

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

**A6-0314/2007**

11.9.2007

## **\*\*\*III REPORT**

on the joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC of the European Parliament and of the Council on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure  
(PE-CONS 3635/2007 – C6-0212/2007 – 2004/0047(COD))

European Parliament delegation to the Conciliation Committee

Delegation chairman: Alejo Vidal-Quadras  
Rapporteur: Georg Jarzembowski

***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC of the European Parliament and of the Council on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure (PE-CONS 3635/2007 – C6-0212/2007 – 2004/0047(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3635/2007 – C6-0212/2007),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2004)0139)<sup>2</sup>,
  - having regard to its position at second reading<sup>3</sup> on the Council common position<sup>4</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2007)0078)<sup>5</sup>,
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 65 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A6-0314/2007),
1. Approves the joint text;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published, in the Official Journal of the European Union;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 227 E, 21.9.2006, p. 460.

<sup>2</sup> Not yet published in the OJ .

<sup>3</sup> Texts Adopted, 18.1.2007, P6\_TA(2007)0003.

<sup>4</sup> OJ C 289 E, 28.11.2006, p. 30.

<sup>5</sup> Not yet published in the OJ.

## EXPLANATORY STATEMENT

### BACKGROUND

On 3 March 2004, the Commission adopted a proposal for a Directive of the Parliament and Council amending Council Directive 91/440/EEC on the development of the Community's railways. Its fundamental aim was to improve rail market access. The key features of the proposal were:

- By 1 January 2010, Member States national rail networks were to be opened-up for use by all railway undertakings providing international passenger services.
- Railway undertakings were to be permitted to pick up and set down passengers at any station on an international route, including at stations located in the same Member State.
- Restrictions might be imposed on the opening-up of networks if such opening-up would jeopardise the equilibrium of a passenger service laid down in a public service contract.

This proposal was one of four making up the so-called 'Third Railway Package'. The other proposals were for a Regulation on passengers' rights and obligations, a Directive on certification of train drivers, and a Regulation on rail freight services. The Parliament rejected the last of these at first reading on 25 October 2006.

The committee responsible, the Committee on Transport and Tourism, appointed Mr. Jarzembowski as rapporteur for the rail market access proposal. The Parliament held its first reading on 28 September 2005. Council adopted its common position on 18 September 2006.

The outcome of the Parliament's second reading vote on 18 January 2007 was rather close to the Council's common position, since the Committee's amendment to open-up the national networks also for the national passenger services gained the support of a clear majority but was short of the necessary qualified majority of 393 votes. Of the 18 amendments adopted by the Parliament, five concerned comitology provisions. The other main points of difference between the co-legislators concerned the levy to finance passenger services laid down in public service contracts, and the reporting obligations of the Commission.

### CONCILIATION

The Council subsequently indicated informally that it would be unable to accept all of the Parliament's amendments and that consequently a conciliation procedure would be necessary.

The constituent meeting of Parliament's delegation to the Conciliation Committee was held in Strasbourg on 14 February. Its members decided that the three railways dossiers should be treated as a package in conciliation, as they had been at the earlier stages of the legislative process. They asked the Chair, Mr. Vidal-Quadras, the Chair of the committee responsible, Mr. Costa, and the rapporteurs, Mr. Jarzembowski, Mr. Savary and Mr. Sterckx, to begin informal negotiations with the Council.

Three trialogues were held (on 13 March, 24 April and 15 May): after each of these, the negotiating team reported back to the EP delegation (on 14 March, 25 April and 23 May). As far as the rail market access dossier was concerned, progress towards agreement was made on those groups of amendments which concerned scope, framework agreements and comitology provisions. However, the two main points of difference - the levy and reporting obligations - remained unresolved.

The conciliation procedure was formally opened on 5 June 2007. At the meeting of the Conciliation Committee, the Council was represented by Mr. Tiefensee, German Federal Minister of Transport, Building and Urban Affairs, and the Commission by Vice-President Barrot. Shortly before midnight, the Committee was adjourned, having been unable to reach an agreement.

A further dialogue was held on 19 June: once again, Mr. Tiefensee and Mr. Barrot represented the Council and Commission. The negotiators were able to reach provisional agreement on all outstanding issues on the rail market access dossier; and this was approved unanimously by the meeting of the Parliament delegation which took place later on the same day.

Coreper gave its agreement on 20 June and the conciliation procedure was subsequently concluded by an exchange of letters between the presidency-in-office of the Council and the chair of the EP delegation.

The key points of the agreement reached can be summarised as follows:

- Comitology: Measures necessary to adapt the annexes of Directive 91/440/EEC and Directive 2001/14/EC will be adopted in accordance with the 'regulatory with scrutiny' procedure.
- Levy: In line with the EP second reading position, provisions governing the levy on international rail passenger services to finance public rail passenger services include the stipulation that 'the total levies imposed ... shall not endanger the economic viability of the rail passenger service on which they are imposed'; and that the compensation paid shall not exceed the total cost incurred in discharging the relevant public service obligations.
- Reporting obligations: The Parliament achieved its goal of ensuring that, when the Commission reports in 2012 on the implementation of the Directive, it will also be obliged to assess the development of the market including the state of preparation for a further opening-up of the rail market and, if appropriate, propose additional measures to bring about further liberalisation of rail market access.

## CONCLUSION

The Third Railway Package, of which this Directive is part, is an important body of transport legislation. The agreement reached in the course of the conciliation procedure addresses the key issues raised by the Parliament's second-reading amendments to the Directive on rail market access. The delegation accordingly recommends that Parliament approve the joint text at third reading.

## PROCEDURE

<b>Title</b>	Joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure
<b>References</b>	PE-CONS 3635/2007 – C6-0212/2007 – 2004/0047(COD)
<b>Delegation chairman: Vice-President</b>	Alejo Vidal-Quadras
<b>Committee responsible Chairman:</b>	TRAN Paolo Costa
<b>Rapporteur(s)</b>	Georg Jarzembowski
<b>Commission proposal</b>	COM(2004)0139
<b>Date of Parliament's first reading – P number</b>	28.9.2005                      P6_TA(2005)0354
<b>Amended Commission proposal</b>	
<b>Council common position Date announced in plenary</b>	5895/2/2006 – C6-0309/2006 28.9.2006
<b>Commission position (Article 251(2), subpara 2, indent 3)</b>	
<b>Date of Parliament's second reading – P number</b>	18.1.2007                      P6-TA(2007)0003
<b>Commission opinion (Article 251(2), subpara 3, point (c))</b>	COM(2007)0078
<b>Date Council received 2nd reading</b>	2.3.2007
<b>Date of Council letter on non-approval of Parliament amendments</b>	25.5.2007
<b>Conciliation Committee meetings</b>	5.6.2007
<b>Date of vote by Parliament delegation</b>	19.6.2007
<b>Result of vote</b>	+: 24 -: 0 0: 1
<b>Members present</b>	Gabriele Albertini, Inés Ayala Sender, Etelka Barsi-Pataky, Paolo Costa, Michael Cramer, Christine De Veyrac, Saïd El Khadraoui, Mathieu Grosch, Stanisław Jałowiecki, Georg Jarzembowski, Anne E. Jensen, Jörg Leichtfried, Bogusław Liberadzki, Josu Ortuondo Larrea, Willi Piecyk, Reinhard Rack, Gilles Savary, Brian Simpson, Dirk Sterckx, Alejo Vidal-Quadras
<b>Substitute(s) present</b>	Emanuel Jardim Fernandes, Rosa Miguélez Ramos, Dieter-Lebrecht Koch, Renate Sommer, Corien Wortmann-Kool
<b>Substitute(s) under Rule 178(2) present</b>	
<b>Date of agreement in Conciliation Committee</b>	
<b>Agreement by exchange of letters</b>	20.6.2007                      21.6.2007
<b>Date on which the co-chairmen established that the joint text had been approved and forwarded it to Parliament and the Council</b>	31.7.2007



<b>Date tabled</b>	11.9.2007
<b>Comments (available in one language only)</b>	...

### EXTENSION OF DEADLINES

<b>Deadline for second reading by Council</b>	
<b>Deadline for convening the Committee</b> Requesting institution – date	
<b>Deadline for work in the Committee</b> Requesting institution – date	1.8.2007 PE 29.6.2007
<b>Deadline for adopting the act</b> Requesting institution – date	27.9.2007 PE 29.6.2007