



EUROPSKI PARLAMENT

2014 - 2019

Dokument s plenarne sjednice

A8-0030/2014

14.11.2014

PREPORUKA

o nacrtu odluke Vijeća o odobrenju, u ime Europske unije, Protokola uz Konvenciju o međunarodnim interesima za pokretnu opremu u vezi s pitanjima specifičnima za željeznička vozila, donesenog u Luxembourg u 23. veljače 2007.

(15113/2013 – C8-0004/2014 – 2013/0184(NLE))

Odbor za pravna pitanja

Izvjestiteljica: Heidi Hautala

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.)

SADRŽAJ

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NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA

o nacrtu odluke Vijeća o odobrenju, u ime Europske unije, Protokola uz Konvenciju o međunarodnim interesima za pokretnu opremu u vezi s pitanjima specifičnima za željeznička vozila, donesenog u Luxembourggu 23. veljače 2007. (15113/2013 – C8-0004/2014 – 2013/0184(NLE))

(Suglasnost)

Europski parlament,

- uzimajući u obzir nacrt odluke Vijeća (15113/2013),
 - uzimajući u obzir Protokol uz Konvenciju o međunarodnim interesima za pokretnu opremu u vezi s pitanjima specifičnima za željeznička vozila, donesen u Luxembourggu 23. veljače 2007.,
 - uzimajući u obzir zahtjev Vijeća za davanje suglasnosti u skladu s člankom 81. stavkom 2. i člankom 218. stavkom 6. podstavkom 2. točkom (a)(v) Ugovora o funkcioniranju Europske unije (C8-0004/2014),
 - uzimajući u obzir članak 99. stavak 1. prvi i treći podstavak i stavak 2. kao i članak 108. stavak 7. Poslovnika,
 - uzimajući u obzir preporuku Odbora za pravna pitanja (A8-0030/2014),
1. daje svoju suglasnost za odobravanje protokola,
 2. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji te vladama i parlamentima država članica.

SHORT JUSTIFICATION

On 12 June 2013 the Commission published a proposal for a Council Decision on the approval, on behalf of the European Union, of the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007 (hereinafter "the Rail Protocol"). The European Union decided the signing of the Rail Protocol by Council Decision of 30 November 2009 and effectively signed it on 10 December 2009.

On 20 November 2013 the Council adopted a Decision on the approval, on behalf of the European Union, of the Protocol and on 14 April 2014 requested the consent of the European Parliament. Article XXII of the Protocol provides that Regional Economic Integration Organisations which are constituted by sovereign States and which have competence over certain matters governed by that Protocol may sign, accept, approve or accede to it on condition that they make the declaration referred to in Article XXII(2). The Council is accordingly making that declaration on behalf of the European Union.

The United Kingdom has notified the President of the Council that it wishes to take part in the adoption and application of this Decision, in accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union. However, the Kingdom of Denmark will not be a party to the Protocol.

The Convention on International Interests in Mobile Equipment (hereafter "the Convention"), to which the present protocol refers, was adopted at a Diplomatic Conference held in Cape Town in 2001. The European Union approved the accession to the Convention and to a Protocol on Matters Specific to Aircraft Equipment, adopted at the same time as the Convention, by Council Decision of 6 April 2009 and deposited the instrument of accession on 28 April 2009.

The Convention applies when the debtor is located in a contracting State and strengthens the rights of creditors if the debtor should default on his obligations through the establishment of an international system for creditors to register interests in the various categories of mobile equipment assets and to benefit from rules on the priority and enforceability of thus registered interests. The Rail Protocol creates a register of international interests in railway rolling stock and is complementary to the European Vehicle Identification Numbering system adopted under the Railway Interoperability Directive. It enables registration and search 24 h/day using internet.

According to the proposal the objective of the Rail Protocol is to facilitate the financing of high-value railway rolling stock by creating a strong international guarantee for creditors, whether these are sellers on credit or institutions supplying credit for such sales. The Commission emphasises that this should encourage not only capital investment in the rail sector, but also benefit the creation of a genuine lease market for mobile railway equipment in Europe.

The proposal is, thus, closely connected to the 4th Railway Package, one of the aims of which

is to encourage more innovation and investment in EU railways. As the proposal points out, the Rail Protocol is also consistent with the objective of supporting the shift to greener and more sustainable mode of transport such as the rail transport, an objective highlighted, i.e., in the 2011 Transport White Paper.

The Convention and the Protocol fall partly under exclusive European Union competence, and the Rail Protocol requires that regional economic integration organisations, such as the EU, make a general declaration indicating the matters which fall under their competence, which the EU did at the time of signature. The proposal notes that paragraph 6 of the declaration should be amended in order to update (and correct) it¹.

Several rules of the Rail Protocol require or enable the contracting parties to make declarations as to the applicability or scope of its provisions or the way they will be implemented. The European Union has the power to make declarations relating to the Articles VI, VIII, IX, and X of the Rail Protocol, whose subject matter fall under its exclusive competence. However, as these articles offer the possibility to sign up to rules on issues, such as, choice of law, interim relief and insolvency procedures, on which the EU already has its own legislation in force², the Commission proposes, in line with the position taken when acceding the Aircraft Equipment Protocol, not opt into any of the optional provisions.

Your rapporteur considers the Rail Protocol compatible with Union law, in particular, as the Council has followed the proposal of the Commission in deciding not to opt in to provisions where the EU's own legislation can be deemed adequate. The choice of legal bases for the proposal, Article 81(2) TFEU in conjunction with Article 218(6) TFEU is also correct. Article 81 TFEU provides for the adoption of measures for the approximation of laws and regulations of the member States in the field of judicial cooperation in civil matters having cross-border implications in accordance with the ordinary legislative procedure. Article 218(6) lays down the procedure for concluding international agreements and determines when Parliament's consent is needed, which is the case as regards the protocol in question.

¹ The revised text of the declaration is set out Annex II of the proposal and at the time of the approval of the declaration should be modified accordingly.

² Regulation (EC) No 593/2008 of 17 June 2008 on the law applicable to contractual obligations (Rome I) and Regulation No 1346/2000 of 29 May 2000 on insolvency proceedings.

REZULTAT KONAČNOG GLASOVANJA U ODBORU

Datum usvajanja	11.11.2014
Rezultat konačnog glasanja	+: 18 -: 2 0: 0
Zastupnici nazočni na konačnom glasanju	Max Andersson, Marie-Christine Boutonnet, Therese Comodini Cachia, Mady Delvaux, Rosa Estaràs Ferragut, Lidia Joanna Geringer de Oedenberg, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Evelyn Regner, Pavel Svoboda, Axel Voss, Tadeusz Zwiefka
Zamjenici nazočni na konačnom glasanju	Daniel Buda, Sergio Gaetano Cofferati, Pascal Durand, Angel Dzhambazki, Heidi Hautala, Virginie Rozière
Zamjenici nazočni na konačnom glasanju prema čl. 200. st. 2.	Helga Stevens