



Fourth Railway Package

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Background

The Fourth Railway Package aims to improve the quality of passenger rail services and reduce fragmentation of the internal market in passenger rail services. The new rules seek to ensure that all operators have access to rail infrastructure, give new operators more opportunities to compete for public service contracts and harmonize safety certification and vehicle authorization procedures in order to cut costs and save time.

Award of public service contracts

Under the proposed new EU-wide rules on awarding public service contracts for passenger rail services, member states would set out in their public transportation plans efficiency criteria for passenger rail services, such as punctuality, cost-efficiency, frequency of services, customer satisfaction and the quality of rolling stock. Public service contracts should be proportionate to the goals set out in transportation plans and leave scope for market-based solutions.

Member states could award public service contracts for rail passenger transport directly in order to meet the aim set out in the public transportation plan but only if they can demonstrate that their efficiency criteria can be met in this way.

If these requirements are not met, the regulatory body could oblige the competent authority to award the contract through competitive tendering. By 2022 competent authorities should be able to organize competitive tenders for public service contracts.

During the transition period up to 2022, reciprocity conditions would apply: operators from countries where competitive tendering rules are not in place could be barred from entering markets in other member states. Contracts awarded directly before 2022 and not in compliance with new rules would expire 10 years after the entry into force of the new rules.

All operators should have access to all rail infrastructure. However, to avoid "cherry picking" of more profitable lines, access to routes covered by public service contracts may be limited if a regulatory body decides, on the basis of an economic analysis, that open access would reduce the viability of the public service. In cases where member states opt for competitive tendering for public service contracts, member states could block open access for operators.

Contact

Jaan SOONE

BXL: (+32) 2 28 32282

STR: (+33) 3 881 73473

PORT: (+32) 498 98 3329

EMAIL: tran-press@europarl.europa.eu

TWITTER: EP_Transport

Background

Easier access for new operators

To ensure that new entrants and smaller operators are able to fulfil public service contracts, a minimum number of public service contracts to be awarded in a member state would be set, based on national market volume of rail passenger transport under public service contracts.

To save time and cut costs related to vehicle authorizations and safety certification of railway operators, the European Railway Agency would be responsible, after a four-year transition period, for authorizing vehicles to be placed on the market and for issuing a single safety certificate to all railway operators, with the exception for “isolated networks” (Baltic States). A clear division of tasks between the agency and national authorities during the transition period would be established.

The Agency could delegate specific tasks and responsibilities to national safety authorities on the basis of contractual agreements but it would have to take the final decision in all authorization procedures.

Member states may continue to choose between an integrated structure with a single holding company for the rail operator and infrastructure manager or the separation of infrastructure managers and operators, and regulatory oversight rules are strengthened.