



EUROPSKI PARLAMENT

2009 - 2014

Dokument s plenarne sjednice

A7-0472/2013

19.12.2013

*****I**
IZVJEŠĆE

o prijedlogu Uredbe Europskog parlamenta i Vijeća o stavljanju izvan snage Uredbe (EEZ) br. 1192/69 Vijeća o zajedničkim pravilima za normalizaciju računa željezničkih prijevoznika
(COM(2013)0026 – C7-0026/2013 – 2013/0013(COD))

Odbor za promet i turizam

Izvjestitelj: Jaromír Kohlíček

Oznake postupaka

- * Postupak savjetovanja
- *** Postupak suglasnosti
- ***I Redovni zakonodavni postupak (prvo čitanje)
- ***II Redovni zakonodavni postupak (drugo čitanje)
- ***III Redovni zakonodavni postupak (treće čitanje)

(Navedeni se postupak temelji na pravnoj osnovi predloženoj u nacrtu akta.)

Izmjene nacrta akta

U amandmanima Parlamenta izmjene nacrta akta označene su ***podebljanim kurzivom***. Obični kurziv naznaka je tehničkim službama da se radi o dijelovima nacrta akta za koje se predlaže ispravak prilikom izrade konačnog teksta (na primjer o očitim pogreškama ili izostavcima u danoj jezičnoj verziji). Za predložene ispravke potrebna je suglasnost dotičnih tehničkih službi.

Zaglavlje svakog amandmana na postojeći akt koji se želi izmijeniti nacrtom akta sadrži i treći redak u kojem se navodi postojeći akt te četvrti redak u kojem se navodi odredba akta na koju se izmjena odnosi. Dijelovi teksta odredbe postojećeg akta koju Parlament želi izmijeniti, a koja je u nacrtu akta ostala nepromijenjena, označeni su ***podebljanim slovima***. Za moguća brisanja u tim dijelovima teksta koristi se oznaka [...].

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NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA

**o prijedlogu Uredbe Europskog parlamenta i Vijeća o stavljanju izvan snage Uredbe (EEZ) br. 1192/69 Vijeća o zajedničkim pravilima za normalizaciju računa željezničkih prijevoznika
(COM(2013)0026 – C7-0026/2013 – 2013/0013(COD))**

(Redovni zakonodavni postupak: prvo čitanje)

Europski parlament,

- uzimajući u obzir prijedlog Komisije upućen Europskom parlamentu i Vijeću (COM(2013)0026),
 - uzimajući u obzir članak 294. stavak 2. i članke 91. i 109. Ugovora o funkcioniranju Europske unije, u skladu s kojima je Komisija podnijela prijedlog Parlamentu (C7-0026/2013),
 - uzimajući u obzir članak 294. stavak 3. Ugovora o funkcioniranju Europske unije,
 - uzimajući u obzir mišljenje Europskoga gospodarskog i socijalnog odbora od 11. lipnja 2013.¹,
 - uzimajući u obzir mišljenje Odbora regija od 8. listopada 2013.²,
 - uzimajući u obzir članak 55. Poslovnika,
 - uzimajući u obzir izvješće Odbora za promet i turizam i mišljenje Odbora za zapošljavanje i socijalna pitanja (A7-0472/2013),
1. usvaja sljedeće stajalište u prvom čitanju;
 2. traži od Komisije da predmet ponovno uputi Parlamentu ako namjerava bitno izmijeniti svoj prijedlog ili ga zamijeniti drugim tekstom;
 3. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji i nacionalnim parlamentima.

Amandman 1

**Prijedlog Uredbe
Uvodna izjava 2.**

¹ SL C 327, 12.11.2013., str. 122.

² SL C 356, 5.12.2013, str. 92.

Tekst koji je predložila Komisija

(2) Na europskoj razini donesen je niz zakonodavnih mjera kojima se tržišta željezničkog prijevoza robe i međunarodnog željezničkog prijevoza putnika otvaraju tržišnom natjecanju i kojima se Direktivom 2012/34/EU Europskog parlamenta i Vijeća od 21. studenog 2012. o uspostavi jedinstvenog europskog željezničkog prostora (preinaka) uspostavljaju određena temeljna načela kao na primjer da se željezničkim prijevoznicima upravlja u skladu s načelima koja se primjenjuju na trgovačka društva, da su tijela nadležna za raspodjelu željezničkog infrastrukturnog kapaciteta i naplaćivanje pristojbi za uporabu željezničke infrastrukture odvojena od tijela koja pružaju željezničke usluge, da trebaju postojati odvojeni računi, da bi svi željeznički prijevoznici koji su dobili dozvolu u skladu s kriterijima EU-a trebali imati pristup željezničkoj infrastrukturi na pošten i nediskriminatoran način te da upravitelji infrastrukture mogu primati državne potpore.

Izmjena

(2) Na europskoj razini donesen je niz zakonodavnih mjera kojima se tržišta željezničkog prijevoza robe i međunarodnog željezničkog prijevoza putnika otvaraju tržišnom natjecanju i kojima se Direktivom 2012/34/EU Europskog parlamenta i Vijeća od 21. studenog 2012. o uspostavi jedinstvenog europskog željezničkog prostora (preinaka)^{3a} uspostavljaju određena temeljna načela kao na primjer da se željezničkim prijevoznicima upravlja u skladu s načelima koja se primjenjuju na trgovačka društva, da su tijela nadležna za raspodjelu željezničkog infrastrukturnog kapaciteta i naplaćivanje pristojbi za uporabu željezničke infrastrukture odvojena od tijela koja pružaju željezničke usluge, da trebaju postojati odvojeni računi, da bi svi željeznički prijevoznici koji su dobili dozvolu u skladu s kriterijima EU-a trebali imati pristup željezničkoj infrastrukturi na pošten i ***nediskriminirajući*** način te da upravitelji infrastrukture mogu primati državne potpore. ***Vremensko ograničenje za prenošenje Direktive 2012/34/EU u nacionalno zakonodavstvo je 16. lipanj 2015.***

SL L 343, 14.12.2012., str. 32.

Amandman 2

Prijedlog Uredbe

Članak 2. – stavak 1.

Tekst koji je predložila Komisija

Ova Uredba stupa na snagu ***dan*** nakon ***dana*** njezine objave u *Službenom listu Europske unije*.

Izmjena

Ova Uredba stupa na snagu ***dvije godine*** nakon njezine objave u *Službenom listu Europske unije*.

Justification

This two-year period will make it possible to have a clearer picture of the effects of the implementation of the legislation on the rail sector.

EXPLANATORY STATEMENT

The Commission proposal

In the framework of the Fourth Railway Package the Commission proposes to repeal regulation 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings. This regulation allows Member States to compensate railway undertakings for the payment of obligations which undertakings of other transport modes, for various reasons, do not have to support.

Those obligations may concern, for example, special payments in case of accidents at work, which a railway undertaking is obliged to make but which in the case of other transport modes is borne by the state, pensions for railway workers who usually retire earlier from certain arduous jobs, or the payments for costs of level crossing facilities. The types of compensation for such obligations are divided into 15 categories ("classes") which define the specific scope and calculation principles, as included in the different annexes to regulation 1192/69.

Regulation 1192/69 was adopted before the rail market was liberalised and when rail transport in Europe was developing primarily within national borders, with integrated companies both operating rail services and managing rail infrastructure. At the time the objective of the Regulation was to put railway undertakings and undertakings active in other transport modes on an equal competitive footing. Moreover the relationship between governments and mostly state owned railway undertakings was not yet regulated by a contractual agreement, and a much more direct link of ownership among the two actors existed. Due to its initial intention the regulation contains a list of enumerated list of the former state-owned railway companies. This list was adapted with every EU enlargement, last in 2007, and today contains 36 companies.

The Commission states that since 2007 four Member States have made use of this regulation: Belgium, Germany, Ireland and Poland. Out of the 15 classes, payments were made in only 3. The Commission is of the opinion that, after several railway packages that transformed the rail sector, the regulation does no longer respect the current legal environment and discriminates between those railway undertakings included in the list (and thereby eligible for compensation payments) and those excluded from the list.

The rapporteur's position

This proposal is aimed at repealing regulation 1192/69, which is why modifying the text of the regulation itself is excluded. Whereas in all the previous railway packages, as proposed by the European Commission and then adopted and transposed by Member

States, the aim was to extend rights and obligations to all the rail newcomers and thus to open the rail market, here the Commission proposes to solve the potential discrimination among railway undertakings not by an adequate recast, as in the case of other legislative texts, but by a direct deletion of the act: i.e. by repealing the regulation.

Therefore the legislator has essentially three options:

1. To agree with the Commission's intention and to approve the repeal;
2. To postpone the decision on the repeal and to request the Commission, following a more in-depth analysis, to modify the existing regulation and to adapt it to the current legal framework;
3. To reject the repeal and keep the regulation in force.

Your rapporteur favours option 2. He is of the opinion that before deciding to repeal the regulation it is required to first assess the impact of the provisions of the new Directive 2012/34 on the rail sector which entered into force in November 2012. It is certainly correct, as the Commission states, that the current text of the regulation is discriminatory, as it only offers the possibility for compensation to 36 specific companies. According to the number of railway licences there are more than 1000 railway undertakings active in the EU. Therefore, maintaining the regulation in force unchanged is not an option, as it will allow only a limited number of railway undertakings to ask for such compensations, according to their national rules and legislative framework regarding pension or insurance schemes.

What should be envisaged instead is making those compensations available to all railway undertakings. Most of the provisions of Directive 2012/34 are to be transposed into national law by 16 June 2015: among them, for example, the obligation of developing and implementing accordingly a contractual agreement, with a duration of at least 5 years, on investments on rail infrastructure. Such contracts are not yet in force in all EU Member states, or their duration and conditions are different.

It would be premature to repeal regulation 1192/69 directly. In the current economic climate and against the background of underfinanced railway systems in many Member States it may be necessary to maintain the possibility to compensate railways for certain payments they are required to make by national law and which other transport modes do not have to bear. In order for the effects of the new provisions to become visible it would be more appropriate to wait for some more time and then assess properly the impact of the new legislation in place.

In Directive 2012/34, Article 15 requires the Commission to provide every two years a monitoring report on the state of the rail sector and of the investment, with a general assessment of the implementation of the directive: it is advisable that a similar report is provided to the Council and the European Parliament two years after the deadline for transposition of this Directive. Based on this assessment the legislators could then be informed if in the meantime compensation payments as provided for by regulation 1192/69 have been taken place.

Your rapporteur is concerned about those Member States where rail workers' welfare

schemes and acquired rights to early retirement are still borne by Member States budgets according to their national laws. These laws are fully respecting the independence of railway undertakings, which are already acting in a commercial way, and they are as well compatible with the provisions of Article 93 of the Treaty that recognizes specificity to the transport sector.

Therefore your rapporteur proposes to:

1. postpone the final decision on the repeal of regulation 1192/69 until 31.12.2019;
2. request the Commission to assess by way of a report, to be provided at the latest by 31.12.2017, the effects of the transposition of Directive 2012/34 into national law following the deadline of 16 June 2015;
3. ask the Commission, according to the results of the implementation of the transposed Directive 2012/34, to table, if appropriate, a new legislative proposal which grants all railway undertakings the same rights provided now by regulation 1192/69 or to confirm its repeal.

The amendments prepared in this draft report reflect that approach.

POSTUPAK

Naslov	Stavljanje izvan snage Uredbe Vijeća (EEZ) br. 1192/69 o zajedničkim pravilima normalizacije računa željezničkih prijevoznika	
Referentni dokumenti	COM(2013)0026 – C7-0026/2013 – 2013/0013(COD)	
Datum podnošenja EP-u	30.1.2013	
Nadležni odbor Datum objave na plenarnoj sjednici	TRAN 7.2.2013	
Odbor(i) čije se mišljenje traži Datum objave na plenarnoj sjednici	ECON 7.2.2013	EMPL 7.2.2013
Odbori koji nisu dali mišljenje Datum odluke	ECON 18.6.2013	EMPL 11.9.2013
Izvjestitelj(i) Datum imenovanja	Jaromír Kohlíček 4.3.2013	
Razmatranje u odboru	8.7.2013	14.10.2013
Datum usvajanja	17.12.2013	
Rezultat konačnog glasovanja	+: 37 –: 4 0: 2	
Zastupnici nazočni na konačnom glasovanju	Inés Ayala Sender, Georges Bach, Erik Bánki, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Philippe De Backer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Bogusław Liberadzki, Marian-Jean Marinescu, Mike Natrass, Dominique Riquet, Petri Sarvamaa, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Giommaria Uggias, Peter van Dalen, Patricia van der Kammen, Roberts Zīle	
Zamjenici nazočni na konačnom glasovanju	Phil Bennion, Jean-Jacob Bicep, Spyros Danellis, Zita Gurmai, Alfreds Rubiks, Geoffrey Van Orden, Sabine Wils, Karim Zéribi	
Zamjenici nazočni na konačnom glasovanju prema čl. 187. st. 2.	Mario Pirillo	
Datum podnošenja	19.12.2013	