complete and update chapters or elements of already existing plans, such as the Sustainable Urban Mobility Plans, where these are relevant.*** They shall define the objectives of public transport policy and the means ***envisaged*** to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

Or. en

Justification

The aim of this amendment is to avoid the duplication of any already existing relevant material by specifying that these can be integrated in the envisaged "public passenger transport plans".

Amendment 150

Bogdan Kazimierz Marcinkiewicz, Artur Zasada

Proposal for a regulation

Article 1 – – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish and regularly update public passenger transport plans ***covering all relevant transport modes*** for the territory for which they are responsible. These public transport plans

Amendment

1. Competent authorities shall establish and regularly update public passenger transport plans for the territory for which they are responsible. These public transport plans shall define the objectives of public

shall define the objectives of public transport policy and the means to implement them **covering all relevant transport modes** for the territory for which they are responsible. They shall at least include:

transport policy and the means to implement them for the territory for which they are responsible. They shall at least include:

Or. pl

Justification

The proposals set out in Article 2(a)(1) of the proposal for a regulation could raise concerns owing to the very wide scope foreseen for them. Drafting such detailed transport plans could generate costs for the relevant agencies that outweigh the benefits.

Amendment 151

Karim Zéribi

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish **and** regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the **objectives** of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. **They** shall at least include:

Amendment

1. Competent authorities shall establish, regularly update **and publish shared multimodal** public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the **main characteristics of their** public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. **The shared multimodal public transport plans** shall at least include:

Or. fr

Justification

In view of the amendments made to this part of the regulation, the plans should be renamed to take account of the multi-modal aspect and the participatory approach to the production of these plans.

Amendment 152
Sabine Wils, Jacky Hénin

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

Amendment

1. Competent authorities shall establish and regularly update **multiannual** public passenger transport plans covering all relevant transport modes for the territory for which they are responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

Or. en

Justification

When establishing public passenger transport plans it's worthwhile adopting a multiannual approach in order to ensure stability and consistency with the multiannual duration of public transport service contracts as foreseen in Directive 2012/34 to be undertaken by the competent authorities at national and regional level with the corresponding rail service operators and infrastructure managers.

Amendment 153

Joachim Zeller

Proposal for a regulation

Article 1 – – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are

Amendment

1. Competent authorities shall establish and regularly update public passenger transport plans covering all relevant transport modes for the territory for which they are

responsible. These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

responsible. ***These requirements shall apply only to agglomerations with over 100 000 inhabitants.*** These public transport plans shall define the objectives of public transport policy and the means to implement them covering all relevant transport modes for the territory for which they are responsible. They shall at least include:

Or. de

Amendment 154

Jörg Leichtfried

Proposal for a regulation

Article 1 — point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the structure of the network or routes; ***deleted***

Or. de

Amendment 155

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

the structure of the network or routes; ***deleted***

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public

transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 156

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) basic requirements to be fulfilled by public transport offer such as accessibility, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as times of operation, frequency of services and minimum degree of capacity utilisation; *deleted*

Or. de

Amendment 157

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

basic requirements to be fulfilled by public transport offer such as accessibility, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as times of operation, frequency of services and minimum degree of capacity utilisation; *deleted*

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 158

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

basic requirements to be fulfilled by public transport offer *such as accessibility, territorial connectivity, security*, modal and intermodal interconnections at main connecting hubs, *offer characteristics such as times of operation*, frequency of services *and minimum degree of capacity utilisation*;

Amendment

basic requirements to be fulfilled by public transport offer *inter alia* modal and intermodal interconnections at main connecting hubs *and* frequency of services;

Or. en

Justification

Transport plans in such a detailed way lead to more bureaucracy and hence increasing costs!

Amendment 159

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

basic requirements to be fulfilled by

Amendment

(b) the main characteristics of public

public transport offer *such as accessibility, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as times of operation, frequency of services and minimum degree of capacity utilisation*;

transport offer;

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 160

Bogdan Kazimierz Marcinkiewicz, Artur Zasada

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

basic requirements to be fulfilled by public transport offer *such as accessibility, territorial connectivity, security, modal and intermodal interconnections* at main connecting hubs, *offer characteristics such as times of operation, frequency of services and minimum degree of capacity utilisation*;

Amendment

(b) basic requirements to be fulfilled by public transport offer, *including in respect of modal and intermodal connections* at main connecting hubs;

Or. pl

Amendment 161

Ádám Kósa, Dieter-Lebrecht Koch, Rosa Estaràs Ferragut, Thomas Ulmer

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

basic requirements to be fulfilled by public transport offer such as accessibility, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as times of operation, frequency of services and minimum degree of capacity utilisation;

Amendment

basic requirements to be fulfilled by public transport offer such as accessibility **for persons with disabilities**, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as times of operation, frequency of services and minimum degree of capacity utilisation;

Or. en

Amendment 162

Karim Zérubi

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

basic requirements to be fulfilled by public transport offer such as accessibility, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as **times of** operation, frequency of services **and minimum degree of capacity utilisation**;

Amendment

basic requirements to be fulfilled by public transport offer such as accessibility, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as **timetabling principles for** operation **and** frequency of services;

Or. fr

Justification

Public transport plans are a global framework and as such cannot replace the specification drawn up by the competent authorities. The specification must guarantee a degree of flexibility and scope for adjustment taking into account the essential requirements of the tender and an environmental and social dimension devised with stakeholders.

Amendment 163

Joachim Zeller

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) basic requirements to be fulfilled by public transport offer such as accessibility, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as *times of operation*, frequency of services *and minimum degree of capacity utilisation*;

(b) basic requirements to be fulfilled by public transport offer such as accessibility, territorial connectivity, security, modal and intermodal interconnections at main connecting hubs, offer characteristics such as *timetabling principles and* frequency of services;

Or. de

Amendment 164

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *quality standards related to items such as equipment features of stops and of rolling stock, punctuality and reliability, cleanliness, customer service and information, complaint handling and redress, monitoring of service quality*;

deleted

Or. de

Amendment 165

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

quality standards related to items such as equipment features of stops and of rolling stock, punctuality and reliability, cleanliness, customer service and information, complaint handling and redress, monitoring of service quality; ***deleted***

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 166
Sabine Wils, Jacky Hénin

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

quality standards related to items such as equipment features of stops and of rolling stock, punctuality and reliability, cleanliness, customer service and information, complaint handling and redress, monitoring of service quality; ***deleted***

Or. en

Justification

Such a detail of performance is to be included in the corresponding public service contract while the transport plans should identify priority in investment and development of the multimodal network as the Regulation (EC) No. 1370/2007 is addressed to all modes of

transport.

Amendment 167

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

quality standards related to items such as equipment features of ***stops and of*** rolling stock, punctuality ***and*** reliability, ***cleanliness***, customer service and information, ***complaint handling and redress, monitoring of service quality***;

Amendment

quality standards related to items such as equipment features of rolling stock, punctuality, reliability ***and*** customer service and information;

Or. en

Justification

Transport plans in such a detailed way lead to more bureaucracy and hence increasing costs!

Amendment 168

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

quality standards related to items such as equipment features of stops and of rolling stock, punctuality and reliability, cleanliness, customer service and information, complaint handling and redress, monitoring of service quality;

Amendment

(c) the list of criteria for the quality of the services on offer; these criteria shall be monitored on a regular basis and the findings published in the report referred to in Article 7;

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 169

Karim Zéribi

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

quality standards related to items such as equipment features of stops and of rolling stock, punctuality and reliability, cleanliness, **customer service and information, complaint handling and redress, monitoring of service quality;**

Amendment

quality standards related to items such as equipment features of stops and of rolling stock, **keeping customers informed when problems arise and public address announcements;**

Or. fr

Justification

Public transport plans are a global framework and as such cannot replace the specification drawn up by the competent authorities. The specification must guarantee a degree of flexibility and scope for adjustment taking into account the essential requirements of the tender and an environmental and social dimension devised with stakeholders.

Amendment 170

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

operational requirements such as transport of bicycles, traffic management, contingency plan in case of disturbances.

Amendment

deleted

Justification

Transport plans in such a detailed way lead to more bureaucracy and hence increasing costs!

Amendment 171

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

principles of tariff policy;

deleted

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 172

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) principles of tariff policy;

deleted

Or. de

Amendment 173

Sabine Wils

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

principles of tariff policy;

deleted

Or. en

Justification

Such a detail of performance is to be included in the corresponding public service contract while the transport plans should identify priority in investment and development of the multimodal network as the Regulation (EC) No. 1370/2007 is addressed to all modes of transport.

Amendment 174

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

principles of tariff policy;

deleted

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 175

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

principles of tariff policy;

Amendment

principles of tariff policy ***such as social tariffs.***

Or. en

Amendment 176

Georges Bach

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) applicable rules for passenger rights;

Or. fr

Amendment 177

Silvia-Adriana Țicău

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point d a (new))

Text proposed by the Commission

Amendment

applicable rules regarding passenger rights, social and employment conditions and environmental protection;

Or. ro

Amendment 178

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) operational requirements such as transport of bicycles, traffic management, contingency plan in case of disturbances. ***deleted***

Or. de

Amendment 179

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2a (new) – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

operational requirements such as transport of bicycles, traffic management, contingency plan in case of disturbances. ***deleted***

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 180

Sabine Wils, Jacky Hénin

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

***operational requirements such as
transport of bicycles, traffic management,
contingency plan in case of disturbances.*** ***deleted***

Or. en

Justification

Such a detail of performance is to be included in the corresponding public service contract while the transport plans should identify priority in investment and development of the multimodal network as the Regulation (EC) No. 1370/2007 is addressed to all modes of transport.

Amendment 181

Bogdan Kazimierz Marcinkiewicz, Artur Zasada

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 - subparagraph 1 – point e

Text proposed by the Commission

Amendment

operational requirements ***such as*** ***other*** operational requirements
***transport of bicycles, traffic management,
contingency plan in case of disturbances.***

Or. pl

Justification

The proposals set out in Article 2(a)(1) of the proposal for a regulation could raise concerns owing to the very wide scope foreseen for them. Drafting such detailed transport plans could generate costs for the relevant agencies that outweigh the benefits. It should also be noted that, in accordance with the proposal for a regulation, transport plans would be expanded to take in all major forms of transport.

Amendment 182

Karim Zéribi

Proposal for a regulation

Article 1 – point 2

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Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 1 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) applicable rules regarding passenger rights, social, employment and environmental protection.

Or. fr

Justification

To be consistent and for clarity, subparagraph 2 of Article 2a(1) of the Commission's proposal is inserted here.

Amendment 183

Philippe De Backer, Ramon Tremosa i Balcells, Giommaria Uggias

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) a framework that establishes a minimum level of services during public transport strikes

Or. en

Amendment 184

Joachim Zeller, Dieter-Lebrecht Koch

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the requirements of social and territorial cohesion;

Amendment 185
Jacqueline Foster, Phil Bennion

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding passenger rights, social, employment and environmental protection. ***deleted***

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 186
Karim Zéribi
Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding passenger rights, social, employment and environmental protection. ***deleted***

Justification

To be consistent, this subparagraph needs to be inserted at Article 2a(1)(f).

Amendment 187

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 2

Text proposed by the Commission

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding passenger rights, social, employment and environmental protection.

Amendment

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding passenger rights, social, **mandatory modal shift targets**, employment and environmental protection. ***This includes the mandatory transfer of staff.***

Justification

Mandatory modal shift targets shall enhance sustainable mobility solutions. The social dimension is of crucial importance for a reliable, safe and attractive public transport. Not only for passengers but also for staff.

Amendment 188

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 2

Text proposed by the Commission

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding

Amendment

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding

passenger rights, **social**, employment and environmental protection.

passenger rights, employment, and environmental protection **and social protection**.

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 189
Saïd El Khadraoui

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 1 – subparagraph 2

Text proposed by the Commission

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding passenger rights, social, **employment** and environmental protection.

Amendment

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding passenger rights, social **standards and employment conditions, including the applicable representative collective agreements**, and environmental protection.

Or. en

Amendment 190
Sabine Wils, Jacky Hénin

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 1 – subparagraph 2

Text proposed by the Commission

In establishing public transport plans,

Amendment

In establishing public transport plans,

competent authorities shall have regard in particular to applicable rules regarding passenger rights, social, employment and environmental protection.

competent authorities shall have regard in particular to applicable rules regarding passenger rights **as provided by Regulation (EC) 1371/2007**, social, employment and environmental protection **by consulting the relevant stakeholders and social partners. It shall also take into account the applicable rules regarding energy efficiency and CO2 reduction targets. Environmental reliability, sustainability and internalisation of external costs shall also be considered in establishing public transport plans.**

Or. en

Justification

Intermodal integration is needed between rail and other modes, by taking into account also environmental sustainability and the need of internalizing external costs in all the concerned modes of transport. Concerning passenger rights, as each mode of transport has its specific passenger rights regulation, while for rail the applicable rules are to be found in Regulation (EC) 1371/2007.

Amendment 191

Joachim Zeller, Dieter-Lebrecht Koch

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 2

Text proposed by the Commission

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding passenger rights, social, employment and environmental protection.

Amendment

In establishing public transport plans, competent authorities shall have regard in particular to applicable rules regarding passenger rights, social, employment and environmental protection. ***The public transport plans shall be submitted to the regulatory body for its opinion one month before their publication. The competent authorities shall work together to coordinate the information in their respective transport plans and shall set up common transport plans for regional***

cross-border services;

Or. de

Amendment 192
Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 3

Text proposed by the Commission

The competent authorities shall adopt the public transport plans after consultation of relevant stakeholders and publish them. For the purpose of this Regulation, relevant stakeholders to be taken into consideration are at least transport operators, infrastructure managers *if appropriate, and representative passenger* and employee organisations.

Amendment

The competent authorities shall adopt the public transport plans after consultation of relevant stakeholders and publish them. For the purpose of this Regulation, relevant stakeholders to be taken into consideration are at least transport operators, infrastructure managers, *representatives of passengers* and employee organisations.

Or. en

Justification

Transport operators are as important as infrastructure managers, therefore the word "if appropriate" has to be deleted.

Amendment 193
Gilles Pargneaux
Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 3

Text proposed by the Commission

The competent authorities *shall adopt* the *public* transport plans *after consultation of relevant stakeholders and* publish *them*. For the purpose of this Regulation, relevant

Amendment

The competent authorities *should consult interested parties prior to adoption of* the transport plans *they* publish. For the purpose of this Regulation, relevant

stakeholders to be taken into consideration are *at least* transport operators, infrastructure managers if appropriate, and representative passenger and employee organisations.

stakeholders to be taken into consideration are, *in particular*, transport operators, infrastructure managers if appropriate, and representative passenger and employee organisations.

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 194

Karim Zéribi

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 3

Text proposed by the Commission

The competent authorities shall adopt the public transport plans after consultation of relevant stakeholders and publish them. For the purpose of this Regulation, relevant stakeholders to be taken into consideration are at least transport operators, infrastructure managers *if appropriate*, and representative passenger and employee organisations.

Amendment

The competent authorities shall adopt the public transport plans after consultation of relevant stakeholders and publish them. For the purpose of this Regulation, relevant stakeholders to be taken into consideration are at least transport operators, infrastructure managers, and representative passenger and employee organisations.

Or. fr

Amendment 195

Marita Ulvskog

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 3

Text proposed by the Commission

The competent authorities shall adopt the public transport plans after consultation of relevant stakeholders and publish them. For the purpose of this Regulation, relevant stakeholders to be taken into consideration are at least transport operators, infrastructure managers if appropriate, and **representative** passenger and employee organisations.

Amendment

The competent authorities shall adopt the public transport plans after consultation of relevant stakeholders and publish them. For the purpose of this Regulation, relevant stakeholders to be taken into consideration are at least transport operators, infrastructure managers if appropriate, and passenger and employee organisations.- {}-

Or. sv

Amendment 196

Joachim Zeller, Dieter-Lebrecht Koch

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 1 – subparagraph 3

Text proposed by the Commission

The competent authorities shall adopt the public transport plans after consultation of relevant stakeholders and publish them. For the purpose of this Regulation, relevant stakeholders to be taken into consideration are at least transport operators, infrastructure managers if appropriate, and representative passenger and employee organisations.

Amendment

The competent authorities shall adopt the public transport plans after consultation of relevant stakeholders and publish them. For the purpose of this Regulation, relevant stakeholders to be taken into consideration are at least transport operators, infrastructure managers if appropriate, and representative passenger and employee organisations. ***The existing public service providers shall be required, on request, to provide the competent authorities, including those of a neighbouring state, with the necessary information within one month.***

Or. de

Justification

For public transport, precise data are needed concerning the development of the markets for the individual modes of transport. Market participants have access to the most important sources of information and must share this information with the relevant authorities.

Amendment 197
Gilles Pargneaux
Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 2

Text proposed by the Commission

Amendment

The establishment of public service obligations and the award of public service contracts shall be consistent with the applicable public transport plans.

deleted

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 198
Karim Zéribi
Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 2

Text proposed by the Commission

Amendment

The establishment of public service obligations and the award of public service contracts shall be consistent with the applicable public transport plans.

The establishment of public service obligations and the award of public service contracts shall be consistent with the applicable public transport plans, ***i.e. they shall determine the means to be employed in order to accomplish the objectives of the public transport plan.***

Or. fr

Justification

Necessary clarification of the term ‘appropriate’.

Amendment 199
Sabine Wils, Jacky Hénin

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 2

Text proposed by the Commission

2. The establishment of public service obligations **and the award** of public service contracts shall be consistent with the applicable public transport plans.

Amendment

2. The establishment of public service obligations **to be included in the schemes** of public service contracts shall be consistent with the applicable public transport plans **taking into account, when referring to rail transport, the transport services provided under Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and considering all information given to the infrastructure managers and regulatory bodies pursuant to that Directive.**

Or. en

Justification

It's necessary to ensure consistency, regarding rail services, to the concerned provisions established in Directive 2012/34.

Amendment 200

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a new) – paragraph 3

Text proposed by the Commission

3. The specifications of public service obligations for public passenger transport and the scope of their application shall be established as follows:

Amendment

deleted

- (a) they shall be defined in accordance with Article 2 (e);*
- (b) they shall be appropriate to achieve the objectives of the public transport plan;*
- (c) they shall not exceed what is necessary and proportionate to achieve the objectives of the public transport plan.*

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans.

For public passenger transport by rail the assessment of necessity and proportionality referred to in point (c) shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 201
Liisa Jaakonsaari

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 3

Text proposed by the Commission

Amendment

3. The specifications of public service obligations for public passenger transport and the scope of their application shall be established as follows: *deleted*

(a) they shall be defined in accordance with Article 2 (e);

(b) they shall be appropriate to achieve the objectives of the public transport plan;

(c) they shall not exceed what is necessary and proportionate to achieve the objectives of the public transport plan.

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans.

For public passenger transport by rail the assessment of necessity and proportionality referred to in point (c) shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

Or. en

Amendment 202
Sabine Wils, Jacky Hénin

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 3

3. The specifications of public service obligations for public passenger transport and the scope of their application shall be established as follows: *deleted*

(a) they shall be defined in accordance with Article 2 (e);

(b) they shall be appropriate to achieve the objectives of the public transport plan;

(c) they shall not exceed what is necessary and proportionate to achieve the objectives of the public transport plan.

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans.

For public passenger transport by rail the assessment of necessity and proportionality referred to in point (c) shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

Or. en

Justification

Reference to consistency, regarding rail services, with the concerned provisions established in Directive 2012/34 is already recalled in the previous paragraph whilst too rigid detailed PSO will be counterproductive for competent authorities in delivering effective public service contracts.

Amendment 203
Sirpa Pietikäinen

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 3

Text proposed by the Commission

Amendment

3. The specifications of public service obligations for public passenger transport and the scope of their application shall be established as follows:

deleted

(a) they shall be defined in accordance with Article 2 (e);

(b) they shall be appropriate to achieve the objectives of the public transport plan;

(c) they shall not exceed what is necessary and proportionate to achieve the objectives of the public transport plan.

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans.

For public passenger transport by rail the assessment of necessity and proportionality referred to in point (c) shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

Or. en

Amendment 204
Sari Essayah, Hannu Takkula

Proposal for a regulation
Article 1 – point 2
Regulation (EC) 1370/2007
Article 2 a (new) – paragraph 3

Text proposed by the Commission

Amendment

3. The specifications of public service obligations for public passenger transport and the scope of their application shall be established as follows:

deleted

(a) they shall be defined in accordance with Article 2 (e);

(b) they shall be appropriate to achieve the objectives of the public transport plan;

(c) they shall not exceed what is necessary and proportionate to achieve the objectives of the public transport plan.

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans.

For public passenger transport by rail the assessment of necessity and proportionality referred to in point (c) shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

Or. en

Justification

In order to keep the necessary flexibility one should avoid too narrow specifications.

Amendment 205

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The specifications of public service obligations for public passenger transport and the scope of their application shall be established as follows:

deleted

(a) they shall be defined in accordance with Article 2 (e);

(b) they shall be appropriate to achieve the objectives of the public transport plan;

(c) they shall not exceed what is necessary and proportionate to achieve the objectives of the public transport plan.

Or. de

Justification

Identifying ways of achieving public transport objectives should remain a matter for the Member State concerned and an aspect of regional policy. The Commission should not interfere in areas which can be dealt with more effectively at local level.

Amendment 206

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The specifications of public service obligations for public passenger transport

The competent authorities shall have a broad measure of discretion to set the

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and the scope of their application *shall be established as follows*:

(a) they shall be defined in accordance with Article 2 (e);

(b) they shall be appropriate to achieve the objectives of the public transport plan;

(c) they shall not exceed what is necessary and proportionate to achieve the objectives of the public transport plan.

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans.

specifications of public service obligations for public passenger transport and the scope of their application.

Or. de

Justification

The nature of public service obligations, which is specified by the Member States in the context of their responsibility to provide services of general interest (Article 14 TFEU, Protocol No 26 to the Lisbon Treaty), must not be restricted or made subject to 'scrutiny'. Requirements concerning proportionality or appropriateness should therefore be rejected. The first part of paragraph 3 of the proposed new Article 2a should be replaced by the wording proposed in this amendment. This emphasises the fact that the nature of public service obligations is specified by the Member States in the context of their responsibility to provide services of general interest (Article 14 TFEU, Protocol No 26 to the Lisbon Treaty).

Amendment 207

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

they shall be defined in accordance with Article 2 (e);

Amendment

they shall be defined in accordance with Article 2a (1);

Amendment 208

Karim Zéribi

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

they shall be appropriate to achieve the objectives of the public transport plan;

deleted

Or. fr

Justification

The explanation regarding appropriateness was already included in Article 2a(2), so it can be deleted here.

Amendment 209

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) they shall deliver public services that ensure that all citizens can participate in socio-economical activities.

Or. en

Amendment 210

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans. ***deleted***

Or. de

Justification

Identifying ways of achieving public transport objectives should remain a matter for the Member State concerned and an aspect of regional policy. The Commission should not interfere in areas which can be dealt with more effectively at local level.

Amendment 211
Jacqueline Foster, Phil Bennion

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new)– paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans. ***deleted***

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 212

Michel Dantin, Dominique Vlasto, Marie-Thérèse Sanchez-Schmid

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 2

Text proposed by the Commission

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans.

Amendment

The assessment of appropriateness referred to in point (b) shall take into account whether a public intervention in the provision of passenger transport is a suitable means of achieving the objectives of the public transport plans ***and the network effect necessary for economic equilibrium in the public service obligation.***

Or. fr

Amendment 213

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 3

Text proposed by the Commission

For public passenger transport by rail the assessment of necessity and proportionality referred to in point (c) shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

Amendment

deleted

Or. de

Justification

Identifying ways of achieving public transport objectives should remain a matter for the Member State concerned and an aspect of regional policy. The Commission should not interfere in areas which can be dealt with more effectively at local level.

Amendment 214

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

For public passenger transport by rail the assessment of necessity and proportionality referred to in point (c) shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

deleted

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 215

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007
Article 2 a (new) – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

For public passenger transport by rail the assessment of necessity and proportionality referred to in point (c) shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

Public passenger transport by rail shall take into account the transport services provided under Article 10(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) and consider all information given to the infrastructure managers and regulatory bodies pursuant to the first sentence of Article 38(4) of that Directive.

Or. de

Amendment 216
Gilles Pargneaux
Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraphe 4

Text proposed by the Commission

Amendment

4. The specifications of public service obligations and the related compensation of the net financial effect of public service obligations shall:

deleted

(a) achieve the objectives of the public transport plan in the most cost-effective manner;

(b) financially sustain the provision of public passenger transport in accordance to the requirements laid down in the public transport plan in the long term.

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 217

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 4

Text proposed by the Commission

Amendment

4. The specifications of public service obligations and the related compensation of the net financial effect of public service obligations shall:

deleted

(a) achieve the objectives of the public transport plan in the most cost-effective manner;

(b) financially sustain the provision of public passenger transport in accordance to the requirements laid down in the public transport plan in the long term.

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 218

Bernadette Vergnaud

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The specifications of public service obligations and the related compensation of the net financial effect of public service obligations shall:

The specifications of public service obligations and the related compensation of the net financial effect of public service obligations shall ***achieve the objectives of the public transport plan in the most cost-effective manner and financially sustain the provision of good quality public passenger transport in the long term.***

Or. fr

Justification

Clarification of the definition.

Amendment 219
Bogdan Kazimierz Marcinkiewicz, Artur Zasada

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The specifications of public service obligations and the related compensation of the net financial effect of public service obligations shall:

"The specifications of public service obligations and the related compensation of the net financial effect of public service obligations shall ***achieve the objectives of the public transport plan in the most cost effective manner, avoid over- and under-compensation and financially sustain the provision of public passenger transports in long term.*** "

Or. en

Amendment 220
Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

*achieve the objectives of the public
transport plan in the most cost-effective
manner;*

deleted

Or. en

Amendment 221

Bernadette Vergnaud

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraphe 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

*achieve the objectives of the public
transport plan in the most cost-effective
manner;*

deleted

Or. fr

Amendment 222

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

achieve the objectives of the public
transport plan in the most cost-effective
manner;

achieve the objectives of the public
transport plan in the most cost-effective
manner *while ensuring that quality
aspects have been taken into account
ensuring a quality based public service
contract.*

Justification

Often, the cheapest bidder is awarded with a PSO-contract whereas quality issues are often secondary for the decision making process of the public transport authority whom to award.

Amendment 223

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) achieve the objectives of the public transport plan in ***the most cost-effective*** manner;

(a) achieve the objectives of the public transport plan in ***an economically balanced and environmentally and socially sustainable*** manner;

Or. de

Justification

The criterion of cost-effectiveness may be employed only if due account is also taken of social and environmental aspects which make for socially sustainable operations. In the area of services of general interest, a purely commercial approach must always take second place to one which considers the economy as a whole.

Amendment 224

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

financially sustain the provision of public passenger transport in accordance to the requirements laid down in the public transport plan in the long term.

deleted

Amendment 225

Bernadette Vergnaud

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

<i>financially sustain the provision of public passenger transport in accordance to the requirements laid down in the public transport plan in the long term.</i>	<i>deleted</i>
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Or. fr

Amendment 226

Sabine Wils, Jacky Hénin

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

financially sustain the provision of public passenger transport in *accordance to the requirements laid down in the public transport plan in the long term.*

financially sustain the provision of public passenger transport in *the long term avoiding both over and/or under compensation.*

Or. en

Justification

In order to provide public services of good quality and to safeguard the respect of the contracts agreed between competent authorities and service providers it is necessary to ensure that both over- and under compensation are explicitly prevented.

Amendment 227

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) prevent social exclusion of groups of the citizens due to their limited access to public transport and hence mobility.

Or. en

Amendment 228

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 4

Text proposed by the Commission

Amendment

The specifications of public service obligations and the related compensation of the net financial effect of public service obligations shall:

The specifications of public service obligations and the related compensation of the net financial effect of public service obligations shall ***be designed to*** achieve the objectives of the public transport plan in ***a*** cost-effective manner ***and*** financially sustain the provision of public passenger transport in the long term.

(a) achieve the objectives of the public transport plan in ***the most*** cost-effective manner;

(b) financially sustain the provision of public passenger transport in accordance to the requirements laid down in the public transport plan in the long term.

Or. de

Justification

Die neue Formulierung des Paragraphen 4 soll im Vergleich zum Kommissionsvorschlag zu

mehr Rechtssicherheit beitragen. Sie verdeutlicht, dass die Behörde dafür Sorge trägt, wie die Planungen auf kostenwirksamste Weise verwirklicht werden und dass dabei unterschiedliche Ausschreibungsverfahren zum Tragen kommen können. Eine Inhaltskontrolle und die Bestimmung eines „zulässigen“ Niveaus der Daseinsvorsorge auf europäischer Ebene sind abzulehnen. Es obliegt den Mitgliedstaaten, den Inhalt gemeinwirtschaftlicher Verpflichtungen und damit den Umfang der Daseinsvorsorge festzulegen.

Amendment 229

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 5

Text proposed by the Commission

Amendment

When preparing the specifications, the competent authority shall set out the draft specifications of public service obligations and their scope, the basic steps of the assessment of their compliance with the requirements laid down in paragraphs 2, 3 and 4, and the results of the assessment.

deleted

The competent authority shall in an appropriate manner consult relevant stakeholders such as a minimum, transport operators, infrastructure managers if appropriate and representative passenger and employee organisations on these specifications and take their positions into consideration.

Or. fr

Justification

The procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 230

Jacqueline Foster, Phil Bennion

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 5

Text proposed by the Commission

Amendment

When preparing the specifications, the competent authority shall set out the draft specifications of public service obligations and their scope, the basic steps of the assessment of their compliance with the requirements laid down in paragraphs 2, 3 and 4, and the results of the assessment.

deleted

The competent authority shall in an appropriate manner consult relevant stakeholders such as a minimum, transport operators, infrastructure managers if appropriate and representative passenger and employee organisations on these specifications and take their positions into consideration.

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 231

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 5 – subparagraph 2

Text proposed by the Commission

The competent authority shall ***in an appropriate manner*** consult relevant stakeholders such as a minimum, transport operators, infrastructure managers ***if appropriate*** and representative passenger and employee organisations on these specifications and take their positions into consideration.

Amendment

The competent authority shall consult relevant stakeholders such as a minimum, transport operators, infrastructure managers and representative passenger and employee organisations on these specifications and take their positions into consideration.

Or. en

Amendment 232

Marita Ulvskog

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 5 – subparagraph 2

Text proposed by the Commission

The competent authority shall in an appropriate manner consult relevant stakeholders such as a minimum, transport operators, infrastructure managers if appropriate and ***representative*** passenger and employee organisations on these specifications and take their positions into consideration.

Amendment

The competent authority shall in an appropriate manner consult relevant stakeholders such as a minimum, transport operators, infrastructure managers if appropriate and passenger and employee organisations on these specifications and take their positions into consideration.

Or. sv

Amendment 233

Ramon Tremosa i Balcells

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 5 a (new)

Text proposed by the Commission

Amendment

By [18 months after the date of entry into

force of this Regulation] the Commission shall adopt delegated acts in accordance with Article [...] to specify the requirements of the public transport plans and the specifications of the public service obligations.

Or. en

Justification

It might be difficult to include all the detailed requirements for the establishment of transport plans and the specifications of public service obligations in the Regulation. On the other hand, these detailed provisions are important to ensure a level playing field. It is therefore suggested to empower the Commission to adopt delegated acts.

Amendment 234

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6

Text proposed by the Commission

Amendment

For public passenger transport by rail:

deleted

(a) compliance of the assessment and of the procedure set out in this Article shall be ensured by the regulatory body referred to in Art 55 of Directive 2012/34/EU including on its own initiative.

(b) the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract."

Or. fr

Justification

Moving Article 2a(6)(b) will improve the clarity of the text while keeping it concise. The

procedure, content and scope of the public transport plans as proposed by the Commission should be thoroughly reviewed. It seems essential to recast Article 2a in its entirety with a view to providing indicative planning which is not binding on public service contracts.

Amendment 235

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1370/2007

Article 2 a (new) – paragraph 6

Text proposed by the Commission

Amendment

For public passenger transport by rail: deleted

(a) compliance of the assessment and of the procedure set out in this Article shall be ensured by the regulatory body referred to in Art 55 of Directive 2012/34/EU including on its own initiative.

(b) the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract."

Or. de

Justification

As regards (a) Monitoring of compliance with the PSO Regulation should remain a matter for the authority which awards the transport service contract. As regards (b) The division of service contracts into small and very small lots is at odds with the objective of generating network effects. This fragmentation will nullify existing synergies and plans (e.g. integrated timetables).

Amendment 236

Erik Bánki

Proposal for a regulation

Article 1 – – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6

Text proposed by the Commission

Amendment

For public passenger transport by rail: *deleted*

(a) compliance of the assessment and of the procedure set out in this Article shall be ensured by the regulatory body referred to in Art 55 of Directive 2012/34/EU including on its own initiative.

(b) the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract."

Or. hu

Justification

There is no reason for having a mandatory three-part competition for public passenger transport by rail. It would, for reasons of economies of scale, be sensible to conclude public-service contracts for a volume of 70-80 million train-km in some countries, based on the existing network structure.

Amendment 237
Oldřich Vlasák

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

For public passenger transport by rail:

For public passenger transport by rail ***with the exception of other track based modes such as metro and tramways:***

Or. en

Amendment 238
Jacqueline Foster, Phil Bennion

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Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point a

Text proposed by the Commission

Amendment

compliance of the assessment and of the procedure set out in this Article shall be ensured by the regulatory body referred to in Art 55 of Directive 2012/34/EU including on its own initiative.

deleted

Or. en

Justification

The principle of mandatory public transport plans is worthwhile. But wording is unduly prescriptive and likely to create disproportionate regulatory burden on authorities. This would be particularly acute in the field of passenger rail contracts which is already regulated through existing procurement law. It is self-evident that the process for preparing public transport plans needs to be compliant with any EU new regulations: a separate external regulatory oversight process is not required.

Amendment 239

Saïd El Khadraoui

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point a

Text proposed by the Commission

Amendment

compliance of the assessment and of the procedure set out in this Article shall be ensured by the regulatory body referred to in Art 55 of Directive 2012/34/EU including on its own initiative.

compliance of the assessment and of the procedure set out in this Article shall be ensured by the regulatory body referred to in Art 55 of Directive 2012/34/EU upon request by any relevant stakeholder as referred to in Article 2a (1) last paragraph or on its own initiative.

Or. en

Amendment 240
Ramon Tremosa i Balcells

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Art 2 a (new) – paragraph 6 – point a

Text proposed by the Commission

compliance of the assessment and of the procedure set out in this Article shall be ensured by the regulatory body referred to in Art 55 of Directive 2012/34/EU including on its own initiative.

Amendment

compliance of the assessment and of the procedure set out in this Article shall be ensured by the regulatory body referred to in Art 55 of Directive 2012/34/EU **upon request by any relevant stakeholder as referred to in Article 2a (1) last paragraph or** including on its own initiative.

Or. en

Justification

The regulatory body shall have the power to assess compliance of the definition of public service obligations upon request by relevant stakeholders such as public transport operators, infrastructure managers, as well as representative organisations of passengers and employees and on its own initiative.

Amendment 241

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

Amendment

deleted

Amendment 242

Peter van Dalen

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract."

deleted

Or. nl

Justification

This Commission proposal would worsen service provision, yet it is precisely this service, which comes under public transport plans, which is a service of public interest.

Amendment 243

Isabelle Durant

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

deleted

Or. en

Justification

Because the introduction of competition in passenger transport can resort to a wider set of methods and approaches than envisaged by the EC, including competitive service management contracts and individual mandates specifically targeting an RU's top management, there is no need to arbitrarily fragment the sector or to cap the maximum traffic volume of any of its players (with all the negative consequences in terms of network integration and switching costs), to reap the benefits of competition.

Amendment 244 **Liisa Jaakonsaari**

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

deleted

Or. en

Amendment 245

Karim Zéribi

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract."

deleted

Justification

In accordance with the subsidiarity principle, opening the market for national rail passenger transport services, as envisaged in the proposed Directive 2012/34/EU, must not lead to a standardised maximum annual volume being imposed without taking into consideration the size of the Member States. To do otherwise could result in splitting being obligatory even when it runs contrary to efficient management of the rail network.

Amendment 246

Sabine Wils, Jacky Hénin

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

deleted

Justification

Establishing such a low maximum annual volume of public service contracts is not reflecting the existing volume of rail passenger transport contracts as awarded in some Member states according to their geographical dimension and the coherence in their mobility needs.

Amendment 247

Sirpa Pietikäinen

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

deleted

Or. en

Justification

It is not possible to strike the right balance and find a figure which matches the need of all member States. An inappropriate figure will have the same negative effect as overregulation and must be avoided.

Amendment 248

Corien Wortmann-Kool

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

deleted

Or. en

Amendment 249

Sari Essayah, Hannu Takkula

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

deleted

Or. en

Justification

These figures should take into account the differences of the Member States.

Amendment 250

Dominique Riquet

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or ***one third*** of the total national public rail passenger transport volume under public service contract."

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or ***50 %*** of the total national public rail passenger transport volume under public service contract."

Or. fr

Justification

The particularities of small countries must be taken into account while still providing for the possibility of opening to competition.

Amendment 251

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either **10** million train-km or one third of the total national public rail passenger transport volume under public service contract.

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either **25** million train-km or one third of the total national public rail passenger transport volume under public service contract.

Or. en

(The experiences in Member States shows that there are generally no competitors of the incumbent operator for public service contracts of a higher volume of either 25 million train-km per year.)

Amendment 252

Petri Sarvamaa

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

the ***maximum annual*** volume of a public service contract ***in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.***"

Amendment

the volume of a public service contract ***in Member States with up to 40 million train-km per year can refer to the total national public rail passenger transport volume.***

Or. fi

Justification

Determining the volume of the service contracts should not lead to an inefficient share-out in small Member States or in thinly-populated Member States where distances are long. The structural differences between Member States should be taken into account in determining the volume of the contract.

Amendment 253

Antonio Cancian

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either **10** million train-km or one third of the total national public rail passenger transport volume under public service contract."

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either **35** million train-km or one third of the total national public rail passenger transport volume under public service contract."

Or. it

Amendment 254

Saïd El Khadraoui

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or one third of the total national public rail passenger transport volume under public service contract.

For member states with a network not larger than 100 million train-km, and not smaller than 10 million train-km, there will be at least two public service contracts of which one shall not be less than one third of the total national public rail passenger transport volume under public service contract.

Or. en

Amendment 255

David-Maria Sassoli, Franco Frigo

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either **10** million train-km or one third of the total national public rail passenger transport volume under public service contract."

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either **35** million train-km or one third of the total national public rail passenger transport volume under public service contract."

Or. it

Amendment 256

Phil Bennion, Philippe De Backer

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No. 1370/2007

Article 2 a (new) – paragraph 6 – point b

Text proposed by the Commission

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or **one** third of the total national public rail passenger transport volume under public service contract.

Amendment

the maximum annual volume of a public service contract in terms of train-km shall be the higher value of either 10 million train-km or

– one half of the total national public rail passenger transport volume under public service contract for Member states with a total volume not exceeding 100 million train-km/year

– one third of the total national public rail passenger transport volume under public service contract for Member states with a total above 100 million train-km/year and not exceeding 200 million train-km/year

– one quarter of the total national public rail passenger transport volume under

*public service contract for Member states
with a total exceeding 200 million train-
km/year*

Or. en

Justification

The maximum annual volume of a public service contract allowed should vary according to the total national public rail passenger transport volume under public service contract.

Amendment 257
Ramon Tremosa i Balcells

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No. 1370/2007
Article 2 a (new) – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the competent authority shall publish at the end of each year a list of all public service contracts that it intends to award within at least the next 10 years. The information to be published should at least contain the expected date of award, the launch of a related public tender procedure, a short description of the contract and its expected duration.

Or. en

Justification

An additional provision could require from the competent authorities a long term planning of the public service contracts. The services which are not listed in this planning will in principle be operated under commercial terms. In order to enhance transparency, this planning must be published.

Amendment 258
Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 3 – point b

Regulation (EC) No. 1370/2007

Article 4 – paragraph 1 – point b – last sentence

Text proposed by the Commission

In the case of public service contracts not awarded according to Article 5(3), these parameters shall be determined in such a way that **no compensation** payment **may exceed** the amount required to cover the net financial effect on costs incurred and revenues generated in discharging the public service obligations, taking account of revenue relating thereto kept by the public service operator and a reasonable profit;

Amendment

In the case of public service contracts not awarded according to Article 5(3), these parameters shall be determined in such a way that **neither over- nor undercompensation** payment **shall exceed or fall below** the amount required to cover the net financial effect on costs incurred and revenues generated in discharging the public service obligations, taking account of revenue relating thereto kept by the public service operator and a reasonable profit;

Or. en

Amendment 259

Karim Zérubi

Proposal for a regulation

Article 1 – point 3 – point b

Regulation (EC) No. 1370/2007

Article 4 – paragraph 1 – point b – last sentence

Text proposed by the Commission

"In the case of public service contracts not awarded according to Article 5(3), these parameters shall be determined in such a way that no compensation payment may exceed the amount required to cover the net financial effect on costs incurred and revenues generated in discharging the public service obligations, taking account of revenue relating thereto kept by the public service operator and a reasonable profit;"

Amendment

"In the case of public service contracts not awarded according to Article 5(3), these parameters shall be determined in such a way that no compensation payment may exceed **or underestimate** the amount required to cover the net financial effect on costs incurred and revenues generated in discharging the public service obligations, taking account of revenue relating thereto kept by the public service operator and a reasonable profit;"

Or. fr

Amendment 260

Karim Zéribi

Proposal for a regulation

Article 1 – point 3 – point b a (new)

Regulation (EC) No. 1370/2007

Article 4 – paragraphe 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The third sentence of paragraph 1, point (b) is modified by the following:

to prevent any overpayment or underpayment of compensation.

Or. fr

Amendment 261

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 3 – point b b (new)

Regulation (EC) No. 1370/2007

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

(bb) Paragraph 5, the first sentence is replaced by the following:

Without prejudice to national and Community law, including collective agreements between social partners, competent authorities shall require the selected public service operator to grant staff previously taken on to provide services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC.

Or. en

Amendment 262

Saïd El Khadraoui

Proposal for a regulation
Article 1 – point 3 – point b b (new)
Regulation (EC) No. 1370/2007
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

(bb) Paragraph 5 is replaced by the following:

Without prejudice to national and Community law, including representative collective agreements between social partners, competent authorities shall require the selected public service operator to grant staff previously taken on to provide services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC. Tender documents and public service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the services.

Or. en

Amendment 263
Jörg Leichtfried
Proposal for a regulation
Article 1 – point 3 – point b b (new)
Regulation (EC) No 1370/2007
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

(bb) Paragraph 5 is replaced by the following:

Without prejudice to national and Community law, including collective agreements between social partners, competent authorities may require the selected public service operator to grant workers previously taken on to provide services the rights to which they would

have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC at least for the entire period during which the service is provided and whilst guaranteeing all trade union rights. Where competent authorities require public service operators to comply with certain additional social standards, tender documents and public service contracts shall list the workers concerned and give transparent details of their contractual rights and the conditions under which they are deemed to be linked to the services.

Or. de

Justification

The Commission proposal does not amend the arrangements on the retention of the employees of bidders who lose contracts. Those arrangements should be made mandatory, however. Furthermore, a simple reference to Directive 2001/23/EC is not enough, since the one-year retention period it specifies does not reflect the situation in the area of public transport services of general interest.

Amendment 264

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 3 – point b b (new)

Regulation (EC) No 1370/2007

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

(bb) Paragraph 5 is replaced by the following:

Without prejudice to national and Community law, including collective agreements between social partners, competent authorities may require the selected public service operator to grant workers previously taken on to provide services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC at least for the entire period

during which the service is provided and whilst guaranteeing all trade union rights. Where competent authorities require public service operators to comply with certain additional social standards, tender documents and public service contracts shall list the workers concerned and give transparent details of their contractual rights and the conditions under which they are deemed to be linked to the services.

Or. de

Justification

The retention of the employees of bidders who lose contracts must be guaranteed. On that basis, the reference to a transfer within the meaning of Directive 2001/23/EC is not sufficient to take account of the situation in the area of public transport services of general interest.

Amendment 265

Marita Ulvskog

Proposal for a regulation

Article 1 – point 3 – point b b (new)

Regulation (EC) No. 1370/2007

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

(bb) Article 4(5) is amended as follows:

"Without prejudice to national and Community law, including collective agreements between social partners, competent authorities shall require the selected public service operator to grant staff previously taken on to provide services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC. Where competent authorities require public service operators to comply with certain social standards, tender documents and public service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which

employees are deemed to be linked to the services."

Or. sv

Amendment 266
Georges Bach

Proposal for a regulation
Article 1 – point 3 – point b b (new)
Regulation (EC) No. 1370/2007
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

Paragraph 5 is replaced by the following:

(bb) Without prejudice to national and Community law, including collective agreements between social partners, competent authorities shall require the selected public service operator to grant staff, previously taken on to provide services, the right to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC. Where competent authorities require public service operators to comply with certain social standards, tender documents and public service contracts, they shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the service.

Or. en

Justification

Dumping practices on the disadvantage of staff shall be excluded. A compulsory transfer of staff in the case of change of an operator is necessary in order to avoid a downgrading of working conditions.

Amendment 267
Inés Ayala Sender
Proposal for a regulation
Article 1 – point 3 – point b b (new)
Regulation (EC) No. 1370/2007
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

Paragraph 5 is replaced by the following:

(bb) Without prejudice to national and Community law, including collective agreements between social partners, competent authorities shall require the selected public service operator to grant staff previously taken on to provide services the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC. Where competent authorities require public service operators to comply with certain social standards, tender documents and public service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the services.

Or. es

Justification

The text of the current Regulation should be amended to ensure compliance with the Directive on the safeguarding of employees' rights in the event of transfers of undertakings by Member States whose laws do not provide greater protection for workers or a social pact in this area.

Amendment 268
Saïd El Khadraoui

Proposal for a regulation
Article 1 – point 3 – point c
Regulation (EC) No. 1370/2007
Article 4 – paragraph 6

Text proposed by the Commission

Where competent authorities, in accordance with national law, require public service operators to comply with **certain** quality and social standards **or** establish social and qualitative criteria, these standards and criteria shall be included in the **tender documents and in the public service contracts**.

Amendment

Competent authorities, in accordance with national law, **shall** require public service operators to comply with quality and social standards **and shall** establish social and qualitative criteria, **including the obligation of public service operators to comply with the applicable representative collective agreements and decent employment and working conditions, also in the context of a transfer of staff in accordance with paragraph 5**. These standards and criteria shall be included in the **public service contracts and, if applicable**, in the **tender documents**.

Or. en

Amendment 269

Bernadette Vergnaud

Proposal for a regulation

Article 1 – point 3 – point c

Regulation (EC) No. 1370/2007

Article 4 – paragraph 6

Text proposed by the Commission

"Where competent authorities, in accordance with national law, **require public service operators to comply with certain** quality and social standards **or establish** social and qualitative criteria, these standards and criteria **shall be included** in the tender documents and in the public service contracts."

Amendment

The competent authorities **shall**, in accordance with national law, **set the** quality and social standards, **determine appropriate** social and qualitative criteria **with a view to adopting a collective agreement at national level before 3 December 2019 and, irrespective of the award procedure, include** these standards and criteria in the tender documents and in the public service contracts.

Or. fr

Justification

Harmonisation of social provisions in the railway sector is a prerequisite for any opening up

to competition. A collective agreement that takes into account the specificities of jobs in this sector should be negotiated in each Member State. The European Union can play a role in shaping working conditions in the railways so as to prevent social dumping.

Amendment 270

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 3 – point c

Regulation (EC) No 1370/2007

Article 4 – paragraph 6

Text proposed by the Commission

Where competent authorities, in accordance with national law, **require public service operators to comply with certain** quality and social standards or **establish** social and qualitative criteria, **these standards and criteria shall be included** in the tender documents and in the public service contracts.

Amendment

The competent authorities **shall**, in accordance with national law, set **the** quality and social standards, **determine appropriate** social and qualitative criteria, **such as the obligation to retain workers employed by the previous operator on at least the same terms, and include these** in the tender documents and in the public service contracts, **regardless of the type of award procedure involved. When the award criteria are set, social and qualitative criteria must each be given a weighting of 20 %.**

Or. de

Justification

Compliance with social standards is welcome, and should be made mandatory, not merely optional. In economically difficult times the interests of workers must not be sacrificed on the altar of competition. A minimum weighting must be set for social and qualitative criteria, since otherwise there is a real risk that they will effectively be circumvented through the allocation of a very low weighting.

Amendment 271

Isabelle Durant

Proposal for a regulation

Article 1 – point 3 – point c

Regulation (EC) No. 1370/2007

Article 4 – paragraph 6

Text proposed by the Commission

Where competent authorities, in accordance with national law, require public service operators to comply with certain quality and social standards or establish social and qualitative criteria, these standards and criteria shall be included in the tender documents and in the public service contracts.

Amendment

Where competent authorities, in accordance with national law, require public service operators to comply with certain quality and social standards or establish social and qualitative criteria, these standards and criteria shall be included **or referenced** in the tender documents and in the public service contracts.

Or. en

Justification

No need to copy-paste and to print on every occasion public documents such as laws, decrees and collective labour agreements if they can easily be accessed by anyone simply knowing their exact reference.

Amendment 272
Sabine Wils, Jacky Hénin

Proposal for a regulation
Article 1 – point 3 – point c
Regulation (EC) No. 1370/2007
Article 4 – paragraph 6

Text proposed by the Commission

Where competent authorities, in accordance with national law, **require public service operators to comply with certain quality and social standards or establish social and qualitative criteria, these standards and criteria shall be included in the tender documents and in the public service contracts.**

Amendment

The competent authorities **shall**, in accordance with national law, **set quality and social standards, establish social and qualitative criteria and include them in the tender documents and in the public service contracts, regardless of the award procedure. The competent authorities have to ascertain that at the latest at the opening of the domestic railway market such social standards and compulsory rules on transfer of staff in case of change of operator are set, unless a law, regulation or a binding sector-wide collective agreement valid in the area**

where the service is performed already exists and applies for the concerned staff.

Or. en

Justification

Quality and social standard are a compulsory requirement that applies both in case of direct award and in case of a tendering procedure. Member states shall also ensure the compliance of such requirements when already established in existing law, regulation or in binding sector-wide binding agreements by all the concerned operators awarding a rail public service contract.

Amendment 273

Karim Zéribi

Proposal for a regulation

Article 1 – point 3 – point c

Regulation (EC) No. 1370/2007

Article 4 – paragraph 6

Text proposed by the Commission

Where competent authorities, in accordance with national law, require public service operators to comply with certain quality ***and*** social standards ***or establish social and qualitative criteria***, these standards ***and criteria shall*** be included in the ***tender documents and in the public service contracts.***

Amendment

The competent authorities ***shall***, in accordance with national law, require public service operators to comply with certain quality, social ***and environmental*** standards. ***Over and above national law***, these standards ***must*** be included in the public service contracts ***irrespective of how the contracts are awarded.***

Or. fr

Justification

Irrespective of which procedure is used to award a contract, the competent authority will have to include social and environmental criteria ensuring fair competition that does not lead to social dumping.

Amendment 274

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 3 – point d

Text proposed by the Commission

Competent authorities shall make available to all interested parties relevant information for the preparation of an offer under a competitive tender procedure. This shall include information on passenger demand, fares, costs and revenues related to the public passenger transport covered by the tender and details of the infrastructure specifications relevant for the operation of the required vehicles or rolling stock to enable them to draft well informed business plans. Rail infrastructure managers shall **support** competent authorities **in providing** all relevant infrastructure specifications. Non-compliance with the provisions set out above **shall be subject to the legal** review provided for in Article 5(7)."

Amendment

Whilst protecting business confidentiality, competent authorities shall make available to all interested parties relevant information for the preparation of an offer under a competitive tender procedure. This shall include information on passenger demand, fares, costs and revenues related to the public passenger transport covered by the tender and details of the infrastructure specifications relevant for the operation of the required vehicles or rolling stock to enable them to draft well informed business plans. ***They may stipulate that certain information, notably concerning passenger numbers and revenue related to the public passenger transport service, is given for information only and that interested parties draw on this information in the preparation of their tenders at their own risk.***

Public service operators awarded public service contracts shall supply the competent authorities concerned each year with information on performance of the public service contract. This shall include information on passenger demand, fares, costs and revenue related to the public passenger transport service covered by the tender, and the specifications of the vehicles or rolling stock used.

Rail infrastructure managers shall ***provide*** competent authorities ***with*** all relevant infrastructure specifications, ***within three months of this being requested. The specifications for the network concerned shall include, as a minimum, the following information as well as their development projections as established in the contract between the competent authority and the infrastructure manager provided for in Article 30(2) of Directive***

2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast):

- relevant information in the Register of Infrastructure provided for in Article 35 of Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community;

- the network's capacity and the infrastructure capacity unavailable on account of maintenance and renewal work;

- the indicative rail infrastructure development strategy.

Non-compliance with the provisions set out **in this paragraph may be subject to the review procedure** provided for in Article 5(7).

Or. fr

Justification

Les propositions ont pour but de préciser les obligations de chacun des acteurs intervenant dans la procédure de mise en concurrence. En matière de contrats de concession et dans la mesure où le risque d'exploitation relève du concessionnaire, il appartient à ce dernier de conduire ses propres études en matière de demande de transport et de prévision de recettes. Dans ces conditions, les autorités compétentes ne peuvent pas être contraintes à fournir certaines informations, tels que le nombre de voyageurs ou les recettes liés au service public de transport de voyageurs. Si elles acceptent de le faire, les informations doivent être vérifiées par les candidats, lors de la préparation de leurs offres, sous leur propre responsabilité. Les autorités compétentes ne peuvent pas être tenues de communiquer les données dont elles disposent et qui sont soumises au secret commercial.

Amendment 275

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 3 – point d

Regulation (EC) No 1370/2007

Article 4 – paragraph 8 (new)

Text proposed by the Commission

Competent authorities shall make available to all interested parties relevant information for the preparation of an offer under a competitive tender procedure. This shall include **information on** passenger demand, fares, **costs** and revenues related to the public passenger transport covered by the tender and details of the infrastructure specifications relevant for the operation of the required vehicles or rolling stock to enable them to draft well informed business plans. Rail infrastructure managers shall support competent authorities in providing all relevant infrastructure specifications. Non-compliance with the provisions set out above shall be subject to the legal review provided for in Article 5(7).

Amendment

Competent authorities shall make available to all interested parties relevant information for the preparation of an offer under a competitive tender procedure. This shall include **estimates drawn up by the authority concerning** passenger demand, fares and revenues **and information on likely costs linked to the retention of staff** related to the public passenger transport covered by the tender and details of the infrastructure specifications relevant for the operation of the required vehicles or rolling stock to enable them to draft well informed business plans. Rail infrastructure managers shall support competent authorities in providing all relevant infrastructure specifications. Non-compliance with the provisions set out above shall be subject to the legal review provided for in Article 5(7).

Or. de

Justification

A legally binding requirement to provide precise information will create additional uncertainties and, hence, problems for the competent authorities. This arrangement will also generate increased administrative costs and is, according to experts, unworkable. An arrangement involving estimates would not be binding and would be workable. It would also make it possible to safeguard business secrets.

Amendment 276
Joachim Zeller, Dieter-Lebrecht Koch
Proposal for a regulation
Article 1 – point 3 – point d
Regulation (EC) No 1370/2007
Article 4 – paragraph 8 (new)

Text proposed by the Commission

Competent authorities shall make available to all interested parties relevant information for the preparation of an offer

Amendment

Competent authorities shall make available to all interested parties relevant information for the preparation of an offer

under a competitive tender procedure. This shall include information on passenger demand, fares, costs and revenues related to the public passenger transport covered by the tender and details of the infrastructure specifications relevant for the operation of the required vehicles or rolling stock to enable them to draft well informed business plans. Rail infrastructure managers shall support competent authorities in providing all relevant infrastructure specifications. Non-compliance with the provisions set out above shall be subject to the legal review provided for in Article 5(7)."

under a competitive tender procedure. ***Infrastructure operators, in particular rail operators, who perform or have performed a public service contract, shall assist the competent authorities in providing all the relevant information. They shall be liable for the accuracy of the data provided to the competent authority in compliance with the principle of business confidentiality.*** This shall include information on passenger demand, fares, costs and revenues related to the public passenger transport covered by the tender and details of the infrastructure specifications relevant for the operation of the required vehicles or rolling stock to enable them to draft well informed business plans. Rail infrastructure managers shall support competent authorities in providing all relevant infrastructure specifications. Non-compliance with the provisions set out above shall be subject to the legal review provided for in Article 5(7). ***The current operator of a route or network covered by a tender awarded under a competitive tender procedure shall provide the competent authority free of charge with full and precise information for the preparation of an offer, particularly concerning transport demand and revenue earned from passenger transport. The former rail operator and the infrastructure operator shall compensate the other operators for any loss the latter incur as a result of submitting tenders based on inaccurate or incomplete information.***

Or. de

Justification

Information from the infrastructure operator is not enough, as it does not include the commercial data from the rail operator. The former or current service providers – particularly established operators – must supply the relevant information in order to ensure non-discriminatory access to data. This is necessary because otherwise the competent

authorities will face obligations they cannot meet.

Amendment 277

Saïd El Khadraoui

Proposal for a regulation

Article 1 – point 4 – point –a (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

4. Article 5 is amended as follows:

Amendment

4. Article 5 is amended as follows:

(-a) the following paragraph 1a. is inserted:

1a. Any competent authority, whether or not it is an individual authority or a group of authorities, including from more than one Member State, can award public service contracts in accordance with the rules laid down in this Regulation.

Or. en

Amendment 278

Isabelle Durant

Proposal for a regulation

Article 1 point 4 – point -a a (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(-aa) Point (d) of paragraph 2 is replaced by the following:

"(d) in the absence of a competent local authority, points (a), (b) and (c) shall apply to a national authority, provided that the internal operator does not take part in competitive tenders concerning the provision of public passenger transport services organised outside the area for which the public service contract has been

granted;"

Or. en

Amendment 279
Isabelle Durant

Proposal for a regulation
Article 1 – point 4 – point -a b (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

(-ab) The first sentence of paragraph 3 is replaced by:

"Any competent authority which has recourse to a third party other than an internal operator, shall award public service contracts or the corresponding management service contracts on the basis of a competitive tendering procedure, except in the cases specified in paragraphs 4, 5 and 6."

Or. en

Justification

The aim of this amendment is to specify that the introduction of competition in passenger transport can also be based on the competitive award of a management service contract, specifically covering the activities and performances of an RU's management team, with no need, therefore, to fragment the company and replace it with one or more new operators.

Amendment 280
Roberts Zile

Proposal for a regulation
Article 1 – point 4 – point –a c (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraphs 3 a (new) – 3 b (new) – 3 c (new)

4. Article 5 is amended as follows:

4. Article 5 is amended as follows:

(-ac) The following paragraph is inserted:

(3a) Until 2 December 2019, the competent authority may exclude from competitive tendering procedures railway undertakings established in Member States which have no generally applicable rules providing that rail contracts shall be awarded following a competitive tendering procedure.

(3b) The competent authority may exclude from tendering procedures operators and railway undertakings, where the control belongs directly or indirectly to a person or persons from third country or third countries if such countries have no provisions which allow for competitive tendering bids for companies from the Member States of the Union or do not provide effective access to their markets.

For the purposes of this paragraph, control shall be constituted by rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking.

(3c) The competent authority may also exclude from competitive tendering procedures railway undertakings established in third countries which have no generally applicable provision providing that rail contracts shall be awarded following a competitive

tendering procedures.

Or. en

Justification

Member States, as well as third countries on the reciprocal basis shall open up their markets. Railway companies controlled by third countries or being established in third countries should not be given opportunity to participate in tendering procedure, if those third countries do not have provisions which allow for competitive tendering bids for companies from the Member States. The definition of control is taken from Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings.

Amendment 281

David-Maria Sassoli, Franco Frigo

Proposal for a regulation

Article 1 – point 4 – point -a c (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-ac) the following paragraph is inserted:

"3a. Member States may exclude from the competitive tendering procedure any operators or undertakings that are controlled, directly or indirectly, by any person or persons from a third country or third countries unless those countries have measures that allow contracts to be awarded through competitive tendering to EU undertakings.

For the purpose of this paragraph, control shall be defined as consisting of rights, contracts or any other means by which, either separately or in combination, and having regard to any relevant considerations of fact or law, provide the opportunity of exerting a decisive influence on an undertaking, in particular through:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or deliberations of the social organs of an undertaking".

Or. it

Amendment 282
Antonio Cancian
Proposal for a regulation
Article 1 – point 4 – point –a c (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-ac) the following paragraph is inserted:

3a. Member States may exclude from the competitive tendering procedure any operators or undertakings that are controlled, directly or indirectly, by any person or persons from a third country or third countries unless those countries have measures that allow contracts to be awarded through competitive tendering to EU undertakings.

For the purpose of this paragraph, control shall be defined as consisting of rights, contracts or any other means by which, either separately or in combination, and having regard to any relevant considerations of fact or law, provide the opportunity of exerting a decisive influence on an undertaking, in particular through:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or deliberations of the social organs of an undertaking.

Or. it

Justification

In order not to put EU operators at a disadvantage vis-à-vis their non-EU competitors, individual Member States should not be required to open up their markets to operators that are directly or indirectly controlled by people from non-EU countries that do not allow EU operators access to their own markets.

Amendment 283

Antonio Cancian

Proposal for a regulation

Article 1 – point 4 – point –a c (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-ac) the following paragraph is inserted:

“3a. Member States may exclude from competitive tenders organised by the competent authorities in their territory, pursuant to paragraph 3 of this article, any undertakings or subsidiaries controlled by such undertakings directly or indirectly, that are registered in a Member State in which the competent authorities are not permitted to award public service contracts through competitive tendering procedures, pursuant to paragraph 6 of this article.

For the purpose of this paragraph, control shall be defined as consisting of rights, contracts or any other means by which, either separately or in combination, and having regard to any relevant considerations of fact or law, provide the opportunity of exerting a decisive influence on an undertaking, in particular through:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or deliberations of the social organs of an undertaking.”

Or. it

Justification

The principle of reciprocity must be applied also among countries in the transitional period preceding the EU-wide competitive tendering requirement. This measure will help to speed up the adoption of uniform measures within the Union and will prevent a distortion of competition among EU companies and operators.

Amendment 284

Ramon Tremosa i Balcells

Proposal for a regulation

Article 1 – point 4 – point -a c (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

The following paragraph 3 a is added:

“(3a) The competent authority may exclude operators from third countries from the competitive tendering procedure if such countries do not effectively provide possibilities of market access to companies from the Member States of the Union”

Or. en

Justification

Third countries undertakings should not be given the opportunity to participate in tendering procedures in the EU Member States until the third country where they have their principal place of business effectively welcome EU operators on their markets.

Amendment 285

Sari Essayah, Hannu Takkula

Proposal for a regulation

Article 1 – point 4 – point -a c (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 3 a (new)

The following paragraph 3 a is added:

“(3a) The Member States may exclude from tendering procedures operators or undertakings where the control belongs directly or indirectly to a person or persons from a third country or third countries if such countries have no provisions which allow for competitive tendering bids for companies from the Member States of the Union or do not provide effective access to their markets. For the purposes of this paragraph, control shall be constituted by rights, contracts or any other means which, either separately or in combination and having regards to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking.”

Or. en

Justification

There should be full reciprocity.

Amendment 286
Liisa Jaakonsaari

Proposal for a regulation
Article 1 – point 4 – point -a c (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraph 3 a (new)

The following subparagraph 3 a is added:

“The Member States may exclude from tendering procedures operators or undertakings where the control belongs directly or indirectly to a person or persons from a third country if such countries have no provisions which allow for competitive tendering bids for companies from the Member States of the Union or do not provide effective access to their markets.”

For the purposes of this paragraph, control shall be constituted by rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking.

Or. en

Justification

While Article 10 or directive 2012/34 opens the passenger market across the Union, the question of access to the market for undertakings from third countries also needs to be addressed. On this issue, CER considers that it is both necessary and fair to ensure that balanced conditions exist on the basis of open reciprocity. In the absence of such conditions, no individual Member State should be required to open its markets to undertakings directly or indirectly controlled by persons from third countries. The definition of control used in CER's proposed amendment is taken from Council regulation (EC) No 139/2004, Article 3 (2).

Amendment 287
Sirpa Pietikäinen

Proposal for a regulation
Article 1 – point 4 – point -a c (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-ac) The following paragraph 3a is added:

(3a) The Member States may exclude from tendering procedures operators or undertakings where the control belongs directly or indirectly to a person or persons from a third country or third countries if such countries have no provisions which allow for competitive tendering bids for companies from the Member States of the Union or do not provide effective access to their markets.

For the purposes of this paragraph, control shall be constituted by the rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking.

Or. en

Amendment 288
Joachim Zeller, Dieter-Lebrecht Koch
Proposal for a regulation
Article 1 – point 4 – point -a b (new)
Regulation (EC) No 1370/2007
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-ac) The following paragraph 3a is added:

The competent authority may exclude operators from third countries from the competitive tender procedure if such countries make no provision for competitive tendering for companies from the Member States of the Union.

Or. de

Justification

Non-EU countries should not be given the opportunity to participate in tender procedures in EU Member States until they have opened up their own markets to EU Member States.

Amendment 289

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 4 – point -a c (new) Regulation (EC) No. 1370/2007

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-ac) The following paragraph 3a is added:

“Member States may exclude railway companies licensed in a Member State where competent authorities are not allowed to tender public service contracts in the sense of paragraph 6 of this Article from tendering procedures organised by competent authorities in their territory in accordance to paragraph 3 of this Article. This also includes direct or indirect controlled subsidiaries of these railways and any railway company having a shareholder which is a railway company licensed in a Member State where competent authorities do not allow to tender public service contracts.”

Amendment 290
Ramon Tremosa i Balcells

Proposal for a regulation
Article 1 – point 4 – point -a c (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

The following paragraph is added:

“(3a) Until 2 December 2019, a competent authority may exclude from competitive tendering procedures railway undertakings established in Member States which have no generally applicable rules providing that rail contracts shall be awarded following a competitive tendering procedure.

A competent authority may also exclude from competitive tendering procedures railway undertakings established in third countries which have no generally applicable provision providing that rail contracts shall be awarded following a competitive tendering procedure.”

Or. en

Justification

Third countries should not be given the opportunity to participate in tendering procedures in EU Member States until they have opened up their own markets to EU Member States. Such reciprocity rule should also apply to the Member States but only until the end of the transitional period. After the transitional period, all contracts will be awarded following a competitive tendering procedure which means that a reciprocity rule is no longer necessary.

Amendment 291
Saïd El Khadraoui

Proposal for a regulation
Article 1 – point 4 – point -a c (new)
Regulation (EC) No. 1370/2007
Article 5 - paragraph 3 a (new)

Text proposed by the Commission

Amendment

The following paragraph 3 a is inserted:

“3a. Member States may exclude railway undertakings, and their directly or indirectly controlled subsidiaries, licensed in a Member State where rights of a similar nature are not granted, to take part in tendering procedures on its territory.

Member States may exclude railway undertakings, and their directly or indirectly controlled subsidiaries, licensed in a third country where rights of a similar nature or not granted, to take part in tendering procedures on its territory.”

Or. en

Amendment 292
Karim Zéribi
Proposal for a regulation
Article 1 – point 4 – point -a c (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-ac) The following paragraph 3a is added:

“3a. The competent authority may exclude operators in non-EU countries from participating in the competitive tendering procedures when these non-EU countries do not open their tendering procedures to Member State undertakings. The competent authority may also exclude an undertaking from another Member State from participating in the competitive tendering procedures

when said undertaking has monopoly status in said country."

Or. fr

Justification

Non-EU countries should not be given the opportunity to participate in competitive tendering procedures in EU Member States until they have opened up their own markets to EU Member States. This should also be the case for undertakings operating within the EU as a monopoly in their country of origin.

Amendment 293

David-Maria Sassoli, Franco Frigo

Proposal for a regulation

Article 1 – point 4 – point -a d (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(-ad) the following paragraph is inserted:

“3b. Member States may exclude from competitive tenders organised by the competent authorities in their territory, pursuant to paragraph 3 of this article, any undertakings or subsidiaries controlled by such undertakings directly or indirectly, that are registered in a Member State in which the competent authorities are not permitted to award public service contracts through competitive tendering procedures, pursuant to paragraph 6 of this article.

For the purpose of this paragraph, control shall be defined as consisting of rights, contracts or any other means by which, either separately or in combination, and having regard to any relevant considerations of fact or law, provide the opportunity of exerting a decisive influence on an undertaking, in particular through:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or deliberations of the social organs of an undertaking.

Or. it

Amendment 294
Georges Bach

Proposal for a regulation
Article 1 – point 4 – point a
Regulation (EC) No. 1370/2007
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

(a) Paragraph 4 is replaced by the following:

deleted

4. Unless prohibited by national law, the competent authorities may decide to award public service contracts directly:

(a) where their average annual value is estimated at: less than EUR 1 000 000 or less than EUR 5 000 000 in the case of a public service contract including public transport by rail or,

(b) where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than 150 000 kilometres in the case of a public service contract including public transport by rail.

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than 23 road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport services.'

Or. en

Justification

Deletion necessary because of maintaining of Article 5 (6)

Amendment 295

Isabelle Durant

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

(a) Paragraph 4 is replaced by the following:

deleted

Unless prohibited by national law, the competent authorities may decide to award public service contracts directly:

(a) where their average annual value is estimated at: less than EUR 1 000 000 or less than EUR 5 000 000 in the case of a public service contract including public transport by rail or,

(b) where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than 150 000 kilometres in the case of a public service contract including public transport by rail.

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than 23 road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport services.

Or. en

Justification

The modifications to Article 5(4) suggested in this paragraph of the proposal for a regulation amending Regulation (EC) No. 1370/2007 only make sense if the competitive tendering of public service contracts become the default rule for rail passenger services not offered by an internal operator.

Amendment 296

Sabine Wils, Jacky Hénin

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

(a) Paragraph 4 is replaced by the following:

deleted

Unless prohibited by national law, the competent authorities may decide to award public service contracts directly:

(a) where their average annual value is estimated at: less than EUR 1 000 000 or less than EUR 5 000 000 in the case of a public service contract including public transport by rail or,

(b) where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than 150 000 kilometres in the case of a public service contract including public transport by rail.

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than 23 road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport services.

Or. en

Justification

Member States must be able to choose according to their particular needs which instrument is more appropriate applying therefore the subsidiarity principle as asked in the pre-consultations by several national parliaments. It's thus worthwhile to keep the original text of paragraph 4 in article 5.

Amendment 297

Dieter-Lebrecht Koch, Thomas Ulmer

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No 1370/2007

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

(a) Paragraph 4 is replaced by the following:

deleted

Unless prohibited by national law, the competent authorities may decide to award public service contracts directly:

(a) where their average annual value is estimated at: less than EUR 1 000 000 or less than EUR 5 000 000 in the case of a public service contract including public transport by rail or,

(b) where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than 150 000 kilometres in the case of a public service contract including public transport by rail.

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than 23 road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport services.

Or. de

Amendment 298

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

(a) Paragraph 4 is replaced by the following:

deleted

Unless prohibited by national law, the competent authorities may decide to award public service contracts directly:

(a) where their average annual value is estimated at: less than EUR 1 000 000 or less than EUR 5 000 000 in the case of a public service contract including public transport by rail or,

(b) where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than 150 000 kilometres in the case of a public service contract including public transport by rail.

Or. en

Amendment 299

Phil Bennion, Philippe De Backer

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

Unless prohibited by national law, the competent authorities may decide to award public service contracts directly:

Unless prohibited by national law, the competent authorities may decide to award public service contracts directly ***for a maximum period of five years*** :

Justification

The duration of directly awarded contracts shall not exceed five years

Amendment 300
Bogusław Liberadzki

Proposal for a regulation
Article 1 – point 4 – point a
Regulation (EC) No. 1370/2007
Article 5 – paragraph 4 – subparagraph 1 - point a

Text proposed by the Commission

where their average annual value is estimated at: less than EUR 1 000 000 or less than EUR 5 000 000 in the case of a public service contract including public transport by rail or,

Amendment

where their average annual value is estimated at: less than EUR 1 000 000 or less than EUR 6 000 000 in the case of a public service contract including public transport by rail or,

Or. en

Amendment 301
Jörg Leichtfried
Proposal for a regulation
Article 1 – point 4 – point a
Regulation (EC) No 1370/2007
Article 5 – paragraph 4 – subparagraph 1 - point a

Text proposed by the Commission

(a) where their average annual value is estimated at: less than **EUR 1 000 000** or less than **EUR 5 000 000** in the case of a public service contract including public transport by rail or,

Amendment

(a) where their average annual value is estimated at: less than **EUR 3 000 000** or less than **EUR 15 000 000** in the case of a public service contract including public transport by rail or,

Or. de

Justification

The proposed figures are much more consistent with actual requirements. The focus must be on real needs.

Amendment 302

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point a

Text proposed by the Commission

(a) where their average annual value is estimated at: less than EUR 1 000 000 or less than **EUR 5 000 000** in the case of a public service contract including public transport by rail or,

Amendment

(a) where their average annual value is estimated at: less than EUR 1 000 000 or less than **EUR 15 000 000** in the case of a public service contract including public transport by rail or,

Or. de

Amendment 303

Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point a

Text proposed by the Commission

where they concern the annual provision of less than 300 000 **kilometres** of public passenger transport services or less than **150 000 kilometres** in the case of a public service contract including public transport by rail.

Amendment

where they concern the annual provision of less than 300 000 **vehicle-kilometres** of public passenger transport services or less than **500 000 vehicle-kilometres** in the case of a public service contract including public transport by rail.

Or. en

Justification

Train- or vehicle- kilometres is the measure in which the annual provision of public service contracts is usually measured. Concerning the threshold of public service contracts including public transport by heavy rail, 500.000 vehicle-kilometres is more realistic than 150.000

vehicle-kilometres.

Amendment 304

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b

Text proposed by the Commission

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **150** 000 kilometres in the case of a public service contract including public transport by rail.

Amendment

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **1 000** 000 kilometres in the case of a public service contract including public transport by rail, **or**

Or. fr

Justification

The de minimis kilometre threshold proposed for public rail service contracts is inconsistent with those for other modes of transport. It is too low for a rail service.

Amendment 305

Karim Zéribi

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b

Text proposed by the Commission

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **150** 000 kilometres in the case of a public service contract including public transport by rail.

Amendment

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **1 000** 000 kilometres in the case of a public service contract including public transport by rail.

Or. fr

Justification

The Commission's proposed threshold does not correspond to the sum in euro in Article 5(4)(a). It must be altered therefore to reflect average ticket prices, the additional costs of a tender procedure as opposed to a direct award procedure, and operators' true ability to take part in a tender procedure.

Amendment 306

Dominique Riquet

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b

Text proposed by the Commission

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **150 000** kilometres in the case of a public service contract including public transport by rail.

Amendment

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **300 000** kilometres in the case of a public service contract including public transport by rail.

Or. fr

Justification

A threshold of 300 000 kilometres will mean the size of contracts targeted is more suitable.

Amendment 307

Saïd El Khadraoui

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b

Text proposed by the Commission

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **150 000** kilometres in the case of a public service contract including public transport by rail.

Amendment

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **1 000 000** kilometres in the case of a public service contract including public transport by rail.

Amendment 308

Bernadette Vergnaud

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b

Text proposed by the Commission

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **150 000** kilometres in the case of a public service contract including public transport by rail.

Amendment

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **500 000** kilometres in the case of a public service contract including public transport by rail.

Or. fr

Justification

The threshold of 150 000 km per year proposed for public transport by rail excludes de facto all railway lines where this method would be pertinent.

Amendment 309

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b

Text proposed by the Commission

(b) where they concern the annual provision of less than **300 000** kilometres of public passenger transport services or less than **150 000** kilometres in the case of a public service contract including public transport by rail.

Amendment

(b) where they concern the annual provision of less than **5 000 000** kilometres of public passenger transport services or less than **5 000 000** kilometres in the case of a public service contract including public transport by rail, **or**

Or. de

Justification

The previous limit values, which were set arbitrarily, do not reflect actual requirements. The new limit values are consistent with actual local needs.

Amendment 310

Petri Sarvamaa

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b

Text proposed by the Commission

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **150 000** kilometres in the case of a public service contract including public transport by rail.

Amendment

where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **500.000** kilometres in the case of a public service contract including public transport by rail.

Or. fi

Amendment 311

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b

Text proposed by the Commission

(b) where they concern the annual provision of less than 300 000 kilometres of public passenger transport services or less than **150 000** kilometres in the case of a public service contract including public transport by rail.

Amendment

(b) where they concern the annual provision of less than 300 000 **vehicle** kilometres of public passenger transport services or less than **800 000 vehicle** kilometres in the case of a public service contract including public transport by rail.

Or. de

Amendment 312

Gilles Pargneaux

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007
Article 5 – paragraphe 4 – subparagraph 1 - point b a (new)

Text proposed by the Commission

Amendment

(ba) for lines or groups of lines providing public passenger transport by rail, or by metro, where the services concerned are complex owing to the density of the network used, traffic volumes, the level of use, or major hubs connecting the lines under consideration and the rest of the rail network.

Or. fr

Justification

Provision should be made for an additional option for the direct award of public service rail contracts to take account of services operated on complex networks with a high frequency of services and high volume of use.

Amendment 313

Bernadette Vergnaud

Proposal for a regulation

Article 1 – – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b a (new)

Text proposed by the Commission

Amendment

(ba) where the technical specifications for rail systems used in public passenger transport by rail differ considerably from traditional standards and are not connected to the main network.

Or. fr

Justification

Owing to the specific technical characteristics of some kinds of lines (funicular railways, metre gauge lines, etc.), awarding contracts directly should also be possible.

Amendment 314
Jörg Leichtfried
Proposal for a regulation
Article 1 – point 4 – point a
Regulation (EC) No 1370/2007
Article 5 – paragraph 4 – subparagraph 1 - point b a (new)

Text proposed by the Commission

Amendment

(ba) where they are awarded to small and medium-sized undertakings which operate no more than 100 road vehicles or train sets in the context of the public service contract in question.

Or. de

Justification

As an alternative to letters (a) and (b), provision should also be made for direct awards to small and medium-sized undertakings which operate no more than 100 vehicles (buses or trains) in the context of the public transport service contract in question.

Amendment 315
Karim Zéribi
Proposal for a regulation
Article 1 – point 4 – point a
Regulation (EC) No. 1370/2007
Article 5 – paragraphe 4 – subparagraph 1 - point b a (new)

Text proposed by the Commission

Amendment

(ba) on the basis of a detailed technical report drawn up no later than 24 months before the end of the current contract, sent to the independent national regulatory authority, and covering the following criteria:

- network complexity requiring a global multimodal approach owing to the density of the railway system in the geographic area concerned and the frequency of services or owing to the railway system having technical specifications which differ considerably from traditional standards;

- an economic dimension which enables

the viability of a public service contract to be justified by balancing profitable areas against non-profitable ones and/or productivity gains and operator performance improving in line with the competent authority's expectations;

- greater customer satisfaction with the current public service contract as set out in the annual report referred to in Article 7(1) of this Regulation;

The independent national regulatory authority shall rule on the validity of the competent authority's request on receipt of this report. The opinion of the independent national regulatory authority shall be binding and immediately applicable.

Or. fr

Amendment 316

Dominique Riquet

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 1 - point b a (new)

Text proposed by the Commission

Amendment

(ba) where the technical specifications for rail systems used in public passenger transport by rail differ considerably from traditional standards and where only a few candidates are likely to be interested in the tender procedure.

To ascertain the potential number of candidates, the competent authority shall first publish a call for expressions of interest, in line with the customary formalities for public procurement.

Or. fr

Justification

Derogation to the procurement rules may be possible where, owing to the special characteristics of a rail network, not many tenderers would be interested. This must be justified by a prior call for expressions of interest.

Amendment 317

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No. 1370/2007

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than 23 road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport services.

deleted

Or. en

Amendment 318

Markus Ferber

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No 1370/2007

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than **23** road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than **50** road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport

services.

services.

Or. de

Justification

The Commission's definition of small and medium-sized undertaking of 6 May 2003 is based on a figure of 50 employees (EU L 124/36). The figure for the maximum number of road vehicles should be brought into line with that definition.

Amendment 319

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No 1370/2007

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than **23 road** vehicles, these thresholds may be increased to either an average annual value estimated at less than **EUR 2 000 000** or to an annual provision of less than **600 000** kilometres of public passenger transport services.

Amendment

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than **100** vehicles, these thresholds may be increased to either an average annual value estimated at less than **EUR 5 000 000** or to an annual provision of less than **5 000 000** kilometres of public passenger transport services.

Or. de

Justification

The previous limit values, which were set arbitrarily, do not reflect actual requirements. The new limit values are consistent with actual local needs.

Amendment 320

Dieter-Lebrecht Koch, Thomas Ulmer

Proposal for a regulation

Article 1 – point 4 – point a

Regulation (EC) No 1370/2007

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than **23** road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport services.

Amendment

In the case of a public service contract directly awarded to a small or medium-sized enterprise operating not more than **50** road vehicles, these thresholds may be increased to either an average annual value estimated at less than EUR 2 000 000 or to an annual provision of less than 600 000 kilometres of public passenger transport services.

Or. de

Justification

The ceiling of 23 road vehicles laid down in the regulation seems arbitrary, as it is not consistent with the Commission's current definition of an SMU (Recommendation 2003/361/EC).

Amendment 321
Saïd El Khadraoui

Proposal for a regulation
Article 1 – point 4 – point a
Regulation (EC) No. 1370/2007
Article 5 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

When the competent authority decides to award a public service contract directly, it shall justify before awarding the contract that the viability, efficiency and quality objectives of the public service will be achieved by the chosen award procedure, subject to the approval of the regulatory body as referred to in Article 55 of Directive 2012/34/EU. This provision shall not apply to a direct award under Article 5(2), 5(4) and 5(5).

Or. en

Amendment 322
Michael Cramer
Proposal for a regulation
Article 1 – point 4 – point a a (new)
Regulation (EC) No 1370/2007
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

The following paragraph is added:

'If a public service contract is awarded directly to an undertaking, that undertaking shall be prohibited from taking part in procurement procedures, in accordance with the principle of reciprocity.'

Or. de

Justification

Undertakings should not exploit advantages which they may have gained through a direct award procedure to distort competition. It should still be possible to employ direct award procedures, but the undertakings concerned should then be banned from taking part in other procurement procedures.

Amendment 323
Ramon Tremosa i Balcells

Proposal for a regulation
Article 1 – point 4 – point a a (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraph 5

Text proposed by the Commission

Amendment

Paragraph 5 is replaced by the following:

“5. In the event of a disruption of services or the immediate risk of such a situation, the competent authority may take an emergency measure. A situation of emergency may include the inability of the competent authority to timely launch a tender procedure for a public service contract and/or to timely award that

contract to an operator.”

Or. en

Justification

It is proposed to include a new exception to the principle of competitive tendering procedure in case where too many contracts expire at the same time in a Member States. In such a case the competent authorities of the Member State may not have the administrative capacity to properly prepare different procedures at the same time. On top of that railway operators may not be able to prepare more than a certain number of bids at the same time.

Amendment 324
Phil Bennion

Proposal for a regulation
Article 1 – point 4 – point a a (new)
Regulation (EC) No. 1370/2007
Article 5 – paragraph 5

Text proposed by the Commission

Amendment

Paragraph 5 is replaced as follows:

5. In the event of a disruption of services or the immediate risk of such a situation, the competent authority may take an emergency measure. This emergency measure shall take the form of a direct award or a formal agreement to extend a public service contract or a requirement to provide certain public service obligations. The public service operator shall have the right to appeal against the decision to impose the provision of certain public service obligations. The award or extension of a public service contract by emergency measure or the imposition of such a contract shall not exceed five years.

Or. en

Justification

The award or extension of a public service contract by emergency measure or the imposition of such a contract shall not exceed five years

Amendment 325

Isabelle Durant

Proposal for a regulation

Article 1 – point 4 – point b – introductory part

Text proposed by the Commission

Amendment

(b) Paragraph 6 is **replaced** by the following:

(b) Paragraph 6 is **completed** by the following:

Or. en

Justification

This amendment aims at restoring the possibility for competent authorities to decide for themselves on whether to award a public service contract directly or not, where they concern transport by rail.

Amendment 326

Ismail Ertug, Knut Fleckenstein

Proposal for a regulation

Article 1 – point 4 – point b – introductory part

Text proposed by the Commission

Amendment

(b) Paragraph 6 is **replaced** by the following:

(b) Paragraph 6 is **complemented** by the following:

Or. de

Amendment 327

Bogdan Kazimierz Marcinkiewicz, Artur Zasada, Ryszard Antoni Legutko

Proposal for a regulation

Article 1 – point 4 – point b

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following: ***deleted***

‘Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking.’

Or. en

Justification

provision in MS will be highly problematic and creates a lot of discrimination between potential bidders. Moreover this is not compatible when open tendering is applied.

Amendment 328

Erik Bánki

Proposal for a regulation

Article 1 – point 4 – point b

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following: ***deleted***

"Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same

railway undertaking."

Or. hu

Justification

The provision represents a complete change from the previous regulations, which cannot be supported in the present circumstances. The Member States have started their institutional preparation for implementing the rules laid down in Regulation 1370/2007/EC; however, the deadline of 2 December 2019 envisaged in the draft is too soon to ensure complete market opening both for the competent authorities and for the industrial stakeholders concerned.

Amendment 329
Sirpa Pietikäinen

Proposal for a regulation

Article 1 – point 4 – point b

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following:

deleted

‘Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking.’

Or. en

Justification

Application of this provision will be highly problematic and creates a lot of discrimination between the potential bidders. Keeping the current paragraph 5(6) this problem is solved.

Amendment 330
Sabine Wils, Jacky Hénin

Proposal for a regulation
Article 1 – point 4 – point b
Regulation (EC) No. 1370/2007
Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following:

deleted

‘Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking.’

Or. en

Justification

The original paragraph 6 of article 5 in Reg1370/2007 is responding to the flexibility needed by Member states it has therefore be kept as it is.

Amendment 331
Sari Essayah, Hannu Takkula

Proposal for a regulation
Article 1 – point 4 – point b
Regulation (EC) No. 1370/2007
Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following:

deleted

‘Competent authorities may decide that, in order to increase competition between

railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking.'

Or. en

Justification

This could create an unlevel playing field between potential bidders. Current Art.5 par.6 is better.

Amendment 332
Georges Bach

Proposal for a regulation
Article 1 – point 4 – point b
Regulation (EC) No. 1370/2007
Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following:

deleted

Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking.

Or. en

Justification

The principle of freedom of choice of competent authorities whether to directly award public service contracts for rail services or to opt for a tendering procedure, as laid down in the PSO regulation, shall be maintained. For local public transport services this freedom of choice is assured via the direct awarding of public service contracts to an internal operator. For this reason, the original Article 5 (6) shall be maintained.

Amendment 333

Jörg Leichtfried

Proposal for a regulation

Article 1 – point 4 – point b

Regulation (EC) No 1370/2007

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following:

deleted

"Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking."

Or. de

Justification

Dividing contracts into artificially small lots will give rise to an unnecessary degree of fragmentation. Fragmentation makes coordination more difficult for market participants and thus generates higher costs.

Amendment 334

Liisa Jaakonsaari

Proposal for a regulation

Article 1 – point 4 – point b

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following:

deleted

Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking.

Or. en

Amendment 335

Marita Ulvskog

Proposal for a regulation

Article 1 – point 4 – point b

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(b) Paragraph 6 is replaced by the following:

deleted

"Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking."

Or. sv

Amendment 336

Karim Zéribi

Proposal for a regulation

Article 1 – point 4 – point b

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6

Text proposed by the Commission

"Competent authorities may decide that, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall be awarded to different railway undertakings. ***To this end the competent authorities may decide before launching the tender procedure to limit the number of contracts to be awarded to the same railway undertaking.***"

Amendment

"Competent authorities may decide ***whether***, in order to increase competition between railway undertakings, contracts for public passenger transport by rail covering parts of the same network or package of routes shall ***or shall not*** be awarded to different railway undertakings.

Or. fr

Justification

The end of the paragraph seems to contradict the objectives of this revision, of opening up the market, as the award procedure and its outcome should be the sole guide in deciding whether there should be one or more operators.

Amendment 337

Oldřich Vlasák

Proposal for a regulation

Article 1 – point 4 – point b

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The following subparagraph is added to paragraph 6:

“In case of necessity to align the duration of separate public service contracts arising from tendering, competent public authorities may decide to make direct awards of interim public service contracts

whose maximal duration, including possible extensions or repeated conclusions, shall in total not exceed 3 years.”

Or. en

Amendment 338

Antonio Cancian, Carlo Fidanza

Proposal for a regulation

Article 1 – point 4 – point b a (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

“6a. Railway undertakings that are awarded public service contracts in accordance with the competitive tendering procedures provided for in this regulation shall be excluded from the scope of Directive EU/.../... on procurement by entities operating in the water, energy, transport and postal services sectors.

Or. it

Justification

This amendment does not seek to change the conditions of access to the tendering procedure for the award of public service contracts under the provisions of this regulation. The exclusion from the scope of the public procurement directive is to be limited to the activities that follow on from the award of the contract. The aim is to bring conditions for public undertakings into line with those laid down for private undertakings, which are already excluded from the scope of the public procurement directive.

Amendment 339

Ramon Tremosa i Balcells

Proposal for a regulation

Article 1 – point 4 – point b a (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6 a (new)

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Text proposed by the Commission

Amendment

The following subparagraph 6 a is added:

“During the transitional period running until 3 December 2019, if the competent authority decides to make a direct award of a public service contract for public transport by rail, it shall publish a justification no later than 18 months before the start of the contract in which it shall provide evidence that the viability, efficiency and quality objectives of the public service can only be achieved through this award procedure. This provision shall not apply to a direct award under Articles 5(2), 5(4) and 5(5). It shall send this justification to the regulatory authority referred to in Art 55 of Directive 2012/34/EU for its approval.”

Or. en

Justification

During the transitional period competent authorities should be encouraged to award public service contracts for rail following a competitive tendering procedure. They should therefore be requested to justify the choice of the procedure in case of direct award.

Amendment 340

Dieter-Lebrecht Koch, Thomas Ulmer
Proposal for a regulation

Article 1 – point 4 – point b a (new)

Regulation (EC) No 1370/2007

Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

The following paragraph 6a is inserted:

If the competent authority awards a public transport service contract directly, it shall publish at least nine months prior to the start of the contract a statement explaining how this award method guarantees enforceability, efficiency and

quality. This statement shall also be forwarded to the independent national regulator, for information.

Or. de

Amendment 341
Bogusław Liberadzki

Proposal for a regulation

Article 1 – point 4 – point b a (new) Regulation (EC) No. 1370/2007

Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph is inserted:
"(6a) If the competent authority awards a public service contract directly for public rail passenger transport, it shall publish a statement no later than 9 months before the start of the contract in which it shall explain why the viability, efficiency and quality objectives of the public service can only be achieved through its chosen award procedure."

Or. en

Justification

The wording public rail passenger transport excludes passenger transport on other track-based modes such as metros, tramways or tram-train systems.

Amendment 342
David-Maria Sassoli, Franco Frigo

Proposal for a regulation

Article 1 – point 4 – point b a (new)

Regulation (EC) No. 1370/2007

Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph shall be inserted:

6a. Railway undertakings that are awarded public service contracts in accordance with the competitive tendering procedures provided for in this regulation shall be excluded from the scope of Directive EU/.../... (on procurement by entities operating in the water, energy, transport and postal services sectors).

Or. it