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| European Parliament  2014-2019 |  |

<Commission>{TRAN}Committee on Transport and Tourism</Commission>

<RefProc>2013/0028</RefProc><RefTypeProc>(COD)</RefTypeProc>

<Date>{16/11/2016}16.11.2016</Date>

<TypeAM>AMENDMENTS</TypeAM>

<RangeAM>1 - 7</RangeAM>

<TitreType>Draft recommendation for second reading</TitreType>

<Rapporteur>Wim van de Camp</Rapporteur>

<DocRefPE>(PE592.266v01-00)</DocRefPE>

<Titre>on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail</Titre>

<DocAmend>Council position at first reading</DocAmend>

<DocRef>(11198/1/2016 – C8‑0425/2016 – 2013/0028(COD))</DocRef>

AM\_Com\_LegRecomm

<RepeatBlock-AmendB><AmendB>Amendment <NumAmB>1</NumAmB>

<RepeatBlock-By><Members>Lucy Anderson, Tania González Peñas</Members>

</RepeatBlock-By>

<Article>Council position</Article>

<DocAmend2>–</DocAmend2>

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|  | Proposal for rejection |
|  | ***The European Parliament rejects the Council position at first reading.*** |

Or. <Original>{EN}en</Original>

</AmendB>

<AmendB>Amendment <NumAmB>2</NumAmB>

<RepeatBlock-By><Members>Marie-Christine Arnautu</Members>

</RepeatBlock-By>

<Article>Council position </Article>

<DocAmend2>–</DocAmend2>

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|  | Proposal for rejection |
|  | ***The European Parliament rejects the Council position at first reading.*** |

Or. <Original>{FR}fr</Original>

</AmendB><AmendB>Amendment <NumAmB>3</NumAmB>

<RepeatBlock-By><Members>Christine Revault D'Allonnes Bonnefoy</Members>

</RepeatBlock-By>

<DocAmend>Draft legislative resolution</DocAmend>

<Article>Paragraph 1 a (new)</Article>

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| Draft legislative resolution | Amendment |
|  | ***1a. Approves the statement annexed to this resolution;*** |

Or. <Original>{EN}en</Original>

</AmendB>

<AmendB>Amendment <NumAmB>4</NumAmB>

<RepeatBlock-By><Members>Christine Revault D'Allonnes Bonnefoy</Members>

</RepeatBlock-By>

<DocAmend>Draft legislative resolution</DocAmend>

<Article>Annex</Article>

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|  | ***Annex to the legislative resolution*** |
|  | ***Statement by the European Parliament on the transfer of staff*** |
|  | ***According to Recital 14 and Article 4(4a), (4b) and (6), Member States must fully respect Directive 2001/23/EC relating to the safeguarding of employees' rights in the event of transfers of undertakings and are entitled to go beyond the application of this Directive taking additional measures for staff protection in compliance with Union law, such as requiring a mandatory transfer of staff, even if Directive 2001/23/EC would not apply.*** |

Or. <Original>{EN}en</Original>

</AmendB>

<AmendB>Amendment <NumAmB>5</NumAmB>

<RepeatBlock-By><Members>Lucy Anderson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – point 4 – point b</Article>

<DocAmend2>Regulation (EC) No 1370/2007</DocAmend2>

<Article2>Article 4 – paragraph 4 b</Article2>

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| Council position | Amendment |
| ***Council Directive 2001/23/EC*** shall ***apply to a change of public service operator*** where ***such a*** change ***constitutes a*** transfer ***of undertaking*** within the meaning of ***that Directive***. | ***Without prejudice to national and Union law, including representative collective agreements between social partners, competent authorities*** shall ***require the selected public service operator to grant staff working conditions on the basis of national, regional and local social standards applied at the place*** where ***the service is provided and/or shall require a compulsory transfer of staff in case of*** ***a*** change ***of operator. When such*** ***a*** transfer ***is required, the staff previously taken on by the previous operator to provide services shall be granted the same rights as those to which they would have been entitled if there had been a transfer*** within the meaning of ***Directive 2001/23/EC***. ***Where competent authorities require public service operators to comply with certain social standards, tender documents and public service contracts shall list the staff concerned and shall in a transparent way give details of their contractual rights and the conditions under which employees are deemed to be linked to the services.*** |
|  | *(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)* |

Or. <Original>{EN}en</Original>

</AmendB>

<AmendB>Amendment <NumAmB>6</NumAmB>

<RepeatBlock-By><Members>Lucy Anderson, Karima Delli</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – point 5 – point a</Article>

<DocAmend2>Regulation (EC) No 1370/2007</DocAmend2>

<Article2>Article 5 – paragraph 2 – introductory wording</Article2>

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| Council position | Amendment |
| In the case of public passenger transport services by rail, the group of authorities referred to in the first subparagraph may be composed only of local competent authorities whose geographical area of competence is not national. The public passenger transport service or the public service contract referred to in the first subparagraph may only cover the transport needs of urban agglomerations or rural areas, ***or both***. | In the case of public passenger transport services by rail, the group of authorities referred to in the first subparagraph may be composed only of local competent authorities whose geographical area of competence is not national. The public passenger transport service or the public service contract referred to in the first subparagraph may only cover the transport needs of urban agglomerations or rural areas, ***unless a national competent authority or its internal operator is acting in accordance with point (d)***. |
|  | *(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)* |

Or. <Original>{EN}en</Original>

</AmendB>

<AmendB>Amendment <NumAmB>7</NumAmB>

<RepeatBlock-By><Members>Lucy Anderson, Karima Delli</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – point 5 – point a a (new)</Article>

<DocAmend2>Regulation (EC) No 1370/2007</DocAmend2>

<Article2>Article 5 – paragraph 2 – point d</Article2>

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| Council position | Amendment |
|  | ***(aa) point (d) of paragraph 2 is replaced by the following:*** |
|  | ***“(d) Where a national competent authority is responsible for the provision of public passenger transport services, points (a), (b) and (c) shall apply to that authority in order to benefit the geographical area for which it is responsible, provided that the internal operator does not take part in competitive tenders concerning the provision of public passenger transport services organised outside the area for which the public service contract has been granted, and in particular services provided in the area of a competent authority of another Member State.”*** |
|  | *(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)* |

Or. <Original>{EN}en</Original>

</AmendB></RepeatBlock-AmendB>