

Basic information	
<p>1993/0488(SYN)</p> <p>SYN - Cooperation procedure (historic)</p> <p>Railway transport: licensing of undertakings</p> <p>Repealed by 2010/0253(COD) Amended by 1998/0266(COD) Amended by 2002/0022(COD)</p> <p>Subject</p> <p>3.20.02 Rail transport: passengers and freight</p>	Procedure completed

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	JARZEMBOWSKI Georg (PPE)	26/07/1994
Council of the European Union	Council configuration	Meetings	Date
	Transport, Telecommunications and Energy	1785	1994-09-26
	Transport, Telecommunications and Energy	1857	1995-06-19
	Transport, Telecommunications and Energy	1803	1994-11-21

Key events			
Date	Event	Reference	Summary
15/12/1993	Legislative proposal published	COM(1993)0678 	Summary
07/02/1994	Committee referral announced in Parliament		
05/04/1994	Vote in committee		Summary
02/05/1994	Debate in Parliament		Summary
14/07/1994	Modified legislative proposal published	COM(1994)0316 	Summary
21/11/1994	Council position published	09857/1/1994	Summary
15/12/1994	Committee referral announced in Parliament, 2nd reading		
21/02/1995	Vote in committee, 2nd reading		Summary
21/02/1995	Committee recommendation tabled for plenary, 2nd reading	A4-0026/1995	
14/03/1995	Debate in Parliament		

05/05/1995	Modified legislative proposal published	COM(1995)0151 	
19/06/1995	Act adopted by Council after consultation of Parliament		Summary
19/06/1995	End of procedure in Parliament		
27/06/1995	Final act published in Official Journal		

Technical information	
Procedure reference	1993/0488(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Repealed by 2010/0253(COD) Amended by 1998/0266(COD) Amended by 2002/0022(COD)
Legal basis	EC Treaty (before Amsterdam) E 075
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/06225

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0216/1994 OJ C 128 09.05.1994, p. 0010	05/04/1994	
Text adopted by Parliament, 1st reading/single reading		T3-0374/1994 OJ C 205 25.07.1994, p. 0029-0038	03/05/1994	
Committee recommendation tabled for plenary, 2nd reading		A4-0026/1995 OJ C 068 20.03.1995, p. 0013	21/02/1995	
Text adopted by Parliament, 2nd reading		T4-0087/1995 OJ C 089 10.04.1995, p. 0023-0030	14/03/1995	Summary
Council of the EU				
Document type		Reference	Date	Summary
Council position		09857/1/1994 OJ C 354 13.12.1994, p. 0011	21/11/1994	Summary
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(1993)0678 	15/12/1993	Summary
		COM(1994)0316		

Modified legislative proposal		14/07/1994	Summary
Commission communication on Council's position	SEC(1994)1987 	06/12/1994	
Modified legislative proposal	COM(1995)0151 	05/05/1995	
Other institutions and bodies			
Institution/body	Document type	Reference	Date
EESC	Economic and Social Committee: opinion, report	CES1005/1994 OJ C 393 31.12.1994, p. 0056	14/09/1994
			Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Directive 1995/0018 OJ L 143 27.06.1995, p. 0070-0074 Summary

Railway transport: licensing of undertakings

1993/0488(SYN) - 19/06/1995 - Final act

OBJECTIVE: the purpose of the directive, which abides by the philosophy behind directive 91/440/EEC on the rights of combined and international transport services to access railway infrastructures, is to lay down common conditions of access to the said infrastructures, using a system of operating licences granted on the basis of common criteria. **COMMUNITY MEASURE:** Council directive 95/18/EC on the licensing of railway undertakings

CONTENT: - the directive sets out the criteria to be applied by Member States when issuing, extending or amending licences for railway undertakings which are established in the Community and provide the international services defined in Directive 91/440/EEC; - the following are excluded from the scope of the directive: . railway undertakings which only provide urban, suburban or regional transport services; . transport operations using the Channel Tunnel shuttle; - a railway undertaking is entitled to apply for a licence in the Member State in which it is established. However, the licence per se does not entitle the railway undertaking to access the railway infrastructure; - each Member State shall appoint an agency responsible for issuing licences; - conditions which must be met in order to obtain a licence: a railway undertaking applying for a licence must be able, before it starts trading, to prove to the authority responsible for licences in the Member State in question that it is able at all times to meet certain requirements as regards good repute, financial capacity, professional capacity and civil liability cover; - licences will be valid until such time as the railway undertaking ceases to honour its obligations. The authority responsible may require licences to be reviewed at regular intervals of no more than five years; - temporary licences will be valid for no more than six months; - the railway undertaking must comply both with the requirements set out in the directive and with legislation on health, safety, social conditions and workers' and consumers' rights; - the Commission will submit an application report to the Council two years after the directive enters into force, accompanied by proposals for new community measures; - Member States must comply with the directive by 27 June 1997.

Railway transport: licensing of undertakings

1993/0488(SYN) - 14/09/1994

Railway transport: licensing of undertakings

1993/0488(SYN) - 15/12/1993 - Legislative proposal

In line with the rules on access to railway infrastructure, combined transport services and international services set out in Council Directive 91/440/EEC, this proposal sought to set common conditions of access to those structures via a system of operating licences granted on the basis of common criteria. In addition to the general imperatives of professional competence, railway undertakings had to be able to cover their liability in the event of accidents and comply with international agreements and conventions on the carriage of passengers and goods. Member States would be able to impose a number of further demands under Community law, essentially technical ones. The licence could be general or cover just certain types of service. The licence would not confer an automatic right of access to railway infrastructure, this being conditional on the holding of a safety certificate and a commercial agreement with the infrastructure manager.

Railway transport: licensing of undertakings

1993/0488(SYN) - 14/07/1994 - Modified legislative proposal

The amended proposal incorporates the amendments by the European Parliament seeking to: - reinforce or clarify the original text; - enhance the independence of the licensing authority; - reduce the obligations imposed on railway undertakings to supply information, without watering down the licensing system. However, the Commission rejected an amendment deleting the conditions under which a railway undertaking can access infrastructures once it has obtained a licence. It also rejected an amendment which might excessively restrict access by one railway undertaking to essential training services under the sole control of another undertaking.

Railway transport: licensing of undertakings

1993/0488(SYN) - 21/11/1994 - Council position

The common position retains the objectives of the Commission proposal but the Council has made certain changes to it. The main changes are as follows: - the scope of the directive has been limited to railway undertakings providing the international services governed by Directive 91/440/EEC. Railway undertakings which only provide urban, suburban and regional services are excluded from the scope of the directive, as are transport operations using the Channel Tunnel shuttle; - conditions to be satisfied in order to obtain a licence: the Council found the requirements provided for too restrictive, especially as regards financial capacity, and opted to set general requirements, leaving the Member States responsible for introducing detailed requirements; - the Commission is to submit an application report to the Council two years after the directive enters into force, accompanied by proposals for new Community measures; - Member States have been given two years to implement the directive. In addition, the common position includes the European Parliament's amendments seeking to: - specify that licences issued by one Member State are valid throughout the Community; - allow a Member State to designate either an authority or an agency, rather than just an authority to be responsible for issuing licences; - limit the validity of a temporary licence to six months; - ensure that a railway undertaking complies both with the requirements of the directive and legislation on health, safety, social conditions and workers' and consumers' rights; - accept documents drawn up by certain financial institutions as proof of financial capacity.

Railway transport: licensing of undertakings

1993/0488(SYN) - 19/06/1995

The purpose of introducing such licensing is to guarantee the application of common conditions of access to the Community rail market, within the framework of the rights of access to railway infrastructures granted under Directive 91/440/EEC. The fact that an undertaking has a licence would guarantee that it was able to supply safe and efficient railway services. In itself, a licence does not give an undertaking any right to operate transport services; it authorises it to request rights of access to the infrastructure as provided for by the Directive.

Railway transport: licensing of undertakings

1993/0488(SYN) - 14/03/1995 - Text adopted by Parliament, 2nd reading

Parliament amended the Council common position with four amendments basically seeking to: - amend the definition of railway undertaking by replacing the obligation for traction to be provided by the undertaking itself by the possibility of using traction equipment transferred or rented to it; - include the definition of urban, suburban and regional services; - specify that the authority or institution responsible for issuing licences and carrying out the obligations which derive from the directive must not be directly or indirectly linked with the railway undertaking in its country; - strengthen professional capacity requirements by stipulating that the railway undertaking should exercise safe, efficient supervision, that the staff responsible for safety must be properly qualified for the job and that the staff, rolling stock and organisation must all guarantee a high level of safety; The Commission accepted all these amendments.