

Licensing of railway undertakings. Railway package

1998/0266(COD) - 25/11/1999 - Modified legislative proposal

The Commission welcomes the European Parliament's proposal and integrates it into its proposal. It proposes to modify the wording in order to avoid any misunderstanding as to what the word 'This' in the Parliament's amendments refers to. Furthermore, additional amendments relate to adding a sentence to Article 8 of Directive 95/18/EC requiring the conditions relating to the professional competence to be non-discriminatory. In addition, the Commission did not accept the amendment relating to the inclusion of a sentence which lays down the obligation for railway undertakings to make arrangements to cover their liabilities, the reasons being that this amendment appears to link the need for freight railway undertakings to insure themselves to their willingness to pay more than costs. Such a provision would in any case not be acceptable because the obligation for all railway undertakings, to have adequate insurance arrangements or other arrangements for cover is essential for the protection of any third party involved in accidents and incidents. In conclusion, it is desirable that the obligations imposed on the Member States and the Commission by Directive 95/18/EC are clarified and this is done based upon a common sense interpretation of the existing text and existing practice. Information to be provided by Member States to the Commission would therefore also include information on licenses that have been issued.