

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

3rd package

2004/0047(COD) - 19/12/2006

The committee adopted the report by Georg JARZEMBOWSKI (EPP-ED, DE) amending the Council's common position under the 2nd reading of the codecision procedure. MEPs in the committee reintroduced in modified form a number of proposals adopted by Parliament at 1st reading, which had been rejected by the Council.

In particular, the committee again insisted that rail networks be opened up to competition not only for international passenger services, as agreed with the Council, but also for all other types of passenger service, which the Council had been unable to accept. It modified the target date proposed by Parliament at first reading for domestic passenger services (2012) to 2017. However, the committee stipulated that Member States which joined the EU on or after 1 May 2004 should have the right to postpone the 2017 target date for national passenger services by up to 5 years, and it said that the evaluation report on the implementation of the Directive should take account of the impact on the small countries of the Union, which would be particularly affected by liberalisation.

MEPs disagreed with some of the limitations on access proposed by the Council in order to protect regional passenger services, arguing that regional services were already adequately protected by the new Article 10(3b) of Directive 91/440/EEC. They said that Member States' right to limit access on services covered by one or more public service contracts, including where this limitation resulted in restricting the right to pick up and set down passengers at any station, may be imposed only where the exercise of the right of access would compromise the "economic viability" of a public service contract. They were also opposed to the Council's further limitation on the opening-up of networks, under which new, open-access international services with intermediate stops could not be used to pick up and set down passengers in the same Member State. The committee therefore rejected the provisions in the common position specifying that the right of access would be granted only to those international services whose "principal purpose" is to carry passengers between stations located in different Member States.

MEPs also stipulated that the proposed levy that Member States could raise on passenger services in their territory, to help finance public service obligations, should be imposed in accordance with the principles of "fairness, transparency, non-discrimination and proportionality".

Lastly, the committee reiterated that the application of the directive should be evaluated on the basis of two reports, to be submitted by 31 December 2012 and 1 January 2018 respectively, rather than just one as originally proposed. In the first report, the Commission should specifically analyse "the state of preparation for the opening of the market for national passenger services" and propose further measures where necessary.