

Development of Community's railways (amend. Directive 91/440/EEC). Railway package

1998/0265(COD) - 25/11/1999 - Modified legislative proposal

The Commission's amended proposal accepts the European Parliament's amendments relating to : - the creation of entities separate from railway undertakings for infrastructure management after a short transitional period. This is a further step in separation, beyond that originally considered strictly necessary by the Commission, to achieve the aims of fair and non-discriminatory access to infrastructure, efficient operation and development of two distinct activities, transparency of railway finances and public support , and creation of a solid basis for setting infrastructure charges. Complete separation of transport services and infrastructure management into distinct entities would further advance the achievement of these objectives. Although the Commission accepts this amendment, it modifies the wording proposed by the Parliament to specify that each entity must have its own legal personality and places the new text in the section dealing with separation ; - the transitional period. This would oblige Member States to organise distinct divisions within a single undertaking for transport services and for infrastructure management until the separation into different entities according to Article 6, paragraph 1, takes place. This the Commission accepts but proposes to place the respective text into Article 6, paragraph 1 instead of paragraph 2. The second major change, proposed by the European Parliament and accepted by the Commission, deals with open access to railway infrastructure for international freight services. Like the Parliament, the Commission is convinced that market opening is essential to revitalise rail freight and should be undertaken in steps. It would attract new operators, bringing new ideas, fresh management and additional capital, and stimulate existing operators to improve their performance. In 1995, it proposed the creation of access rights for supplying all freight and for international passengers services and, in 1998, launched the idea of opening the freight market by stages. The Commission fully accepts, however, that priority should be given to establishing access rights for international freight services. The existing arrangements, under which railway undertakings are only responsible for that part of the service on their own territory, do not allow the development of seamless international services or give incentives to lower the cost and improve the quality of service. The Commission supports the Parliament's intentions. Following the Parliament's view that the opening of the rail market should be undertaken in stages, it however proposes as a first step to give access to international freight services on a defined European network, called the Trans European Rail Freight Network. Furthermore, the Commission will, 2 years after the date by which Member States have to comply with this Directive, report and make appropriate proposals. The Commission will also be assisted by an advisory committee. On the other hand, the Commission's amended proposal does not accept the amendments relating to : - the removal of the reference in recital 4 (now numbered 7) to the laying down of safety rules from the text proposed by the Commission.