

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) - 14/12/2016 - Final act

PURPOSE: to improve the quality and efficiency of rail services in Europe and intensify competitive pressure on domestic rail markets and strengthen governance of the infrastructure manager (fourth railway package).

LEGISLATIVE ACT: Directive (EU) 2016/2370 of the European Parliament and of the Council amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure.

CONTENT: this Directive amending [Directive 2012/34/EU](#) (the Governance Directive) pursues the following objectives:

- **the opening of the market for domestic passenger transport services by rail** with the objective of intensifying competitive pressure on domestic rail markets, in order to increase the quantity and improve the quality of passenger services;
- **enhancing the governance of the infrastructure manager** with the objective of ensuring equal access to the infrastructure.

The Directive is closely related to the Regulation amending [Regulation \(EC\) No 1370/2007](#) on the opening of the market for domestic passenger transport services by rail.

This amending Directive:

- strengthens the **independence and impartiality of rail infrastructure managers** in order to ensure that all railway companies have equal access to tracks and stations. Member States may limit the right of access to passenger services between a given place of departure and a given destination when one or more public service contracts cover the same route or an alternative route if the exercise of this right would **compromise the economic equilibrium** of the public service contract or contracts in question;
- leaves Member States free to **choose between different organisational models**, ranging from full structural separation to vertical integration, subject to appropriate **safeguards** to ensure the impartiality of the infrastructure manager as regards the essential functions, traffic management and maintenance planning;
- introduces more stringent rules to the **essential functions** of infrastructure management;
- lays down **strict rules on financial transparency**: the Directive contains provisions on separate accounting, as well as new rules on loans, dividends to owners of the companies, regulatory oversight, financial flows into vertically integrated undertakings. These provisions will **prevent distortion of competition on the market, in particular as a result of cross-subsidisation**;
- provides **coordination mechanisms** to ensure coordination between their main infrastructure managers and all interested railway undertakings as well as applicants;
- introduces special rules governing the access of **high-speed** passenger services to the Union rail infrastructure;

- reinforces common information and through-ticketing systems in order to facilitate more efficient multimodal and cross-border passenger transport. By 31 December 2022, the Commission shall present a report on the availability of such common information and through-ticketing systems, to be accompanied, if appropriate, by legislative proposals;
- strengthens the powers of the supervisory bodies by allowing the national supervisory bodies and the Commission to ensure effective monitoring of the application of the rules.
- **reinforces the powers of the regulatory bodies.**

ENTRY INTO FORCE: 24.12.2016.