

Procedure file

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See also 1998/0265(COD) See also 1998/0266(COD) Amended by 2002/0022(COD) Amended by 2004/0047(COD) Repealed by 2010/0253(COD) See also 2010/2556(RSP)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

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee		25/08/2000
		PSE SWOBODA Hannes	
	Former committee responsible		
	TRAN Transport and Tourism		27/10/1998
		PSE SWOBODA Hannes	
	Former committee for opinion		
	ECON Economic and Monetary Affairs, Industrial Policy		10/11/1998
		PSE WIBE Sören	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2324	20/12/2000
	Transport, Telecommunications and Energy	2252	28/03/2000
	Transport, Telecommunications and Energy	2234	09/12/1999
	Transport, Telecommunications and Energy	2204	06/10/1999
	Transport, Telecommunications and Energy	2191	17/06/1999
	Transport, Telecommunications and Energy	2169	29/03/1999
	Transport, Telecommunications and Energy	2142	30/11/1998
European Commission	Commission DG	Commissioner	
	Energy and Transport		

Key events			
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	2142	
17/02/1999	Vote in committee, 1st reading		Summary
17/02/1999	Committee report tabled for plenary, 1st reading	A4-0059/1999	
10/03/1999	Decision by Parliament, 1st reading	T4-0167/1999	Summary
29/03/1999	Debate in Council	2169	
17/06/1999	Debate in Council	2191	
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	2204	
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
	<p>See also 1998/0265(COD)</p> <p>See also 1998/0266(COD)</p> <p>Amended by 2002/0022(COD)</p> <p>Amended by 2004/0047(COD)</p> <p>Repealed by 2010/0253(COD)</p> <p>See also 2010/2556(RSP)</p>
Legal basis	EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/13564

Documentation gateway

Document attached to the procedure	COM(1998)0202	31/03/1998	EC	
Legislative proposal	COM(1998)0480	29/09/1998	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0059/1999 OJ C 153 01.06.1999, p. 0003	17/02/1999	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0167/1999 OJ C 175 21.06.1999, p. 0098-0128	10/03/1999	EP	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Economic and Social Committee: opinion, report	CES0556/1999 OJ C 209 22.07.1999, p. 0022	26/05/1999	ESC	
Committee final report tabled for plenary, 1st reading/single reading	A5-0021/1999 OJ C 154 05.06.2000, p. 0005	28/07/1999	EP	
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	EP	Summary
Committee of the Regions: opinion	CDR0058/1999 OJ C 057 29.02.2000, p. 0040	18/11/1999	CofR	
Modified legislative proposal	COM(1999)0616	25/11/1999	EC	Summary
Council position	05388/1/2000 OJ C 178 27.06.2000, p. 0028	28/03/2000	CSL	Summary
Commission communication on Council's position	SEC(2000)0634	07/04/2000	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0171/2000 OJ C 121 24.04.2001, p. 0010	21/06/2000	EP	
Text adopted by Parliament, 2nd reading	T5-0297/2000 OJ C 121 24.04.2001, p. 0034-0113	05/07/2000	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2000)0572	15/09/2000	EC	Summary
Joint text approved by Conciliation Committee co-chairs	3662/2000	08/12/2000	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd	A5-0014/2001	18/01/2001	EP	

reading					
Text adopted by Parliament, 3rd reading		T5-0048/2001 OJ C 267 21.09.2001, p. 0019-0047	01/02/2001	EP	Summary
Non-legislative basic document		COM(2006)0189	03/05/2006	EC	Summary
Document attached to the procedure		COM(2008)0054	06/02/2008	EC	Summary
Document attached to the procedure		SEC(2008)0131	06/02/2008	EC	
Document attached to the procedure		SEC(2008)0132	06/02/2008	EC	
Document attached to the procedure		SEC(2008)0133	06/02/2008	EC	

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2001/14](#)
[OJ L 075 15.03.2001, p. 0029](#) Summary

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

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

The Committee has given the green light for the gradual liberalisation of the railways in the Union, beginning with international freight transport. By adopting the report by Hannes SWOBODA (PES, A), the Committee underlined the need for a revitalisation of the railways in the EU. It was generally felt that there is an increasingly pronounced mismatch between the organisation of rail transport services and rapidly changing patterns of demand. With a view to increasing their share of the freight and passenger transport market, it is necessary to extend free-market rules to the railways. The international freight sector should be followed later by the domestic freight transport and the international passenger transport sectors. A large majority in the committee deplored the fact that the Commission had omitted to make proposals for the gradual extension of railway liberalisation, as the EP had recommended in its Resolution of 13 January 1998. Hannes SWOBODA reported on the Commission's proposals to amend Directive 95/18 on the licensing of railway undertakings and Directive 95/19 on the allocation of railway infrastructure capacity and the charging of infrastructure fees. The main purpose of amending Directive 95/18 was to extend the licensing principles laid down by the original directive to all railway undertakings that may operate in this market. Directive 95/19 only entered into force on 28 June 1997 and a number of member states had not yet incorporated it into national legislation. Now, the Commission proposed to define the framework for the allocation of railway infrastructure capacity and for charging for the use of railway infrastructure. The rapporteur welcomed the Commission's fundamental aims as expressed in the two directives. A radical reform of the railways was needed, especially to counter the downward trend throughout Europe in rail and particularly rail freight services. The consumer and the railway undertakings needed a European, transparent and non-discriminatory set of principles for infrastructure managers and regulatory authorities. However, he could not

accept the excessive amount of detail in the new Directive 95/19. This should be cut back. The rapporteur called for more room for national authorities to manoeuvre and greater flexibility while maintaining common Community principles. Finally, more competition could be introduced by opening up the markets for cross-border freight traffic. Licensed railway undertakings should be recognised throughout the EU as approved applicants and service providers. At all events the consumer must be allowed to reap the benefit. ?

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

Railway package

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

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.?

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

Railway package

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

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

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

The committee adopted the recommendation for second reading (codecision procedure) by Johannes SWOBODA (PES, A) approving the Council's common position on the licensing of railway undertakings subject to one amendment. It took the view that the Council's proposed amendments to Directive 95/18 would ensure fair, transparent and non-discriminatory treatment of all railway undertakings that might operate in the market, which would thereby enable the extended access rights to railway infrastructure to be applied throughout the EU on a uniform and non-discriminatory basis.?

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

Railway package

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 year 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

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

The Conciliation Committee reached agreement on the joint text of the directive, as part of the whole 'railway package'. Some of Parliament's amendments were accepted by the Council as they stood, for example, those concerning the charges levied and the cost of infrastructure in relation to the provision of services, assessment and proposal of international train paths and the 'Austrian clause'. Other amendments were reworked slightly, such as those concerning the insufficiency of investment in capacity and infrastructure, trading in rights of access, charging of environmental costs, priority for public transport services, the duration of framework agreements and exchange of information between national regulatory bodies. Lastly, some of Parliament's amendments were incorporated in compromise texts which were in keeping with the spirit of those amendments, for instance, those concerning the costs to be borne by infrastructure users, the level of charges, the register of undertakings and applications for infrastructure capacity. ?

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

Railway package

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

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 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. ?