

Inter-Regio-Rail Position Paper on the European Commission proposal for a directive establishing a single European railway area (Recast)

Date: 30 September 2011

The European Passenger Rail Authorities strongly support the concern of the European Commission to **strengthen rail transport and make it more competitive**. However, we believe that there is some room for improvement.

1. Scope of the Directive

Even though the situation of small and medium-sized railway undertakings should be taken into account, we do not consider a general exception for regional services as appropriate. We therefore **support amendment 254 of Ms Wils**.

2. Unbundling between Infrastructure Manager and Railway Undertakings

Market opening of the railway sector in Europe (started in 1991) has been a large step forward for the development of rail transport in the European Union. In many countries competition has improved the quality of service and, at the same time, decreased the level of subsidies. Between 1996 and 2008 German regional passenger rail authorities, for instance, have had the chance to increase the level of train kilometres by 17 %. As a consequence of the improved offer, the number of passengers has increased by 44% over the same period.

However, the European railway market is still not fully opened for non incumbent railway undertakings. The main reason for this is that infrastructure managers, service providers and incumbent railway undertakings are still linked with each other in many countries. Competition between market players is therefore distorted.

European Passenger Rail Authorities request a more rigorous implementation of the separation of infrastructure managers and railway undertakings. Commissioner Kallas undertook to launch a legislative initiative in this sense by the end of 2012 and we very much look forward to a strong proposal. As negotiations in the Parliament are stalled on this aspect, we are willing to **support the compromises that will guarantee the strictest separation** between IM and RUs from a financial, legal, organisational, functional and decision-making aspect. Annex Ia should therefore build Chinese Walls between IM and RUs.

3. Access to Rail Related Services

Essential facilities should also be provided in a non-discriminatory way. We therefore insist that the compromise amendment on article 13 should still refer to the necessary **legal independence** between the operator of the service and the RU that holds a dominant position.

The European Passenger Rail Authorities also support the “use-it-or-lose-it” principle as it appears in the compromise on article 13.

4. A strong and independent regulatory body

The resources and independence of the regulatory bodies are limited in many countries. This precludes effective monitoring of compliance with railway legislation and with non-discriminatory access to the market. The priority should therefore be to strengthen national regulatory bodies and their cooperation. The issue of a European Regulatory Body can be dealt with at a later stage.

The European Passenger Rail Authorities **support the compromises on articles 55 to 57a**. We insist that article 56.3.d should be interpreted as an obligation for Regulatory Bodies to consult Regional rail authorities at least once a year, to take into account their views on the market (performance, charges, transparency of prices).

Private operators and even some incumbents have substantial problems with the fact that National Safety Authorities do NOT coordinate and benchmark their national measures and that no institution or public body challenges or questions the measures adopted by the NSAs (despite the obligation for Member States to organise the judicial review of these measures).

Therefore, the European Passenger Rail Authorities **support the following proposal** that should be tabled as an oral amendment by Ms Serracchiani after article 56.2:

At the request of applicants in procedures before the national safety authority, and in case actions of this authority may have consequences for market access, the national safety authority shall inform the regulatory body of the relevant aspects of the case and the regulatory body shall make recommendations with a view to promote competition in the market. The national safety authority shall give justifications to the regulatory body if it intends to deviate from these recommendations

5. Infrastructure financing

Other important objectives of the Commission - for instance the development of an efficient rail infrastructure and the creation of an integrated network and interoperable equipment - are impeded by the **poor financial architecture** of railway infrastructure, which prevents or at least delays an expansion according to demand.

Member States should guarantee long term adequate financing via Multi-Annual Contracts (MAC). Moreover, regional authorities should be consulted on the infrastructure development strategy. We therefore **support Compromise amendment on article 8.1 or amendment 341 of Ms Bilbao**. We **also support the compromise on article 30.2 that sets the minimum period of a MAC at 7 years**.

6. Charging

a. Direct costs

Costs and charges need to be totally transparent. This applies to the definition of direct costs and to the content of the Network Statement. We support the efforts of the Commission and the Parliament to clarify these (compromises on article 30 to 32 and Annex VIII). For instance, we appreciate the proposal of Mr Zile to list market segments in the network statement (article 32.1).

The **high and non-transparent infrastructure charges** in many countries of the EU place rail transport at a disadvantage in relation to road-based traffic and prevent more traffic on railways, in particular on long distance connections.

b. Noise charging

The objectives of the European Commission to strengthen rail transport and to make it more competitive cannot be realised as long as **competition with other modes of transport** is distorted. In particular, we consider the compulsory payment of road infrastructure costs and the internalisation of external costs for all modes of transport as urgently needed¹. In the meantime, we **agree with the compromise on article 31.5** that warns against further distortion of competition.

c. Performance schemes

We consider that performance schemes are a good tool to monitor, but also incentivise a better reliability of rail transport. They should be taken more seriously. We therefore reject the compromise leading to the deletion of Annex VIII.4. a, b, g and h. These paragraphs were aimed at setting clear parameters for performance schemes and at controlling their output.

7. Monitoring tasks of the Commission

As major actors of rail passenger transport, regional rail authorities should be involved in the market monitoring undertaken by the Commission. We **support the compromise amendment on article 15.2, but with the addition of the same list of interested parties as in article 8.1**. This is all the more important as article 15.5.a rightfully requests Member States to supply data on the evolution of rail transport performance and compensation for Public Service Obligations.

¹ For more details, please refer to our response to the White Paper on Transport of the European Commission.

For further information, please contact

Ludger Sippel
Project Coordinator of INTER-Regio-Rail
Tel: 030 - 81 61 60 99-3
sippel@bag-spnv.de

INTER-Regio-Rail aims to improve Regional Rail Transport in Central Europe. The nine project partners are making this happen on three different levels:

On the one hand we are demonstrating, using studies and pilot projects as examples, how Regional Rail Transport can gain and keep new customers if it is better organised, with better infrastructure and tailored services.

Using the experience gained from these regional projects, we are approaching policy makers at regional, national and European level and argue in favour of improving the framework conditions governing the organisation and financing of RRT.

Finally, professional networking between RRT authorities and dialogue with transport companies, passenger associations, regional authorities and external experts are very important to us.

INTER-Regio-Rail is implemented through the CENTRAL EUROPE Programme co-financed by the ERDF



ANNEX: AMENDMENTS REFERRED TO IN THE PAPER

(This annex is for your background information only, it will be deleted in the final paper)

Amendment **254**
Sabine Wils
Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. **Chapter II does not** apply to railway undertakings **which only operate urban, suburban or regional** services.

Amendment

1. **This directive shall** apply to railway undertakings **operating domestic and international rail** services **with the exception of other track-based modes such as metro or tramways.**

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Justification

Clarification of scope is essential, as a positive statement taking into account regional and suburban services are often operated on railway network infrastructure and by railway undertakings.

ANNEX I a (new)

Criteria to be fulfilled by the bodies or firms referred to in Article 7(1):

(a) Compliance with the independence and transparency criteria shall be monitored by the regulatory body referred to in Article 55. Any applicant shall have the right to appeal to the regulatory body if it believes that those independence requirements are not adequately fulfilled;

(b) Statutory and/or contractual independence provisions shall be set in the relationship between the controlling structure or holding and the infrastructure manager, between the infrastructure manager and other companies of the group, or other entities which are controlled by the holding, including in particular the shareholders' meeting of the infrastructure manager;

(c) The board members of the holding and/or of other companies of the holding shall not be in the board of the infrastructure manager and shall not exercise any voting rights in the board of the infrastructure manager. The board members shall, for a period of two years, be barred from accepting any senior position with the holding or with other entities under its control or in any other Railways undertaking, after they leave the infrastructure manager.

(d) Senior staff dealing with essential functions shall, for a period of three years, be barred from accepting any senior position with the holding or with other entities under its control or in any other Railways undertaking, after they leave the infrastructure manager.

(e) The management board, the administrative board, the supervisory board of or bodies legally representing the infrastructure manager shall not be appointed by any controlling structure or holding the infrastructure manager is part of in order to ensure full independence of the infrastructure manager. It shall either be appointed for a fixed term period with the possibility of dismissal before the end of that period, with the approval of the regulatory body referred to in Article 55, or its appointment and dismissal shall be under the control of the regulatory body.

(f) Deletion

(g) The infrastructure manager shall have the necessary organisational capacity to perform its functions independently from any railway undertaking and shall not be allowed to delegate the operation of its functions to bodies or firms which directly or indirectly exercise control, hold any interest in or exercise any right over a railway undertaking.

(h) Deletion

(i) Remuneration systems for the staff of the infrastructure manager shall only be based on the performance of the infrastructure manager.

Article 13

1. ***Infrastructure managers shall supply to all*** railway undertakings, on a non-discriminatory basis, the minimum access package laid down in Annex III, point 1.

2. Operators of service facilities shall supply to all railway undertakings access, including track access, to the facilities referred to in Annex III, point 2, and to the services supplied in these facilities in a non-discriminatory manner ***under the supervision of the regulatory body as provided under Article 56.***

Where the operator of ***a*** service facility ***referred to in Annex III, point 2*** belongs to a body or firm which is also active and holds a dominant position in at least one of the railway transport services markets for which the facility is used, the operator shall be organised in such a way that it is independent, in ***legal***, organisational and decision-making terms, of this body or firm. ***The operator of a service facility and this body or firm shall have separate accounts, including separate balance sheets and profit and loss accounts.***

Requests by railway undertakings for access to the service facility ***shall be answered within a fixed time limit set by the national regulatory body and*** may only be rejected if there are viable alternatives allowing them to operate the freight or passenger service concerned on the same route under economically acceptable conditions. ***When refusing access to its service facility, the operator of the service facility shall propose an economically and technically viable alternative***

and justify its refusal in writing. The refusal shall not oblige the operator of the facility to make investments in resources or facilities in order to accommodate all requests from railway undertakings.

When the operator of the service facility encounters conflicts between different requests, ***it*** shall attempt the best possible matching of all requirements. If no viable alternative is available, and it is not possible to accommodate all requests for capacity for the relevant facility on the basis of demonstrated needs, the regulatory body referred to in Article 55 shall on its own initiative or on the basis of a complaint ***by an applicant*** take appropriate action, ***bearing in mind the need of all stakeholders concerned***, to ensure that an appropriate part of the capacity is devoted to railway undertakings other than the ones which are part of the body or firm to which the facility operator belongs. However newly built maintenance and other technical facilities developed for new ***high-speed*** rolling stock, ***referred to in Commission Decision 2008/232/EC¹***, ***may be reserved to the use of one railway undertaking for a period of ten years from the start of their operation.***

¹ OJ L 84, 26.3.2008, p. 132.

Where the service facility has not been in use for at least ***one year and interest by railway undertakings for access to this facility has been expressed to the operator of such facility on the basis of demonstrated needs***, its owner shall publicise the operation of the facility as being for lease ***or rent for use for activities related to the railway sector unless the operator of such facility demonstrates that an on-going process of reconversion prevents its use by a railway undertaking.***

3. Where the ***operator of the service*** offers any of the range of services described in Annex III, point 3 as additional services, he shall supply them upon request to railway undertakings in a non-discriminatory manner

4. Railway undertakings may request a further range of ancillary services, listed in Annex III, point 4 from the infrastructure manager or from other ***operators of service facility***. The infrastructure manager is not obliged to supply these services.

5. ***deleted***

Article 56.3d.:

The regulatory body shall consult, at least once a year, the representatives of the users of the rail freight and passenger transport services, to take into account their views on the rail market, including the service performance, the infrastructure charges, the amount and the transparency of the rail service prices.

Article 8

Sound financing of the infrastructure manager

1. Member States shall develop their national railway infrastructure by taking into account, where necessary, the general needs of the Union. For this purpose, they shall publish at the latest two years after the entry into force of this Directive **and after consultation of all interested parties and stakeholders, in particular including local and regional authorities concerned, trade unions, sectoral unions and users' representatives**, a rail infrastructure development strategy with a view to meeting future mobility needs based on sound and sustainable financing of the railway system. The strategy shall cover a period of at least **seven** years and be renewable.

Amendment 341
Izaskun Bilbao Barandica
Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall develop their national railway infrastructure by taking into account, where necessary, the general needs of the Union. For this purpose, they shall publish at the latest two years after the entry into force of this Directive a rail infrastructure development strategy with a view to meeting future mobility needs based on sound and sustainable financing of the railway system. The strategy shall cover a period of at least five years and be renewable.

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Justification

The involvement of the parties concerned is needed for projects to be drawn up in a more effective manner. Experience shows that openness brings added value to initial projects and facilitates their subsequent implementation.

Article 30

Infrastructure cost and accounts

2. Member States shall ensure that paragraph 1 is implemented through a contractual agreement between the competent authority and the infrastructure manager covering a period of not less than **seven** years which provides for State funding.

Amendment

1. Member States shall develop their national railway infrastructure by taking into account, where necessary, the general needs of the Union. For this purpose, they shall publish at the latest two years after the entry into force of this Directive a rail infrastructure development strategy – **which will be discussed with the local and regional authorities concerned as well as other interested parties** – with a view to meeting future mobility needs based on sound and sustainable financing of the railway system. The strategy shall cover a period of at least five years and be renewable.

Article 55

National regulatory bodies

1. Each Member State shall establish a single national regulatory body for the railway sector. This body shall be a stand-alone authority which is, in organisational, functional, hierarchical and decision-making terms, legally distinct and independent from any other public authority. It shall also be independent in its organisation, funding decisions, legal structure and decision-making from any infrastructure manager, charging body, allocation body or applicant. It shall furthermore be functionally independent from any competent authority involved in the award of a public service contract. **The regulatory body shall have the necessary organisational capacity in terms of human and material resources, which shall be adequate to the level of activity of the rail sector of the Member State, such as the volume of traffic and the number of operators, and to the size of the network, in order to carry out the tasks assigned to it by Article 56.**

2. Member States may set up regulatory bodies which are competent for several regulated sectors, if these integrated regulatory authorities fulfil the independence requirements set out in paragraph 1.

3. The president and governing board of the regulatory body for the railway sector shall be appointed **by the national or other competent parliament** for a fixed and renewable term under clear rules which guarantee independence. They shall be selected from among persons who have had no professional position or responsibility, interest or business relationship, directly or indirectly, with the regulated undertakings or entities for a period of **at least two years or any longer period defined in accordance with the national law** before their appointment, and during their term of office. **They shall explicitly state this by an appropriate declaration of interests.** Afterwards, they shall have no professional position or responsibility, interest or business relationship with any of the regulated undertakings or entities for a period of not less than **two years or any longer period defined in accordance with the national law.** They shall have full authority over the recruitment and management of the staff of the regulatory body. **They must act entirely independently and may under no circumstances be influenced by instructions from a government or a private or public undertaking.**

Article 56

Functions of the national regulatory bodies

3. The regulatory body shall ensure that charges set by the infrastructure manager comply with Chapter IV, Section 2 and are non-discriminatory. Negotiations between applicants and an infrastructure manager concerning the level of infrastructure charges shall only be permitted if these are carried out under the supervision of the regulatory body. The regulatory body shall intervene if negotiations are likely to contravene the requirements of this Chapter .

3a. The regulatory body shall verify that railway undertakings' and infrastructure managers' accounting is in compliance with the accounting separation provisions laid down in Article 6.

3b. The regulatory body shall determine, if provided by national law, in accordance with Article 10(2) whether the principal purpose of a service is to carry passengers between stations located in different Member States and in accordance with Article 11(2) whether the economic equilibrium of a public service contract is compromised by services provided for in Article 10 between a place of departure and a destination which are covered by one or more public service contracts.

3c. The regulatory body shall communicate to the Commission any complaint related to a decision by a regulatory body related to paragraphs 1 to 3b. Within two weeks after the receipt of the complaint the Commission shall, if necessary, request changes to the decision in question in order to ensure its compatibility with Union law. In this case, the period of one month from the receipt of the complaint specified in paragraph 1a and in Article 11(2) shall be extended by one additional month. The regulatory body shall modify adopt its decision within the extended deadline, taking account of the changes requested by the Commission. If the Commission does not express a view, the original deadline of one month from the receipt of the complaint within which the regulatory body shall take a decision shall apply.

3d. The regulatory body shall consult, at least once a year, the representatives of the users of the rail freight and passenger transport services, to take into account their views on the rail market, including the service performance, the infrastructure charges, the amount and the transparency of the rail service prices.

Article 30

Infrastructure cost and accounts

1. Infrastructure managers shall, with due regard to safety and to maintaining and improving the quality of the infrastructure service, be given incentives to reduce the costs of providing infrastructure and the level of access charges.

2. Member States shall ensure that paragraph 1 is implemented through a contractual agreement between the competent authority and the infrastructure manager covering a period of not less than **seven** years which provides for State funding.

3. The terms of the contract and the structure of the payments agreed to provide funding to the infrastructure manager shall be agreed in advance to cover the whole of the contractual period.

Basic principles and parameters of such agreements are set out in Annex VII ***which may be amended in the light of experience in accordance with the procedure referred to in Article 60.***

Member States shall consult interested parties at least one month before the agreement is signed and publish it within one month of concluding it.

The infrastructure manager shall ensure that its business plan is consistent with the provisions of the contractual agreement.

The regulatory body referred to in Article 55 shall assess the appropriateness of the envisaged medium to long-term income of the infrastructure manager for meeting the agreed performance targets and shall make relevant recommendations, at least one month before the agreement is signed.

The competent authority shall give justifications to the regulatory body if it intends to deviate from these recommendations.

4. Infrastructure managers shall develop and maintain an inventory of assets that they manage, which shall contain their current valuation as well as details of expenditure on renewal and upgrading of the infrastructure.

5. The infrastructure manager and the operator of service facilities shall establish a methodology for apportioning costs to the different services offered in accordance with Annex III and to types of rail vehicles, based on the best available understanding of cost causation and the principles of charging referred to in Article 31. Member States may require prior approval. This method shall be updated from time to time to match the best international practice.

Article 32

Exceptions to charging principles

1. In order to obtain full recovery of the costs incurred by the infrastructure manager a Member State may ***authorise the infrastructure manager***, if the market can bear this, ***to*** levy mark-ups on the basis of efficient, transparent and non-discriminatory principles, while guaranteeing optimal competitiveness ***of the railway sector (part of Tremosa 536).in particular of international rail freight. The charging system shall respect the productivity increases achieved by railway undertakings.***

The level of charges must not, however, exclude the use of infrastructure by market segments which can pay at least the cost that is directly incurred as a result of operating the railway service, plus a rate of return which the market can bear.

Before approving the levy of such mark-ups, a Member State shall ensure that the infrastructure manager evaluates their relevance for specific market segments. The list of market segments defined by infrastructure managers shall contain at least the three following ones: freight services, passenger services within the framework of a public service contract and other passenger services. Infrastructure managers may further distinguish market segments.

Market segments in which railway undertakings are not currently operating but may provide services during the period of validity of the charging system shall also be defined. The infrastructure manager shall not include a mark-up in the charging system for these market segments

The list of market segments shall be published in the network statement and shall be reviewed at least every five years. (in part Zile 508)

Additional market segments shall be established in accordance with the procedure laid down in Annex VIII, point 3 subject to the prior approval of the regulatory body. For market segments for which there is no traffic, mark-up shall not be included in the charging system.

Annex VIII, point 3 may be amended in the light of experience in accordance with the procedure referred to in Article 60. (covers in part Ertug, Leichtfried 541, Wils 542)

Article 31

Principles of charging

5. When a Member State applies charging for road transport for the cost of noise effects in accordance with Union legislation, the Infrastructure charges in that Member State shall be modified to take account of the cost of noise effects caused by the operation of the train in accordance with Annex VIII, point 2. ***Such modification of infrastructure charges shall allow for compensation for investments in retrofitting rail vehicles with the most economically viable low-noise braking technology available. Member States shall ensure that the introduction of such differentiated charges shall not have any adverse effect on the financial equilibrium of the infrastructure manager.***

Annex VIII, point 2 may be amended in the light of experience, in accordance with the procedure referred to in Article 60, in particular to specify the elements of differentiated infrastructure charges ***provided that this does not lead to a distortion of competition within the rail transport sector or with road transport to the detriment of rail transport.***

Annex VIII

4. The performance scheme as referred to in Article 35 shall be based on the following basic principles:

(a) ***In order to achieve an agreed level of service quality and not to endanger the economic viability of a service, the infrastructure manager shall agree with applicants, after approval by the regulatory body, the main parameters of the performance scheme, in particular the value of delays, the thresholds for payments due under the performance scheme relative both to individual train runs and to all train runs of a railway undertaking in a given period of time;***

(b) ***The infrastructure manager shall communicate to the railway undertakings the timetable, on the basis of which delays will be calculated, at least five days before the train run;***

(c) All delays shall be attributable to one of the following delay classes and sub-classes:

1. Operation/planning management attributable to the infrastructure manager
 - 1.1. Time-table compilation
 - 1.2. Formation of train
 - 1.3. Mistakes in operations procedure
 - 1.4. Wrong application of priority rules
 - 1.5. Staff

- 1.6. Other causes
2. Infrastructure installations attributable to the infrastructure manager
 - 2.1. Signalling installations
 - 2.2. Signalling installations at level crossings
 - 2.3. Telecommunications installations
 - 2.4. Power supply equipment
 - 2.5. Track
 - 2.6. Structures
 - 2.7. Staff
 - 2.8. Other causes
3. Civil engineering causes attributable to the infrastructure manager
 - 3.1. Planned construction work
 - 3.2. Irregularities in execution of construction work
 - 3.3. Speed restriction due to defective track
 - 3.4. Other causes
4. Causes attributable to other infrastructure managers
 - 4.1. Caused by previous infrastructure manager
 - 4.2. Caused by next infrastructure manager
5. Commercial causes attributable to the railway undertaking
 - 5.1. Exceeding the stop time
 - 5.2. Request of the railway undertaking
 - 5.3. Loading operations
 - 5.4. Loading irregularities
 - 5.5. Commercial preparation of train
 - 5.6. Staff
 - 5.7. Other causes
6. Rolling stock attributable to the railway undertaking
 - 6.1. Roster planning/ re-rostering
 - 6.2. Formation of train by railway undertaking
 - 6.3. Problems affecting coaches (passenger transport)
 - 6.4. Problems affecting wagons (freight transport)
 - 6.5. Problems affecting cars, locomotives and rail cars
 - 6.6. Staff
 - 6.7. Other causes
7. Causes attributable to other railway undertakings
 - 7.1. Caused by next railway undertaking
 - 7.2. Caused by previous railway undertaking
8. External causes attributable to neither infrastructure manager nor railway undertaking
 - 8.1. Strike
 - 8.2. Administrative formalities
 - 8.3. Outside influence
 - 8.4. Effects of weather and natural causes
 - 8.5. Delay due to external reasons on the next network
 - 8.6. Other causes
9. Secondary causes attributable to neither infrastructure manager nor railway undertaking
 - 9.1. Dangerous incidents, accidents and hazards

- 9.2. Track occupation caused by the lateness of the same train
 - 9.3. Track occupation caused by the lateness of another train
 - 9.4. Turn-around
 - 9.5. Connection
 - 9.6. Further investigation needed
- (d) Wherever possible, delays shall be attributed to a single organisation, considering both the responsibility for causing the disruption and the ability to re-establish normal traffic conditions.
- (e) The calculation of payments shall take into account the average delay of train services of similar punctuality requirements.
- (f) The infrastructure manager shall as soon as possible communicate to the railway undertakings a calculation of payments due under the performance scheme. This calculation shall encompass all delayed train runs within a period of at most one month.
- (g) Without prejudice to the existing appeal procedures and to the provisions of Article 50, in case of disputes relating to the performance scheme, a dispute resolution system shall be made available in order to settle such matters promptly. If this system is applied, a decision shall be reached within a time limit of 10 working days.**
- (h) Once a year, the infrastructure manager shall publish the annual average level of service quality achieved by the railway undertakings on the basis of the main parameters agreed in the performance scheme.**

Article 15

Scope of market monitoring

1. The Commission shall make the necessary arrangements to monitor technical, **social** and economic conditions and market developments, **including employment development, as well as compliance with relevant EU law (covers also Ticau 460)** in European rail transport.
2. In this context, the Commission shall closely involve representatives of the Member States, **including representatives of the regulatory bodies referred to in article 55 (covers Dorfman 464)**, and of the sectors concerned in its work, including **the railways sector's social partners and users, (covers also Pargneaux 462, El Khadraoui 463, Ticau 465)** so that they are able better to monitor the development of the railway sector and the evolution of the market, to assess the effect of the measures adopted and to analyse the impact of the measures planned by the Commission. **The Commission shall also involve the European Railway Agency where appropriate. (covers also Riquet Dantin Vlasto 461, El Khadraoui 463)**
5. For the purposes of the Commission's market monitoring, Member States shall supply on an annual basis the **following** information **and as** indicated in Annex IV, as well as all other necessary data requested by the Commission:
 - (a) the evolution of rail transport performance and compensation for Public Service Obligations (PSO);**