



Fourth Railway Package: lifting market entry barriers to improve passenger services

Committees Committee on Transport and Tourism [17-12-2013 - 13:08]

Measures to improve domestic rail passenger services by opening up public service contracts to more competition, giving operators fairer access to infrastructure and harmonizing safety certification to improve interoperability and get innovative new rolling stock on the rails faster were approved in the Transport and Tourism Committee on Tuesday.

The new rules aim to ensure that public service contracts deliver the best possible value for money, by restricting their size and ensuring that they cannot be granted directly without justification. They would also ease market entry for new rail service operators, by giving them fairer access to infrastructure. Finally, the rules would simplify procedures for certifying the safety of new rolling stock and gradually transfer certification responsibilities to a European Railway Agency.

Public service contracts

- Member states may continue to award public service contracts for rail passenger transport directly on certain conditions, but the awarding authority would be required to justify how direct award can meet efficiency criteria such as punctuality of services, cost-efficiency, frequency of train operations, and customer satisfaction.
- If these requirements are not met, the regulatory body could oblige the competent authority to award the contract through competitive tendering. A deadline of 2022 would be set to allow competent authorities to phase in competitive tendering.
- To ensure that new entrants and smaller operators are able to fulfil public service contracts, a minimum number of public service contracts to be awarded in a member state should be set, based on national market volume of rail passenger transport under public service contracts.
- Rail service provision would be subject to open access, but for routes covered by public service contracts, access may be limited, if a regulatory body decides, based on an economic analysis, that this would adversely affect the viability of the public service. In cases where member states opt for competitive tendering for public service contracts, member states could block open access for operators.

Certification

- To cut red tape and costs related to vehicle authorizations, after a four-year transition period the European Railway Agency would be responsible for authorizing vehicles to be placed on the market. A clear distribution of tasks between the agency and national authorities during the transition period would be established. The Agency could delegate specific tasks and responsibilities to national safety authorities on the basis of contractual agreements, but would have to take the final decision in all authorisation procedures.
- To reduce the safety certification burden for rail companies, the European Railway Agency would be responsible for issuing a single safety certificate to all railway operators with the exception for “isolated networks” (Baltic States) after a four-year transition period. During this period it would gradually take over from national safety authorities the responsibility for issuing safety certificates. A division of responsibilities and tasks for European Railway Agency and national safety authorities would also be put in place.

Infrastructure managers and operators

Press release

- Member states may choose between an integrated structure with a single holding company for the rail operator and infrastructure manager or a separation of infrastructure managers and operators, in order to avoid conflicts of interest and ensure fair access to infrastructure for all operators. The draft text sets out conditions to be met, including strict requirements for financial transparency and separation in the case of integrated structures
- If these conditions are not met, the Commission may start infringement proceedings and other member states may restrict access to their markets for the railway operator considered to be in breach of the rules.

Next steps

Transport MEPs approved the reports and gave the mandates to the Parliament negotiating team with a view to starting negotiations with the Council.

Procedure: Co-decision, first reading

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