Council of the European Union

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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject:	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 - Draft statement of the Council's reasons

I. INTRODUCTION

1. On 30 January 2013, the Commission transmitted to the Council a 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[1].

2. This proposal was presented as a part of the so-called Fourth Railway Package together with five other proposals. For the negotiations the proposals were handled in two groups, a technical pillar and a market pillar. This proposal is part of the market pillar.

3. The European Economic and Social Committee adopted its opinion on the proposal on 10 July 2013. The Committee of the Regions adopted its opinion on 8 October 2013.

4. The European Parliament adopted its opinion at first reading on 26 February 2014.

5. On 3 December 2014, the Council (Transport, Telecommunications and Energy) reached an agreement (the 'general approach')[2] on the proposal repealing Regulation 1192/69.

6. On 19 April 2016, an agreement was reached with the European Parliament on a compromise text.

7. On 20 September 2016, the Council adopted a political agreement[3] on the compromise text.

8. Taking into account the agreements referred to above and following legal-linguistic revision, the Council adopted its position at first reading on 17 October 2016, in accordance with the ordinary legislative procedure laid down in Article 294 of the Treaty on the Functioning of the European Union.

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1 OJ L 156, 28.6.1969, p. 283.
2 See 15790/14 TRANS 545 CODEC 2037.
3 See 11202/16 TRANS 299 CODEC 1059.

II. OBJECTIVE

9. The sole objective of the proposal is to repeal an outdated regulation which was adopted when organisations providing railway services fulfilled certain responsibilities of the public sector.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.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

10. The Council considers that Regulation (EEC) 1192/69 is no longer compatible with the modern organisation of the railway sector. However, the Council is aware that 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.

IV. CONCLUSION

11. The Council's position at first reading reflects the compromise agreed between the Council and the European Parliament, with the support of the Commission.

12. This compromise was confirmed by a letter from the Chair of the European Parliament's Committee on Transport and Tourism addressed to the Chair of the Permanent Representatives Committee (Part 1) on 13 July 2016.

13. The position of the Council takes full account of the Commission proposal and the amendments proposed by the European Parliament at first reading. The Council therefore believes that its position at first reading represents a balanced compromise.