

# **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.