

# Licensing of railway undertakings. Railway package

1998/0266(COD) - 28/03/2000 - Council position

As the text was amended during the discussions in the Council, the Common Position differs from the Commission's proposal and amended proposal on certain points which related to: - the provision of exemptions from the scope of the Directive to be optional for Member States. Thus, Member States which so wish can establish a single model of licence for railway undertakings established in their territory; - the exclusion from the scope of the Directive of the shuttle service for road vehicles through the Channel Tunnel; - the amending of the wording in Article 2(a) to cover companies which provide traction only; - the inclusion of Article 1(4) of the proposal in the Common Position as a new Article 4(5), as the Council considered that this provision should be included among the conditions for obtaining a licence; - the minimum level of security for the operation of the customs and fiscal procedures which new railway undertakings would have to implement; - the obligation of the authority responsible for licensing also to inform the Commission whenever it issues a new licence; - the addition of a reference to the requirements offering benefits or protection to consumers. The Council did not accept the amendments made by the European Parliament which relate to the linking, in the case of freight services, cover of the railway undertaking's civil liability in the event of an accident to the fact that the charges reflect willingness to pay more than the costs imposed and to the fact that the regulatory bodies ensure charges are not excessive. The Council considered that all railway undertakings should have sufficient cover of their liability and that such cover could not be linked to agreement by the railway undertakings to more than costs.