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Committee on Transport and Tourism

2008/0247(COD)

15.4.2010

AMENDMENTS

80 - 169

Draft recommendation for second reading

Marian-Jean Marinescu

(PE439.390v01-00)

on the Council position at first reading for adopting a regulation of the European Parliament and of the Council concerning a European rail network for competitive freight

Council position

(11069/5/2009 – C7-0043/2010 – 2008/0247(COD))

AM_Com_LegRecomm

Amendment 80
Silvia-Adriana Țicău

Council position
Recital 8 a (new)

Council position

Amendment

(8a) The design of freight corridors should seek to ensure their internal continuity by enabling the requisite interconnections between existing railway infrastructure and allocating the requisite capacities along the whole path of the freight corridor.

Or. ro

Justification

It is important to ensure internal continuity by enabling the necessary interconnections between existing railway infrastructure and allocating the necessary capacities along the whole of the freight corridor.

Amendment 81
Izaskun Bilbao Barandica

Council position
Recital 9

Council position

Amendment

(9) The ***international rail corridors*** for a European rail network for competitive freight should be set up in a manner consistent with the Trans-European Transport Network ("TEN-T") and/or the European Railway Traffic Management System ("ERTMS") corridors. To that end, the coordinated development of the networks is necessary, and in particular as regards the integration of the international

(9) The European rail network for competitive freight should be set up in a manner consistent with the Trans-European Transport Network ('TEN-T') and/or the European Railway Traffic Management System ('ERTMS') corridors. To that end, the coordinated development of the networks is necessary, and in particular as regards the integration of the international corridors for rail freight into the existing

corridors for rail freight into the existing TEN-T and the ERTMS corridors. Furthermore, harmonising rules relating to those freight corridors should be established at the level of the Union. If necessary, the creation of those corridors should be supported financially within the framework of the TEN-T, research and Marco Polo programmes, and other policies and funds of the Union, such as the European Regional Development Fund or the Cohesion Fund.

TEN-T and the ERTMS corridors. Furthermore, harmonising rules relating to those freight corridors should be established at the level of the Union. If necessary, the creation of those corridors should be supported financially within the framework of the TEN-T, research and Marco Polo programmes, and other policies and funds of the Union, such as the European Regional Development Fund or the Cohesion Fund.

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 82 **Michael Cramer**

Council position **Recital 9**

Council position

(9) The international rail corridors for a European rail network for competitive freight should be set up in a manner consistent with the Trans-European Transport Network ("TEN-T") and/or European Railway Traffic Management System ("ERTMS") corridors. To that end, the coordinated development of the networks is necessary, and in particular as regards the integration of the international corridors for rail freight into the existing TEN-T and the ERTMS corridors. Furthermore, harmonising rules relating to those freight corridors should be established at the level of the Union. If necessary, the creation of those corridors should be supported financially within the framework of the TEN-T, research and Marco Polo programmes, and other

Amendment

(9) The international rail corridors for a European rail network for competitive freight should be set up in a manner consistent with the Trans-European Transport Network ("TEN-T"), ***Green Corridors*** and/or European Railway Traffic Management System ("ERTMS") corridors. To that end, the coordinated development of the networks is necessary, and in particular as regards the integration of the international corridors for rail freight into the existing TEN-T, ***Green Corridors*** and the ERTMS corridors. Furthermore, harmonising rules relating to those freight corridors should be established ***and silent freight train projects should be promoted*** at the level of the Union. If necessary, the creation of those corridors ***and noise reduction of freight trains at source***

policies and funds of the Union, such as the European Regional Development Fund and the Cohesion Fund.

should be supported financially within the framework of the TEN-T, research and Marco Polo programmes, and other policies, *loans* and funds of the Union, such as the ***European Investment Bank***, European Regional Development Fund and the Cohesion Fund.

Or. en

Amendment 83
Izaskun Bilbao Barandica

Council position
Recital 10

Council position

(10) Within the framework of a freight corridor, good coordination between the Member States and the infrastructure managers concerned should be ensured, sufficient ***priority should be*** given to rail freight traffic, effective and adequate links to other modes of transport *should be* set up and conditions *should be* created which are favourable to the development of competition between rail freight service providers.

Amendment

(10) Within the framework of a freight corridor, good coordination between the Member States and the infrastructure managers concerned should be ensured, ***better and sufficient facilitation*** given to rail freight traffic, effective and adequate links to other modes of transport set up ***in order to develop an efficient and integrated freight transport network***, and conditions created which are favourable to the development of competition between rail freight service providers.

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 84
Izaskun Bilbao Barandica

Council position
Recital 10 a (new)

Council position

Amendment

(10a) The selection of freight corridors should be done in a transparent way and in consultation with the Commission, the Parliament and the relevant stakeholders, in order to ensure that the European interest is respected; the corridors should aim at achieving the internal rail market and a European network of rail freight corridors in a sustainable, safe, and efficient way in a manner consistent with the priority projects of the TEN-T, the ERTMS corridors and the RailNetEurope network.

Or. en

Amendment 85
Izaskun Bilbao Barandica

Council position
Recital 12

Council position

Amendment

(12) In order to stimulate coordination between the Member States ***and the*** infrastructure managers, ***an appropriate*** governance ***structure for*** each freight corridor ***should be established***, taking account of the need to avoid duplication with already existing governance structures.

(12) In order to stimulate coordination between the Member States, infrastructure managers ***and railway undertakings***, each freight corridor ***should be supported by a*** governance ***body comprised of the various infrastructure managers who are involved with the freight corridor***, taking account of the need to avoid duplication with already existing governance structures.

Or. es

Justification

This amendment aims to reintroduce part of Parliament's first reading.

Amendment 86

Silvia-Adriana Țicău

Council position

Recital 12

Council position

(12) In order to stimulate coordination between the Member States **and** the infrastructure managers, an appropriate governance structure for each freight corridor should be established, taking account of the need to avoid duplication with already existing governance structures;

Amendment

(12) In order to stimulate coordination between the Member States, the infrastructure managers **and railway undertakings**, an appropriate governance structure for each freight corridor should be established, taking account of the need to avoid duplication with already existing governance structures **and to ensure the internal continuity of the whole freight corridor**;

Or. ro

Justification

It is important to ensure internal continuity by enabling the necessary interconnections between existing railway infrastructure and allocating the necessary capacities along the whole of the freight corridor.

Amendment 87

Izaskun Bilbao Barandica

Council position

Recital 13

Council position

(13) In order to meet market needs, the methods for **establishing** a freight corridor should be presented in an implementation plan, which should include identifying and setting a schedule for measures which would improve the performance of rail

Amendment

(13) In order to meet market needs, the methods for **creating** a freight corridor should be presented in an implementation plan which should include identifying and setting a schedule for measures which would improve the performance of rail

freight. Furthermore, to ensure that planned or implemented measures for the **establishment** of a freight corridor meet the needs or expectations of all **of the users of the freight corridor, the applicants likely to use the freight corridor** must be regularly consulted in accordance with procedures defined by the management board.

freight. Furthermore, to ensure that planned or implemented measures for the **creation** of a freight corridor meet the needs or expectations of **the market**, all **user railway undertakings** must be regularly consulted in accordance with **appropriate** procedures defined by the management board.

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 88 **Izaskun Bilbao Barandica**

Council position **Recital 15**

Council position

(15) In order to guarantee the consistency and continuity of the infrastructure capacities available along the freight corridor, investment in the freight corridor should be coordinated between Member States **and** the infrastructure managers concerned, and planned in a way which meets the needs of the freight corridor. The schedule for carrying out the investment should be published to ensure that **applicants who** may operate in the corridor are well-informed. The investment should include projects relating to the development of interoperable systems and the increase in capacity of the trains.

Amendment

(15) In order to guarantee the consistency and continuity of the infrastructure capacities available along the freight corridor, investment in the freight corridor should be coordinated between Member States, the infrastructure managers **and the railway undertakings** concerned, **as well as, if applicable, between Member States and third countries**, and planned in a way which meets the needs of the freight corridor. The schedule for carrying out the investment should be published to ensure that **railway undertakings that** may operate in the corridor are well-informed. The investment should include projects relating to the development of interoperable systems and the increase in capacity of the trains.

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 89

Izaskun Bilbao Barandica

Council position

Recital 17

Council position

(17) In order to facilitate requests for infrastructure capacities for international rail freight services, it is appropriate to designate or establish a one-stop shop for each freight corridor. For this, existing initiatives should be built upon, in particular those undertaken by RNE, a body which acts as a coordination tool for the infrastructure managers and provides a number of services to international freight **undertakings**.

Amendment

(17) In order to facilitate requests for infrastructure *capacity* for international rail freight services, it is appropriate to set up a one-stop shop for each freight corridor. For this, existing initiatives should be built upon, in particular those undertaken by RNE, a body which acts as a coordination tool for the infrastructure managers and provides a number of services to international freight **operators**.

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 90

Bogdan Kazimierz Marcinkiewicz

Council position

Recital 17

Council position

(17) In order to facilitate requests for infrastructure capacities for international rail freight services, it is appropriate to designate **or establish** a one stop shop **for** each freight corridor. For this, existing initiatives should be built upon, in particular those undertaken by RNE, **a**

Amendment

(17) In order to facilitate requests for infrastructure capacities for international rail freight services, it is appropriate to designate **or create** a one stop shop **by each infrastructure manager of** freight corridor. For this, existing initiatives should be built upon, in particular those

body which acts as a coordination tool for the infrastructure managers and provides a number of services to international freight undertakings.

undertaken by RNE.

Or. en

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 91
Michael Cramer

Council position
Recital 20 a (new)

Council position

Amendment

(20a) Fees for using the infrastructure should vary according to the quality and reliability of the train path allocated and to the noise level of the train.

Or. en

Amendment 92
Silvia-Adriana Țicău

Council position
Recital 21 a (new)

Council position

Amendment

(21a) In order to guarantee the development of competition between suppliers of rail freight services in the freight corridor, applicants other than railway undertakings or their groupings should be able to request infrastructure capacity, with priority nevertheless being awarded to railway undertakings or their groupings.

Justification

It is important that priority be awarded to railway undertakings or their groupings in order to ensure internal continuity along the whole freight corridor.

Amendment 93

Izaskun Bilbao Barandica

Council position

Recital 25

Council position

(25) Since the objective of this Regulation, namely the **establishment** of a European rail network for competitive freight made up of freight corridors, cannot be sufficiently achieved by the Member States alone and can therefore by reason of its scale and effects be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment

(25) Since the objective of this Regulation, namely the **creation** of a European rail network for competitive freight made up of freight corridors, cannot be sufficiently achieved by the Member States alone and can therefore by reason of its scale and effects be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 94

Izaskun Bilbao Barandica

Council position

Recital 26

Council position

(26) Fair rules based on cooperation between the infrastructure managers, who

Amendment

(26) Fair rules based on cooperation between the infrastructure managers who

must provide a quality service to freight undertakings within the framework of an international rail corridor, should be introduced in respect of the coordination of investment and the management of capacities and traffic.

must provide a quality service to freight **operators** within the framework of an international rail corridor, should be introduced in respect of the coordination of investment and the management of capacities and traffic.

Or. es

Amendment 95
Izaskun Bilbao Barandica

Council position
Recital 29

Council position

(29) In addition, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ***in respect of the adaptation of Annex II***. It is of particular importance that the Commission consult experts during its preparatory work, in accordance with the commitments made in the Commission Communication of 9 December 2009 on the implementation of Article 290 of the Treaty on the Functioning of the European Union.

Amendment

(29) In addition, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union. It is of particular importance that the Commission consult experts during its preparatory work, in accordance with the commitments made in the Commission Communication of 9 December 2009 on the implementation of Article 290 of the Treaty on the Functioning of the European Union.

Or. es

Amendment 96
Ramon Tremosa i Balcells

Council position
Article 1 - paragraph 1

Council position

1. This Regulation lays down rules for the establishment and organisation of international rail corridors for a European rail network for competitive freight. It sets

Amendment

1. This Regulation lays down rules for the establishment and organisation of international rail corridors for a European rail network for competitive freight. It sets

out rules for the selection, organisation and management of freight corridors.

out rules for the selection, organisation, management **and the investment planning** of freight corridors.

Or. en

Justification

Besides selection, organisation and management of the corridors, the Regulation foresees also investment planning along the corridors (Article 10) that should therefore be mentioned here. This is consistent with the European Parliament's version.

Amendment 97

Izaskun Bilbao Barandica

Council position

Article 2 - paragraph 2 - point a

Council position

a) "freight corridor" means all **designated** railway lines in Member States and, where necessary, European third countries, linking terminals **along the principal route of the freight corridor, including the** railway infrastructure and its equipment, marshalling yards and train formation facilities **and, where necessary, diversionary routes**;

Amendment

a) "freight corridor" means all **the** railway lines in **the territory of the** Member States and, where necessary, European third countries linking **two or more** terminals, **including a principal axis, alternative routes and paths linking them, and** railway infrastructure and its equipment **in the freight terminals**, marshalling yards and train formation facilities, **as well as branch lines to the latter, including all related services as set out in Annex II to Directive 2001/14/EC**;

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 98
Izaskun Bilbao Barandica

Council position
Article 2 - paragraph 2 - point b

Council position

b) "implementation plan" means the document presenting the means and **the** strategy that the parties concerned intend to implement in order to develop over a specified period the measures which are necessary and sufficient to **establish** the freight corridor;

Amendment

b) "implementation plan" means the document presenting the means, **measures** and strategy that the parties concerned intend to implement in order to develop over a specified period the measures which are necessary and sufficient to **create** the freight corridor;

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 99
Izaskun Bilbao Barandica

Council position
Article 2 - paragraph 2 - point b a (new)

Council position

Amendment

(ba) "heavy maintenance work" means any intervention or repair to the railway infrastructure and its equipment, planned at least one year in advance, which is necessary for running the trains along the freight corridor and requires infrastructure capacity to be reserved in accordance with Article 28 of Directive 2001/14/EC;

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 100
Izaskun Bilbao Barandica

Council position
Article 2 - paragraph 2 - point c a (new)

Council position

Amendment

(ca) "one-stop shop" means a joint entity set up by each infrastructure manager on the freight corridor which offers applicants the opportunity to request in a single place and in a single operation a train path for a journey crossing at least one border.

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 101
Werner Kuhn

Council position
Article 2 - paragraph 2 - point c a (new)

Council position

Amendment

ca) "one-stop shop" means the entity set up by each national infrastructure manager of the freight corridor which offers applicants the opportunity to request in a single place and a single operation a train path for a journey crossing at least one border along the corridor.

Or. de

Justification

Each infrastructure manager which is a member of RNE is already operating an OSS. Costly duplication of bodies and conflicts of responsibility need to be avoided. Accordingly an OSS should be set up for each national infrastructure manager involved in a corridor, to receive and respond to requests for international train paths.

Amendment 102

Bogdan Kazimierz Marcinkiewicz

Council position

Article 2 - paragraph 2 - point c a (new)

Council position

Amendment

(ca) "one - stop shop" shall mean the body created by infrastructure managers, which offers applicants the opportunity to request in a single place and in a single operation infrastructure capacity for freight trains crossing at least one border.

Or. en

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 103

Ramon Tremosa i Balcells

Council position

Article 2 - paragraph 2 - point c a (new)

Council position

Amendment

(ca) "One-stop shop" shall mean the entity set up by each infrastructure manager of the freight corridor which offers applicants the opportunity to request in a single place and in a single operation a train path for a journey crossing at least one border along the freight corridor.

Justification

Each infrastructure manager which is a member of RNE is already operating an OSS. The existence of these national OSSs should be taken into account in order to avoid costly duplication and conflicts. There should be one OSS located with each national infrastructure manager involved in the freight corridor, which receives and responds to requests for international train paths. See also amendments 4 and 5.

Amendment 104**Bogusław Liberadzki****Council position****Article 2 - paragraph 2 - point c a (new)***Council position**Amendment*

(ca) "One-stop shop" shall mean the entity set up by each infrastructure manager of the freight corridor which offers applicants the opportunity to request in a single place and in a single operation a train path for a journey crossing at least one border along the freight corridor.

Amendment 105**Dominique Riquet, Dominique Vlasto****Council position****Article 2 - paragraph 2 - point c a (new)***Council position**Amendment*

(ca) "applicant" means any entity that might use a freight corridor;

Justification

Amendment defining the term “applicant”, which is used several times in the text, in order to avoid any confusion.

Amendment 106

Izaskun Bilbao Barandica

Council position

Article 2 - paragraph 2 a (new)

Council position

Amendment

2a. The management board shall draw up an integrated strategy for the development of terminals that will meet the needs of rail freight running on the rail corridor, in particular by acting as intermodal nodes along the freight corridors. These measures shall include cooperation with regional, local and national governments, the sourcing of land to develop rail freight terminals and the provision of funds to back such development. The management board shall ensure that sufficient terminals are created, based on the expected volume of traffic.

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 107

Izaskun Bilbao Barandica

Council position

Article 2 a (new)

Council position

Amendment

***Article 2a
Selection of freight corridors***

1. The selection of freight corridors shall be carried out in accordance with the following criteria:

(a) the freight corridor whose creation is proposed must cross the territory of at least three Member States or at least two Member States if the distance between the railway terminals served by the freight corridor proposed is greater than 500 kilometres;

(b) the consistency of the freight corridor with the TEN-T, the ERTMS corridors or the corridors defined by RailNetEurope; if necessary, certain sections not included in the TEN-T, with high or potentially high volumes of freight traffic, may also form part of the corridor;

(c) the integration of TEN-T priority projects into the freight corridor;

(d) selection shall be justified on the basis of a socio-economic analysis. This shall include the impact on those parts of the transport system where the allocation of infrastructure capacity in the freight corridor significantly affects freight and passenger traffic. It shall also include an analysis of the major effects in terms of external costs;

(e) the selection shall be supported by an implementation plan;

(f) the consistency of all of the freight corridors proposed by the Member States in order to set up a European rail network for competitive freight;

(g) selection shall allow significant development of rail freight traffic and take account of major trade flows and goods traffic;

(h) it shall allow better interconnections between border Member States and neighbouring third countries;

(i) the interest of the applicants in the freight corridor;

(j) the existence of good interconnections with other modes of transport, in particular thanks to an adequate network of terminals, including in the maritime

and inland ports sector;

(k) the freight corridor may contain elements of the rail networks of European third countries. Where applicable, these elements must be compatible with the TEN-T policy.

2. The creation or modification of a freight corridor shall be proposed by the Member States concerned. They shall give the Commission advance notice of their intentions, attaching a proposal drawn up with the infrastructure managers concerned and taking into account the initiatives and opinions of railway undertakings that use the corridor or are interested in doing so and the criteria on the selection of corridors set out in paragraph 1. Interested railway undertakings may participate in the process when substantial investments concern them.

3. At the latest two years after the entry into force of this Regulation, each Member State with a rail border with another Member State shall participate in the establishment of at least one freight corridor, unless this obligation has already been met under Article 3.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union as regards the creation or modification of freight corridors referred to in paragraph 2.

5. The Commission shall examine the proposals for the establishment of freight corridors referred to in paragraph 2 and, in accordance with the delegated acts referred to in Articles 20, 21 and 22, adopt a decision on the compliance of such proposals with this Article at the latest six months after submission of the respective proposals. It may state objections or propose modifications in line with what it considers appropriate.

6. The Member States concerned shall make the freight corridor operational at

the latest two years after the decision of the Commission referred to in paragraph 5.

7. Notwithstanding paragraph 3, Member States shall, upon request from a Member State, participate in the establishment of the freight corridor as referred to in paragraph 3 or extension of existing corridor, in order to allow a neighbouring Member State to fulfil its obligation under that paragraph.

8. When two or more Member States concerned do not agree on the establishment or modification of a freight corridor, and with regard to the railway infrastructure located on their territory, the Commission, at the request of one of the Member States concerned, shall consult the Committee referred to in Article 19 on this matter. The opinion of the Commission shall be sent to the Member States concerned. The Member States concerned shall take this opinion into account in order to find a solution and shall take a decision on the basis of mutual consent.

Or. es

Amendment 108
Zigmantas Balčytis

Council position
Article 3 - paragraph 1

Council position

1. The Member States referred to in Annex I shall ***establish by [three*** years after entry into force of this Regulation/ the freight corridors along the principal routes set out in that Annex. The Member States concerned shall inform the Commission about the establishment of the freight corridors.

Amendment

1. The Member States referred to in Annex I shall, ***no later than five*** years after entry into force of this Regulation, ***establish and make operational*** the freight corridors along the principal routes set out in that Annex. The Member States concerned shall inform the Commission about the establishment of the freight corridors.

Amendment 109
Bogusław Liberadzki

Council position
Article 3 - paragraph 1

Council position

1. The Member States referred to in Annex I shall establish at the latest **three** years after entry into force of this Regulation the freight corridors along the principal routes set out in that Annex. The Member States concerned shall inform the Commission about the establishment of the freight corridors.

Amendment

1. The Member States referred to in Annex I shall establish at the latest **two** years after entry into force of this Regulation the freight corridors along the principal routes set out in that Annex. The Member States concerned shall inform the Commission about the establishment of the freight corridors.

Or. en

Amendment 110
Georges Bach

Council position
Article 3 - paragraph 2 a (new)

Council position

Amendment

2a. Defining the actual routing within the rail freight corridors shall be the responsibility of the infrastructure managers involved in the corridor in their respective area of competence.

Or. de

Amendment 111
Thomas Ulmer, Thomas Mann

Council position
Article 3 – paragraph 2 a (new)

Council position

Amendment

2a. In defining rail freight corridors the infrastructure managers involved must be allowed the greatest possible flexibility in the actual routing.

Or. de

Justification

To ensure that capacity control can also take place outside high-density lines, the regulation should refrain from defining the individual routes or parts thereof.

Amendment 112
Ismail Ertug

Council position
Article 3 – paragraph 2 a (new)

Council position

Amendment

2a. Defining the actual routing within the rail freight corridors shall be the responsibility of the infrastructure managers involved in the corridor in their respective area of competence.

Or. de

Justification

The regulation should refrain from defining individual routes or parts thereof. Delegating the definition of these routes to the infrastructure managers is the essential approach in order to enable capacity control to take place even outside high-density lines and thus achieve better capacity utilisation.

Amendment 113
Ramon Tremosa i Balcells

Council position
Article 3 - paragraph 2 a (new)

Council position

Amendment

2a. Defining the actual routing within the rail freight corridors shall be the responsibility of the infrastructure managers involved in the corridor in their respective area of competence.

Or. en

Justification

Clearly delineated lines and line sections respectively should not be defined in the Regulation. Delegating the definition to the infrastructure managers is the central approach to enabling capacity control outside high-density lines as well and thus to achieving better capacity utilisation.

Amendment 114
Corien Wortmann-Kool

Council position
Article 3 - paragraph 2 a (new)

Council position

Amendment

2a. Defining the actual routing within the rail freight corridors shall be the responsibility of the infrastructure managers involved in the corridor in their respective area of competence.

Or. en

Justification

This leaves flexibility to the infrastructure managers. Delegating the definition to the infrastructure managers is the central approach to enabling capacity control outside high-

density line as well and thus to achieving better capacity utilisation.

Amendment 115

Ramon Tremosa i Balcells

Council position

Article 3 - paragraph 2 b (new)

Council position

Amendment

2b. In countries where the track gauge is not the same as the international track gauge, a third rail must be laid along the already existing tracks, with the aim of ensuring that conventional tracks do not constitute physical barriers to the free movement of freight on the European single market.

Or. es

Amendment 116

Inés Ayala Sender

Council position

Article 5 - paragraph 1

Council position

Amendment

1. The freight corridors referred to in Articles 3 and 4 may be modified on the basis of a joint proposal by the Member States concerned to the Commission after consulting the infrastructure managers and applicants concerned.

1. The freight corridors referred to in Articles 3 and 4 may be modified on the basis of a joint proposal by the Member States concerned to the Commission after consulting the infrastructure managers and applicants concerned. ***In any case, the subsequent development and roll out of the TEN-T priority projects will bring about the modifications necessary for integration, especially where the former have already been earmarked for freight transport.***

Or. es

Amendment 117

Ramon Tremosa i Balcells

Council position

Article 7 - paragraph 1

Council position

1. For each freight corridor, Member States concerned shall establish an executive board responsible for defining the general objectives of the freight corridor, supervising and taking the measures as expressly provided for in Articles 8, 10 and 20. The executive board shall be composed of representatives of the authorities of the Member States concerned.

Amendment

1. For each freight corridor, Member States concerned shall establish an executive board responsible for defining the general objectives of the freight corridor, supervising and, ***whenever relevant***, taking the measures as expressly provided for in Articles 8, 10 and 20. The executive board shall be composed of representatives of the authorities of the Member States concerned.

Or. en

Justification

Not all decisions to be made by the Management Board are of concern to Member States (especially those concerning internal operational improvements). As Directive 2001/14/EC suggests it, a certain entrepreneurial independence of infrastructure managers should be preserved.

Amendment 118

Izaskun Bilbao Barandica

Council position

Article 7 - paragraph 2

Council position

2. For each freight corridor, the infrastructure managers concerned and, where relevant, the allocation bodies as referred to in Article 14(2) of Directive 2001/14/EC, shall ***establish*** a management board responsible for taking the measures

Amendment

2. For each freight corridor, the infrastructure managers concerned and, where relevant, the allocation bodies as referred to in Article 14(2) of Directive 2001/14/EC shall ***set up*** a management board responsible for taking the measures

as expressly provided for in paragraph 6 of this Article and in Articles 8, 10, 12(1), 13(2), (5) and (6), 15(1), 16 and 17(2) and (3) of this Regulation. The management board shall be composed of the representatives of the infrastructure managers.

as expressly provided for in paragraph 6 of this Article and in Articles 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of this Regulation. The management board shall be composed of the representatives of the infrastructure managers. ***The railway undertakings concerned or groupings of these railway undertakings using the corridor regularly shall participate in this body on a consultative basis. The management board shall make regular reports on its activity to the Member States concerned and, where necessary, to the Commission and European coordinators of the TEN-T priority projects referred to in Article 17a of Decision No 1692/96/EC of the European Parliament and of the Council¹ and involved in the freight corridor.***

¹ OJ L 228, 9.9.1996.

Or. es

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 119

Dominique Riquet, Dominique Vlasto

Council position

Article 7 - paragraph 3 a (new)

Council position

Amendment

3a. The management board shall be an independent legal entity. It may take the form of a European economic interest grouping within the meaning of Council Regulation (EEC) No 2137/85 of 25 July 1985 on the European Economic Interest Grouping (EEIG) and shall enjoy the status of such a grouping.

1 OJ L 124, 15.5.1990, p. 52

Justification

Amendment reinserting the text adopted by Parliament at first reading and specifying that the management board only enjoys the status of an European economic interest grouping if it takes the form of such a grouping.

Amendment 120

Bogusław Liberadzki

Council position

Article 7 - paragraph 4

Council position

4. The management board shall take its decisions, including decisions regarding its legal status, resources and staffing, on the basis of mutual consent of the infrastructure managers concerned.

Amendment

4. The management board shall take its decisions, including decisions regarding its legal status, resources and staffing, on the basis of mutual consent of the infrastructure managers concerned ***and taking into account the opinion of the railway undertakings, in particular, through their designated representatives. In case of disagreement between the infrastructure managers and the representatives of the advisory group of railway undertakings, the infrastructure managers' decision shall prevail. The management board shall inform the executive board of the disagreement.***

Or. en

Justification

Railway undertakings have market knowledge and may be directly affected by decisions taken at corridors governance level or have to carry out actions decided by the governance body. Therefore, they should be included in the preparation of the decisions, when the decisions affect them.

In case the decisions are not supported by the railway undertakings, the decisions proposed by the infrastructure managers will prevail. In this case, Member States in the executive board will be interested to know what is not agreeable to railway undertakings before taking

their own decision.

Amendment 121
Werner Kuhn

Council position
Article 7 – paragraph 6

Council position

6. The management board shall set up an advisory group made up of managers and owners of the terminals of the freight corridor.

This advisory group *may* issue an opinion on any proposal by the management board which has direct consequences for ***investment and the management of terminals***. The advisory group may also issue own-initiative opinions. The management board shall take *any* of these opinions into account.

Amendment

6. The management board shall set up an advisory group made up of managers and owners of terminals of the freight corridor, ***including sea and inland waterway ports, as well as railway undertakings, including rail freight and passenger operators, shippers, forwarders and/or their representative bodies*** *The management board shall inform the advisory group regularly and in due time about all matters which affect them and the timeframe for dealing with them in the management board and the executive board.*

This advisory group ***shall*** issue an opinion on any proposal by the management board which has direct consequences for ***its members***. The advisory group may also issue own-initiative opinions. The management board shall take *all* of these opinions into account. ***The final decision, however, shall be taken by the management board. The management board shall provide the advisory group with reasons for any decision which differs from the opinion of the advisory group.***

In the event of disagreement between the management board and the advisory group, the latter may refer the matter to the executive board. The executive board shall act as an intermediary and provide its opinion in due time.

Or. de

Justification

Since the railway undertakings using the corridor may be directly affected by decisions concerning the development of the corridor, their right to participate should be strengthened. Unambiguous specifications regarding organisation and processes are a crucial prerequisite for ensuring efficient cooperation.

Amendment 122

Ramon Tremosa i Balcells

Council position

Article 7 - paragraph 6

Council position

6. The management board shall set up an advisory group made up of managers and owners of the terminals of the freight corridor. ***This*** advisory group ***may issue*** an opinion on any proposal by the management board which has direct consequences for ***investment and the management of terminals. The advisory group*** may also issue own-initiative opinions. The management board shall take any of these opinions into account.

Amendment

6. The management board shall set up an advisory group made up of managers and owners of terminals of the freight corridor, ***including sea and inland waterway ports, as well as railway undertakings, including rail freight and passenger operators, shippers, forwarders and / or their representative bodies.***

The advisory group shall be informed regularly and in due time about all matters which affect them, the development of these matters and the timeframe for dealing with them in the management board and the executive board.

The advisory group ***issues*** an opinion on any proposal by the management board which has direct consequences for ***its members. It*** may also issue own-initiative opinions. The management board shall take any of these opinions into account. ***The final decision, however, shall be taken by the management board. The management board shall provide the advisory group with reasons for any decision which differs from the opinion / proposal of the advisory group. In the event of disagreement between the***

management board and the advisory group, the latter may refer the matter to the executive board. The executive board shall act as an intermediary and provide its opinion in due time.

Or. en

Justification

The Railway undertakings using the corridor may be directly affected by decisions concerning the development of the corridor. Therefore their right to participate should be strengthened. Unambiguous specifications of the organisation and processes are important prerequisites for ensuring efficient cooperation.

Amendment 123

Thomas Ulmer, Thomas Mann

Council position

Article 7 – paragraph 6

Council position

6. The management board shall set up an advisory group made up of managers and owners of the terminals of the freight corridor.

This advisory group **may** issue an opinion on any proposal by the management board which has direct consequences for ***investment and the management of terminals***. The advisory group may also issue own-initiative opinions. The management board shall take *any* of these opinions into account.

Amendment

6. The management board shall set up an advisory group made up of managers and owners of terminals of the freight corridor, ***including sea and inland waterway ports, as well as railway undertakings, including rail freight and passenger operators, shippers, forwarders and/or their representative bodies***

The management board shall inform the advisory group regularly and in due time about all matters which affect them and the timeframe for dealing with them in the management board and the executive board.

This advisory group **shall issue** an opinion on any proposal by the management board which has direct consequences for ***its members***. The advisory group may also issue own-initiative opinions. The management board shall take *all* of these opinions into account.

The final decision, however, shall be taken by the management board. The management board shall provide the advisory group with reasons for any decision which differs from the opinion of the advisory group.

In the event of disagreement between the management board and the advisory group, the latter may refer the matter to the executive board. The executive board shall act as an intermediary and provide its opinion in due time.

Or. de

Justification

In connection with measures to develop the corridor, the interests of the market and/or of the users of the corridor should be taken into account. The aim of the proposal is to guarantee efficient cooperation between the management board and all participants.

Amendment 124 **Corien Wortmann-Kool**

Council position **Article 7 - paragraph 6**

Council position

6. The management board shall set up an advisory group made up of managers and owners of the terminals of the freight corridor. This advisory group may issue an opinion on any proposal by the management board which has direct consequences for **investment and the management of terminals**. The advisory group may also issue own-initiative opinions. The management board shall take any of these opinions into account.

Amendment

6. The management board shall set up an advisory group made up of managers and owners of terminals of the freight corridor, **including sea and inland waterway ports, as well as railway undertakings, including rail freight and passenger operators, shippers, forwarders and/ or their representative bodies.**

The management board and advisory group shall be separate bodies. The advisory group shall be informed regularly and in due time about all

matters which affect them, the development of these matters and the timeframe for dealing with them in the management board and the executive board.

This advisory group may issue an opinion on any proposal by the management board which has direct consequences for ***its members***. The advisory group may also issue own-initiative opinions. The management board shall take any of these opinions into account.

Or. en

Justification

Unambiguous specifications of the organisation and processes are important prerequisites for ensuring efficient cooperation.

Amendment 125

Werner Kuhn

Council position

Article 7 – paragraph 6 a (new)

Council position

Amendment

6a. The management board shall require the infrastructure managers involved in the corridor to use IT applications (e.g. Pathfinder, Europtirails) or alternative solutions available in future such as interfaces to handle requests for international train paths and the operation of international traffic on the corridor.

Or. de

Justification

In order to improve cooperation between infrastructure managers concerning both the preparation of the working timetable and traffic management, the management board must require infrastructure managers to use technical solutions.

Amendment 126
Ramon Tremosa i Balcells

Council position
Article 7 - paragraph 6 a (new)

Council position

Amendment

6a. The management board shall commit the infrastructure managers involved in the freight corridor to using IT applications (e.g. Pathfinder, Europtirails) or alternative solutions available in future such as interfaces to handle requests for international train paths and the operation of international traffic on the corridor.

Or. en

Justification

In order to improve cooperation between infrastructure managers concerning both the preparation of the working timetable and traffic management, the infrastructure managers will be obliged by the management board to use technical solutions. See also amendment 5.

Amendment 127
Corien Wortmann-Kool

Council position
Article 7 - paragraph 6 a (new)

Council position

Amendment

6a. The management board shall commit the infrastructure managers involved in the freight corridor to using IT applications or alternative solutions available in the future to handle requests for international train paths and the

operation of international traffic on the corridor.

Or. en

Justification

In order to improve cooperation between infrastructure managers concerning both the preparation of the working timetable and traffic management, the infrastructure managers will be obliged by the management board to use technical solutions.

Amendment 128
Bogusław Liberadzki

Council position
Article 7 a (new)

Council position

Amendment

7a. The management board shall set up an advisory group made up of railway undertakings using the freight corridor. The railway undertakings of the advisory group shall nominate their representatives in the management board (up to the total number of infrastructure managers that are members of the management board plus one). Once nominated, the representatives of the railway undertakings using the corridor will become full members of the management board on a consultative basis only, and may issue an opinion on any proposal by the management board which has direct consequences on the railway undertakings using the corridor. The advisory group may also issue own-initiative opinions.

Infrastructure managers on the corridor shall be responsible for informing railway undertakings who are new to using the corridor of the existence of the advisory group, so that they can join if they so wish and take part in the nomination or renewal of the representative of the

advisory group to the management board.

Or. en

Amendment 129

Carlo Fidanza, Antonio Cancian, Debora Serracchiani

Council position

Article 8 - paragraph 4

Council position

4. The implementation plan shall take into account the development of terminals to meet the needs of rail freight running on the freight corridor.

Amendment

4. The implementation plan shall take into account – ***along with other measures*** – the development of terminals to meet the needs of rail freight running on the freight corridor. ***It must also take into account the implementation of appropriate safety measures for the transport of hazardous freight by rail. In particular, keepers of wagons for the transport of hazardous freight must entrust the maintenance of the wagons they own to certified maintenance workshops and take out minimum insurance cover of EUR 150 million against accidents that may arise in the course of that transport.***

Or. it

Justification

While it is desirable that hazardous freight increasingly be transported by rail rather than by road, in the light of recent experience wagon keepers must ensure that their wagons are maintained by certified workshops and must have sufficient minimum insurance cover against the risks of such transport.

Amendment 130
Michael Cramer

Council position
Article 8 - paragraph 4 a (new)

Council position

Amendment

4 a. The management board shall commit the infrastructure managers involved in the freight corridor to using interoperable IT applications or alternative solutions available in future such as interfaces to handle requests for international train paths and the operation of international traffic on the corridor.

Or. en

Amendment 131
Izaskun Bilbao Barandica

Council position
Article 11

Council position

Amendment

The ***infrastructure managers concerned*** shall coordinate and publish, ***according to*** an appropriate ***manner and*** timeframe, their schedule for carrying out all the works on infrastructure and its equipment that would restrict available capacity on the ***freight corridor***.

The ***management board*** shall coordinate and publish, ***following an*** appropriate ***timetable and in accordance with the respective contractual agreements and Article 6 of Directive 2001/14/EC***, their schedule for carrying out all the works on infrastructure and its equipment that would restrict available capacity on the ***network***.

Or. es

Amendment 132

Ismail Ertug

Council position

Article 12 – paragraph 1

Council position

1. The management board ***for a freight corridor shall designate or establish a joint body and/or an information system through collaboration between infrastructure managers offering applicants the opportunity to request, in a single place and a single operation, infrastructure capacity*** for freight trains crossing at least one border along the freight corridor (***the "one-stop shop"***).

Amendment

1. The management board ***shall require each national infrastructure manager involved in a corridor to designate or establish a one-stop shop as defined in Article 2(2) (ca) for receiving and replying to requests for train paths*** for freight trains crossing at least one border along the freight corridor (***international train path***). ***The infrastructure managers involved in a freight corridor shall provide the necessary information in order to deal with international train path requests in line with Article 7(6a).***

Or. de

Justification

There should be one OSS for each national infrastructure manager involved in the freight corridor, receiving and responding to requests for international train paths. The processing of these requests is to be conducted using technical solutions.

Amendment 133

Ramon Tremosa i Balcells

Council position

Article 12 - paragraph 1

Council position

(1) The management board ***for a freight corridor shall designate or establish a joint body and/or an information system through collaboration between infrastructure managers offering applicants the opportunity to request, in a***

Amendment

(1) The management board ***shall commit each infrastructure manager involved in a freight corridor to designating or putting in place a one-stop shop as defined in Article 2 paragraph 2 (ca) to receiving and to replying to requests for train paths***

single place and a single operation, infrastructure capacity for freight trains crossing at least one border along the freight corridor (*the "one-stop shop"*).

for freight trains crossing at least one border along the freight corridor (***international train path***). ***The infrastructure managers involved in a freight corridor shall provide the necessary information in order to deal with international train path requests in line with Article 7 paragraph 6a.***

Or. en

Justification

There should be one OSS located with each national infrastructure manager involved in the freight corridor, which receives and responds requests of customers for an international train path. The processing of these requests is conducted by using technical solutions. See also amendments 1 and 4.

Amendment 134 Werner Kuhn

Council position Article 12 - paragraph 1

Council position

1. The management board ***for a freight corridor shall designate or establish a joint body and/or an information system through collaboration between infrastructure managers offering applicants the opportunity to request, in a single place and a single operation, infrastructure capacity*** for freight trains crossing at least one border along the freight corridor (*the "one-stop shop"*).

Amendment

1. The management board ***shall require each national infrastructure manager involved in a freight corridor to designate or establish a one-stop shop for receiving and replying to requests for train paths*** for freight trains crossing at least one border along the corridor (***international train path***). ***The infrastructure managers involved in a freight corridor shall use IT applications (e.g. Pathfinder) or alternative solutions available in future such as interfaces to handle requests for international train paths.***

Or. de

Justification

There should be one OSS for each national infrastructure manager involved in a freight corridor, receiving and responding to requests for international train paths. The processing of these requests is to be conducted using technical solutions.

Amendment 135

Bogdan Kazimierz Marcinkiewicz

Council position

Article 12 - paragraph 1

Council position

1. The management board for a freight corridor shall designate or establish a joint body and/or an information system through collaboration between infrastructure managers offering applicants the opportunity to request, in a single place and a single operation, infrastructure capacity for freight trains crossing at least one border along the freight corridor (the "one-stop shop").

Amendment

1. Each infrastructure manager of the freight corridor shall designate or create a one-stop shop. Infrastructure managers who already operate a one-stop shop, shall be exempt from the above obligation.

Or. en

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 136

Thomas Ulmer, Thomas Mann

Council position

Article 12 - paragraph 1

Council position

1. The management board for a freight corridor shall designate or establish a joint body and/or an information system through collaboration between infrastructure managers offering

Amendment

1. The management board shall require each national infrastructure manager involved in a freight corridor to designate or establish a one-stop shop for receiving and replying to requests for train paths for

applicants the opportunity to request, in a single place and a single operation, infrastructure capacity for freight trains crossing at least one border along the freight corridor (the "one-stop shop").

freight trains crossing at least one border along the corridor (international train path). The infrastructure managers involved in the freight corridor shall provide, in accordance with the provisions of this regulation concerning the use of IT applications, the necessary information in order to deal with international train path requests.

Or. de

Justification

One OSS should be established for each national infrastructure manager involved in the freight corridor, receiving and responding to requests for international train paths centrally, using IT solutions.

Amendment 137

Izaskun Bilbao Barandica

Council position

Article 12 - paragraph 1 a (new)

Council position

Amendment

1a. Individual infrastructure managers of a corridor may be instructed to act as the one-stop shop to facilitate the lodging of requests. These requests shall be sent immediately to the one-stop shop set up for this purpose.

Or. es

Amendment 138

Bogdan Kazimierz Marcinkiewicz

Council position

Article 12 - paragraph 3

Council position

Amendment

3. The one-stop shop *shall forward any*

3. The one-stop *shops of all infrastructure*

application for infrastructure capacity without any delay to the competent infrastructure managers and, where relevant, the allocation bodies as referred to in Article 14(2) of Directive 2001/14/EC, who shall take a decision on that application in accordance with Article 13 and Chapter III of that Directive.

managers along the freight corridor shall cooperate with each other on the allocation of capacity and timetabling.

Or. en

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 139 **Izaskun Bilbao Barandica**

Council position **Article 12 - paragraph 4**

Council position

4. The activities of the one-stop shop shall be carried out *under* transparent *and non-discriminatory conditions*. These activities shall be subject to control of the regulatory bodies in accordance with Article 18.

Amendment

4. The activities of the one-stop shop shall be carried out *in a* transparent *manner; to this end a register, made freely available to all interested parties to prevent any discrimination, shall be kept wherein are noted the date requests are made, the names of the applicants, details of documentation supplied and of incidents*. These activities shall be subject to *the* control of the regulatory bodies in accordance with Article 18.

Or. es

Amendment 140
Werner Kuhn

Council position
Article 12 - paragraph 4

Council position

4. The activities of the one-stop shop shall be carried out under transparent and non-discriminatory conditions. ***These activities shall be subject to control of the regulatory bodies in accordance with Article 18.***

Amendment

4. The activities of the one-stop shop shall be carried out under transparent and non-discriminatory conditions.

Or. de

Justification

The decision on the allocation of train paths is taken by each individual infrastructure manager on the basis of its national law and not by the OSS. Accordingly the regulatory bodies cannot take a joint decision.

Amendment 141
Bogdan Kazimierz Marcinkiewicz

Council position
Article 12 - paragraph 4

Council position

4. The activities of the one-stop shop shall be carried out under transparent and non-discriminatory conditions. ***These activities shall be subject to control of the regulatory bodies in accordance with Article 18.***

Amendment

4. The activities of the one-stop shop shall be carried out under transparent and non-discriminatory conditions.

Or. en

Justification

This amendment aims to reintroduce Parliament's first reading.

Amendment 142
Ramon Tremosa i Balcells

Council position
Article 12 - paragraph 4

Council position

4. The activities of the one-stop shop shall be carried out under transparent and non-discriminatory conditions. ***These activities shall be subject to control of the regulatory bodies in accordance with Article 18.***

Amendment

4. The activities of the one-stop shop shall be carried out under transparent and non-discriminatory conditions.

Or. en

Justification

The decision on the allocation of train paths is taken by each individual national infrastructure manager on the basis of its national law and not by the OSS. Therefore the regulatory bodies cannot take a decision.

Amendment 143
Bogusław Liberadzki

Council position
Article 12 a (new)

Council position

Amendment

- 1. The management board of the freight corridor shall define and periodically update categories of freight paths, which shall be valid throughout the freight corridor. At least one of these categories (hereinafter referred to as "facilitated freight") shall include, among these categories of paths, train paths with an efficient transport time and guaranteed punctuality.***
- 2. The criteria defining the categories of freight traffic shall be adopted by the governance body after consultation of the applicants likely to use the freight corridor as defined in Article 2 of***

Justification

The concept of "facilitated freight" is interesting, as it frames the number of paths with a facilitated circulation (e.g. thanks to the priority rules applying to the trains running on these paths). It gives the political scope to determine the desirable volume of facilitated freight paths and it lets the technical flexibility to set their feasible volume.

If all prearranged paths are given priority, the risks are high of no gain of quality in practice: in a disturbed situation, all freight trains running on prearranged paths will be dealt similarly, as it is already the case today.

Amendment 144

Izaskun Bilbao Barandica

Council position

Article 13 - paragraph 5 - subparagraph 1

Council position

5. Infrastructure managers shall, if justified by market need and the evaluation referred to in paragraph 2 of this Article, jointly define the reserve capacity for international freight trains running on the freight corridors recognising the need for capacity of other types of transport, including passenger transport and keep this reserve available within their final working timetables to allow them to respond quickly and appropriately to ad hoc requests for capacity as referred to in Article 23 of Directive 2001/14/EC. This capacity shall be reserved until the time-limit before its scheduled time as decided by the management board. This time-limit shall not exceed **90 days.**

Amendment

5. The management board, following the preliminary evaluation of the need to constitute a reserve capacity for ad hoc requests, and all the while ensuring that the allocated train path meets quality standards in terms of journey time and timetables adapted for international facilitated freight traffic, shall keep such a reserve available within their final working timetables to allow them to respond quickly and appropriately to ad hoc requests for capacity as referred to in Article 23 of Directive 2001/14/EC. This capacity shall be reserved until the time-limit before its scheduled time as decided by the management board. This time-limit shall not exceed **two months.**

Amendment 145
Ramon Tremosa i Balcells

Council position
Article 13 - paragraph 5 - subparagraph 1

Council position

5. Infrastructure managers shall, if justified by market need and the evaluation as referred to in paragraph 2, jointly define the reserve capacity for international freight trains running on the freight corridors ***recognizing the need for capacity of other types of transport, including the passenger transport*** and keep this reserve available within their final working timetables to allow them to respond quickly and appropriately to ad hoc requests for capacity as referred to in Article 23 of Directive 2001/14/EC. ***This capacity shall be reserved until the time limit before its scheduled time as decided by the management board. This time limit shall not be longer than 90 days.***

Amendment

5. Infrastructure managers shall, if justified by market need and the evaluation as referred to in paragraph 2, jointly define the reserve capacity for international freight trains running on the freight corridors and keep this reserve available within their final working timetables to allow them to respond quickly and appropriately to ad hoc requests for capacity as referred to in Article 23 of Directive 2001/14/EC. ***This capacity shall be reserved until the time limit before its scheduled time as decided by the management board. This time limit shall not be longer than 90 days.***

Or. en

Justification

This regulation deals with “competitive freight”. Timetablers will have sufficient experience to recognise the need of other traffics without an explicit reference in the regulation that could lead to litigation.

Amendment 146
Michael Cramer

Council position
Article 13 - paragraph 6

Council position

6. The management board shall promote

Amendment

6. The management board shall promote

coordination of *priority* rules relating to capacity allocation on the freight corridor.

coordination of rules relating to capacity allocation on the freight corridor.

Or. en

Amendment 147

Izaskun Bilbao Barandica

Council position

Article 13 - paragraph 7

Council position

7. Save in the case of force majeure, a train path allocated to a freight operation *under* this Article may not be cancelled less than *one* month before its scheduled *time* in the working timetable *except if* the applicant concerned gives its approval for such cancellation. In such a case the infrastructure manager concerned shall make an effort to propose to the applicant a train path of an equivalent quality and reliability which the applicant has the right to accept or refuse. This provision shall be without prejudice to any rights the applicant may have under an agreement as referred to in Article 19(1) of Directive 2001/14/EC.

Amendment

7. Save in the case of force majeure, a train path allocated to a *facilitated* freight operation *pursuant to* this Article may not be cancelled less than *two* months before its scheduled *slot* in the working timetable *unless* the applicant concerned gives its approval for such cancellation. In such a case the infrastructure manager concerned shall make an effort to propose to the applicant a train path of an equivalent quality and reliability which the applicant has the right to accept or refuse. This provision shall be without prejudice to any rights the applicant may have under an agreement as referred to in Article 19(1) of Directive 2001/14/EC. *In any case, the applicant may refer the matter to the regulatory body.*

Or. es

Amendment 148

Werner Kuhn

Council position

Article 13 - paragraph 7

Council position

7. Save in the case of force majeure, a train path allocated to a freight operation under this Article may not be cancelled less than

Amendment

7. Save in the case of force majeure *and in the event of safety-critical line closures and construction work required at short*

one month before its scheduled time in the working timetable except if the applicant concerned gives its approval for such cancellation. In such a case the infrastructure manager concerned shall make an effort to propose to the applicant a train path of an equivalent quality and reliability which the applicant has the right to accept or refuse. This provision shall be without prejudice to any rights the applicant may have under an agreement as referred to in Article 19(1) of Directive 2001/14/EC.

notice on the railway infrastructure, a train path allocated to a freight operation under this Article may not be cancelled less than one month before its scheduled time in the working timetable except if the applicant concerned gives its approval for such cancellation. In such a case the infrastructure manager concerned shall make an effort to propose to the applicant a train path of an equivalent quality and reliability which the applicant has the right to accept or refuse. This provision shall be without prejudice to any rights the applicant may have under an agreement as referred to in Article 19(1) of Directive 2001/14/EC.

Or. de

Justification

The term 'force majeure' does not include all unpredictable and unavoidable circumstances which can cause a cancellation of the train path (e.g. operational incidents). Thus safety-critical line closures and construction work required at short notice on the railway infrastructure should also be mentioned explicitly as exemptions.

Amendment 149 **Ramon Tremosa i Balcells**

Council position **Article 13 - paragraph 7**

Council position

7. Save in the case of force majeure, a train path allocated to a freight operation under this Article may not be cancelled less than one month before its scheduled time in the working timetable except if the applicant concerned gives its approval for such cancellation. In such a case the infrastructure manager concerned shall make an effort to propose to the applicant a train path of an equivalent quality and reliability which the applicant has the right to accept or refuse. This provision shall be

Amendment

7. Save in the case of force majeure ***and in the event of safety critical line closures and construction work required at short notice on the railway infrastructure***, a train path allocated to a freight operation under this Article may not be cancelled less than one month before its scheduled time in the working timetable except if the applicant concerned gives its approval for such cancellation. In such a case the infrastructure manager concerned shall make an effort to propose to the applicant a

without prejudice to any rights the applicant may have under an agreement as referred to in Article 19(1) of Directive 2001/14/EC.

train path of an equivalent quality and reliability which the applicant has the right to accept or refuse. This provision shall be without prejudice to any rights the applicant may have under an agreement as referred to in Article 19(1) of Directive 2001/14/EC.

Or. en

Justification

The term "force majeure" does not include all unpredictable and unavoidable circumstances which can cause a cancellation of the train path (e.g. operational incidents). Thus safety-critical line closures and construction work required at short notice on the railway infrastructure should be mentioned explicitly as exemptions.

Amendment 150

Michael Cramer

Council position

Article 15 - paragraph 2

Council position

2. Each infrastructure manager concerned shall draw up **priority** rules for the management between the different types of traffic in the part of the freight corridors within the responsibility of that infrastructure manager in accordance with the targets and/or guidelines referred to in paragraph 1 of this Article. Those **priority** rules shall be published in the network statement referred to in Article 3 of Directive 2001/14/EC.

Amendment

2. Each infrastructure manager concerned shall draw up rules for the management between the different types of traffic in the part of the freight corridors within the responsibility of that infrastructure manager in accordance with the targets and/or guidelines referred to in paragraph 1 of this Article. Those rules shall be published in the network statement referred to in Article 3 of Directive 2001/14/EC.

Or. en

Amendment 151

Antonio Cancian, Carlo Fidanza, Debora Serracchiani

Council position

Article 15 - paragraph 3

Council position

3. The principles for establishing the priority rules shall at least provide that the train path referred to in Article 13(3) and 13(5) allocated to freight trains which comply with their scheduled time in the working timetable shall not be modified, as far as possible. The principles for establishing the priority rules shall aim at minimising the overall network recovery time with regard to the need of all types of transport. For this purpose, infrastructure managers may coordinate the management between the different types of traffic along several freight corridors.

Amendment

3. The principles for establishing the priority rules shall at least provide, ***with the exception of peak hours where this paragraph shall not apply***, that the train path referred to in Article 13(3) and 13(5) allocated to freight trains which comply with their scheduled time in the working timetable shall not be modified, as far as possible. The principles for establishing the priority rules shall aim at minimising the overall network recovery time with regard to the need of all types of transport. For this purpose, infrastructure managers may coordinate the management between the different types of traffic along several freight corridors.

Or. en

Justification

This amendment aims at restoring a provision approved by the EP in first reading and deleted by the Council.

Amendment 152

Michael Cramer

Council position

Article 15 - paragraph 3

Council position

3. The principles for establishing the ***priority*** rules shall at least provide that the train path referred to in Article 13(3) and

Amendment

3. The principles for establishing the rules shall at least provide that the train path referred to in Article 13(3) and (5)

(5) allocated to freight trains which comply with their scheduled time in the working timetable shall not be modified, as far as possible.. The principles for establishing the **priority** rules shall aim at minimising the overall network recovery time with regard to the need of all types of transport. For this purpose, infrastructure managers may coordinate the management between the different types of traffic along several freight corridors.

allocated to freight trains which comply with their scheduled time in the working timetable shall not be modified, as far as possible. The principles for establishing the rules shall aim at minimising the overall network recovery time **and noise reduction** with regard to the need of all types of transport. For this purpose, infrastructure managers may coordinate the management between the different types of traffic along several freight corridors.

Or. en

Amendment 153

Antonio Cancian, Carlo Fidanza, Debora Serracchiani

Council position

Article 15 - paragraph 3 a (new)

Council position

Amendment

3a. Each Member State through the infrastructure manager shall define in the network statement the peak hours. Peak hours shall apply only to working days and shall be limited to a maximum of three hours in the morning and to a maximum of three hours in the afternoon. In defining the peak hours regional and long distance passenger traffic shall be taken into consideration.

Or. en

Justification

This amendment aims at restoring a provision approved by the EP in first reading and deleted by the Council.

Amendment 154

Ismail Ertug

Council position

Article 18 - paragraph 1

Council position

(1) The regulatory bodies ***referred to in Article 30 of Directive 2001/14/EC*** shall cooperate in monitoring the competition in the rail freight corridor. ***In particular, they shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Article 30(2) of that Directive.*** They shall exchange the necessary information obtained from infrastructure managers and other relevant parties.

Amendment

(1) The regulatory bodies shall cooperate in monitoring the competition in the rail freight corridor. They shall exchange the necessary information obtained from infrastructure managers and other relevant parties. ***They shall cooperate in order to support the establishment of a comparable regulatory level in their Member State in compliance with paragraph 1a of this Article.***

Or. de

Justification

See amendment 8. The regulatory bodies must support to the best of their abilities the establishment of a comparable regulatory level in all Member States within the framework of their cooperation according to Article 18 of this regulation and article 30 of Directive 2001/14/EC (e.g. exchange of best practice).

Amendment 155

Ramon Tremosa i Balcells

Council position

Article 18 - paragraph 1

Council position

(1) The regulatory bodies ***referred to in Article 30 of Directive 2001/14/EC*** shall cooperate in monitoring the competition in the rail freight corridor. ***In particular, they shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Article 30(2) of that Directive.*** They shall exchange the necessary information obtained from

Amendment

(1) The regulatory bodies shall cooperate in monitoring the competition in the rail freight corridor. They shall exchange the necessary information obtained from infrastructure managers and other relevant parties. ***They shall cooperate in order to support the establishment of a comparable regulatory level in their Member State in compliance with paragraph 1a of this***

infrastructure managers and other relevant parties.

Article.

Or. en

Justification

See justification for amendment 8. The regulatory bodies shall support the establishment of a comparable regulatory level within the framework of their cooperation according to article 18 of this regulation and article 30 of Directive 2001/14/EC (e.g. exchange of best practice).

Amendment 156

Thomas Ulmer, Thomas Mann

Council position

Article 18 - paragraph 1

Council position

(1) The regulatory bodies ***referred to in Article 30 of Directive 2001/14/EC*** shall cooperate in monitoring the competition in the rail freight corridor. ***In particular, they shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Article 30(2) of that Directive.*** They shall exchange the necessary information obtained from infrastructure managers and other relevant parties.

Amendment

(1) The regulatory bodies shall cooperate in monitoring the competition in the rail freight corridor. They shall exchange the necessary information obtained from infrastructure managers and other relevant parties. ***They shall cooperate in order to support the establishment of a comparable regulatory level in their Member State.***

Or. de

Justification

The cooperation of the regulatory bodies should contribute to the establishment of a comparable regulatory level in all Member States.

Amendment 157

Ismail Ertug

Council position

Article 18 - paragraph 1 a (new)

Council position

Amendment

1a. The regulatory bodies referred to in Article 30 of Directive 2001/14/EC shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Article 30(2) of Directive 2001/14/EC. In order to foster free and fair competition on the railway market in Europe a comparable regulatory level shall be established throughout Europe. Regulatory bodies shall be easily accessible by the market players. They shall be able to take decisions independently and efficiently. They shall have sufficient financial and competent human resources to enable them to investigate all complaints within two months of receipt of all relevant information.

Or. de

Justification

Divergent regulatory standards favour unfair competition in the rail market. In order to ensure non-discriminatory access to the corridor a comparable regulatory level must be established in all Member States.

Amendment 158
Ramon Tremosa i Balcells

Council position
Article 18 - paragraph 1 a (new)

Council position

Amendment

1a. The regulatory bodies referred to in Article 30 of Directive 2001/14/EC shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Article 30(2) of Directive 2001/14/EC. In order to foster free and fair competition a comparable regulatory level should be established. Regulatory bodies shall be easily accessible for the market players. They shall be able to take decisions independently and efficiently. They shall have sufficient financial and competent human resources to enable them to investigate all complaints within two months of receipt of all relevant information.

Or. en

Justification

Divergent regulatory standards facilitate unfair competition in the rail market. In order to ensure non-discriminatory access to the corridor a comparable regulatory level shall be established in all Member States.

Amendment 159
Thomas Ulmer, Thomas Mann

Council position
Article 18 - paragraph 1 a (new)

Council position

Amendment

1a. The regulatory bodies referred to in Article 30 of Directive 2001/14/EC shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Article 30(2) of Directive

2001/14/EC. In order to foster free and fair competition along the corridor, a comparable regulatory level shall be established throughout Europe.

Or. de

Justification

Comparable regulatory standards should be established in all Member States in order to foster non-discriminatory access to the corridor.

Amendment 160
Michael Cramer

Council position
Annex I

Council position

Amendment

Annex deleted

Or. en

Amendment 161
Michael Cramer, Eva Lichtenberger

Council position
Annex I - point 3

Council position

Amendment

3. SE, DK, DE, ***AT***, IT
Stockholm-Malmö-Copenhagen-
Hamburg-Innsbruck-Verona-Palermo

3. SE, DK, DE, (***CH***), IT
Stockholm-Malmö-Copenhagen-
Würzburg/Nürnberg/Regensburg-
(Lötschberg/St Gotthard)-Napoli

Or. en

Amendment 162

Dominique Riquet, Dominique Vlasto

Council position

Annex I - point 4

<i>Council position</i>	<i>Amendment</i>
Sines-Lisboa/Leixões	Sines-Lisboa/Leixões
-Madrid-San Sebastian-Bordeaux- Paris- Metz	-Madrid-San Sebastian-Bordeaux- Paris/ Le Havre /Metz
Sines-Elvas/Algeciras	Sines-Elvas/Algeciras

Or. fr

Justification

Given the importance of the port of Le Havre for container traffic (63% of all containers handled in French ports) and the benefits of strengthening coordination between the three large ports on the Seine (Paris-Rouen-Le Havre), the inclusion of Le Havre will foster the cohesive development of economic activity and extend the artery's hinterlands. This is in line with amendment 16 by the Rapporteur, the Council position and the recommendations made by Parliament in its own-initiative report on the future of TEN-T.

Amendment 163

Izaskun Bilbao Barandica

Council position

Annex I - point 4

<i>Council position</i>	<i>Amendment</i>
PT, ES, FR	PT, ES, FR
Sines-Lisboa/Leixões	Sines-Lisboa/Leixões
- Madrid-San Sebastián-Burdeos- París-Metz	- Madrid- Bilbao -San Sebastian- Bordeaux-Paris-Metz
Sines-Elvas/Algeciras	Sines-Elvas/Algeciras

Or. es

Justification

The PP3 connects Vitoria, Bilbao and San Sebastian. The Bilbao motorway of the sea must be included in the definition of this corridor as it is the main port on the Cantabrian coast and

one of the country's most important ports: data: total surface area: 3 390 000 m2. 45 % of its freight traffic is from Europe, channelling it would mean over 836 000 lorries less per year on the roads. The port handles in total 21 682 lorries per day. Economically, the port generates EUR 590 million per year and provides 9 000 jobs.

Amendment 164

Antonio Cancian, Carlo Fidanza, Debora Serracchiani

Council position

Annex I - point 5

Council position

Gdynia-Katowice-Ostrava/Zilina-Vienna-Trieste/**Koper**

Amendment

Gdynia - **Warsaw** -Katowice-Ostrava/Zilina-**Bratislava**/Vienna- **Graz - Klagenfurt - Udine- Venice**/ Trieste - **Bologna/Ravenna**

Or. en

Justification

Freight corridor no. 5 has been already draft at Ministerial level in 2006 according to the Baltic-Adriatic corridor, pan-European corridor VI and TEN-T PP 23 and 25 (see the letter of interest signed by Ministers, enclosed). Annex I to the Council position doesn't mention some important cities in the section between Vienna and Trieste and already included in the itinerary by the Ministers letter.

Amendment 165

Antonio Cancian, Carlo Fidanza, Debora Serracchiani

Council position

Annex I - point 6

Council position

Almeria-Valencia/ Madrid-Zaragoza/Barcelona-Marseille-Lyon-Turin-**Udine**-Trieste/Koper-Ljubljana-Budapest-Zahony (Hungary-Ukraine border)

Amendment

Almería-Valencia/ Madrid-Zaragoza/Barcelona-Marseille-Lyon-Turin - **Milan-Verona - Padua/Venice** - Trieste/Koper-Lubljana-Budapest-Zahony (Hungary-Ukraine border)

Justification

Freight corridor no. 6, which is based on TEN-T PP 6, has a gap in the section between Turin and Trieste, whereas PP 6 has a more precise itinerary across Northern Italy.

Amendment 166
Michael Cramer

Council position
Annex I - point 8

Council position

DE, NL, BE, PL, LT Bremerhaven/
Rotterdam/Antwerp-Aachen/ Berlin-
Warsaw-Terespol (Poland-Belarus
border)/Kaunas-

Amendment

DE, NL, BE, PL, LT, **LV, EST**
Bremerhaven/ Rotterdam/ Antwerp-
Aachen/ Berlin-Warsaw-Terespol (Poland-
Belarus border)/Kaunas-**Riga-Tallinn**

Amendment 167
Inés Ayala Sender

Council position
Annex I - footnote 1

Council position

¹ "/" means alternative routes.

Amendment

¹ "/" means alternative routes. ***In line with the TEN-T priority projects, routes 4 and 6 should in the future be completed by Project 16, the Sines/Algeciras-Madrid-Paris freight axis which takes in the central Pyrenees crossing via a low elevation tunnel.***

Amendment 168
Zigmantas Balčytis

Council position
Annex II - point e a (new)

Council position

Amendment

(ea) The generation of added value for the Union as a whole;

Or. It

Amendment 169
Inés Ayala Sender

Council position
Annex II - point g

Council position

Amendment

g) The existence of good interconnections with other modes of transport, in particular due to an adequate network of terminals, including in the maritime and inland ports;

g) The existence of good interconnections with other modes of transport, in particular due to an adequate network of terminals, including in the maritime and inland ports, ***as well as major multimodal platforms;***

Or. es