Basic information

2013/0013(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package See also 2013/0014(COD) See also 2013/0015(COD) See also 2013/0016(COD) See also 2013/0028(COD) See also 2013/0029(COD) **Subject** 2.60.03 State aids and interventions 3.20.02 Rail transport: passengers and freight 3.20.10 Transport undertakings, transport industry employees	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	KYLLÖNEN Merja (GUE/NGL)	13/10/2014
	Shadow rapporteur FERBER Markus (PPE) REVAULT D'ALLONNES BONNEFOY Christine (S&D) PORĘBA Tomasz Piotr (ECR) BILBAO BARANDICA Izaskun (ALDE) DELLI Karima (Verts/ALE)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	KOHLÍČEK Jaromír (GUE/NGL)	04/03/2013

Former committee for opinion	Former rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	

Council of the European Union	

Council configuration	Meetings	Date
General Affairs	3484	2016-09-20
Transport, Telecommunications and Energy	3352	2014-12-03
Environment	3491	2016-10-17

European Commission	

Commission DG	Commissioner
Legal Service	BULC Violeta

European Economic and Social Committee
European Committee of the Regions

Key events

Date	Event	Reference	Summary
30/01/2013	Legislative proposal published	COM(2013)0026	Summary
07/02/2013	Committee referral announced in Parliament, 1st reading		
17/12/2013	Vote in committee, 1st reading		
19/12/2013	Committee report tabled for plenary, 1st reading	A7-0472/2013	Summary
25/02/2014	Debate in Parliament		
26/02/2014	Decision by Parliament, 1st reading	T7-0152/2014	Summary
26/02/2014	Results of vote in Parliament		
13/10/2014	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
03/12/2014	Debate in Council		
12/07/2016	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	GEDA/A/(2016)011311 PE630.615	
20/09/2016	Debate in Council		
18/10/2016	Council position published	11197/1/2016	Summary
27/10/2016	Committee referral announced in Parliament, 2nd reading		
05/12/2016	Vote in committee, 2nd reading		
06/12/2016	Committee recommendation tabled for plenary, 2nd reading	A8-0368/2016	Summary
12/12/2016	Debate in Parliament		
14/12/2016	Decision by Parliament, 2nd reading	T8-0496/2016	Summary
14/12/2016	Results of vote in Parliament		

14/12/2016	Final act signed		
14/12/2016	End of procedure in Parliament		
23/12/2016	Final act published in Official Journal		

Technical information

Procedure reference	2013/0013(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	See also 2013/0014(COD) See also 2013/0015(COD) See also 2013/0016(COD) See also 2013/0028(COD) See also 2013/0029(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 091 Treaty on the Functioning of the European Union TFEU 109
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/06748

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE513.242	18/06/2013	
Amendments tabled in committee		PE516.925	18/09/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0472/2013	19/12/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0152/2014	26/02/2014	Summary
Committee draft report		PE592.186	21/10/2016	
Committee recommendation tabled for plenary, 2nd reading		A8-0368/2016	06/12/2016	Summary
Text adopted by Parliament, 2nd reading		T8-0496/2016	14/12/2016	Summary
Text agreed during interinstitutional negotiations		PE630.615	20/11/2018	

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	12858/2016	07/10/2016	
Council position	11197/1/2016	18/10/2016	Summary

Coreper letter confirming interinstitutional agreement	GEDA/A/(2016)011311	24/10/2016	
Draft final act	00047/2016/LEX	14/12/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0026	30/01/2013	Summary
Commission response to text adopted in plenary	SP(2014)446	20/05/2014	
Commission communication on Council's position	COM(2016)0688	24/10/2016	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0026	27/03/2013	
Contribution	ES_PARLIAMENT	COM(2013)0026	29/03/2013	
Contribution	CZ_SENATE	COM(2013)0026	01/07/2013	
Contribution	IT_CHAMBER	COM(2013)0026	31/10/2014	
Contribution	IT_SENATE	COM(2013)0026	08/11/2014	
Contribution	IT_SENATE	COM(2013)0026	05/12/2014	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0027/2013	08/10/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2016/2337
OJ L 354 23.12.2016, p. 0020 Summary

Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package

2013/0013(COD) - 06/12/2016 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Transport and Tourism adopted the recommendation for second reading contained in the report by Merja KYLLÖNEN (GUE/NGL, FI) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

The committee recommended the European Parliament to **approve the Council position at first reading without amendment**.

As a reminder, the proposal is part of the market pillar of the Fourth Railway Package which comprises three legislative proposals.

Regulation 1192/69 on common rules for the normalisation of the accounts of railway undertakings, which the Commission is proposing to repeal, allows Member States to compensate railway undertakings for the payment of obligations which undertakings of other transport modes do not have to support. Those obligations may concern, for example, special payments in case of accidents at work, which a railway undertaking is obliged to make but in the case of other transport modes are borne by the state, pensions for railway workers who usually retire earlier from certain arduous jobs, or the payments for costs relating to level crossing facilities.

Following the adoption of Parliament's first reading position, interinstitutional negotiations (aimed at an early second reading agreement) took place, from October 2015 to April 2016, under the Luxembourg and the Dutch Presidencies of the Council. After six rounds of trilogues, Parliament's negotiating team reached an agreement with the Council Presidency on 19 April 2016.

During the early-second reading negotiations, the Rapporteur stated that there is still need for a transitional period regarding the compensations paid for level crossing facilities (Class IV) due to the fact that some Member State(s) still use this Regulation as a basis for level crossing facilities compensations.

The Rapporteur accepted the Commission`s opinion according to which the Regulation no longer respects the current legal environment. The Rapporteur recommended following the Commission's proposal to repeal Regulation (EEC) No 1192/69, with the exception of the provisions that apply to the normalisation of accounts for Class IV cases covered by Annex IV. Those provisions shall continue to apply until 31 December 2017. That would give time to Member States to adapt their national legislation concerning the compensations of costs relating to certain level crossing facilities.

Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package

2013/0013(COD) - 14/12/2016 - Final act

PURPOSE: to repeal Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

LEGISLATIVE ACT: Regulation (EU) 2016/2337 of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

CONTENT: this Regulation repeals Council Regulation (EEC) No 1192/69, with the exception of the provisions of that Regulation that apply to the normalisation of accounts for Class IV cases covered by Annex IV to that Regulation. Those provisions shall continue to apply until 31 December 2017.

Council Regulation (EEC) No 1192/69 allows Member States to compensate 40 enumerated railway undertakings for the payment of obligations which undertakings of other transport modes do not have to support.

This Regulation is incompatible with the modern organisation of the railway sector. It is however used to compensate costs for crossing facilities. A transition period to offset these costs is justified in order to ensure a smooth transition towards the new system.

ENTRY INTO FORCE: 12.12.2016.

Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package

2013/0013(COD) - 18/10/2016 - Council position

The Council adopted its position at position at first reading with a view to the adoption of a Regulation repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

The sole objective of the proposal is to repeal an outdated regulation which was adopted when organisations providing railway services fulfilled certain responsibilities of the public sector. The regulation provided the framework for compensation of the costs and benefits arising from such responsibilities.

The Council position repeals Regulation (EEC) No 1192/69, with the exception of the provisions of that Regulation that apply to the normalisation of accounts for Class IV cases covered by Annex IV to that Regulation. Those provisions shall continue to apply **until 31 December 2017**.

Regulation (EEC) 1192/69 is no longer compatible with the modern organisation of the railway sector. However, the Regulation is still used, notably for compensation of costs relating to certain level-crossing facilities. A transitional period for the compensation of level-crossing costs is therefore justified with a view to a smooth transition to the new system.

Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package

2013/0013(COD) - 14/12/2016 - Text adopted by Parliament, 2nd reading

The European Parliament adopted at second reading following the ordinary legislative procedure, a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

Parliament **approved the Council position at first reading** without amendment.

The proposed Regulation seeks to repeal Regulation (EEC) No 1192/69, with the exception of the provisions that apply to the normalisation of accounts for Class IV cases covered by Annex IV (The bearing by railway undertakings of the costs of crossing facilities).

Those provisions shall continue to apply until 31 December 2017.

It should be noted that a proposal to reject the Council proposal, tabled by the ENF group, was rejected by plenary by 69 votes to 629 with 8 abstentions.

Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package

2013/0013(COD) - 24/10/2016 - Commission communication on Council's position

The Commission adopted a communication on the position of the Council on the adoption of a Regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

The general objective of the Commission proposal for repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings is to eliminate inconsistencies in the EU legal order and, in line with the Commission's REFIT objectives, to contribute to simplification by repealing a legal act that has become obsolete.

The position adopted by the Council at first reading **endorses the main objectives of the Commission proposal** even if the Council agreed to postpone the repeal of the provisions of the Regulation applicable to the normalisation of accounts concerning Class IV, as laid down in the Annex IV to that Regulation. Therefore they will continue to apply until 31 December 2017.

The Commission **accepted the position adopted by the Council** thus allowing the European Parliament to adopt the final text in second reading.

Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package

2013/0013(COD) - 30/01/2013 - Legislative proposal

PURPOSE: to repeal Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

PROPOSED ACT: Regulation of the European Parliament and of the Council (new proposal).

PARLIAMENT'S ROLE: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation (EEC) No 1192/69 allows Member States to compensate 36 enumerated railway undertakings for the payment of obligations which undertakings of other transport modes do not have to support, such as special family allowances and pensions. When the rules for normalisation are correctly applied, such State support is considered compatible with the internal market and Member States are exempted from State aid notification obligations,

Regulation (EEC) No 1192/69 was adopted before the rail market was liberalised and when rail transport in Europe was developing primarily within national borders, with integrated companies both operating rail services and managing rail infrastructure. Today, this **Regulation is inconsistent and incompatible with legislative measures currently in force**, as well as with the fundamental principles laid down in Directive 2012/34/EU of the European Parliament and of the Council establishing a single European railway area which include that: (i) railway undertakings shall be managed according to principles that apply to commercial companies; (ii) entities responsible for the allocation of capacity and charging for rail infrastructure shall be separate

from entities which operate rail services; (iii) there shall be a separation of accounts; (iv) any railway undertaking licensed in accordance with EU criteria should have access to railway infrastructure on fair, non-discriminatory terms; and (v) that infrastructure managers may benefit from State financing.

Regulation (EEC)

In the context of a liberalised market where railway undertakings compete directly with the traditional monopolies listed in the Regulation, the Commission considers that it is not appropriate to discriminate between these two groups of undertakings.

IMPACT ASSESSMENT: the Commission did not undertake an impact assessment. However, it requested information from Member States about application of the Regulation in May 2010 and in June 2011. Responses revealed that, between 2007 and 2010, a majority of Member States had not received applications from railway undertakings and had not made payments of compensation under the Regulation. A majority of Member States indicated they saw no ongoing need for the Regulation and some explicitly expressed their support for repeal or their opinion that the Regulation is obsolete or out of date.

On the basis of the data provided by Member States, it was concluded that the impact of a repeal of the Regulation would be very minimal.

LEGAL BASIS: Articles 91 and 109 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed Regulation seeks to repeal Regulation (EEC) No 1192/69 to eliminate inconsistencies in the EU legal order and will contribute to simplification by eliminating a legal act which is now obsolete.

BUDGETARY IMPLICATIONS: there are no implications for the Union budget.

Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package

2013/0013(COD) - 19/12/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Jaromír KOHLÍČEK (GUE/NGL, CZ) on the proposal for a regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

The parliamentary committee recommended that the European Parliament’s position adopted at first reading under the ordinary legislative procedure should amend the Commission’s proposal.

Members proposed that **the decision to repeal the text should be postponed**. The regulation would thus enter into force **two years** following its publication in the Official Journal of the European Union.

Common rules for the normalisation of the accounts of railway undertakings: repeal. 4th Railway Package

2013/0013(COD) - 26/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 575 votes to 84 with 14 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings.

Adopting its position at first reading under the ordinary legislative procedure, Parliament proposed that **the decision to repeal Regulation (EEC) No 1192 /69 should be postponed**. The regulation would thus enter into force **two years** following its publication in the Official Journal of the European Union.