

Amendment 5

Curzio Maltese, Tania González Peñas, Paloma López Bermejo, Rina Ronja Kari, Dimitrios Papadimoulis, Stelios Kouloglou, Ángela Vallina, Javier Couso Permuy, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Miguel Urbán Crespo, Marina Albiol Guzmán
on behalf of the GUE/NGL Group

Recommendation for second reading**A8-0373/2016****Wim van de Camp**

Domestic passenger transport services by rail
11198/1/2016 – C8 0425/2016 – 2013/0028(COD)

Council position**Recital 7***Council position*

(7) Competent authorities should define specifications of public service obligations in public passenger transport. Such specifications should be consistent with the policy objectives as stated in public transport policy documents in the Member States.

Amendment

(7) Competent authorities should define specifications of public service obligations in public passenger transport. Such specifications should be consistent with the policy objectives as stated in public transport policy documents in the Member States ***and endorsed by the respective transport plans as adopted by the competent authorities responsible for the area where the transport services are required.***

Or. en

Justification

Member States are responsible for the guidelines of their transport policies while the competence to establish the required public service obligations according to their respective transport plans lays to the competent authorities entitled to award public service contracts for rail services.

Amendment 6

Curzio Maltese, Tania González Peñas, Rina Ronja Kari, Dimitrios Papadimoulis, Stelios Kouloglou, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Miguel Urbán Crespo
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Domestic passenger transport services by rail
11198/1/2016 – C8 0425/2016 – 2013/0028(COD)

Council position**Recital 13***Council position*

(13) With a view to an appropriate integration of social and labour requirements into procedures for the award of public service contracts for public passenger transport services public service operators should, in the performance of public service contracts, comply with obligations in the field of social and labour law that apply in the Member State where the public service contract is awarded and that result from laws, regulations and decisions, at both national and Union level, as well as from applicable collective agreements, ***provided that such national rules, and their application, comply with Union law.***

Amendment

(13) With a view to an appropriate integration of social and labour requirements into procedures for the award of public service contracts for public passenger transport services public service operators should, in the performance of public service contracts, comply with obligations in the field of social and labour law that apply in the Member State where the public service contract is awarded and that result from laws, regulations and decisions, at both national and Union level, as well as from applicable collective agreements.

Or. en

Justification

The respect of Union law is already recalled in the text as well as all the applicable national laws, regulations, decisions and collective agreements where applicable: no need to put additional conditions, by the way already respected in each Member State.

Amendment 7

Curzio Maltese, Tania González Peñas, Paloma López Bermejo, Rina Ronja Kari, Dimitrios Papadimoulis, Stelios Kouloglou, Ángela Vallina, Javier Couso Permuy, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Miguel Urbán Crespo, Marina Albiol Guzmán
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Recommendation for second reading**A8-0373/2016****Wim van de Camp**

Domestic passenger transport services by rail
11198/1/2016 – C8 0425/2016 – 2013/0028(COD)

Council position**Recital 14***Council position*

(14) Where Member States require staff taken on by the previous operator to be transferred to the newly selected public service operator, such staff should be granted the rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC⁴. Member States should *be free to adopt such* provisions.

⁴ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ L 82, 22.3.2001, p. 16).

Amendment

(14) Where Member States require staff taken on by the previous operator to be transferred to the newly selected public service operator, such staff should be granted the *same* rights to which they would have been entitled if there had been a transfer within the meaning of Council Directive 2001/23/EC⁴. Member States should *not be precluded from safeguarding transfer conditions of employees' rights other than those covered by Directive 2001/23/EC and thereby, if appropriate, taking into account social standards established by national laws, regulations or administrative provisions or collective agreements or agreements concluded between social partners.*

⁴ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ L 82, 22.3.2001, p. 16).

Justification

The correspondent recital in Reg.1370/2007 is clearer and safeguards Member States prerogatives in social standards and labour laws.

7.12.2016

A8-0373/8

Amendment 8

Curzio Maltese, Tania González Peñas, Paloma López Bermejo, Rina Ronja Kari, Dimitrios Papadimoulis, Stelios Kouloglou, Ángela Vallina, Javier Couso Permuy, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Miguel Urbán Crespo, Marina Albiol Guzmán
on behalf of the GUE/NGL Group

Recommendation for second reading

A8-0373/2016

Wim van de Camp

Domestic passenger transport services by rail
11198/1/2016 – C8 0425/2016 – 2013/0028(COD)

Council position

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Proposal for rejection

***The European Parliament rejects the
Council position at first reading.***

Or. en

Amendment 9

Curzio Maltese, Tania González Peñas, Paloma López Bermejo, Rina Ronja Kari, Dimitrios Papadimoulis, Stelios Kouloglou, Ángela Vallina, Javier Couso Permuy, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Miguel Urbán Crespo, Marina Albiol Guzmán
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Recommendation for second reading

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Domestic passenger transport services by rail
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Council position

Article 1 – point 4 – point c Regulation (EC) No 1370/2007

Article 4 – paragraph 6

*Council position**Amendment*

6. *Where competent authorities, in accordance with national law, require public service operators to comply with certain quality and social standards, or establish social and qualitative criteria, those standards and criteria shall be included in the tender documents and in the public service contracts. While respecting Directive 2001/23/EC, such tender documents and public service contracts shall, where applicable, also contain information on the rights and obligations relating to the transfer of staff taken on by the previous operator.;*

6. *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 binding national, regional or local social standards and/or to implement the compulsory transfer of staff in case of change of operator. When such transfer occurs, the staff previously taken on by the previous operator to provide services shall be granted the same rights 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 give transparently details of their contractual rights and the conditions under which employees are deemed to be linked to the services.*

Or. en

Justification

Restore the text as adopted by the European Parliament in the first reading. (P7 TA (2014) 0148)

7.12.2016

A8-0373/10

Amendment 10

Curzio Maltese, Tania González Peñas, Paloma López Bermejo, Rina Ronja Kari, Dimitrios Papadimoulis, Stelios Kouloglou, Ángela Vallina, Javier Couso Permuy, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Miguel Urbán Crespo, Marina Albiol Guzmán
on behalf of the GUE/NGL Group

Recommendation for second reading

A8-0373/2016

Wim van de Camp

Domestic passenger transport services by rail
11198/1/2016 – C8 0425/2016 – 2013/0028(COD)

Council position

Article 1 – point 9 – point b Regulation (EC) No 1370/2007
Article 8 – paragraph 2 a (new)

Council position

Amendment

2a. Public service contracts for public passenger transport services by rail directly awarded on the basis of a procedure other than a fair competitive procedure as of ... [the date of entry into force of this amending Regulation st 11198] until 2 December 2019 may continue until their expiry date. ***In derogation from Article 4(3), the duration of such contracts shall not exceed 10 years, except where Article 4(4) applies.;***

2a. Public service contracts for public passenger transport services by rail directly awarded on the basis of a procedure other than a fair competitive procedure as of ... [the date of entry into force of this amending Regulation st 11198] until 2 December 2019 may continue until their expiry date.

Or. en

Justification

Provisions as in art.4.3 and art.4.4 have to be kept as they concern multimodal contracts where moreover the rail and other track-based modes represent more than the 50% of the value of the concerned services in consistency of environmental friendly aims.