Railway transport of passengers: opening to international competition, Rail Market Access. 3rd package

2004/0047(COD) - 18/01/2007 - Text adopted by Parliament, 2nd reading

The European Parliament voted on the "third rail package" - three separate reports on opening up rail networks to competition (COD/2004/0047), minimum rights for passengers (COD/2004/0049) and a European licence for train drivers (COD/2004/0048.). Wide differences remain between Parliament and the Council, and this legislation is now expected to go to conciliation.

In this report on the development of the railways by Georg Jarzembowski (EPP-ED, DE), it should be noted that the Transport Committee had called for domestic railways to be opened up to competition by 2017. (Please see the summary dated 19/12/2006.) However, this position did not receive sufficient support in the vote in plenary and therefore no liberalisation can be expected on this front in the foreseeable future. Regarding competition in international railways, Parliament voted to accept the date of 2010 contained in the Council's common position.

Other main amendments were as follows:

-Parliament was 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. Parliament 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;

- Member States may authorise an authority responsible for rail transport to impose a levy on railway undertakings providing an international passenger service for the operation of routes which fall within the jurisdiction of that authority and which are operated between two stations in that Member State. In that case, railway undertakings providing a domestic transport service shall be subject to the same levy on the operation of those routes. The levy is intended to compensate the authority for discharging public service obligations in the context of a public service contract. The total levies imposed shall not endanger the economic viability of the international passenger service on which they are imposed;

-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";

-in order to create specialised infrastructure, such as high-speed railway lines, railway undertakings require planning and legal certainty commensurate with the substantial long-term investment involved. It should therefore be possible for such undertakings normally to conclude framework agreements with a term of up to 15 years. Directive 2001/14/EC should be amended accordingly;

-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, possibly, proposing flanking measures to facilitate this step.