Council of the European Union

Brussels, 7 October 2016
(OR. en, de)

12859/16
ADD 1

Interinstitutional File:
2013/0028 (COD)

CODEC 1378
TRANS 374

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail **(first reading)** - Adoption of the Council's position at first reading and of the statement of the Council's reasons = Statement

Statement by the Federal Republic of Germany

Germany welcomes the agreement reached on the proposal for an amendment to Regulation EC) No 1370/2007 on public passenger transport services by rail and by road. Regarding the social provisions contained in the aforementioned Regulation (see recitals 16 and 17 of Regulation (EC) No 1370/2007 and Article 4(5) and (6) in the current version and in the version amended by the proposal including the new recital), Germany believes that in the future, after the Regulation has been amended, Member States will – as has been the case so far under existing law – be at liberty to adopt more extensive rules under national law to flesh out the European standards. This also explicitly comprises the right to make more binding rules in national law than in the Regulation governing the transfer of staff in the event of a change of operator. Germany believes that its legal opinion is vindicated by remarks made by the European Commission and the Presidency (for instance, at the 2581st meeting of Coreper, Part 1, on 13 April 2016).