

**Question for written answer E-003145/2013
to the Council**

Rule 117

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Subject: Notification exemptions for public service compensation paid to passenger rail operators

While Regulation (EC) No 994/98 lays down the notification exemptions for several kinds of State aid, Regulation (EC) No 1370/2007 provides specifically for a notification exemption for public service compensation paid to passenger rail operators.

This exemption represents an important administrative and financial concession for local authorities, which, in turn, respond to all requests for information which the Commission considers necessary to determine whether the compensation granted is compatible with the Regulation.

In accordance with the stated objective of simplifying the legibility of the State aid system and notification exemptions, the Commission is proposing, from now on, to remove the exemption granted under Article 9 of Regulation (EC) No 1370/2007 in order to include it in an amended version of Regulation (EC) No 994/98 (COM(2012)0730).

Yet, even though this proposal seems to guarantee notification exemptions for public service compensation paid to passenger rail operators, the Commission recalls that this is not an immediate, full or permanent exemption, thereby creating with its new proposal legal uncertainty for local authorities and the passenger rail transport sector.

Furthermore, reversing this exemption would go against the spirit of Regulation (EC) No 1370/2007, adopted jointly by Parliament and the Council under the codecision procedure. It would therefore be appropriate for the European Union to revise this regulation under the same procedure, in accordance with the legal principle of congruent forms and Article 91 of the Treaty on the Functioning of the European Union (TFEU).

In view of this:

1. Can the Council state whether it intends to renew notification exemptions for public service compensation paid to passenger rail operators?
2. While the Commission does not have recourse to the codecision procedure laid down in the TFEU article to call for an amendment to Regulation (EC) No 1370/2007, does the Council believe that this contradicts the legal principle of congruent forms and Article 91 of the TFEU?