

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

3rd package

2004/0047(COD) - 18/09/2006 - Commission communication on Council's position

The Commission considers that the Common Position does not undermine the essential objectives and the underlying approach of its proposal, and can therefore support it. It makes the following comments on the principal points:

- on the **rights to openly access the infrastructure for rail passenger services**, the Commission supports the opening schedule as defined in the Common Position as it allows all market actors to prepare for market opening. The Commission can accept the reciprocity clause since it is strictly transitional in nature and formulated in such a way as to avoid incompatibility with Community law. The Commission also agrees with the Common Position that the right of access should only be granted to those international services, which have as a principal purpose the carriage of passengers between stations located in different Member States. In this manner, an access right for international passenger services, which includes cabotage, could not be abused and lead to the opening of the market for domestic passenger services;

- on **the mechanisms and procedures to safeguard public transport services**, the

Commission agrees with the three additional elements as they either enhance the clarity of the provisions or state what is possible under Community law anyway;

- the Commission comments on Parliament's proposal, taken up by Council, to complement the opening of the market for international rail passenger services, and in particular for services using specialised infrastructure, **with arrangements for more stable and predictable climate for investments**. The Commission supports the position of the Council which reflects appropriately the generally long amortisation periods for such specialised rail infrastructure.