

# Railway transport of passengers: opening to international competition, Rail Market Access.

## 3rd package

2004/0047(COD) - 22/02/2007 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept in their entirety or partly most of the amendments adopted by the European Parliament in second reading. The agreed amendments aim to clarify the proposal made by the Commission, introduce additional reporting requirements and modify certain comitology provisions based on Council Decision 2006/512/EC of 17 July 2006 amending Council Decision 1999/468/EC.

Other amendments accepted concern:

**Levy to finance public services:** these amendments clarify the scope of such a levy and the conditions of raising it.

**Length of framework agreements:** this amendment introduces a recital on the proposed provision in the Directive to extend the standard duration of framework agreements in the case of specialised infrastructure and substantial long term investment to 15 years.

**Reporting requirements:** these amendments modify the reporting requirements of the Commission.

**Impact assessment of the directive in small countries of the EU:** two other amendments suggest focussing the 2012 report on the state of preparation for the opening of the market for national passenger services and require another report in 2018 on the application of the compromising economic viability test of public services through cabotage as well as of the reciprocity clause. The Commission can agree on assessing in 2012 the state of preparation for the opening of the market for national passenger services. However, it considers that the two assessment items proposed for the report in 2018 should be advanced to the 2012 report. The two amendments require redrafting as the reference to domestic rail passenger market opening is not relevant anymore due to the fact that it has not been voted by the Plenary.

**Comitology procedure:** these amendments align the comitology provisions of Directive 91/440/EEC as amended by this Directive to Council Decision 2006/512/EC of 17 July 2006.

On the other hand, the Commission rejects the amendment which deletes recital 8. The Commission considers the enumeration in recital 8 of criteria and procedural aspects for the assessment of whether the principal purpose of a cabotage service is international transport as important for the transparency of the procedure. The Commission cannot agree to a certain amendment as it does not make sense to grant new Member States the right to postpone opening of national rail passenger markets by 5 years if this Directive does not open domestic rail passenger markets at all.