

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) - 26/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 412 votes to 146 with 106 abstentions, a legislative resolution 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 European Parliament's position at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Opening of the market: the Parliament underlined that the completion of the opening of the Union railway market should be seen as **essential** in order to enable rail to become a credible alternative to other modes of transport in terms of price and quality. It emphasised that the development of a single European rail area is heavily dependent on the full and effective application of the relevant legislation in all the Member States within the prescribed time-limits.

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

Strengthening of social provisions: the single European railway area, should 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.

Separation between infrastructure management and transport activity: provided that no **conflict of interest** arises and that the **confidentiality** of commercially sensitive information is guaranteed, Parliament considers that nothing in this Directive should prevent Member States from authorising the infrastructure manager to engage in **cooperation agreements**, in a transparent, non-exclusive and non-discriminatory way, with one or more applicants as regards a specific line or a local or regional part of the network, in such a way as to give financial incentives to increase the efficiency of its cooperation in relation to the part of the network concerned.

Such cooperation shall be aimed at delivering **more efficient management** of disruptions, maintenance works or congested infrastructure, or of a line or a part of the network prone to delays, or at improving safety. Its duration shall be limited to a maximum of five years (renewable). The regulatory body should

give its prior approval to the cooperation agreement, demand its modification or reject it if the above conditions are not fulfilled.

The infrastructure manager should have effective decision-making powers, independent from the other legal entities within the vertically integrated undertaking, with respect to train path allocation and infrastructure charging. It must have its own management staff and sensitive information held by the infrastructure manager should be duly protected and should not be passed on to other entities.

Combining market opening and public service contracts: 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.

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.

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.

Limitation of the right of access and of the right to take and drop passengers: Parliament clarified that **high-speed passenger services** should not be limited in their right of access to the railway infrastructure. All passenger services that are not part of a public service contract should be referred to as open access services.

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