Railway transport: infrastructure capacity and levying for their use, safety certification. Railway package

1998/0267(COD) - 28/03/2000 - Council position

The Council endorses the proposal's main objectives of developing international rail transport and safeguarding the principles of transparency and non-discrimination. Nevertheless, the text was extensively reworked in the course of the discussions. Like the European Parliament, the Council considered that some flexibility is needed in infrastructure charging and the allocation of capacity given the characteristics of Member States' rail systems, which differ widely in technical, economic and institutional terms. The following are the most important amendments made by the Council: - calculation of charges: where the market can bear such increases and the Member State in question wishes for fuller recovery of the total costs of the infrastructure, Member States are allowed to levy mark-ups on the cost directly incurred by operating the train services; - capacity allocation: only railway undertakings may apply for train paths, although Member States may allow other applicants to apply for capacity in their territories; - the proposal's rules on charging and capacity allocation have been simplified; - temporary derogations from applying some articles of the Directive have been introduced for the benefit of certain Member States on the basis of the particular circumstances of their railway systems. With regard to infrastructure charging, the Council's amendments relate to: - the acceptance of the proposal's overall charging principle, i.e. the cost directly incurred as a result of the operating the train service, but it considerably amended the exceptions to that principle, mainly by simplifying them; - the most important exception allows Member States wishing to recover infrastrucure costs and whose market can bear such increases to levy mark-ups on the basis of efficient, transparent and non-discriminatory principles; - the additional charges reflecting the scarcity and the environmental effects of operating train services; - scrapping the exceptional nature of the charges, more detailed information on specific projects and on the implementation of charges and a reference to the possibility of concluding arrangements in certain cases; - other aspects of the exceptions allowed in the proposal to the charging principles, including: a description of the options that may be used to levy mark-ups and the definition of the right of access to infrastructure on the basis of the amount of authorised charges; the general clause on non-discrimination and transparency in charging ; the elimination of the special rules for passenger transport; - discounts: in order to avoid discounts leading to indirect discrimination against the railway undertakings other than the main operator, these have been limited to the actual saving of "the administrative cost" to the infrastructure manager; it also allows specific discounts to encourage certain traffic flows or the use of under-utilised lines; - the modification of a number of aspects of the services provided to railway undertakings. There is a reference totrack access to service facilities, so as to ensure the availability of such services; however, a clause has been inserted to cover the situation where there are no viable alternatives. In addition, the Common Position omits three "mandatory" services on the grounds that Article 29 lays down the measures to be taken in the event of disturbance or accident, safety standards are dealt with in Article 7. It is worth noting that the Council followed the amended proposal and adopted the following European Parliament amendments either in whole or in part. These relate to the gradual opening up of the market; fair competitive conditions between rail and road and to take into account of their external effects; the definition of "infrastructure manager" and of "network"; the obligation to put in place a charging framework; situations where the services to railway undertakings are provided by suppliers other than the infrastructure managers; the amount of the charge to exceeded the cost directly incurred by operating the train service and on exceptions to charging principles.