

19.2.2014

A7-0034/64

**Amendment 64**

**Mathieu Grosch**

on behalf of the PPE Group

**Report**

**A7-0034/2014**

**Mathieu Grosch**

Domestic passenger transport services by rail

COM(2013)0028 – C7-0024/2013 – 2013/0028(COD)

**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

19.2.2014

A7-0034/65

**Amendment 65**

**Mathieu Grosch**

on behalf of the PPE Group

**Report**

**A7-0034/2014**

**Mathieu Grosch**

Domestic passenger transport services by rail

COM(2013)0028 – C7-0024/2013 – 2013/0028(COD)

**Proposal for a regulation**

**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*(9a) The principle of reciprocity should be applied in order to ensure fair competition and to prevent the misuse of compensation. That principle should apply not only to Member States and companies established in the Union but also to companies from third countries that wish to participate in procurement procedures within the Union.*

Or. en

19.2.2014

A7-0034/66

**Amendment 66**

**Mathieu Grosch**

on behalf of the PPE Group

**Report**

**A7-0034/2014**

**Mathieu Grosch**

Domestic passenger transport services by rail

COM(2013)0028 – C7-0024/2013 – 2013/0028(COD)

**Proposal for a regulation**

**Recital 14**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

19.2.2014

A7-0034/67

**Amendment 67**

**Mathieu Grosch**

on behalf of the PPE Group

**Report**

**A7-0034/2014**

**Mathieu Grosch**

Domestic passenger transport services by rail

COM(2013)0028 – C7-0024/2013 – 2013/0028(COD)

**Proposal for a regulation**

**Recital 15**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

19.2.2014

A7-0034/68

**Amendment 68**

**Mathieu Grosch**

on behalf of the PPE Group

**Bogusław Liberadzki**

on behalf of the S&D Group

**Report**

**A7-0034/2014**

**Mathieu Grosch**

Domestic passenger transport services by rail

COM(2013)0028 – C7-0024/2013 – 2013/0028(COD)

**Proposal for a regulation**

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

Regulation (EC) No 1370/2007

Article 5 – paragraph 3a and b

*Text proposed by the Commission*

*Amendment*

***(aa) The following paragraphs are inserted:***

***'3a. Until the end of the transitional period referred to in Article 8(2), Member States and, if permitted by national law, competent authorities may exclude from competitive tendering procedures for the award of public service contracts by rail organised by the competent authorities in their territory pursuant to paragraph 3 of this Article, any railway undertaking or operator or any subsidiary directly or indirectly controlled by a railway undertaking or its holding company if the controlling railway undertaking, the controlling holding company or their subsidiaries:***

***(a) are licensed and operating domestic rail services in a Member State in which the competent authorities are not permitted to award public service contracts through competitive tendering procedures, and***

***(b) have benefitted from directly awarded public service contracts by rail the share of which in terms of value is higher than***

*50% of the total value of all public service contracts by rail awarded to that railway undertaking or holding company or their subsidiaries.*

*For the purposes of this paragraph, "control" means any rights, contracts or other means which, either separately or in combination, and having regard to any relevant considerations of fact or law, provide the opportunity to exert a decisive influence on an undertaking, in particular through:*

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

*(b) rights or contracts which confer the right to exert a decisive influence on the composition, voting or deliberations of the social organs of that undertaking.*

*3b. Member States and, if permitted by national law, competent authorities may exclude from the competitive tendering procedures any operator or undertaking that is directly or indirectly controlled by a legal or natural person or by persons registered in a third country or third countries, save where that country or those countries have taken measures that allow public service contracts to be awarded through competitive tendering to railway undertakings licensed in a Member State.'*

Or. en

19.2.2014

A7-0034/69

**Amendment 69**

**Corien Wortmann-Kool**

on behalf of the PPE Group

**Report**

**A7-0034/2014**

**Mathieu Grosch**

Domestic passenger transport services by rail

COM(2013)0028 – C7-0024/2013 – 2013/0028(COD)

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2**

Regulation (EC) No 1370/2007

Article 2 a – paragraph 6 – point b

*Text proposed by the Commission*

*Amendment*

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

***(b) the minimum number of public service contracts for rail transport in a Member State shall be:***

***– one, in the case of a national market*** volume of ***rail passenger transport under*** public service contract ***of up to 20 million*** train-km;

***– two in the case of a national market*** volume of ***rail passenger transport under*** public service contract ***of more than 20 million train-km and up to 100 train-km,*** on condition that the size of one contract ***does not exceed 75% of the total market*** volume under public service contracts;

***– three in the case of a national market*** volume of ***rail passenger transport under*** public service contract ***of more than 100 million train-km and up to 200 million train-km,*** on condition that the size of one contract ***does not exceed 75% of the total market*** volume under public service contracts;

*– four in the case of a national market volume of rail passenger transport under public service contract of more than 200 million train-km, on condition that the size of one contract does not exceed 50% of the total market volume under public service contracts.*

Or. en