

Basic information	
1998/0267(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Railway transport: infrastructure capacity and levying for their use, safety certification. Railway package Repealed by 2010/0253(COD) Amended by 2002/0022(COD) Amended by 2004/0047(COD) See also 1998/0265(COD) See also 1998/0266(COD) See also 2010/2556(RSP) Subject 3.20.02 Rail transport: passengers and freight	

Key players			
European Parliament	Committee responsible		Rapporteur
	DELE EP Delegation to Conciliation Committee		SWOBODA Hannes (PSE)
	Former committee responsible		Former rapporteur
	TRAN Transport and Tourism		SWOBODA Hannes (PSE)
	Former committee for opinion		Former rapporteur for opinion
	ECON Economic and Monetary Affairs, Industrial Policy		WIBE Sören (PSE)
Council of the European Union	Council configuration	Meetings	Date
	Transport, Telecommunications and Energy	2324	2000-12-20
	Transport, Telecommunications and Energy	2252	2000-03-28
	Transport, Telecommunications and Energy	2234	1999-12-09
	Transport, Telecommunications and Energy	2191	1999-06-17
	Transport, Telecommunications and Energy	2204	1999-10-06
	Transport, Telecommunications and Energy	2169	1999-03-29
	Transport, Telecommunications and Energy	2142	1998-11-30

European Commission	Commission DG	Commissioner
	Energy and Transport	

Key events			
Date	Event	Reference	Summary
29/09/1998	Legislative proposal published	COM(1998)0480 	Summary
23/10/1998	Committee referral announced in Parliament, 1st reading		
30/11/1998	Debate in Council		
17/02/1999	Vote in committee, 1st reading		Summary
17/02/1999	Committee report tabled for plenary, 1st reading	A4-0059/1999	
29/03/1999	Debate in Council		
17/06/1999	Debate in Council		
28/07/1999	Vote in committee, 1st reading		
28/07/1999	Committee report tabled for plenary confirming Parliament's position	A5-0021/1999	
06/10/1999	Debate in Council		
27/10/1999	Decision by Parliament, 1st reading	T5-0061/1999	Summary
25/11/1999	Modified legislative proposal published	COM(1999)0616 	Summary
28/03/2000	Council position published	05388/1/2000	Summary
13/04/2000	Committee referral announced in Parliament, 2nd reading		
21/06/2000	Vote in committee, 2nd reading		Summary
21/06/2000	Committee recommendation tabled for plenary, 2nd reading	A5-0171/2000	
05/07/2000	Decision by Parliament, 2nd reading	T5-0297/2000	Summary
25/08/2000	Parliament's amendments rejected by Council		
11/10/2000	Formal meeting of Conciliation Committee		
22/11/2000	Final decision by Conciliation Committee		Summary
08/12/2000	Joint text approved by Conciliation Committee co-chairs	3662/2000	
20/12/2000	Decision by Council, 3rd reading		
18/01/2001	Report tabled for plenary, 3rd reading	A5-0014/2001	
01/02/2001	Decision by Parliament, 3rd reading	T5-0048/2001	Summary
26/02/2001	Final act signed		
26/02/2001	End of procedure in Parliament		
15/03/2001	Final act published in Official Journal		

Technical information	
Procedure reference	1998/0267(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2010/0253(COD) Amended by 2002/0022(COD) Amended by 2004/0047(COD) See also 1998/0265(COD) See also 1998/0266(COD) See also 2010/2556(RSP)
Legal basis	EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/13564

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0059/1999 OJ C 153 01.06.1999, p. 0003	17/02/1999	
Text adopted by Parliament, 1st reading/single reading		T4-0167/1999 OJ C 175 21.06.1999, p. 0098-0128	10/03/1999	Summary
Committee final report tabled for plenary, 1st reading /single reading		A5-0021/1999 OJ C 154 05.06.2000, p. 0005	28/07/1999	
Text adopted by Parliament confirming position adopted at 1st reading		T5-0061/1999 OJ C 154 05.06.2000, p. 0022-0045	27/10/1999	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0171/2000 OJ C 121 24.04.2001, p. 0010	21/06/2000	
Text adopted by Parliament, 2nd reading		T5-0297/2000 OJ C 121 24.04.2001, p. 0034-0113	05/07/2000	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0014/2001	18/01/2001	
Text adopted by Parliament, 3rd reading		T5-0048/2001 OJ C 267 21.09.2001, p. 0019-0047	01/02/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	05388/1/2000 OJ C 178 27.06.2000, p. 0028	28/03/2000	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(1998)0202 	31/03/1998	

Legislative proposal	COM(1998)0480 	29/09/1998	Summary
Reconsultation	SEC(1999)0581 	28/04/1999	
Modified legislative proposal	COM(1999)0616 	25/11/1999	Summary
Commission communication on Council's position	SEC(2000)0634 	07/04/2000	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2000)0572 	15/09/2000	Summary
Follow-up document	COM(2006)0189 	03/05/2006	Summary
Follow-up document	COM(2008)0054 	06/02/2008	Summary
Follow-up document	SEC(2008)0131 	06/02/2008	
Follow-up document	SEC(2008)0132 	06/02/2008	
Follow-up document	SEC(2008)0133 	06/02/2008	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0556/1999 OJ C 209 22.07.1999, p. 0022	26/05/1999	
CofR	Committee of the Regions: opinion	CDR0058/1999 OJ C 057 29.02.2000, p. 0040	18/11/1999	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3662/2000	08/12/2000	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2001/0014
OJ L 075 15.03.2001, p. 0029

[Summary](#)

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

1998/0267(COD) - 03/05/2006 - Follow-up document

Adoption of the railway packages is based on the fact that, in spite of efforts to promote the use of rail transport across the EU, efforts are failing. Two railway packages have already been agreed and a third is in the process of being negotiated. This Report focuses exclusively on the "first railway package", adopted in 2001. The first package consists of three Directives: Directive 2001/12/EC, 2001/13/EC and 2001/14/EC. Although separate they are closely inter-linked and share the common objective of opening up the EU's internal market to the railway sector. Focusing exclusively on international freight transport, the first railway package enables any railway undertaking, licensed in accordance with Community criteria, to have access to the internal market's railway infrastructure on fair, non-discriminatory terms as well as allowing them to offer their services across the EU.

Transposition of the Directives was due to have taken place by 15 March 2003 for the EU-15 and by 1 May 2004 for eight of the ten new EU Member States who operate a railway infrastructure. By 1 January 2006, 24 out of the 25 Member States had formally transposed the Directives of the first railway package into their national legislation, with Luxembourg committing itself to implementing the package in the first half of 2006.

Given that failure to implement the Directives has serious repercussions, the Commission has not hesitated in starting infringement proceedings against those countries who are in breach of their obligations vis-à-vis the first railway package. Implementation, the Commission stresses, must be done uniformly and to the letter, if the Directive's objectives are to be realised.

This Report offers a global evaluation of the Directive's transposition. The details are set out in Annex to the Report. In summary, the Commission finds that:

- On the separation of accounts, the reform process is not yet complete. In many cases the accounts fail to comply with the Directive's specifications. The Commission urges that the 2005 and 2006 accounts be published according to the Directive's requirements.
- On the separation between essential functions, work still remains to be done in this area in many of the Member States.
- On the creation of an independent regulatory body, the Commission stresses the importance of monitoring the railway market independently and the need to have an independent arbitrator on disputes between the infrastructure operator and the railway undertakings. The Report finds that this body does not, in all cases, have the human, financial and administrative resources needed for it to fulfil this function.
- On the granting of infrastructure access rights, the Commission encourages the gradual introduction of standard contracts between the infrastructure manager and the railway undertaking(s).
- On the introduction of a charging system, the Report stresses the importance of not promoting cross-funding between freight trains and passenger trains through the infrastructure charging system.

Since the adoption of the first railway package in 2001 figures indicate that railways' share of the freight market has been stabilising in the EU-25. It is not insignificant that the best performing Member States, in terms of rail freight use, are those who first reformed their railway industries.

To conclude, the Report notes that the railway industry, which has been in permanent decline since 1970, has managed to stabilise the volumes transported. In some Member States, freight rail has even managed to take away market share from the roads. Similarly, the fall in employment has also been halted. The Commission believes that implementation of the first railway package by the Member States is well underway but that more needs to be done for it to be complete. It calls on the Member States to do more towards:

- completing their restructuring programmes and to ensure the separation of accounts and essential tasks;
- establishing rail infrastructure charging;
- creating the necessary independent administrative infrastructure needed to implement the first railway packages' provisions;
- clarifying national regional transport authorities' financial ties with the railway undertakings;
- prohibiting cross-subsidisation between freight and passenger transport operations; and
- creating transparent requirements for accessing training centres and the awarding of safety certificates.

The Commission calls on infrastructure managers to:

- improve the content and visibility of their network statements;
- set charges based on real costs; and
- co-operate at a European level on the granting of international paths and to establish harmonised conditions for infrastructure access based on standard contracts.

In the meantime, the Commission will observe the market situation closely and will take action in cases of breaches by starting infringement procedures and/or proposing amendments to the existing Directives in cases of persistent short-comings.

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

1998/0267(COD) - 01/02/2001 - Text adopted by Parliament, 3rd reading

The European Parliament adopted the report by Mr Hannes Swoboda (PES, A). (Please refer to the previous text).

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

1998/0267(COD) - 25/11/1999 - Modified legislative proposal

The Commission's amended proposal accepts the following European Parliament amendments: - amendment 3 because the proposed recital argues for a staged opening of the market which is in line with the Treaty obligations and Commission proposal 95(337); - amendment 4 because the proposed recital urges progress on technical harmonisation which the Commission recognises is important; - amendment 6 because the proposed recital emphasises the importance of fair intermodal competition which is needed to ensure efficient optimal transport choices; - amendment 7 because this results in a better definition; - amendment 8 because this makes the definition more precise; - amendment 9 because this would oblige Member States to establish a charging framework; - amendment 11 because it takes into account of the fact that services may be provided by several managers or service providers; - amendment 16 because it streamlines the text while retaining the principle proposed; - amendment 19 is accepted in principle because it permits parties other than railway undertakings to be Applicants subject to national legislation. The effect has been implemented in Article 19 and a change of the definition in Article 2. In addition, references throughout the text to "authorised applicant" have been changed to "applicant"; - amendment 28 because the exchange of views between government services which it requires will be beneficial. Moreover, the Commission accepts the principles contained within amendment 14 namely: simplification of the rules for passenger traffic, and the possibility to increase freight charges where it has been demonstrated that this does not damage intermodal competitiveness. Articles 8 and 9 have been reformulated in this spirit. On the other hand, the Commission could not accept 15 of the other amendments proposed by the European Parliament. A number of these were considered to be superfluous, no longer of relevance given the evolution of the text, or lacking clarity.

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

1998/0267(COD) - 26/02/2001 - Final act

PURPOSE: to seek greater integration of the Community railway sector. COMMUNITY MEASURE: Directive 2001/14/EC of the European Parliament and the Council on the allocation of railway infrastructure and the levying of charges for the use of railway infrastructure and safety certification. CONTENT: The present directive concerns the principles and procedures to be applied with regard to the setting and charging of railway infrastructure charges and the allocation of railway infrastructure capacity. Member States shall ensure that charging and capacity allocation schemes for railway infrastructure follow the principles set down in the directive and thus allow an infrastructure to market and make optimum effective use of the available infrastructure capacity. The present directive seeks to replace Directive 95/19/EC on the allocation of railway infrastructure capacity and the charging of infrastructure fees. The directive sets out a number of definitions relating to rail transport. With regard to infrastructure charges, it contains provisions in relation to establishing, determining and collecting charges. With regard to the principles of charging, charges for the use of railway infrastructure shall be paid to the infrastructure manager and used to fund his business. With regard to exceptions to charging principles, in order to obtain full recovery of the costs incurred by the infrastructure manager, a Member State may, if the market can bear this, levy mark-ups on the basis of efficient, transparent and non-discriminatory principles while guaranteeing optimum competitiveness in particular of international rail freight. The charging system shall respect the productivity increases achieved by railway undertakings. With regard to the allocation of infrastructure capacity, it shall be allocated by an infrastructure manager and once allocated to an applicant, may not be transferred by the recipient to another undertaking or service. With regard to capacity allocation, Member States may establish a framework for the allocation of infrastructure capacity while respecting the management independence laid down in Directive 91/440/EC. Specific capacity allocation rules shall be established. With regard to cooperation in the allocation of infrastructure capacity on more than one network, infrastructure managers shall cooperate to enable the efficient creation and allocation of infrastructure capacity which crosses more than one network. Applicants for infrastructure capacity may be made by railway undertakings and their international groupings and, in the territories of those Member States which so allow, by other specific applicants. Moreover, a framework agreement may be concluded with an applicant. In conclusion, with regard to safety certification, the Member States shall provide for their respective territories that a safety certificate in which the railway undertakings' safety requirements are set out be submitted in order to ensure safe service on the routes concerned. ENTRY INTO FORCE: 15/03/2001 IMPLEMENTATION DEADLINE: 15/03/2003.

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 infrastructure 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 to track 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 exceed the cost directly incurred by operating the train service and on exceptions to charging principles.

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

1998/0267(COD) - 05/07/2000 - Text adopted by Parliament, 2nd reading

By approving the report drafted by Mr Hannes SWOBODA (PES, Aust), the European Parliament adopted, under the codecision procedure, second reading, the legislative resolution on the Council's common position for adopting a European Parliament and Council Directive on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructures. This report was subject to a number of amendments which relate in particular to: - trading in access rights: this shall be prohibited and shall lead to exclusion from the further allocation of access rights; - charges for the use of railway infrastructure: the long term shall be for the costs of the business and maintenance of existing facilities to be covered by the infrastructure users. In the process the principle of fair, non-discriminatory competition between Member States, between the various transport modes and between transport undertakings shall be upheld and charging of environmental costs shall, however, only be allowed if such charges are made at a comparable level in the case of competing modes of transport. With regard to the infrastructure managers, they shall keep an up-to-date register of the undertakings or public entities to whom capacity has been allocated and the extent of the use made of the allocated capacity. As far the Member States are concerned, they may take the necessary measures to ensure that priority is given to public transport services in allocating rail capacity. In this case, they may provide infrastructure managers with compensation for financial losses arising from the fact that a certain capacity must be allocated in the interests of public transport services. The framework agreements shall in principle be for a period of five years and any period longer than ten years shall be possible only in special and exceptional cases, where there is a large-scale, long-term investment.

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

1998/0267(COD) - 29/09/1998 - Legislative proposal

OBJECTIVE: the main objectives of the proposal for a Directive are as follows: - to make use of the railways infrastructure more efficient and to reduce costs; - to give full effect to existing rights of access by clarifying the rules on tariffs and path allocation; - to facilitate the supply and use of international high quality paths by harmonising the capacity allocation procedures and the charging principles; - to ensure that the charging procedures and the allocation of capacities do not form barriers to entry onto the market. SUBSTANCE: this proposal forms part of a package of measures intended to ensure fair and non-discriminatory treatment of railway undertakings and efficient use of infrastructure. So far as the allocation of capacity is concerned, the proposed directive defines carefully the rights of railway undertakings and of the infrastructure manager. It also establishes a well-defined process for the preparation of timetables. Under this, different operators would be able to bid for capacity, which would be awarded according to clear rules and criteria known in advance. The process would be designed to resolve conflicts between requests for capacity and to overcome problems of scarcity, in ways that respect the rights of all the applicants. The proposal for a directive also provides that the allocation is performed by a body not providing transport services itself and that there is a right of appeal. With regard to the charging of infrastructure fees, the proposal is to base, in principle, charges on marginal cost, that is the cost which is directly incurred as the result of the operation of a train. However the directive would allow charges to be increased and modulated to attain other objectives: a higher rate of external cost recovery and the resolution of problems of scarcity. The directive would also require performance schemes to be included in charging systems with incentives for good performance and penalties for bad; this would greatly promote efficiency. In addition, the proposed directive would help ensure fair treatment, by obliging the publication of

charging schemes in advance and the provision of information on how the fees are calculated. The directive creates safeguards to protect railway undertakings against the abuse of monopoly by an infrastructure manager and to prevent fixed charges and discounts working against smaller railway undertakings.

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

1998/0267(COD) - 06/02/2008 - Follow-up document

The purpose of this paper is to set out what measures, both the Member States and infrastructure managers, should take in order to find the right balance between financial equilibrium and an appropriate level of rail infrastructure services. Special attention is given to the use of multi-annual contracts, which the EU rail infrastructure Directives allow for.

To recall, multi-annual contracts are concluded for at least three years, with payments, decided in advance, covering the entire contract duration. The Commission is of the view that it would be useful if this approach were applied more widely on the basis of existing best practices. The use of multi-annual contracts varies considerably across the Member States. Roughly half neither use nor plan to make use of them. Some Member States provide no finance for rail infrastructure maintenance, others are in the process of negotiating contracts for the first time. An increasing number of Member States plan to introduce them, having put in place the requirements under the first railway package.

In 2006, expenditure on maintenance per kilometre of track, ranged from as little as EUR 220 in Slovakia and EUR 16 000 in Poland to up to EUR 160 000 in Germany and EUR 360 000 in the United Kingdom. This large discrepancy, over and above differences in cost levels, may imply that in some cases maintenance is not sustainable, whereas in other cases infrastructure managers may not have exploited cost reduction potentials in the same way all over Europe.

Multi-annual contracts represent a long-term financing arrangement for infrastructure maintenance. Stakeholder workshops concluded that multi-annual contracts lead to more informed trade-offs between taxpayers, on the one hand, and users, on the other, between maintenance and the quality of the network and between short-term maintenance and renewal.

Bearing the above in mind, the paper proposes that in future action should be based on three levels: (i) the Member States; (ii) infrastructure managers and (iii) regulatory bodies. Best practice will require that the:

- Member States conclude multi-annual contracts with their infrastructure managers. In cases where such contracts do not exist, Member States should provide for at least one infrastructure manager and to conclude a three-year minimum contract with them;
- Member States, and their infrastructure managers, should conclude multi-annual contracts that are consistent with their national strategic transport plans and the infrastructure manager's business plan. The same must apply to infrastructure franchises and for any framework contracts between railway undertakings and infrastructure managers;
- Member States should consult stakeholders on any proposal for multi-annual contracts before letting a new contract or renegotiating existing provisions;
- Member States should reduce costs and charges for the provision of infrastructure and use. To this end, the Member States should agree, monitor and enforce quantified cost reduction targets for a three year minimum period;
- infrastructure managers should measure track condition at least once a year on all their lines, and more frequently, on their main lines;
- infrastructure managers should define and publish indicators that allow them to assess and predict infrastructure quality and performance on an annual bases throughout the length of the multi-annual contract;
- Member States should interfere in infrastructure management in cases provided for in the contract and the manager should be given a broad degree of managerial independence;
- infrastructure managers should report, in their network statements, which lines have not been properly maintained and in cases where the quality is deemed to be in decline. This information should be timely enough to allow for prompt action and to act as an early warning system for users;
- independent body should be tasked with monitoring compliance with a multi-annual contract and with mediating between the parties to the multi-annual contract in the vent of any dispute.

On a final point, multi-annual contracts should be a precursor for making better use of competitive tendering for infrastructure services. Given that it will be difficult to put an entire national network out to tender, the tendering process may involve an increasing number of infrastructure managers, network statements, charging systems and access conditions. To minimise any possible negative effects, safeguard measures should be taken that allow for simple, non-discriminatory access rules and that are fully compatible with competition rules. At this stage, the Commission will consider whether or not to include a number of the previous recommendations in its proposal for recasting the first rail package, due in 2008.

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

1998/0267(COD) - 07/04/2000 - Commission communication on Council's position

The proposal on the allocation of railway infrastructure capacity and the levying of charges for the use of the railway infrastructure and safety certification will replace the existing Directive 95/19/EC. The revised proposal sets rules and charges and creates a framework for allocation of capacity. The Commission took into account as much as possible the views of the European Parliament expressed during the first reading by taking up amendments either fully or in their meaning. The Commission is of the opinion that the overall compromise found by the Council after intensive

discussions and efforts of three of its Presidencies is a well-balanced step forward in railway policy. It will contribute to a sustainable development of this mode of transport. The Commission is convinced that this second step of reform of the legal framework for rail transport services represents an important step towards the creation of a "level playing field" for all enterprises active or envisaging to get active in rail transport and, therefore, issues a positive opinion.

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

1998/0267(COD) - 15/09/2000 - Commission opinion on Parliament's position at 2nd reading

The amended proposal on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, forms part of the so-called 'infrastructure package' consisting of proposals amending Council Directives 91/440/EC and Directive 95/18/EC. This proposal complements the proposals to further market opening contained in the suggested amendments of Directive 91/440/EC on the development of Community railways. Out of the 15 amendments adopted by the European Parliament, the Commission has accepted 8 amendments and rejected 9 amendments. The amendments rejected related to the following: - charging principles - derogations for the Member States - scope of undertakings that are allowed access to rail infrastructure (applications) - giving priority to public-benefit transport services in allocating rail capacity - need to increase investment in rail infrastructure capacity - up-to-date register of undertakings or public entities to whom capacity has been allocated.

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

1998/0267(COD) - 10/03/1999 - Text adopted by Parliament, 1st reading/single reading

At first reading under cooperation procedure, the European Parliament approved the proposal for a Council directive relating to the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification subject to a large number of amendments, notably in the following areas: - recommending a cautious opening up of the market in order to achieve an efficient sector, especially across borders; - indicating that the gradual opening-up of rail transport markets must be accompanied by technical harmonisation measures; - ensuring competition in cross-border freight transport which does not damage social rights and which maintains the same safety standards, namely by means of greater competition or cooperation between authorised railway undertakings; - insisting on fair competitive conditions between rail and road, taking appropriate account of the different external effects; - extending the definition of "infrastructure manager" to include any body responsible for operating the control and safety systems; - making the establishment of a charging framework by Member States a requirement rather than an option; - allowing Member States to confer responsibility for establishing specific charging rules and collecting infrastructure charges to the regulatory body set up under the directive, subject to the creation of a separate, independent appeal body to deal with complaints; - in the event of the minimum access package of services and other required access services to which they will be entitled not being offered by the same infrastructure manager, allowing railway undertakings to conclude contracts with all the infrastructure managers or service providers; - requiring the provider of the "main infrastructure" to help provide these services; - allowing a modest rate of return on the charge for these services, which is reasonable in proportion to the total amount; - providing that a charge may be made for external costs only if competing modes of transport are required to pay similar charges; - allowing a charging arrangement which legally exceeds the provisions made by the directive (ie. to cover the costs of investment proven to improve efficiency and/or cost effectiveness) to incorporate agreements on the sharing of the risk associated with new investments; - providing that a higher level of charging according to the above-mentioned exception may only be on a non-discriminatory basis and only apply to passenger transport; - providing that such extra charges may only be raised for freight transport if it can be borne in terms of intermodal competitiveness; - deleting the provision that a fixed charge may be levied on the railway undertaking making greatest use of an element of infrastructure and a system of fixed and variable charges levied on other railway undertakings; - deleting the provision that charges may be increased and modulated through negotiation in relation to the elasticity of demand for different services or types of service; - deleting the provision that the infrastructure manager may publish tariffs, distinguishing between different clearly defined traffic types, which reflect the willingness to pay more than the costs that they impose; - deleting provisions relating to discounts; - simplifying the requirements in respect of charges for capacity, requiring only that they be "appropriate" and provide incentives for efficient use of capacity; - allowing Member States to adopt the requisite measures to ensure priority in allocating railway infrastructure for railway services provided in the public interest (and to pay compensation to the infrastructure manager for financial losses arising therefrom) and services provided wholly or partially on infrastructure specifically built or adapted for special high-speed or freight transport lines; - allowing Member States, in allocating infrastructure capacity, to accord special rights to railway undertakings which allow them to provide an appropriate public service, to make efficient use of infrastructure capacity or to make possible the financing of new infrastructure; - allowing Member States, in their areas of jurisdiction, to provide that natural or legal persons other than railway undertakings be authorised applicants; - for cross-border freight traffic, allowing railway undertakings licensed under directive 95/18/EC on the licensing of railway undertakings to be regarded as authorised applicants throughout Community territory; - extending the maximum length (in principle) of framework agreements from 5 to 7 years; - deleting certain provisions relating to the duties of the infrastructure manager (timetabling, addressing concerns, resolving conflicts, accommodating requests for capacity through coordination, evaluation of the need for and availability of information on spare capacity, allocation of capacity....); - deleting certain provisions regarding capacity analysis and requiring simply that, when infrastructure capacity has been declared to be constrained, the infrastructure manager complete a capacity analysis within 3 months; - deleting provisions for a capacity enhancement plan; - requiring the national regulatory bodies, supported by the Commission, to conduct an active exchange of views and experience for the purposes of coordinating their decision-making principles across Europe.

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

1998/0267(COD) - 27/10/1999 - Text adopted by Parliament confirming position adopted at 1st reading

The European Parliament confirmed as first reading in the context of the codecision procedure the text voted on 10.03.1999 on this proposal for a Directive.