



EIM amendments to the proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Council Directive 91/440/EEC on the development of the Community's railways**

Main objectives and motives

EIM support the Commission's proposal, and propose amendments in order that the two main following objectives and motives are more precisely taken into account in the directive.

1. Particular situations have to be taken into account, as the one of small or medium size countries, where railways are heavily used for commuters daily travel, and it is necessary to treat the current proposal in parallel to the amended proposal, COM (2002) 107, on public service obligations.
2. It is particularly important to ensure a balance that public service contracts could not be (mis)used to restrict open access international traffic that is deemed profitable and that competition does not degrade public services contracts.

Proposed amendments

<p><i>Article 1</i> Directive 91/440/EEC is hereby amended as follows:</p> <p>...</p> <p>7) The following paragraphs 3(a), 3(b) and 3(c) are inserted in Article 10:</p> <p>3(b) Member States may limit the right of access defined in paragraph 3(b) on services between a place of departure and a destination which are covered by a public service contract conforming to the Community legislation in force. Such limitation may not have the effect of restricting the right to pick up passengers at any station located on the route of an international service and to set them down at another, including stations located in the same Member State, except where this is strictly necessary to maintain the economic equilibrium of the service defined in a public service contract and has been approved by the regulatory body referred to in Article 30 of Directive 2001/14/EC ...</p>	<p><i>Article 1</i> Directive 91/440/EEC is hereby amended as follows:</p> <p>...</p> <p>7) The following paragraphs 3(a), 3(b) and 3(c) are inserted in Article 10:</p> <p>3(b) Member States may limit the right of access defined in paragraph 3(a) on services between a place of departure and a destination which are covered by a public service contract conforming to the Community legislation in force. Such limitation may not have the effect of restricting the right to pick up passengers at any station located on the route of an international service and to set them down at another, including stations located in the same Member State, except where this is strictly necessary to maintain the socio economic equilibrium of the service defined in a public service contract and has been approved by the regulatory body referred to in Article 30 of Directive 2001/14/EC ...</p>
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