

Fifth INTER-Regio-Rail email newsletter

Date: 03 July 2012

(Mailing list: Passenger Rail Authorities in Europe)

Dear Sir/Madam,

Summer is here, and the discussion of the issues relating to the EU Fourth Railway Package has advanced. This issue of our INTER-Regio-Rail newsletter will provide you with details from the conference of passenger rail authorities last month, our meetings with the Commission representatives, and the presentation of the stakeholders' survey by the European Commission. We have seen that DG MOVE has taken some of our messages on board, as they have already quoted some of our ideas in public contributions. There is no cause for complacency, however, as the discussions are continuing.

Please note in your diaries the 24 September, when a major stakeholder event on the contents of the fourth railway package is to take place in Brussels. It should be interesting and useful for you to attend, since you will see the future EU railway legislative framework to be shaped during the discussions.

The other articles in this newsletter deal with the status of the recast of the first railway package, passenger rights and the Commission's Transport Initiatives between now and 2013. Happy reading!

Before some of our team leave on their holidays, let me take this occasion to wish you a nice summer!

Yours faithfully,
Susanne Henckel

General Manager, German Association of Passenger Rail Authorities

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Report on the conference of passenger rail authorities in Strasbourg on 24-25 May

From 24 to 25 May, the first conference of passenger rail authorities took place in Strasbourg. Jointly organised by the associations of passenger rail authorities in France, Germany, Italy and the Czech Republic and the municipality of Strasbourg, the conference brought together 90 representatives mostly from the passenger rail authorities of 12 European Union countries, who discussed their shared issues. Among these were the three main topics of the governance of passenger rail authorities, the use and development of infrastructure, and competition in regional rail transport.

We were able to welcome Mr Michael Cramer, MEP, and Mr Eddy Liegeois, head of the Legal Matters and Infringements unit of the European Commission's DG MOVE, who both explained their points of view on current transport policy. It transpired that the issues relating to the fourth railway package of the EU were indeed of high interest to most participants.

During the discussion, some of the guests highlighted their fear that **competition** might harm the existing rail transport system, which in many EU member states is still in the hands of the incumbent railway undertakings, while others gave accounts of the benefits that they have reached by means of competition. A number of shared conclusions may nonetheless be drawn on this issue:

- Competition is not an aim in itself. If used in the right way, it can be a powerful instrument in increasing quality and reducing the costs of rail transport.
- Competition needs the right framework conditions. Competition without responsible public stewardship is not an option.
- Competition will only be successful if all the players want to implement competition. The implementation of competition should be decided on the basis of an economic assessment, not based on political preference or ideology.

We are currently preparing comprehensive **documentation** on the conference. Unfortunately, it will take a few more weeks to be published, but we can already assure you that it will serve as an excellent collection of the European passenger rail authorities' positions on the current EU legislative process. So stay tuned and look forward to it!

Current status of the fourth railway package

On 29 May, DG Move presented the results of the stakeholder survey on the fourth railway package. We already sent you an account of the event on 15 May ([see here](#)). Meanwhile, the Commission and their external experts are continuing their case studies and examining the sample regions, including some in Germany.

Please save the date of 24 September, when the Commission will present and discuss the policy options in Brussels.

Europeans are in favour of competition: results of the Eurobarometer study 388

During the Strasbourg conference and the presentation of the survey on the issues surrounding the fourth railway package, DG MOVE presented the long awaited Eurobarometer study on the opening of domestic rail passenger markets.

The study was in fact a survey among a representative sample of the population aged over 15 of all the EU 27 states except for Cyprus and Malta. During March 2012, a total of 25 600 respondents were interviewed face-to-face in their homes by means of a standardised survey.

These are the main results:

1. More than six out of ten regular and occasional users are satisfied with national and regional train services (63% and 66%)
2. More than seven respondents out of ten are in favour of opening the national and regional rail system to competition (71%). There is no difference between regular, occasional and non-users of national or regional trains in terms of level of support.
3. There is no clear correlation between dissatisfaction with the railway system and support for the opening of the railway market to competition.

Are you surprised? We are. Because we were concerned that the reputation of passenger rail transport was worse than our fellow citizens actually think. And because we thought that the citizens of Europe were more attached to the incumbent operators than they actually are. And because satisfied passengers do not dislike competition, and vice versa. Obviously the majority of our fellow citizens have not only got used to the idea of doing their shopping in privately-owned supermarkets, but also find it rather normal that trains are privately owned and run.

The results of the study are available [here](#).

Commission Transport Initiatives between now and 2013

The European Commission has recently published a document containing the proposals it plans to adopt in the period from 31 May to 31 December 2012 on the basis of its annual programme and the previous annual programmes ([see the document here](#)).

The Commission wants to separate the legislative proposals concerning the revision of the European Railway Agency and domestic passenger market opening from the proposal on unbundling, which is more problematic. In fact, the Commission plans to publish a communication on unbundling in December 2012, which means that there will probably be a legislative proposal on the separation between infrastructure managers and railway undertakings only in March or April 2013, following the European Court of Justice's rulings on the implementation of the first railway package.

The Commission has published guidelines on the application of [Regulation 1107/2006](#), on the rights of people with reduced mobility in air transport already in June ([see here](#)). This is an important dossier for the European Passenger Rail Authorities to follow since the Commission wants to adopt guidelines on the rights of passengers with reduced mobility in rail transport in 2013 and certain provisions in the PRM air transport guidelines may therefore influence upcoming rail passenger rights legislation.

Please find below, in chronological order, the relevant initiatives for European passenger rail authorities:

1. Guidelines on the application of Regulation 1107/2006, DG MOVE, June 2012 (page 85)

As shown by studies and consultations of the public and of all interested parties (air operators, national authorities, etc.), some provisions of Regulation 1107/2006 lack clarity, are not properly enforced and are applied by air carriers and airports in divergent ways. The guidelines will clarify and unify the application of the most problematic provisions, both by interested parties and national authorities, in order to reinforce legal certainty and allow more harmonised enforcement of the regulation.

2. Communication on the application of [Regulation 1370/2007](#) on public passenger transport services by rail and road, DG MOVE, September 2012 (page 85)

The initiative is to identify the key provisions of the regulation where diverging implementation in Member States/regions could jeopardise the achievement of the regulation's objectives and attempt to offer stakeholders and authorities guidance on its correct interpretation. The initiative is also to identify best regulatory and contractual practices.

3. Communication on an inventory of measures for internalising external costs in all modes of transport, DG MOVE, November 2012 (page 86)

This communication will present an inventory of past and future measures for internalising external costs in all modes of transport. Follow-up to the [2011 White Paper](#) and [2008 Greening transport package](#).

4. Legislative proposal revising [Regulation 881/2004](#) establishing the European Railway Agency and amending the Safety and Interoperability Directives as regards type authorisation and railway undertaking certification (Rail Package), DG MOVE, December 2012 (page 7)

This initiative will enhance the role of ERA in the field of rail safety, in particular its supervision of the national safety measures taken by National Safety Authorities and their progressive harmonisation. It will also aim at achieving a single vehicle type authorisation and a single railway undertaking safety certification. The Safety and Interoperability Directives (2004/49 and 2008/57) might be adjusted as necessary.

5. Legislative proposal on rail market access, including revision of Regulation 1370/2007 (Rail Package), DG MOVE, December 2012 (page 27)

Further market opening in the rail sector implies appropriate adaptation of the existing acquis on rail market access (first railway package and its subsequent amendments) and appropriate changes to the regulation on public service contracts in the rail sector (EC 1370/2007), including mandatory award of public service contracts under competitive tendering.

6. Communication on rail market access (Rail Package), DG MOVE, December 2012 (page 39)

Review of rail market organisation. The communication will assess non-discriminatory access to rail infrastructure, including rail-related services, in particular through structural separation between infrastructure management and service provision (unbundling).

Council and European Parliament reach agreement on single European railway area directive

In successfully concluding the tripartite negotiations between the Danish presidency, the European Parliament and the Commission on a compromise text, the Council and the Parliament have paved the way for the adoption of the draft directive establishing a single European railway area. The compromise was endorsed by the Member States within the Permanent Representatives Committee on 19 June. To enter into force, the text still needs to be formally approved by the Parliament, whose vote in plenary is scheduled for 3 July, and by the Council, which is due to take its decision after the Parliament vote.

Please find attached the [analysis](#) of the [text on the recast](#) of the first railway package validated by COREPER for the plenary vote.

TRAN hearing and report on passenger rights in all transport modes

On 19 June, the European Parliament's TRAN Committee held a hearing on passenger rights in all modes of transport with stakeholders from the International Air Transport Association (IATA), the European Travel Agents' and Tour Operators' Association, the Community of European Railway and Infrastructure Companies, the European Consumer Organisation (BEUC), the European Disability Forum (EDF) and the German National Enforcement Body for railways.

Georges Bach MEP has drafted an own-initiative report on passenger rights in all modes of transport (read the [Bach report](#)). He considers it essential to draft a single, cross-cutting passenger rights regulation in order to promote intermodality.

Despite the presence of representatives from several modes of transport, the debates focused mostly on the rights of passengers travelling by air. TRAN MEPs seem to be satisfied with passenger rights in the rail transport sector, as Gesine Meissner (ALDE, DE) remarked, "I think that the situation in the railways is actually good. We need to focus our efforts on aviation".

Georges Bach (EPP, LU) explained that an in-house consultation had produced evidence of problems in the field of air transport and, to a lesser extent, in rail transport.

The rapporteur prefers guidelines based on a common approach to passenger rights for all transport modes rather than a uniform legislative framework. These guidelines should not weaken existing rights, and should respect the differences between transport carriers by guaranteeing a proportionate and flexible approach.

Even though the Bach report it is not legally binding, it can be used to steer EU policy in a particular direction and put pressure on the Commission to come up with new proposals. The European Commission is required to take a position on this report.

29 June is the deadline for amendments, while on 18 September the TRAN committee will vote on the report, with the plenary vote to follow on 25 October. INTER-Regio-Rail will monitor the process and see if there are any amendments that we should comment on.

Best practice for improved regional rail transport: developing a standard for the visually impaired

As part of our collection of best practice examples, below is another project, from Austria this time, to improve public transport for blind and visually-impaired customers.



In this project a tactile guiding system was developed in a cooperative venture involving several blind and visually impaired organisations, a concrete manufacturer (Ebenseer Betonwerke) and the ÖBB (the Austrian Federal Railways). In particular, a tactile guidance system was to be developed to enable navigation in the stations. The project surveyed the needs of blind people in stations via a questionnaire sent throughout Austria. Various forms of tactile guidance systems were tested by people with different grades of visual and physical impairments at three train stations.

Besides usability, economic issues also played a role in the development.

The cooperation between the organisations for the blind and visually impaired, the Ebenseer Betonwerke and the ÖBB is a good example of how a cooperative approach can lead to good results. Today, almost 90 stations in Austria are equipped with guidance systems complying with the standards defined in the project. The results of the study were a significant input into the development of the Austrian national standards for guidance systems for people with visual impairments (ÖNORM V2102).

Please contact the initiator of the project, Mr Dietmar Graff of the TBSV (Tyrolean Association of Blind and Visually Impaired People) for more information: tel.: +43 - 512 - 33422-11; email: vorstand@tbsv.org

Do you have further questions about our work, or do you no longer wish to receive this newsletter? Is there a colleague of yours who might like to receive this newsletter too?

Please contact INTER-Regio-Rail@bag-spnv.de