



European Communities

EUROPEAN PARLIAMENT

# SESSION DOCUMENTS

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30 November 1990

A3-0339/90/PART A

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REPORT

of the Committee on Transport and Tourism

on a Community railway policy and, in particular, the proposals from the Commission to the Council for

- I. a directive on the development of the Community Railways
  - II. a regulation (EEC) amending Regulation (EEC) No. 1191/69 on the action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway
  - III. a decision concerning the establishing of a network of high speed trains
  - IV. a directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined carriage of goods between Member States
- COM(89) 564 final - C 3-46/90

Rapporteur: Mr Brian SIMPSON

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- PART A :Amendments  
Draft legislative resolutions

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PE 139.440/fin.

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

\* = Consultation procedure requiring a single reading

\*\*II = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

\*\*I = Cooperation procedure (first reading)

\*\*\* = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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By letter of 8 February 1990, the Council of the European Communities consulted the European Parliament, pursuant to Article 75 of the EEC Treaty, on the proposals from the Commission of the European Communities to the Council for

- I. a directive on the development of the Community Railways
- II. a regulation (EEC) amending Regulation (EEC) No. 1191/69 on the action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway
- III. a decision concerning the establishing of a network of high speed trains
- IV. a directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined carriage of goods between Member States.  
COM(89) 564 final - C3-46/90

On 12 March 1990, the President of the European Parliament referred these proposals to the Committee on Transport and Tourism as the committee responsible and to the Committee on Economic and Monetary Affairs and Industrial Policy for its opinion.

The Committee on Transport and Tourism had already appointed Mr Simpson rapporteur at its meeting of 27 September 1989.

At its meetings of 2 March, 25 April, 30 May, 18 July and 27 November 1990, the Committee on Transport and Tourism decided to incorporate in this report the following motions for resolutions tabled pursuant to Rule 63 of the Rules of Procedure :

- Doc. B3-0606/89 by Mr Langes and others on a new high-speed railway line in the Federal Republic of Germany
- Doc. B3-0463/90 by Mr Coimbra Martins and others on the high-speed trans-Europe rail link
- Doc. B3-0472/90 by Mr B. Simpson on a United Kingdom rail link with the Channel Tunnel  
(asked for its opinion : Committee on Regional Policy and Regional Planning)
- Doc. B3-0870/90 by Mr Crampton and others on improving the transport route between Ireland, Britain and the European mainland  
(asked for its opinion : Committee on Budgets)
- Doc. B3-1065/90 by Mr Stamoulis on the intra-European high-speed rail network
- Doc. B3-1083/90 by Mr Raffarin and others on the development of a high-speed rail network through the European Community regions bordering on the Atlantic
- Doc. B3-1700/90 by Mr Marleix and others on the TGV (high-speed train) in the Massive Centrale (France)

Doc. B3-1710/90 by Mr McMillan-Scott and others on TGV Méditerranée  
(asked for its opinion : Committee on the Environment,  
Public Health and Consumer Protection)

Doc. B3-1857/90 by Mr Puerta and others on the Pajares rail link  
(asked for its opinion : Committee on Regional Policy and  
Regional Planning)

The committee considered the Commission proposals and the draft report at its meetings of 8 November 1989, 22 January, 25 April, 29 May (public hearing), 26 September, 8 November, 26 November and 27 November 1990.

At the last meeting, the committee decided to recommend to Parliament that it approve the Commission proposals subject to the following amendments, on 26 November with respect to

Proposal I by 14 votes to 4 with 2 abstentions  
Proposal II unanimously

and on 27 November with respect to

Proposal III by 16 votes to 1  
Proposal IV unanimously.

The committee adopted the draft legislative resolution with respect to :

Proposal I 16 votes to 0 with 2 abstentions  
Proposal II 17 votes to 0 with 1 abstention  
Proposal III unanimously  
Proposal IV unanimously.

The following were present for the votes under the chairmanship of Mr Amaral, chairman : Topmann and Christensen, vice-chairmen; Simpson, rapporteur; Bettini (for Joanny), Braun-Moser (for Bonetti), Coimbra Martins<sup>1</sup> (for Schlechter), Defraigne (for Von Alemann), Denys, Fernex, Iacono (for Stamoulis), Lüttge, McIntosh, Müller, de Piccoli<sup>2</sup> (for Porrazzini), Porrazzini<sup>2</sup>, Porto (for Amaral), Romera I Alcazar, Sapena Granell, Sarlis, Schlechter<sup>2</sup>, Schodruch, Stewart, Visser, van der Waal and Wijzenbeek.

The opinion of the Committee on Economic and Monetary Affairs and Industrial Policy is published in the Annex. The other committees asked for their opinions pursuant to Rule 63 of the Rules of Procedure have not delivered an opinion.

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The report was tabled on 30 November 1990.

The deadline for tabling amendments to this report will appear on the draft agenda for the part-session at which it is to be considered.

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<sup>1</sup> Vote on 26 November  
<sup>2</sup> Vote on 27 November

A

I. Commission proposal for a Council directive on the development of the Community railways

Commission text<sup>1</sup>

Amendments

Amendment No. 1

Recital 1a (new)

Whereas the expansion of the railway system is a prerequisite for the development of combined transport and greater competition between various modes of transport;

Amendment No. 2

Recital 2a (new)

Whereas, to achieve these objectives, the current distortions of competition between railway undertakings and between the railway system and other forms of transport must be gradually eliminated, in particular in the sector of infrastructure, the application of taxes, international traffic, the various fare reduction schemes and, more generally, the cost allocation of transport infrastructures;

Amendment No. 3

Recital 3

Whereas to achieve these objectives the appropriate measures to remove restrictions of the freedom to provide services are required to be taken in the light of practical experience;

Whereas to achieve these objectives the appropriate measures to remove restrictions of the freedom to provide services are required to be taken in the light of practical experience and whereas the position of railways in the single market must be based on the same conditions as other modes of transport;

<sup>1</sup> For complete text see COM(89) 564 final - OJ No. C 34, 14.2.1990, p. 8

Amendment No. 4

Recital 4

Whereas the future development and efficient operation of the railway system requires that a distinction be made between the provision of railway transport services and the operation of infrastructure; whereas to make this distinction effective, it is necessary that in all cases these two activities are separately managed and have distinct accounts;

Whereas the future development and efficient operation of the railway system requires that a distinction be made between the provision of railway transport services and the operation of infrastructure; whereas to make this distinction effective, it is necessary that in all cases these two activities have distinct accounts;

Amendment No. 5

Recital 4a (new)

Whereas the Member States should be assigned financial responsibility for the maintenance and development of the railway infrastructure;

Amendment No. 6

Recital 4b (new)

Whereas the separation between infrastructure and the provision of services, achieved by boosting competition in railway service management in terms of confort and the number of users, makes it necessary that the Member States should be assigned responsibility for the development and maintenance of railway infrastructure;

Amendment No. 7

Recital 7a (new)

Whereas access to railway infrastructure must be made available to the railway undertakings of the other Member States;

Amendment No. 8

Recital 8

Whereas, in the absence of common rules on allocation of infrastructure costs and in order to provide for equal treatment between modes of transport, Member States shall lay down and make public rules providing for their payment by railway undertakings and their international groupings for the use of railway infrastructure; whereas such rules must be based on the principles of non-discrimination and fair competition between modes of transport;

Whereas, in the absence of common rules on allocation of infrastructure costs and in order to provide for equal treatment between modes of transport, Member States shall lay down and make public rules providing for the accounting of these costs by railway undertakings and their payment by international groupings for the use of railway infrastructure; whereas such rules must be based on the principles of non-discrimination and fair competition between modes of transport;

Amendment No. 9

Recital 9

Whereas Member States should compensate infrastructure operators for losses incurred, if and as far as the latter are required to charge transport undertakings below cost price;

Whereas Member States should compensate infrastructure operators in the public sector for losses incurred, if and as far as the latter are required to charge transport undertakings below cost price;

Amendment No. 10

Recital 9a (new)

Whereas decisions must be harmonized among the Member States to prevent the risk of differing developments;

Amendment No. 11

Recital 10

Whereas, in order to render railway transport services efficient and competitive with regard to other modes of transport, Member States should ensure that railway undertakings are given a status of independent operators behaving in a commercial manner;

Whereas, in order to render railway transport services efficient and competitive with regard to other modes of transport, Member States should ensure that railway undertakings are given a status of independent operators behaving in a commercial manner and adapting to market needs;

Amendment No. 12

Recital 11a (new)

Whereas the Community budget authorities, in collaboration with the Member States, should guarantee adequate funding for completing the European railway system, with particular reference to the rail links between the north and south of the Community and the development of links with Central and Eastern Europe;

Amendment No. 13

Recital 11b (new)

Whereas good technical coordination has not yet been achieved;

Amendment No. 14

Recital 11c (new)

Having regard to the need to harmonize at European level the standard of comfort offered by rail travel by imposing European standards as regards the quality of travel for children, the transport of luggage and bicycles on regional and intercity trains, access to shelters in stations for cyclists, improved sleeping facilities, meeting areas and quiet areas;

Amendment No. 15

Recital 11d (new)

Whereas fare reductions for all age groups do not yet operate sufficiently at European level, and whereas there is no simple and attractive European fare scheme for frequent travellers;



Amendment No. 16

Recital 12a (new)

Whereas, in the former GDR, the state of the railway infrastructure is such that an effort is needed to restore it to a condition which will enable it to maintain its policy of priority for public transport;

Amendment No. 17

Article 1

The object of this Directive is to facilitate the development in the Community of efficient railways designed to meet the needs of a Single Market.

The object of this Directive is to facilitate the development in the Community of efficient railways designed to meet the needs of a Single Market, while not disregarding their obligation to provide a public service.

Amendment No. 18

Article 2(1)(a)

1. For the purpose of this Directive:

a) "railway undertakings" means undertakings established in the Community to provide general railway transport services, and in particular the following companies:

- Société Nationale des Chemins de Fer Belges (SNCB),
- Nationale Maatschppij der Belgische Spoorwegen (NMBS),
- De Danske Statsbaner (DSB),
- Deutsche Bundesbahn (DB),
- OSE,
- Red Nacional de los Ferrocarrilles Españoles (RENFE),
- Société Nationale des Chemins de Fer Français (SNCF),
- Córas Iompair Éireann (CIE),
- Ente Ferrovie dello Stato (FS),
- Société Nationale des Chemins de Fer Luxembourgeois (CFL),
- Naamioze Vennootschap Nederlandse Spoorwegen (NS),
- Caminhos do Ferro Portugueses EP (CP),
- British Railways (BR),
- Northern Ireland Railways (NIR);

1. For the purpose of this Directive:

a) "railway undertakings" means undertakings established in the Community to provide general railway transport services, and in particular the following companies:

- Société Nationale des Chemins de Fer Belges (SNCB),
- Nationale Maatschppij der Belgische Spoorwegen (NMBS),
- De Danske Statsbaner (DSB),
- Deutsche Bundesbahn (DB),
- Deutsche Reichsbahn (DR),
- OSE,
- Red Nacional de los Ferrocarrilles Españoles (RENFE),
- Société Nationale des Chemins de Fer Français (SNCF),
- Córas Iompair Éireann (CIE),
- Ente Ferrovie dello Stato (FS),
- Société Nationale des Chemins de Fer Luxembourgeois (CFL),
- Naamioze Vennootschap Nederlandse Spoorwegen (NS),
- Caminhos do Ferro Portugueses EP (CP),
- British Railways (BR),
- Northern Ireland Railways (NIR);

Amendment No. 19)

Article 2(1)(b)

b) "international grouping" means a grouping of railway undertakings, including at least two undertakings established in different Member States, created to operate services between them;

b) "international grouping" means a grouping of State owned public railway undertakings, including at least two undertakings established in different Member States, created to operate services between them. A public railway undertaking of a third State may participate in an international grouping, if an agreement concluded between this State and the Community, provides accordingly. The Commission shall open negotiations, in particular with Austria, Switzerland and Yugoslavia, aiming at the conclusion of such agreements of the basis of mutual interest and reciprocity.

Amendment No. 20

Article 2(1)(c)

c) "infrastructure operator" means any public body or undertaking operating railway infrastructure.

c) "infrastructure operator" means any public sector body operating railway infrastructure and undertaking to conserve and maintain it.

Amendment No. 21

Article 2(1)(d)(new)

"railway infrastructure" is as defined in part A of Annex I of Regulation (EEC) No. 2598/70 in conjunction with the management systems.

Amendment No. 22

Article 2(2)

2. Railway undertakings whose activity is limited to the provision of urban and suburban services - as defined by Article 1(5) of Council Regulation (EEC) No. 1191/69<sup>2</sup> - are exempted from the scope of this directive.

<sup>2</sup> OJ No. L 156, 28.6.1969, p. 1

2. Railway undertakings whose activity is limited to the provision of urban and suburban and regional services - as defined by Article 1(5) of Council Regulation (EEC) No. 1191/69<sup>2</sup> - are exempted from the scope of this directive.

<sup>2</sup> OJ No. L 156, 28.6.1969, p. 1

Amendment No. 23

Article 3

Member States shall lay down the financial and other requirements, including the procedure for authorization, that any undertaking has to meet for establishment as a railway undertaking having access to the national infrastructure.

Member States shall lay down the financial and other requirements, including the procedure for authorization, that a railway undertaking or an international grouping has to meet for establishment and for having access to the infrastructure on their respective territories. These provisions are designed to guarantee that all undertakings shall have access to all modes of transport in accordance with the principle of equal treatment of and fair competition between modes of transport.

Amendment No. 24

Article 3(2)(new)

Member States shall notably require a railway undertaking or an international grouping to produce sufficient guarantees proving its capability

- to meet all financial and social obligations towards its employees and users;
- to maintain a scheduled service for at least one season
- to maintain adequate safety standards
- to consider environmental concerns

and to conclude agreements with the railway undertakings referred to in article 2 paragraph 1 lit a) on the mutual recognition of tickets for passenger services.

Amendment No. 25

Article 4

Member States shall take the necessary measures to provide for the development of railway infrastructure taking into account the general needs of the Community. To this end they shall lay down and make public provisions for railway infrastructure in accordance with the principles set out hereafter.

Member States shall assume financial responsibility for the maintenance and further development of the railway infrastructure. They shall draw up plans, as part of a general Community plan, for the development of the railway infrastructure. They shall ensure that these plans are implemented on their own territory taking into account the general needs of the Community. To this end they shall lay down and make public provisions for railway infrastructure in accordance with the principles set out hereafter.

Amendment No. 26

Article 4a (new)

The infrastructure operators shall be responsible for the operation of the rail transport and the management systems. Security standards and provisions governing the allocation of infrastructure capacity shall be determined in accordance with the provisions of the Member States and under their control.

Amendment No. 27

Article 5(1)

1. Any railway undertaking established in accordance with Article 3 shall be granted access on equitable conditions to national railway infrastructure in the country of its establishment.

1. Any railway undertaking established in accordance with Article 3 shall be granted access on equitable conditions access rights to (one word deleted) railway infrastructure in the Member State of its establishment. Scheduled services shall have priority to non-scheduled services.

Amendment No. 28

Article 5(2)

2. Subject to the same conditions international groupings referred to in Article 2 § 1B, shall be granted transit and access rights as required to operate international services on links between the Member States where their constituent undertakings are established.

2. International groupings of undertakings shall be granted access and transit rights in the Member States of establishment of their constituent undertakings, as well as transit rights in other Member States, as required to operate international services on links between the Member States where their constituent undertakings are established.

Amendment No. 29

Article 5(3)

3. The Commission shall monitor the implementation of paragraphs 1 and 2. In case of repeated and justified complaints by railway undertakings or international groupings, the Commission, having examined the opinion of the advisory committee pursuant to article 10, shall present a proposal for a Council regulation on a code of conduct for the access to railway infrastructure.

Amendment No. 30

Article 6 paragraph 1

1. Until the entry into force of common rules on the allocation of infrastructure costs, Member States shall ensure that railway undertakings and international groupings pay access charges of based on the principles of non discrimination and fair competition between modes of transport.

1. Until the entry into force of common rules on the allocation of infrastructure costs, Member States shall ensure that railway undertakings account pursuant to article 8, charges for the use of infrastructure that are based on the principles of non discrimination and fair competition between modes of transport, taking fully into account in relation to each mode of transport its external costs. International groupings shall pay charges for the use of infrastructure according to the same criteria.

Amendment No. 31

Article 6(2)

2. When the objectives set out in paragraph 1 require access charges below those needed to recover the full costs of infrastructure, the infrastructure operator shall receive compensation from the Member State concerned for any losses thereby incurred.
2. When the objectives set out in paragraph 1 require charges below those needed to recover the full costs of infrastructure, the railway undertaking shall receive compensation from the Member State concerned for any losses thereby incurred. In the case of international groups, the compensation shall be paid by the State in which the grouping is established.

Amendment No. 32

Article 6(2)a (new)

The state shall subsidize the railway undertaking in cases where the route of a line is determined by inappropriate political criteria and is unprofitable and inefficient from the outset.

Amendment No. 33

Article 6(3)

3. Charges for the use of each route shall be established by the infrastructure operator concerned taking into account, notably the total train kms operated, any specific requirements in terms of such factors as speed, axle load and the degree or period of utilisation.
3. Charges for the use of each route shall be established for by the infrastrucutre operator concerned taking into account, notably the total paqqenger/tonnes kms operated, any specific requirements in terms of such factors as speed, total weight, axle load, length of vehicles and the degree or period of utilisation.



Amendment No. 34

Article 7(1)

Member States shall ensure the legal autonomy and management independence of railway undertakings.

Member States shall ensure by law the legal autonomy and management independence of railway undertakings.

Amendment No. 35

Article 7(2), first part

2. Member States shall ensure that railway undertakings shall be operated on commercial principles and shall be free to adjust the nature of their business to the market. They shall in particular be free to:

2. Member States shall ensure that railway undertakings referred to in Article 2 shall be operated, in so far as their public function allows, on commercial principles and shall be free to adjust the nature of their business to the market, taking into account economic, social and environmental factors pursuant to regulation (EEC) No. 1191/69<sup>1</sup>. They shall in particular be free to:

<sup>1</sup> as amended by the Commission proposal under section II of this report

Amendment No. 36

Article 7(2), fourth indent

- take decisions on staff, assets and procurement;
- develop new markets, technologies and services in order to increase profitability in both the short and long run;
- adopt any innovative management techniques considered useful;

- take decisions on staff, assets and procedurement and investment related to their sphere of activity;

Amendment No. 37

Article 7(2), seventh indent

- establish activities in fields associated with the railways business, including creation of affiliation in joint ventures;
- in addition to normal railway operating establish activities in fields associated with the railways business, including creation of affiliation in joint ventures;

Amendment No. 38

Article 7(2), eighth indent

- taking account of independent profitability interests, negotiate and establish commercial contracts with public bodies, notably in relation to the provision of "public service" transport.
- taking account of independent profitability interests, negotiate and establish commercial contracts with public bodies, notably in relation to the provision of national, regional and local "public service" transport.

Amendment No. 39

Article 7(2), ninth indent (new)

- establish their multiannual business plans and their operational and investment budgets;

Amendment No. 40

Article 7(2), tenth indent (new)

- the Commission shall encourage the development of a coordinated system of concessions throughout Europe for different age-groups and social groups;

Amendment No. 41

Article 7(2), eleventh indent (new)

- the Commission shall promote the development of means of eliminating technical discrepancies which marr smooth, comfortable rail travel, such as locomotive changeovers at frontiers;

Amendment No. 42

Article 7(2), twelfth indent (new)

- the question of establishing a European comfort standard for rail travel shall be tackled, with reference to transport of luggage (including bicycles) in all European trains, for facilities enabling parents to take their children with them in comfort, decent sleeping facilities on board all European overnight trains, communal carriages for meeting and relaxing, etc.

Amendment No. 43

Article 8

Member States shall lay down provisions requiring railway undertakings also operating infrastructure to organise their infrastructure and transport operations as distinct "divisions" meeting the requirements in Article 1(3) of the Regulation (EEC) No. 1191/69. The accounts of the divisions shall be maintained in such a way as to exclude the possibility of any cross-subsidies.

Member States shall lay down provisions requiring railway undertakings operating infrastructure to organise their infrastructure and transport operations as distinct "divisions" meeting the requirements in Article 1(3) of the Regulation (EEC) No. 1191/69. The accounts of the divisions shall be maintained in such a way as to exclude systematic cross-subsidies.

Amendment No. 44

Article 9(2)

"Sound financial structure" means that the balance sheet, established according to generally accepted accounting principles and reflecting the real value of the assets employed, after taking into account any transfer of ownership and financial responsibility for infrastructure, is such that the long-term assets plus a reasonable working fund are financed by an appropriate amount of capital and by long-term debts.

"Sound financial structure" means that the balance sheet, established according to generally accepted accounting principles and reflecting the real value of the assets employed, after taking into account any transfer of ownership and financial responsibility for infrastructure, is such that the long-term assets plus a reasonable working fund are covered by capital and by long-term debts.

Amendment No. 45

Article 9(4)

As far as may be required to comply with paragraph 1, and in conformity with Articles 92 and 93 of the Treaty, Member States may make arrangements for an exceptional capital reconstruction. This may in particular include the removal of debts, either through their assumption by the State or a sinking fund or through any other financially equivalent solution.

As far as may be required to comply with paragraph 1, and in conformity with Articles 92 and 93 of the Treaty, Member States shall contribute to the financial reorganization of public railway undertakings and may make arrangements for an exceptional capital reconstruction. This may in particular include the removal of debts, either through their assumption by the State or a sinking fund or through any other financially equivalent solution. They may also grant tax concessions when the plans are for the development of new markets, technological improvements, the establishment of subsidiaries and participation in joint ventures.

Amendment No. 46

Article 10, second paragraph

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

By 31 December 1991, the representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

Amendment No. 47

Article 10(5) (new)

Where structural changes have major consequences for employees of railway undertakings, the Commission shall examine, in conjunction with personnel management, and draw up appropriate social training and retraining programmes.

DRAFT LEGISLATIVE RESOLUTION I

embodying the opinion of the European Parliament on  
the proposal from the Commission to the Council for

a directive on the development of the Community Railways

The European Parliament,

- having regard to the proposals from the Commission to the Council (COM(89) 564 final)<sup>1</sup>
  - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. C 3-46/90),
  - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Economic and Monetary Affairs and Industrial Policy (Doc. A 3-0339/90),
1. Approves the Commission proposals subject to Parliament's amendments and in accordance with the vote thereon;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposals;
  4. Instructs its President to forward this opinion to the Council and Commission.

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<sup>1</sup> OJ No. C 34, 14.2.1990, p. 8

II. Commission proposal for a Council Regulation  
amending Regulation (EEC) No. 1191/69 on action  
by Member States concerning the obligations inherent  
in the concept of a public service  
in transport by rail, road and inland waterway

Commission proposal<sup>1</sup>

Amendments

Amendment No. 48

Recital 3

Whereas the arrangements for such an operation should be established between the competent authorities and the undertakings within the framework of a contract in order to ensure the commercial operation of the latter;

Whereas the arrangements for such an operation should be established between the competent authorities and the undertakings within the framework of a contract in order to ensure the commercial operation of the latter, taking into account external costs and costs of origin which affect normal competitiveness;

Amendment No. 49

Article 1(1)(2)

2. When necessary in order to ensure adequate transport on specific routes or in specific areas Member States may provide for the establishment or continuation of public services on the basis of contracts to be negotiated with undertakings in accordance with Article 14.

2. In order to ensure appropriate rail transport on specific routes or in specific areas, taking into account social and environmental factors, Member States may provide for the establishment or continuation of public services on the basis of contracts to be negotiated with undertakings in accordance with Article 14.

<sup>1</sup> For complete text see COM(89) 564 final - OJ No. C 34, 14.2.1990, p. 11

Amendment No. 50

Article 1(1)(3), first part

3. Nevertheless, Member States may maintain urban, suburban and regional services subject to the imposition of public service obligations referred to in paragraph 1. Such services shall be operated as a specific division meeting the following requirements:

3. Nevertheless, in order to ensure appropriate public transport, Member States shall maintain urban, suburban, regional and rural services subject to the imposition of public service obligations referred to in paragraph 1. Such services shall be operated as a specific division meeting the following requirements:

Amendment No. 51

Article 1(1)(3)(c)

c) to have a financial balance on the basis of receipts, subsidies and compensations, without support from or to any other operation of the undertaking.

c) to have a financial balance on the basis of receipts, s u b s i d i e s a n d compensations.

Amendment No. 52

Article 1(4)(4)

4. Where an undertaking wishes to discontinue to a service to which a public service contract may apply or to introduce substantial modifications to such a service, the competent authorities shall be informed in advance and have the right to request that the decision be postponed for a reasonable period for public consultations to take place. If the competent authorities wish the service to be maintained, it is to be the subject of negotiations with a view to the conclusion of a public service contract.

4. Where an undertaking wishes to discontinue to a service to which a public service contract may apply or to introduce substantial modifications to such a service, the competent authorities shall be informed in advance and have the right to request that the decision be postponed for a period of at most one year for public consultations to take place. If the competent authorities wish the service to be maintained, it is to be the subject of negotiations with a view to the conclusion of a public service contract.



Amendment No. 53

Article 1(4)(5)

5. In the event of the failure of such negotiations or in the case of a disagreement concerning the execution of a contract, the matter may be referred to an arbitration panel designated by both parties. During the period of examination by the panel the service shall be maintained. In reaching its findings, the panel shall notably take into account :

- the general public interest,
- the special characteristics of the service,
- that the proper costs of the service have to be met.

The conclusions of the panel, to be reached within three months, shall be binding on both parties.

5. In the event of the failure of such negotiations or in the case of a disagreement concerning the execution of a contract, the matter may be referred to an arbitration panel designated and recognized by both parties. During the period of examination by the panel the service shall be maintained. In reaching its findings, the panel shall notably take into account :

- the general public interest, especially the social and environmental advantages,
- the special characteristics of the service,
- that the proper costs of the service have to be met.

The conclusions of the panel, to be reached within three months, shall be binding on both parties. At all events, railway undertakings shall be able to take their case on appeal to the Court of Justice of the European Communities.

Amendment No. 54

Article 1(4)(6)

6. The undertaking shall be entitled to compensation in accordance with the procedures laid down in Section IV for the period prior to the conclusion of the contract.

6. The undertaking shall be entitled to compensation in accordance with the procedures laid down in Section IV for the period prior to the conclusion of the contract or until the service is finally discontinued.

DRAFT LEGISLATIVE RESOLUTION II

embodying the opinion of the European Parliament on  
the proposal from the Commission to the Council for

a regulation (EEC) amending Regulation (EEC) No. 1191/69 on the action  
by Member States concerning the obligations inherent in the concept of a  
public service in transport by rail, road and inland waterway

The European Parliament,

- having regard to the proposals from the Commission to the Council (COM(89) 564 final)<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. C 3-46/90),
  - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Economic and Monetary Affairs and Industrial Policy (Doc. A 3-0339/90),
1. Approves the Commission proposals subject to Parliament's amendments and in accordance with the vote thereon;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposals;
  4. Instructs its President to forward this opinion to the Council and Commission.

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<sup>1</sup> OJ No. C 34, 14.2.1990, p. 11

III. Commission proposal for a  
Council decision concerning the establishing  
of a network of high speed trains

Commission text<sup>1</sup>

Amendments

Amendment No. 55

Recital 1

Whereas the functioning of the internal market means that the efficiency of the transport infrastructure between the regions of the Community must be reinforced and increased, in particular by means of a high speed train network to carry persons and, where appropriate, freight;

Whereas the functioning of the internal market means that the efficiency of the transport infrastructure between the regions of the Community must be reinforced and increased, in particular by means of a high speed train network to carry persons and freight;

Amendment No. 56

Recital 3

Whereas the current saturation of air space and of numerous road axes is worrying and any increase in air and road capacity would require heavy investment;

Whereas the current saturation of air space and of numerous road axes, as regards both passenger and freight traffic, is worrying and any increase in air and road capacity would require heavy investment and lead to increasing environmental impact problems;

Amendment No. 57

Recital 5a (new)

Whereas a European high speed train network should act as an incentive to develop the railways and thereby help the outlying regions of the Community to become fully integrated;

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<sup>1</sup> For complete text see COM(89) 0564 final - OJ No. C 34, 14.2.1990, p. 13

Amendment No. 58

Article 2(1)

1. The European high speed rail network, which is to be closely linked to existing rail links, shall be understood to be as high speed lines together with the lines required for connections and extensions.

1.The European high speed rail network, which is to be closely linked to existing rail links, shall be understood to be as high speed lines together with the lines required for connections and extensions, which are essential to provide adequate services to the peripheral and inaccessible areas of the Community notably to Portugal, Spain, Greece, Southern Italy, Northern Scotland and Ireland.

Amendment No. 59

Article 2(1a)(new)

In addition to the routes already listed consideration should be given, inter alia, to the following lines :

Rostock - Berlin - Prague - Vienna-  
Budapest - Belgrade - Athens/Sofia  
- Istanbul;

Greece - Adriatic coast - Bologna-  
Milan, including properly  
functioning ferries;

Hanover - Berlin - Warsaw - Moscow.

Amendment No. 60

Article 2(2)

2. High speed lines consist of those which permit speeds of more than 200 km per hour on new lines and of more than 160 km per hour on existing lines that have been improved.

2. High speed lines consist of those which, respecting the high safety standards fixed pursuant to Article 4, permit speeds of more than 200 km per hour on new lines and of more than 160 km per hour on existing lines that have been improved, subject to assessment of the environmental impact of the routes concerned, their social and economic impact and their impact on the countryside in aesthetic terms, particularly as regards extensions to the outlying regions of the Community involving rail routes which cross the Alps, the Appenines and the Pyrenees and highly-sensitive coastal areas and estuaries.

Amendment No. 61

Article 4(1)

2. Not later than 31 December 1990 the Council shall lay down in accordance with the procedure set out under Article 75 of the EEC Treaty on the one hand the form of the future high speed rail network, and on the other hand, the timetable for the next fifteen years for the axes to be given priority for completion.

2. Not later than 31 December 1990 the Council shall lay down in accordance with the procedure set out under Article 75 of the EEC Treaty on the one hand the programme of the future high speed rail network, and on the other hand, the timetable for the next fifteen years for the axes to be given priority for completion.

Amendment No. 62

Article 4(2)

2. In the framework of this Community plan, a sufficient level of compatibility of infrastructure and equipment for the different parts of the network shall be laid down so as to guarantee the optimal movement of rolling stock. The Council shall approve, on the basis of a procedure set out in Article 75 of the EEC Treaty, any directives necessary for the technical harmonisation of the network.

2. In the framework of this Community plan, a sufficient level of compatibility of infrastructure and equipment for the different parts of the network shall be laid down so as to guarantee the optimal movement of rolling stock. Before 31.12.1991 the Council shall approve, on the basis of a procedure set out in Article 75 of the EEC Treaty, any directives necessary for the technical harmonisation of the network, notably directives providing for a high safety standard.

Amendment No. 63

Article 4(3) (new)

3. On a proposal by the Commission to be submitted before 31 December 1990 the Council shall adopt before 31 July 1991 common rules concerning the minimum requirements for the quality of high speed services and for the qualifications of the personnel licensed for these services.

Amendment No. 64

Article 5(2)

2. In good time before their final adoption the Member States shall communicate to the Commission, which informs the other Member States, their infrastructure and high speed train projects and include their principle characteristics.

2. In good time before their final adoption the Member States shall communicate to the Commission, which informs the other Member States and the European Parliament, their infrastructure and high speed train projects and include their principle characteristics.

Amendment No. 65

Article 6 a (new)

1. Within the limits of the credits available to this scope in the Community budget, the Commission shall grant financial aid for infrastructure projects, which are necessary for the completion the Community's high speed network but would not appear profitable if assessed separately.

2. The budgetary authorities of the Community are invited to make available, when reviewing the financial perspectives, sufficient budgetary credits for the development of the Community high speed train network. In the course of the forthcoming ten years these credits shall be entered under a separate article of the Community budget, taking into account the financial needs to be properly assessed by the Commission.

DRAFT LEGISLATIVE RESOLUTION III

embodying the opinion of the European Parliament on  
the proposal from the Commission to the Council for

a decision concerning the establishing of a network of high speed trains

The European Parliament,

- having regard to the proposals from the Commission to the Council (COM(89) 564 final)<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. C 3-46/90),
  - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Economic and Monetary Affairs and Industrial Policy (Doc. A 3-0339/90),
1. Approves the Commission proposals subject to Parliament's amendments and in accordance with the vote thereon;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposals;
  4. Instructs its President to forward this opinion to the Council and Commission.

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<sup>1</sup> OJ No. C 34, 14.2.1990, p. 13



IV. Commission proposal for a Council Directive  
amending Directive 75/130 on the establishment  
of common rules for certain types of  
combined carriage of goods between Member States

Commission text<sup>1</sup>

Amendments

Amendment No. 66

Article 1(2)

2. Article 6 is replaced by the following :

1. All hauliers, established in a Member State, who meet the conditions on access to the profession and access to the market for carriage between Member States, shall have the right to carry out initial or terminal road haulage operations in the framework of combined transport. In particular a haulier may temporarily pursue activities in any Member State involving initial or terminal hauls associated with international combined transport without having to set up a registered office, place of business or other establishment in that Member State.

2. Article 6 is replaced by the following :

1. All hauliers, established in a Member State, who meet the conditions on access to the profession and access to the market for carriage between Member States, shall have the right to carry out initial or terminal road haulage operations in the framework of international combined transport of goods whose transport is organized by that haulier or an associated company. In particular a haulier may temporarily pursue activities in any Member State involving initial or terminal hauls associated with international combined transport without having to set up a registered office, place of business or other establishment in that Member State.

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<sup>1</sup> For complete text see COM (89) 564 final - OJ No. C 34, 14.2.1990, p. 15

Amendment No. 67

Article 1(3)(1)

3. Paragraph 1 of Article 8 is replaced by the following :

1. Member States shall take the necessary measures to ensure that, as from 1 January 1985, the taxes listed in paragraph 3 applicable to road vehicles (lorries tractors, trailers or semi-trailors when routed in combined transport are reduced or reimbursed either by a standard amount, or in proportion to the journies that such vehicles undertake by rail or inland waterway, within limits and in accordance with conditions and rules fixed by them after consultation with the Commission.

3.Paragraph 1 of Article 8 is replaced by the following :

1.Member States shall take the necessary measures to ensure that the taxes listed in paragraph 3 applicable to road vehicles (lorries tractors, trailers or semi-trailors when routed in combined transport are reduced or reimbursed either by a standard amount, or in proportion to the journies that such vehicles undertake by rail or inland waterway, within limits and in accordance with conditions and rules fixed by them after consultation with the Commission.

Amendment No. 68

Article 2 a (new)

No later than 31 December 1991 the Commission shall submit pursuant to Article 75 of the Treaty a proposal for an outline plan for the European 'combined transport' network. The Council shall take a decision on this proposal no later than 31 July 1992.

DRAFT LEGISLATIVE RESOLUTION IV

embodying the opinion of the European Parliament on  
the proposal from the Commission to the Council for

a directive amending Directive 75/130 on the establishment of common rules  
for certain types of combined carriage of goods between Member States

The European Parliament,

- having regard to the proposals from the Commission to the Council (COM(89) 564 final)<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. C 3-46/90),
  - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Economic and Monetary Affairs and Industrial Policy (Doc. A 3-0339/90),
1. Approves the Commission proposals subject to Parliament's amendments and in accordance with the vote thereon;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposals;
  4. Instructs its President to forward this opinion to the Council and Commission.

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<sup>1</sup> OJ No. C 34, 14.2.1990, p. 15

