

Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (repealed)

CHAPTER VII

GENERAL AND FINAL PROVISIONS

Article 29

Amendments to Directive 95/18/EC

Directive 95/18/EC is hereby amended as follows:

- 1) Article 8 shall be replaced by the following:
Article 8

The requirements relating to professional competence shall be met when an applicant railway undertaking has or will have a management organisation which possesses the knowledge and/or experience necessary to exercise safe and reliable operational control and supervision of the type of operations specified in the licence.

- 2) In the Annex, Section II shall be deleted.

Article 30

Amendments to Directive 2001/14/EC

Directive 2001/14/EC is hereby amended as follows:

- 1) The title shall be replaced by the following:

Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure.

- 2) In Article 30(2), point (f) shall be replaced by the following:

(f) arrangements for access in accordance with Article 10 of Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways⁽¹⁾ as amended by Directive 2004/xx/EC of the European Parliament and of the Council of... amending Council Directive 91/440/EEC on the development of the Community's railways⁽²⁾.

- 3) Article 32 shall be deleted.

- 4) In Article 34, paragraph 2 shall be replaced by the following:

2. At the request of a Member State or on its own initiative the Commission shall, in a specific case, examine the application and enforcement of provisions

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concerning charging, capacity allocation, and within two months of receipt of such a request decide in accordance with the procedure referred to in Article 35(2) whether the related measure may continue to be applied. The Commission shall communicate its decision to the European Parliament, the Council and to the Member States.

Article 31

Report and further Community action

The Commission shall submit to the European Parliament and to the Council before...⁽³⁾ and every five years thereafter a report on the implementation of this Directive.

The report shall be accompanied where necessary by proposals for further Community action.

Article 32

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate, non-discriminatory and dissuasive.

The Member States shall notify those rules to the Commission by the date specified in Article 33 and shall notify it without delay of any subsequent amendment affecting them.

Article 33

Implementation

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...⁽⁴⁾ at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 34

Entry into force

This Directive shall enter into force on the day of its publication in the Official Journal of the European Union.

Article 35

Addressees

This Directive is addressed to the Member States.

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- (1) [OJ L 237, 24.8.1991, p. 25.](#)
- (2) OJ L "
- (3) Three years after the entry into force of this Directive.
- (4) Two years after the entry into force of this Directive.