



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Transport and Tourism*

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**2010/2137(INI)**

7.10.2010

# **AMENDMENTS**

## **1 - 45**

**Draft opinion**  
**Michael Cramer**  
(PE448.679v01-00)

on Competition Policy 2009 in the field of transport  
(2010/2137(INI))

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**Amendment 1**  
**Dirk Sterckx**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Calls on the Commission and Member States to **develop** fairer competition in the transport domain while respecting other European Union policy objectives, such as properly functioning transport and mobility services, policy objectives in the areas of public services, safety and environmental protection, and EU 2020 targets on CO<sub>2</sub> emissions and oil dependency;

*Amendment*

1. Calls on the Commission and Member States to **secure completion of the internal market for transport and** fairer competition in the transport domain while respecting other European Union policy objectives, such as properly functioning transport and mobility services, policy objectives in the areas of public services, safety and environmental protection, and EU 2020 targets on CO<sub>2</sub> emissions and oil dependency;

Or. nl

**Amendment 2**  
**Silvia-Adriana Țicău**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Calls on the Commission and Member States to develop fairer competition in the transport domain while respecting other European Union policy objectives, such as properly functioning transport and mobility services, policy objectives in the areas of public services, safety and environmental protection, and EU 2020 targets on CO<sub>2</sub> emissions and oil dependency;

*Amendment*

1. Calls on the Commission and Member States to develop fairer competition in the transport domain while respecting other European Union policy objectives, such as properly functioning transport and mobility services, policy objectives in the areas of public services, safety and environmental protection, and EU 2020 targets on CO<sub>2</sub> emissions **reduction** and oil dependency;

Or. en

### **Amendment 3**

**Dominique Riquet, Christine De Veyrac, Dominique Vlasto, Michel Dantin, Georges Bach**

#### **Draft opinion**

##### **Paragraph 1**

###### *Draft opinion*

1. Calls on the Commission and Member States to develop ***fairer*** competition in the transport domain while respecting other European Union policy objectives, such as properly functioning transport and mobility services, policy objectives in the areas of public services, safety and environmental protection, and EU 2020 targets on CO2 emissions and oil dependency;

###### *Amendment*

1. Calls on the Commission and Member States to develop ***fair*** competition in the transport domain while respecting other European Union policy objectives, such as properly functioning transport and mobility services, policy objectives in the areas of public services, safety and environmental protection, and EU 2020 targets on CO2 emissions and oil dependency;

Or. fr

### **Amendment 4**

**Roberts Zile**

#### **Draft opinion**

##### **Paragraph 1 a (new)**

###### *Draft opinion*

###### *Amendment*

***1a. Stresses the necessity to complete formation of free market for all modes of transport, in order to ensure an internal market without borders where free movement of goods and services are guaranteed and where clear and easily enforceable rules provide free and fair competition;***

Or. en

### **Amendment 5**

**Silvia-Adriana Țicău**

#### **Draft opinion**

##### **Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Having regard that the completion of the internal market for all transport modes is needed, calls on the Commission to publish a report with an overall view of all state aids offered for the public transport;***

Or. en

**Amendment 6**

**Dominique Vlasto, Christine De Veyrac, Dominique Riquet, Michel Dantin, Georges Bach**

**Draft opinion**

**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Underlines that the financial and economic crisis has led to a very large number of business bankruptcies and failures, not least among transport SMEs and VSEs, that crisis response plans have primarily been national plans and that coordination at European level has been belated and ineffective; regrets that there was no European mechanism, on the lines of a monthly barometer for transport companies, to better anticipate and forestall the effects of the economic crisis; notes that measures to help transport companies cope with cash flow problems and temporary additional costs could have been brought forward at European level in order to avoid the overlapping of national plans, and without state aid arrangements as a whole or the need for fair competition being compromised;***

Or. fr

**Amendment 7**  
**Corien Wortmann-Kool**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Calls on the Commission and the Member States to guarantee the level playing field between modes of transport on the one hand and between the public and privately owned companies within a single mode on the other;***

Or. en

**Amendment 8**  
**Silvia-Adriana Țicău**

**Draft opinion**  
**Paragraph 1 b (new)**

*Draft opinion*

*Amendment*

***1b. Calls on the Commission to ensure that the completion of the internal market in the transport sector will safeguard the high level of social conditions for transport workers in all transport modes, both public and private, and that all employment and social conditions including social security schemes presently in force at national level will be abided by and implemented by all operators in this sector;***

Or. en

**Amendment 9**  
**Dominique Vlasto, Christine De Veyrac, Dominique Riquet, Michel Dantin**

**Draft opinion**  
**Paragraph 1 b (new)**

*Draft opinion*

*Amendment*

***1b. Reiterates its support for the Commission guidelines on state aid for environmental protection in the field of transport, which helps bolster the sustainability of the European transport sector; encourages the Commission to enhance the incentive nature of the state aids authorised in the field of transport;***

Or. fr

**Amendment 10**

**Georges Bach, Luis de Grandes Pascual, Dominique Riquet, Dominique Vlasto, Christine De Veyrac, Michel Dantin, Georgios Koumoutsakos**

**Draft opinion  
Paragraph 2**

*Draft opinion*

***2. Stresses the need to create and monitor fair competition between the transport modes in pricing structures **and respecting social, safety and environmental rules, for example between road, waterway and rail freight transport or between short distance flights and long distance rail transport for passengers;*****

*Amendment*

***2. Stresses the need to create and monitor fair competition **within and** between the transport modes in **order to generate transparent and clear** pricing structures and pricing policies;***

Or. en

**Amendment 11**

**Dirk Sterckx**

**Draft opinion  
Paragraph 2**

*Draft opinion*

***2. Stresses the need to create and monitor fair competition between the transport modes in pricing structures and***

*Amendment*

***deleted***

*respecting social, safety and environmental rules, for example between road, waterway and rail freight transport or between short distance flights and long distance rail transport for passengers;*

Or. nl

**Amendment 12**

**Georges Bach, Dominique Riquet, Dominique Vlasto, Christine De Veyrac, Michel Dantin, Georgios Koumoutsakos**

**Draft opinion**

**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

*2a. Asks the Commission to monitor the respect of social, safety and environmental rules, for example between road, waterway, airway and rail freight transport or between short distance flights and long distance rail transport for passengers;*

Or. en

**Amendment 13**

**Corien Wortmann-Kool**

**Draft opinion**

**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

*2a. Calls on the Commission to create more transparency in the relationship between the state and the publicly owned railway companies including their road transport subsidiaries as well as in the transfer of funds;*

Or. en



**Amendment 14**  
**Michael Cramer**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Invites the Commission to give an overview on taxation, levies, infrastructure financing and charging and VAT systems for different transport modes and effects on *intermodal* competition, and to *include* in this overview the effect of obligatory *minimum* rail infrastructure and voluntary maximum charging of road infrastructure;

*Amendment*

3. Invites the Commission to give an overview on taxation, levies, infrastructure financing and charging and VAT systems for different transport modes ***and for the individual Member States*** and ***their*** effects on competition ***within and between transport modes***, and to ***set out*** in this overview the effect of ***the*** obligatory ***and unlimited amount charged for rail use in comparison to the non-obligatory and limited amount charged for the use of*** road infrastructure;

Or. de

**Amendment 15**  
**Jan Mulder**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Invites the Commission to give an overview on taxation, ***levies***, infrastructure financing and charging and VAT systems for different transport modes and effects on intermodal competition, and to include in this overview the effect of obligatory minimum rail infrastructure and voluntary maximum charging of road infrastructure;

*Amendment*

3. Invites the Commission to give an overview on taxation, ***excise duties and other kinds of levy***, infrastructure financing and charging and VAT systems for different transport modes and effects on intermodal competition, and to include in this overview the effect of obligatory minimum rail infrastructure and voluntary maximum charging of road infrastructure;

Or. nl

**Amendment 16**  
**Dirk Sterckx**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Invites the Commission to give an overview ***on*** taxation, levies, infrastructure financing and charging and VAT systems for different transport modes and effects on ***intermodal competition, and to include in this overview the effect of obligatory minimum rail infrastructure and voluntary maximum charging of road infrastructure;***

*Amendment*

3. Invites the Commission to give an overview ***of, firstly, state support and compensation for the provision of public services, and secondly,*** taxation, levies, infrastructure financing and charging and VAT systems for different transport modes and effects on ***co-modality;***

Or. nl

**Amendment 17**  
**Dominique Riquet, Christine De Veyrac, Dominique Vlasto, Michel Dantin,**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Invites the Commission to give an overview on taxation, levies, infrastructure financing ***and*** charging and VAT systems for different transport modes and effects on intermodal competition, ***and to include in this overview the effect of obligatory minimum rail infrastructure and voluntary maximum charging of road infrastructure;***

*Amendment*

3. Invites the Commission to give an overview on taxation, levies, infrastructure financing, charging and ***management, and on*** VAT systems for different transport modes and effects on intermodal competition;

Or. fr

**Amendment 18**  
**Michael Cramer**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Calls on the Commission to ascertain whether the abolition of trade tax for a rail undertaking with a registered office in one Member State is compatible with EU competition rules when it is accompanied by the simultaneous introduction of a flat-rate levy on rolling stock ('imposition forfaitaire sur les entreprises de réseaux', IFER); because in this way foreign undertakings have to pay not only the levy on the rolling stock but also – unlike domestic undertakings – the continuing trade tax, which contradicts fair competition.***

Or. de

#### **Amendment 19**

**Georges Bach, Dominique Riquet, Dominique Vlasto, Christine De Veyrac, Michel Dantin, Georgios Koumoutsakos**

#### **Draft opinion**

#### **Paragraph 4**

*Draft opinion*

4. Calls on the Commission, while reviewing legislation on passenger rights and reimbursement for delays, to guarantee fair and equal compensation schemes for delays across all transport modes ***(25% compensation for a delay of more than 1 hour, 50% for a delay of more than 2 hours, according to the existing legislation in the field of railways)*** and the setting-up of independent arbitration bodies between operators and clients;

*Amendment*

4. Calls on the Commission, while reviewing legislation on passenger rights and reimbursement for delays, to guarantee fair and equal compensation schemes for delays across all transport modes and the setting-up of independent arbitration bodies between operators and clients;

Or. en

**Amendment 20**  
**Jan Mulder**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission, while reviewing legislation on passenger rights and reimbursement for delays, to ***guarantee fair and equal compensation schemes for delays across all transport modes (25% compensation for a delay of more than 1 hour, 50% for a delay of more than 2 hours, according to the existing legislation in the field of railways)*** and the setting-up of independent arbitration bodies between operators and clients;

*Amendment*

4. Calls on the Commission, while reviewing legislation on passenger rights and reimbursement for delays, to ***take account of the specific nature of each transport mode*** and ***to secure*** the setting-up of independent arbitration bodies between operators and clients;

Or. nl

**Amendment 21**  
**Dirk Sterckx**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission, while reviewing legislation on passenger rights and reimbursement for delays, to guarantee fair ***and equal*** compensation schemes for delays across all transport modes ***(25% compensation for a delay of more than 1 hour, 50% for a delay of more than 2 hours, according to the existing legislation in the field of railways)*** and the setting-up of independent arbitration bodies between operators and clients;

*Amendment*

4. Calls on the Commission, while reviewing legislation on passenger rights and reimbursement for delays, to guarantee fair compensation schemes for delays across all transport modes and the setting-up of independent arbitration bodies between operators and clients;

Or. nl

**Amendment 22**  
**Roberts Zile**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission, while reviewing legislation on passenger rights and reimbursement for delays, *to guarantee fair and equal compensation schemes for delays across all transport modes (25 % compensation for a delay of more than 1 hour, 50 % for a delay of more than 2 hours, according to the existing legislation in the field of railways) and the setting-up of independent arbitration bodies between operators and clients;*

*Amendment*

4. Calls on the Commission, while reviewing legislation on passenger rights and reimbursement for delays, *to ensure that enforcement of existing legislation for all transport modes is further improved by the Member States and to provide adequate degree of protection of passengers so that passengers and industry can enjoy a level playing field and similar degrees of protection, according to the different transport modes;*

Or. en

**Amendment 23**  
**Silvia-Adriana Țicău**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*4a. Whereas Member States have to ensure the opening of the Market in the postal service area, calls on the Commission to ensure that the Member States will safeguard the high level of social conditions for postal workers in all sectors both public and private, and that all employment and social conditions including social security schemes presently in force at national level will be abided by and implemented by all operators in this sector;*

*Amendment*

Or. en

**Amendment 24**  
**Michael Cramer**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Calls on the Commission to analyse the effects on *the intermodal transport market* of the substantial assistance given in recent years to the automotive industry;

*Amendment*

5. Calls on the Commission to analyse the effects on *competition between the different transport modes* of the substantial assistance given in recent years to the automotive industry (*such as the scrapping premium granted in some Member States for motor cars and the financial support for electrical mobility, exclusively for motor cars, while ignoring electric cycles, trams and trains*);

Or. de

**Amendment 25**  
**Roberts Zile**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*5. Calls on the Commission to analyse the effects on the intermodal transport market of the substantial assistance given in recent years to the automotive industry;*

*Amendment*

*deleted*

Or. en

**Amendment 26**  
**Jan Mulder**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Stresses the need to avoid unfair competition within the liberalised road transport sector by guaranteeing that social, safety and environmental rules are properly applied, paying special attention to the opening of this market for cabotage ***and dumping practices***;

*Amendment*

6. Stresses the need to avoid unfair competition within the liberalised road transport sector by guaranteeing that social, safety and environmental rules are properly applied, paying special attention to the opening of this market for cabotage;

Or. nl

**Amendment 27**  
**Dirk Sterckx**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Stresses the need to avoid unfair competition within the liberalised road transport sector by guaranteeing that social, safety and environmental rules are properly applied, paying special attention to the opening of this market for cabotage and dumping practices;

*Amendment*

6. Stresses the need to avoid unfair competition within the liberalised road transport sector by guaranteeing that social, safety and environmental rules are properly applied, paying special attention to the opening of this market for cabotage and dumping practices; ***is consequently dismayed by the new rules on cabotage in road transport, which constitute a barrier to the internal market***;

Or. nl

**Amendment 28**  
**Roberts Zile**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Stresses the need to ***avoid unfair*** competition within the liberalised road transport sector ***by guaranteeing*** that

*Amendment*

6. Stresses the need to ***ensure free and fair*** competition within the liberalised road transport sector ***including complete***

social, safety and environmental rules are properly applied, *paying special attention to the opening of this market for cabotage and dumping practices*;

*opening of this market for cabotage, and to guarantee* that social, safety and environmental rules are properly applied;

Or. en

**Amendment 29**  
**Brian Simpson**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

*6a. Calls on the Commission to legislate against discrimination experienced by the maritime sector due to customs and other bureaucratic regulations imposed on the sector by Member States, even for internal EU trade, that are not in place for other modes;*

Or. en

**Amendment 30**  
**Christine De Veyrac, Dominique Vlasto, Dominique Riquet, Michel Dantin, Georges Bach**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

*Amendment*

7. Invites the Commission to deliver an overview of cases where low cost air carriers were/are *unfairly* advantaged vis-à-vis other carriers, through special conditions granted to them while using certain airports;

7. Invites the Commission to deliver an overview of cases where low cost air carriers were/are advantaged vis-à-vis other carriers, through special conditions granted to them while using certain airports, *beyond the three-year period prescribed for start-up aid for airline companies*;

Or. fr



**Amendment 31**  
**Silvia-Adriana Țicău**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Invites the Commission to deliver an overview of cases where low cost air carriers were/are unfairly advantaged vis-à-vis other carriers, through special conditions granted to them while using certain airports;

*Amendment*

7. Invites the Commission to deliver an overview of cases where low cost air carriers were/are unfairly advantaged vis-à-vis other carriers, through special conditions granted to them while using certain airports; ***calls on the Commission to establish a mechanism for the calculation and utilisation of fuel surcharges and of luggage carriage charges, as well as for other measures applied by low cost air operators, so that these are not instruments of unfair competition;***

Or. ro

**Amendment 32**  
**Christine De Veyrac, Dominique Vlasto, Dominique Riquet, Michel Dantin**

**Draft opinion**  
**Paragraph 8**

*Draft opinion*

8. Calls on the Commission to improve the way in which the arrangement involving state aid in certain cases, based on the ‘first time, last time’ principle, can be applied in the *air* transport sector;

*Amendment*

8. Calls on the Commission to improve the way in which the arrangement involving state aid in certain cases, based on the ‘first time, last time’ principle, can be applied in the transport sector;

Or. fr

**Amendment 33**  
**Silvia-Adriana Țicău**

**Draft opinion**  
**Paragraph 8 a (new)**

*Draft opinion*

*Amendment*

***8a. Calls on the Commission to ensure the transparency regarding the allocation and effective use of slots, in order to guarantee that a real competition exists in the aviation sector;***

Or. en

**Amendment 34**  
**Dirk Sterckx**

**Draft opinion**  
**Paragraph 9**

*Draft opinion*

*Amendment*

9. Calls on the Commission to prevent Member States and their rail companies from preventing or obstructing the entrance of other companies into their rail services markets, especially while themselves participating in the opening of other markets (reciprocity);

***9. Welcomes the Commission proposal to review the first railway package, and calls on the Commission to prevent Member States and their rail companies from preventing or obstructing the entrance of other companies into their rail services markets, especially while themselves participating in the opening of other markets (reciprocity);***

Or. nl

**Amendment 35**  
**Dominique Riquet, Christine De Veyrac, Dominique Vlasto, Michel Dantin**

**Draft opinion**  
**Paragraph 9**

*Draft opinion*

*Amendment*

9. Calls on the Commission to prevent

9. Calls on the Commission to prevent

Member States and their rail companies from preventing or obstructing the entrance of other companies into their rail services markets, especially while themselves participating in the opening of other markets (*reciprocity*);

Member States and their rail companies from preventing or obstructing the entrance of other companies into their rail services markets, especially while themselves participating in the opening of other markets;

Or. fr

#### **Amendment 36**

**Dominique Riquet, Christine De Veyrac, Dominique Vlasto, Michel Dantin, Georges Bach**

#### **Draft opinion**

#### **Paragraph 9 a (new)**

*Draft opinion*

*Amendment*

***9a. Draws the Commission's attention to the indirect obstacles to competition arising from the disparity, in the transport sector, in the rules on safety, interoperability and type-approval;***

Or. fr

#### **Amendment 37**

**Michel Dantin, Dominique Riquet, Christine De Veyrac, Dominique Vlasto**

#### **Draft opinion**

#### **Paragraph 9 b (new)**

*Draft opinion*

*Amendment*

***9b. Calls on the Commission and Member States to be vigilant to ensure, through the decisions taken at both EU and national level, cohesive and harmonised implementation in the railway sector of the rules of competition law; emphasises in particular the need for cohesion between the railway supervisory authorities (regulators) and the national and European competition authorities;***

**Amendment 38**  
**Michael Cramer**

**Draft opinion**  
**Paragraph 10**

*Draft opinion*

10. Underlines the need to limit as appropriate the market share of maritime consortia of container lines and to share operational advantages, corresponding to the general EU rules on fair competition and the revised Block Exemption Regulation on maritime consortia that entered into force in April 2010.

*Amendment*

10. Underlines the need to limit as appropriate the market share of maritime consortia of container lines and to share operational advantages - ***both for maritime and hinterland services*** -, corresponding to the general EU rules on fair competition and the revised Block Exemption Regulation on maritime consortia that entered into force in April 2010.

**Amendment 39**  
**Dominique Vlasto, Christine De Veyrac, Dominique Riquet, Michel Dantin**

**Draft opinion**  
**Paragraph 10**

*Draft opinion*

10. Underlines the need to ***limit as appropriate the market share of maritime consortia of container lines and to share operational advantages, corresponding to the general EU rules on fair competition and the revised Block Exemption Regulation on maritime consortia that entered into force in April 2010.***

*Amendment*

10. Underlines the need to ***ensure, subject to the conditions laid down in Regulation (EC) No 906/2009 concerning the application of Article 101(3) of the Treaty of Lisbon, operational cooperation with a view to the joint provision of liner shipping services by shipping companies, in order to ensure the efficiency and quality of shipping services.***

**Amendment 40**  
**Jan Mulder**

**Draft opinion**  
**Paragraph 10 a (new)**

*Draft opinion*

*Amendment*

***10a. Calls on the Commission to publish clear guidelines on state support, particularly in the maritime area, to ensure there is a level playing-field in the European transport market;***

Or. nl

**Amendment 41**  
**Dirk Sterckx**

**Draft opinion**  
**Paragraph 10 a (new)**

*Draft opinion*

*Amendment*

***10a. Calls on the Commission to propose guidelines for state support to ports for the construction of port infrastructure, with the aim of improving legal certainty;***

Or. nl

**Amendment 42**  
**Silvia-Adriana Țicău**

**Draft opinion**  
**Paragraph 10 a (new)**

*Draft opinion*

*Amendment*

***10a. Having regard to the Lisbon Treaty, the new consolidated competencies and the economic potential of tourism for the EU, calls on the Commission to facilitate pro-active co-operation among tourism enterprises, and to take the necessary***

*measures in order to ensure the worldwide competitiveness of EU excellence destinations;*

Or. en

**Amendment 43**  
**Corien Wortmann-Kool**

**Draft opinion**  
**Paragraph 10 a (new)**

*Draft opinion*

*Amendment*

*10a. Regrets that the Commission has not yet come up with state aid rules regarding sea ports as promised several times. Asks the Commission to come up with these state aid rules as soon as possible.*

Or. en

**Amendment 44**  
**Dirk Sterckx**

**Draft opinion**  
**Paragraph 10 b (new)**

*Draft opinion*

*Amendment*

*10b. Calls on the Commission, in response to the deadline for implementing the postal directive, to strictly enforce the rules on state support.*

Or. nl

**Amendment 45**  
**Silvia-Adriana Țicău**

**Draft opinion**  
**Paragraph 10 b (new)**

*Draft opinion*

*Amendment*

***10b. Calls on the Commission to examine the possibility in providing incentive programmes in order to help port, local and regional authorities to renew the port fleet and the port infrastructure taking into account the EU competition rules and the specificity of the sector.***

Or. en