


# Procedure file

Basic information		
SYN - Cooperation procedure (historic)	<a href="#">1993/0490(SYN)</a>	Procedure completed
Allocation of railway infrastructure capacity and the charging of infrastructure fees		
Subject 3.20.02 Rail transport: passengers and freight		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<span style="background-color: #e67e22; color: white; padding: 2px;">TRAN</span> Transport and Tourism	PPE <a href="#">MCINTOSH Anne Caroline B.</a>	26/07/1994
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1857</a>	19/06/1995
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1803</a>	21/11/1994
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1785</a>	26/09/1994
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1768</a>	13/06/1994

Key events			
15/12/1993	Legislative proposal published	COM(1993)0678	Summary
07/02/1994	Committee referral announced in Parliament		
06/04/1994	Vote in committee		Summary
06/04/1994	Committee report tabled for plenary, 1st reading/single reading	A3-0217/1994	
02/05/1994	Debate in Parliament		Summary
03/05/1994	Decision by Parliament	T3-0376/1994	
13/06/1994	Debate in Council	<a href="#">1768</a>	Summary
14/07/1994	Modified legislative proposal published	COM(1994)0316	Summary
21/11/1994	Council position published	<a href="#">09858/1/1994</a>	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	<a href="#">A4-0027/1995</a>	
14/03/1995	Debate in Parliament		
14/03/1995	Decision by Parliament, 2nd reading	T4-0088/1995	Summary
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	1993/0490(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Legal basis	EC before Amsterdam E 075
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/06224

### Documentation gateway

Legislative proposal	COM(1993)0678	15/12/1993	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A3-0217/1994 <a href="#">OJ C 128 09.05.1994, p. 0010</a>	06/04/1994	EP	
Text adopted by Parliament, 1st reading/single reading	T3-0376/1994 <a href="#">OJ C 205 25.07.1994, p. 0029-0045</a>	03/05/1994	EP	
Modified legislative proposal	COM(1994)0316	14/07/1994	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES1005/1994</a> <a href="#">OJ C 393 31.12.1994, p. 0056</a>	14/09/1994	ESC	Summary
Council position	<a href="#">09858/1/1994</a> <a href="#">OJ C 354 13.12.1994, p. 0019</a>	21/11/1994	CSL	Summary
Commission communication on Council's position	SEC(1994)1984	06/12/1994	EC	
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0027/1995</a> <a href="#">OJ C 068 20.03.1995, p. 0013</a>	21/02/1995	EP	
Text adopted by Parliament, 2nd reading	T4-0088/1995 <a href="#">OJ C 089 10.04.1995, p. 0023-0031</a>	14/03/1995	EP	Summary
Modified legislative proposal	COM(1995)0151	05/05/1995	EC	

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

[Directive 1995/19](#)

## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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This proposal sought to establish common rules for the allocation of railway infrastructure capacity and the charging of fees for its use. The two basic objectives were non-discrimination and efficiency. The principle was an allocation of capacity according to market need, subject to a number of exceptions, e.g. for the provision of services of a social nature, of general interest or where technical reasons made these necessary (dedicated infrastructure for high-speed lines). All these exceptions would attract compensatory payment. Similarly, operators in certain regions or which provided certain essential services under the public service obligation might be declared priority operators without prejudice to the application of the rules on competition. To make sure that infrastructure costs could be met in full, their manager had to cover all the costs of the system. Member States would ultimately be responsible for setting detailed principles for the charging system, which should be consistent with the principles of market pricing. These principles would be set by a process of coordination with the manager, who would oversee their implementation. Users would be given advance notice of the fees. Provision was also made for the possibility of group payments for a range of social services which received state aid. ?

## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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The Committee on Transport and Tourism adopted the report by Mr Prag on the allocation of railway infrastructure capacity and the collection of fees. The amendments adopted by the Committee called for the adoption of more-detailed standards in respect of the procedure for granting of railway infrastructure capacity. ?

## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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The amended proposal incorporates the amendments by the European Parliament concerning: - the addition of a new paragraph clarifying when an infrastructure manager can act as an allocating agency without there being any conflict of interest; - the procedures for allocating infrastructure capacities: a distinction has been made between applications for specific trains and applications for scheduled services. However, the Commission rejected amendments seeking to: - make provision for all applicants to have the same chance of obtaining train paths being allocated for the first time; - make provision for the Member States to be allowed to grant special or exclusive infrastructure rights where they are essential to efficient use of the infrastructure; - include a principle to be applied by the Member States when defining rules on infrastructure user charges, viz. that these charges must also be collected for other modes of transport; - include a principle to be applied by the Member States when defining rules on infrastructure user charges, viz. that preferential rates are prohibited.?

## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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Overall, the common position maintains the Commission proposal, but the Council has introduced important amendments to the initial proposal. The main amendments are as follows: - the scope of the directive has been limited to railway undertakings governed by Article 10 of Directive 91/440/EEC; - responsibilities allocated to the infrastructure manager: Member States may make the infrastructure manager responsible for allocating train paths and/or collecting infrastructure user charges (including where the manager is also the railway transport service operator), railway undertakings may take recourse to an independent body and the possibility of recourse to the courts is guaranteed; - special rights may be granted in a further two cases compared with the Commission proposal, viz. where they are indispensable to efficient usage of the infrastructure capacity and funding of new infrastructure; - a number of safety conditions which the railway undertaking must comply with in order to obtain a safety certificate have been laid down; - the Commission is to present an application report accompanied by proposals for further Community action; - deadline for transposition of the directive: two years after it enters into force. The common position also includes the European Parliament's amendments seeking to: - adopt the definition of "infrastructure manager" in Directive 91/440/EEC; - give Member States the facility to make an agency other than a government authority responsible for allocation; - give Member States the facility to take the action provided for in Article 4.1 in lieu of the allocation agency; - delete the obligation to enclose proof that the operating staff has the required knowledge with the application; - provide for the facility to also grant special rights as regards the allocation of infrastructure capacity where these rights are indispensable to efficient usage of the infrastructure capacity.?

## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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Mrs McINTOSH's draft recommendation was adopted for second reading on the Common Position of the Council on the proposal for a Council Directive. The first reading was on 3 May 94. In several respects the structure of the common position no longer corresponds to that of the original Commission proposal. The rapporteur felt that the scope of the original proposal should be restored. But, once again, a majority in the Committee was against some amendments Mrs McINTOSH had tabled. This majority preferred the text of the Common Position of the Council on the purpose of this Directive, on the "allocation body" and on the infrastructure manager. But the Committee did accept the most important amendment 11 (am. 10 in first reading), not incorporated by the Council, which describes in the necessary detail a differentiated procedure for the treatment of applications for the use of infrastructure capacity.

## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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Parliament changed the Council common position with six amendments. These amendments seek to: - extend the scope of the directive by removing the exclusion of railway undertakings only providing urban, suburban or regional services or transport operations using the Channel Tunnel shuttle. This amendment was introduced in a vote separate from the Council common position; - exclude tourist and historic railways from the definition of railway undertaking. The Commission accepted this amendment; - include under specific forms of operation lines using combined multimodal transport and specify that train paths belonging to this type of specialised infrastructure must be distributed fairly and on a non-discriminatory basis. The Commission accepted this amendment; - recognise that infrastructure managers may fund infrastructure improvements, including the supply or renewal of physical assets, and profit from the capital invested. The Commission accepted this amendment; - avoid any risk of distortion of competition between the various modes of transport, while ensuring that user charges are allocated fairly and on the basis of the principle of true costs. The Commission did not accept this amendment; - establish a differentiated procedure for the treatment of applications for the use of infrastructure capacity. The Commission accepted this amendment.?

## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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The aim of this Directive is to establish the general framework of a uniform, non-discriminatory Community system in this area, so that railway undertakings and their customers can reap the full benefit of the opportunities offered by the internal market in the rail sector.

## Allocation of railway infrastructure capacity and the charging of infrastructure fees

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OBJECTIVE: Council Directive 95/19/EC seeks to establish the principles and procedures to be followed when allocating railway infrastructure capacity and charging infrastructure fees. CONTENT: - the scope of the directive is limited to railway undertakings providing the international services defined in Article 10 of Directive 91/440/EEC; - the directive does not apply to: . railway undertakings which only operate urban, suburban or regional transports services; . the provision of road vehicle services using the Channel Tunnel shuttle; - railway infrastructure capacity is allocated in the form of train paths in accordance with Community and national legislation; - each Member State appoints an allocation agency, which ensures that the railway infrastructure capacity is allocated on a fair and non-discriminatory basis; - Member States may give priority to railway services such as: services provided in the public interest, services using infrastructure constructed for or converted to these services (high-speed lines or specialized freight lines); - special rights may be granted on a non-discriminatory basis, provided that such rights are essential in order to use the infrastructure capacity efficiently and fund new infrastructure; - applications for infrastructure capacity are filed with the allocation agency in the Member State of departure of the service in question. The undertaking which filed the application will be notified of the decision and any refusal must be substantiated; - the directive lays down a number of safety conditions which must be met by the licensed railway undertaking in order to obtain a safety certificate; - appeals against decisions taken by the authorities and agencies responsible for allocating infrastructure capacity and charging infrastructure fees may be lodged with an independent body; - the Commission will present an application report two years after the directive enters into force, accompanied by proposals for further Community action. - Member States must comply with the directive by 27 June 1997.?