



**CORRIGENDUM**

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98/0266 (SYN)

98/0267 (SYN)

**Proposal for a  
COUNCIL DIRECTIVE**

amending Directive 91/440/EEC on the development  
of the Community's railways

**Proposal for a  
COUNCIL DIRECTIVE**

amending Directive 95/18/EC on the licensing of  
railway undertakings

**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

**COMMISSION WORKING PAPER**

explanation of the individual articles in the proposal for a Directive relating  
to the allocation of railway infrastructure capacity and the levying of charges  
for the use of railway infrastructure and safety certification

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(presented by the Commission)



**Proposal for a  
COUNCIL DIRECTIVE**

amending Directive 91/440/EEC on the development  
of the Community's railways

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal of the Commission<sup>4</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>5</sup>,

Acting in accordance with the procedure laid down in Article 189c of the Treaty in cooperation with the European Parliament<sup>6</sup>,

1. Whereas Council Directive 91/440/EEC<sup>7</sup> should be amended to take account of experience with its implementation and of developments in the railway sector since its adoption, in order to ensure that its objectives are achieved;
2. Whereas, in order to promote the efficient operation and development of the two distinct activities of provision of transport services and of infrastructure management, to make transparent the use to which public funds for the railway sector are put, and to create a solid basis for infrastructure charges, it is necessary to separate both the profit and loss accounts and the balance sheets of the two activities;
3. Whereas it is necessary that, where railway undertakings and the international groupings which they constitute provide the services referred to in Article 10 of Directive 91/440/EEC, they benefit fully from the access rights laid down in that Article;
4. Whereas, to this end, all railway undertakings and international groupings must be treated on a fair and non-discriminatory basis as concerns activities that condition access to infrastructure, and, consequently, the laying-down and enforcement of safety rules should be carried out by independent bodies or undertakings that themselves do not provide rail transport services;
5. Whereas, to promote efficient management of infrastructure in the public interest, infrastructure managers should be given a status independent of the State, and

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<sup>4</sup> OJ C

<sup>5</sup> OJ C

<sup>6</sup> OJ C

<sup>7</sup> OJ L 237, 24.8.1991, p. 25.

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