Council of the European Union

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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING Proposal for a 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 - Outcome of the European Parliament's second reading (Strasbourg, 12 to 15 December 2016)

I. VOTE

On 14 December 2016, since no amendment had been adopted, the President of the European Parliament declared the Council's position at first reading approved.

The text of the European Parliament's legislative resolution is annexed to this note.

II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294 (7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act in question will be published in the *Official Journal* of the European Union.

P8_TA-PROV(2016)0497

Domestic passenger transport services by rail ***II

European Parliament legislative resolution of 14 December 2016 on the Council position at first reading with a view to the adoption of a 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 (11198/1/2016 – C8- 0425/2016 – 2013/0028(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

– having regard to the Council position at first reading (11198/1/2016 – C8-0425/2016),

– having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Lithuanian Parliament, the Luxembourg Chamber of Deputies, the Netherlands Senate and the Netherlands House of Representatives, the Austrian Federal Council and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

– having regard to the opinion of the European Economic and Social Committee of 11 July 2013[1],

– having regard to the opinion of the Committee of the Regions of 8 October 2013[2],

– having regard to its position at first reading[3] on the Commission proposal to Parliament and the Council (COM(2013)0028),

– having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

– having regard to Rule 76 of its Rules of Procedure,

– having regard to the recommendation for second reading of the Committee on Transport and Tourism (A8-0373/2016),

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1 OJ C 327, 12.11.2013, p. 122.
2 OJ C 356, 5.12.2013, p. 92.
3 Texts adopted of 26.2.2014, P7_TA(2014)0148.

1. Approves the Council position at first reading;

2. Approves the statement annexed to this resolution;

3. Notes that the act is adopted in accordance with the Council position;

4. Suggests that the act be cited as 'the van de Camp-Dijksma Regulation on the opening of the market for domestic passenger transport services by rail'[4];

5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[4] Wim van de Camp and Sharon Dijksma led the negotiations on the act on behalf of Parliament and the Council respectively.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the European Parliament on the transfer of staff

According to Recital 14 and Article 4, paragraphs 4a, 4b and 6, Member States must fully respect Directive 2001/23/EC relating to the safeguarding of employees' rights in the event of transfers of undertakings and are entitled to go beyond the application of this Directive taking additional measures for staff protection in compliance with Union law, such as requiring a mandatory transfer of staff even if Directive 2001/23/EC would not apply.