

Single European railway area: opening of the market for domestic passenger transport services by rail and governance of the railway infrastructure. 4th Railway Package

2013/0029(COD) - 21/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Saïd EL KHADRAOUI (S&D, BE) on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure.

The parliamentary committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should be to amend the Commission's proposal as follows:

Purpose: the Directive should aim to make rail transport a **more attractive means of transport for the European public**. It would help to create workable information and integrated ticketing schemes.

Strengthening of social provisions: the objective of the Directive, which is to complete the single European railway area, would be pursued on the basis of **social dialogue** at Union level in order to ensure that railway workers are appropriately protected against the unwanted effects of the opening of the market.

Members considered that the opening of the market **should not negatively influences rail workers' working and social conditions**.

To avoid social dumping, Members proposed adding to the requirements for obtaining a licence the commitment by the undertakings to **respect the existing representative collective agreements** in the Member States the railway undertaking wants to operate in.

Independence of the vital functions of the infrastructure manager: where a complete separation between the infrastructure manager and railway undertakings exists, it would be useful to allow them to **cooperate on concrete projects** that would lead to improved management of the infrastructure and to a better service for freight and passenger transport. Such cooperation or alliance should be limited in time, be supervised by the regulatory body and should not endanger the independence of the infrastructure manager. It should serve to find practical arrangements to solve specific problems such as the improved organisation of traffic on a part of infrastructure where delays frequently occur.

Member States should also be allowed to choose in the future between a separation of the infrastructure manager from railway undertakings or an integrated structure.

In order to secure sufficient and fair competition within the European railway area, Members stressed the need not only to guarantee non-discriminatory access to infrastructure but also to **integrate national rail networks and strengthen the regulatory bodies**. Such strengthening should take the form of extending the powers of the competent regulatory bodies and developing a network of regulatory bodies which would in future be a key operator in the regulation of the rail transport market in the Union.

The infrastructure manager, in exercising all the relevant functions, should be required to use its competences to constantly improve the efficiency of the management of the rail infrastructure with a view to providing high-quality services to its users.

In order to ensure equal access to the infrastructure, **integrated structures** should be shaped in such a way that no **conflicts of interest** arise between infrastructure management and transport activities.

Combining market opening and public service contracts: each Member State should be given sufficient flexibility to organise its network in such a way that a mix of open-access services and services performed under public service contracts can be achieved in order to ensure a **high quality of services** readily accessible to all passengers.

Following selection of the public service contracts to be put out to tender, each Member State should establish on a casebycase basis which safeguard mechanisms are to be introduced for each service should the tender procedure not be successfully completed. Those mechanisms should not in any way generate additional charges for the railway undertakings managing those services.

Members considered that the economic equilibrium of the public service contract should not be the only criterion. **Effects on the quality of the service provided**, such as punctuality, maintaining connections, the number of stops and the frequency of trains therefore also need to be taken into account. Likewise, **social and cohesion policy issues** have to be compulsorily considered by the regulatory body.

Third-country undertakings: the report also deals with the question of access to the rail freight and rail passenger transport markets for third-country undertakings.

Members considered it was both necessary and fair to ensure that balanced conditions exist on the basis of reciprocity. In the absence of such conditions, no individual Member State should be required to open its market to undertakings established in third countries or to undertakings directly or indirectly controlled by persons from third countries.

Passenger rights – establishment of a through-ticketing scheme: according to the amended text, all **timetabling data** shall be deemed to constitute public data and shall be made available accordingly.

All rail stakeholders such as railway undertakings, infrastructure managers and ticket vendors would have to **use by 12 December 2019 an interoperable through-ticketing and information system** that fulfils the objective of enabling passengers to access all data needed to plan a journey and to reserve and buy their tickets within the Union.

Member States should require railway undertakings to cooperate in setting up a **common travel information and ticketing scheme** for the supply of tickets, through-tickets and reservations or should decide to empower relevant authorities to set up such a scheme.

European regulatory body: in light of the lessons learned by the network of regulatory bodies set up by Directive 2012/34/EU, the Commission should adopt, no later than 31 December 2019, draw up a legislative proposal to replace the network with a European Regulatory Body, formalising its procedures and giving it legal personality, in time for the opening of domestic passenger transport services by rail.