

Railway transport: development of the Community's railways. 2nd package

2002/0025(COD) - 23/01/2002 - Legislative proposal

PURPOSE : to establish a regulatory framework for an integrated European market in freight services.

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTEXT : This proposal is part of a package to revitalise the Community railway system by creating an integrated European railway system. The directive is linked to other proposals in this same package, in particular the proposal to establish a common regulatory framework for railway safety and the proposal on amending directives on interoperability of rail systems. It applies a gradual approach to harmonisation and the development of common principles, taking into account the great differences that exist between the Member States. The other measures in the package relate to safety, amendments of the directives on interoperability, and the establishment of a European Railway Agency.

CONTENT : The Commission recalls that the application of the principle of freedom to provide services implies rights of access to rail infrastructure for railway undertakings established and licensed in the EU. Directive 91/440 made a first step in this direction by establishing rights of access for international groupings and railway undertakings to operate international combined transport. Directive 2001/12 established access rights to the Trans-European Rail Freight Network and at latest from 2008 onwards to the whole European rail freight network for international services.

It is time to prepare the next step of market integration, the opening of domestic rail freight markets (i.e. regular domestic services by a foreign railway undertaking) including the possibility of cabotage (i.e. occasional domestic services while performing international services).

The Commission believes that opening the rail freight markets will unleash the competition that is necessary to provide market actors with the necessary incentives to become more efficient and more competitive, as well as to do business closer to the customer. It should attract new capital and enterprises, stimulate the development of new services responding to the requirements of the customers and to improve the financial situation of the railway undertakings.

Hence, the current proposal stipulates that all railway undertakings established and licensed in the European Union will be granted access to the railway network for domestic and international rail freight services from the date of implementation of this Directive onward. The concept of limiting access for international rail freight services to the Trans-European Rail Freight Network (TERFN) that was in any case only a transitory arrangement until 2008 at the latest will be repealed. Therefore, this proposal deletes all references to the TERFN.

The provisions in Directive 91/440 as amended by Directive 2001/12 that relate to railway safety are deleted in this proposed amendment to avoid any overlap with the proposed directive on railway safety.