

Wednesday 14 November 2001

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

Annex, as changes in the Community's international obligations require, by publishing a notice in the 'L' series of the Official Journal of the European Communities.

***the obligations with regard to staff, equipment and business operation which apply in the Member States.*** The Commission shall update the Annex, as changes in the Community's international obligations require, by publishing a notice in the 'L' series of the Official Journal of the European Communities.

Amendment 95

Article 19, paragraph 2

2. The Commission shall prepare a report within five years of its entry into force on how this Regulation has been applied in the Member States, ***and the consequences for passengers,*** and shall propose amendments to the Regulation if necessary. The report shall ***include an examination of the operation of the exemption established in Article 7(4).***

2. The Commission shall prepare a report within five years of its entry into force on how this Regulation has been applied in the Member States, and shall propose amendments to the Regulation if necessary. The report shall ***address the consequences for passengers and the personnel concerned, improvement of quality of services and employment trends in terms of quality and quantity.***

Amendment 96

Annex I, point 9

9. ***Costs resulting from the fulfilment of public service requirements shall be calculated on the basis of efficient management of the operator and the provision of transport services of an adequate quality.***

**Deleted**

***The amount of compensation shall be fixed in advance for the duration of the contract or compensation scheme, with the exception that the contract or scheme may provide for the amount of compensation to be adjusted based on predetermined factors. Compensation amounts shall in any case remain fixed for a period of at least one year.***

***Compensation for complying with public service requirements may only be given where the operator in question, if it were considering its own commercial interests, would not, in the absence of this compensation, fulfil the requirement or would not fulfil it to the same extent or under the same conditions.***

---

**European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on action by Member States concerning public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway (COM(2000) 7 – C5-0326/2000 – 2000/0212(COD))**

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2000) 7) <sup>(1)</sup>,
- having regard to Articles 251(2), 71 and 89 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0326/2000),

<sup>(1)</sup> OJ C 365 E, 19.12.2000, p. 169.

Wednesday 14 November 2001

- having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Legal Affairs and the Internal Market (A5-0364/2001),
1. Approves the Commission proposal as amended;
  2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

### 3. Market access to port services \*\*\*I

A5-0354/2001

**Proposal for a European Parliament and Council directive on market access to port services  
(COM(2001) 35 – C5-0078/2001 – 2001/0047(COD))**

The proposal was amended as follows:

TEXT PROPOSED  
BY THE COMMISSION<sup>(1)</sup>

AMENDMENTS  
BY PARLIAMENT

#### Amendment 1

##### Recital 1

(1) The objective of Article 49 of the Treaty is to eliminate the restrictions on freedom to provide services in the Community; in accordance with Article 51 of the Treaty, that objective must be achieved within the framework of the common transport policy.

(1) The objective of Article 49 of the Treaty is to eliminate the restrictions on freedom to provide services in the Community; in accordance with Article 51 of the Treaty, that objective must be achieved within the framework of the common transport policy; **Article 6 of the Treaty provides that environmental protection requirements must be integrated in the definition and implementation of Community policies and activities.**

#### Amendment 2

##### Recital 7

(7) Diverse national legislations and practices have led to disparities in the procedures applied and have created legal uncertainty regarding the rights of providers of port services and the duties of competent authorities. It is in the Community's interest, therefore, to establish a Community legal framework **which lays** down basic rules on access to the port services market, the rights and obligations of current and prospective service providers, the managing bodies of the ports, **as well as on** the procedures accompanying the *authorisations* and selection processes.

(7) Diverse national legislations and practices have led to disparities in the procedures applied and have created legal uncertainty regarding the rights of providers of port services and the duties of competent authorities. It is in the Community's interest, therefore, to establish a Community legal framework **and lay** down basic rules on access to the port services market, the rights and obligations of current and prospective service providers, the managing bodies of the ports, the procedures accompanying the *authorisation* and selection processes, **as well as on the right of Member States to classify certain services, particularly technical-nautical services, as services of general interest in order to protect the public interest as regards safety in ports and adjacent waters.**

<sup>(1)</sup> OJ C 154 E, 29.5.2001, p. 290.