



Zugang zu Schienenfahrzeugen: Vorschläge der EU im Rahmen des 4. Eisenbahnpakets

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***ÖVG/RTCA Fachtagung Neue Züge für die Eisenbahn – Wer soll das
bezahlen?***

Wien, 17.09.2013



Overview

- **EU rail policy objectives**
- **Assessing domestic rail passenger transport in EU**
- **The issue of access to rolling stock**
- **Objectives and approach of 4th railway package proposals**
- **Domestic rail market opening – proposals and discussion by EU legislator so far**

What are the European Commission's objectives for rail transport?



4 strategic dimensions:

1. Optimisation of transport system

- Aiming at a competitive and resource-efficient transport system (2010 Transport White Paper)
- 60% reduction target of CO₂ emissions by 2050 – rail is one of the most environment-friendly modes
- Promote intermodality

2. Enhance competitiveness

- Single Market Act II identified transport including rail as a potential growth driver
- Rail transport is highly public resource intensive - about €46 bn/year (€21 bn for PSO): reap potential for savings of public funds, e.g. through tendering of public service contracts

What are the European Commission's objectives for rail transport?



4 strategic dimensions:

3. Strengthen EU industrial potential

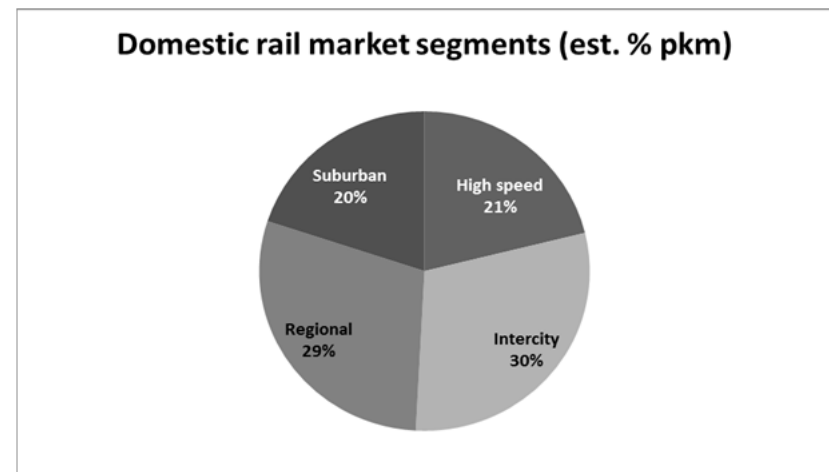
- EU rail industry's competitive edge is eroding fast – emergence of very competitive global competitors mainly from Asia
- Need for large, strong EU rail market based on common EU standards and rules

4. Social focus

- Rail is playing key role in regional development
- Vision of a growing rail market with positive impact on job creation (such as in UK, Sweden)
- Need for recruiting well-trained staff as 30% employees will retire in the next decade

Assessing rail passenger transport in the EU

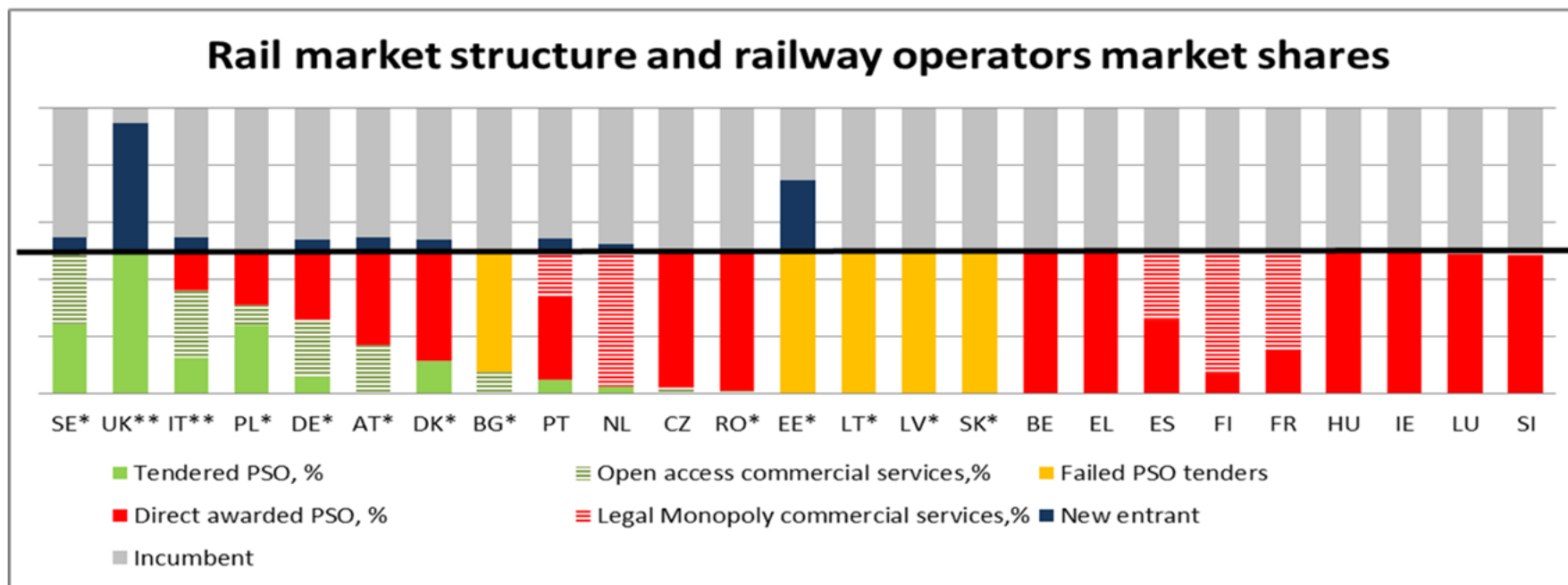
- **Modal share remains stable at 6%, despite investment in and strong growth of high-speed segment**
- **Domestic rail passenger transport corresponds to 95% of all p-km in EU**
- **Rail transport provided under public service contract represent about 2/3 of total domestic rail**



Source for all data in this part of the presentation:
Commission impact assessment report

Assessing domestic rail passenger transport in EU

- Patchwork of regulatory regimes for market access
- Largely closed markets, both for commercial services and PSO: only 37% of market is open; incumbents have about 90% market share



Assessing domestic rail passenger transport in EU



Problems of EU rail passenger transport as identified by Commission impact assessment:

- **Inadequate service quality (punctuality, comfort, cleanliness, etc.): only 46% of EU citizens are satisfied (Eurobarometer survey 2012)**
- **Inefficient use of public funds: underutilised new infrastructures, underfunded and inefficient railway operators**

Assessing domestic rail passenger transport in EU



Access to appropriate rolling stock (I):

Problems:

- Volume of investment cost
- Financial risks related to its long economic life (e.g. residual value risk)
- Time needed for its acquisition and safety certification
- Rolling stock adapted to technical conditions/commercial needs of specific routes or networks

→ 61% of stakeholders considered access to rolling stock as access barrier

Assessing domestic rail passenger transport in EU



Access to appropriate rolling stock (II):

- Emergence of rolling stock market linked to opening of rail service market and harmonisation of technical standards
- Leasing market still immature as only 10% of passenger rolling stock is leased
- Competent award authorities have taken various measures to facilitate access to rolling stock:
 - Bank guarantee
 - Reuse guarantee
 - Different models of rolling stock pools
 - Long contract duration (up to 22,5 yrs.)

Objectives and general approach of 4th railway package



- **2 strategic objectives:**
 - **Improve quality and efficiency of rail transport services to match users' expectations**
 - **Improve the efficiency of public spending and the attractiveness for private investment in rail transport**
- **3 main strands of action:**
 - **Open domestic passenger markets**
 - **Create an optimal institutional structure of infrastructure management**
 - **Simplify and accelerate certification of rolling stock and railway undertakings**

1. Opening rail passenger market – Amendment of Directive 2012/34/EU



Open access

- **Open access rights in all domestic rail passenger markets...**
- **... BUT where necessary public services can be safeguarded against “cherry picking”**
- **Setting up integrated ticketing schemes encouraged to preserve positive network effect**

1. Opening of rail passenger market - Amendment of Regulation 1370/2007



Extent of Public Service Obligations

- **Competent authority to decide on role of public service provision...**
- **... consistent with transport policy objectives (as defined in public transport plans)**

1. Opening of rail passenger market - Amendment of Regulation 1370/2007



Award of Public Service Contracts

- **Deletion of Art 5(6) → mandatory competitive award for rail transport**
- **Other possibilities of direct award (internal operator, small scale contract, emergency measure) are not modified**
- **Threshold for small scale public service contracts in rail: €5.000.000**

1. Opening of rail passenger market - Amendment of Regulation 1370/2007



Award of Public Service Contracts

- **Mandatory tendering for rail from 3 December 2019**
- **Transitional period until 31 December 2022 for rail public service contracts directly awarded between 1 January 2013 and 3 December 2019**



1. Opening of rail passenger market - Amendment of Regulation 1370/2007

Framework conditions (I)

- **Competent authorities (CA) to ensure fair access to rolling stock so that new entrant operators are able to take part in tenders**
- **Where there is no well-functioning market for rolling stock, CA to take the residual value risk of the rolling stock, if operators intending to participate in tender request this.**
- **CA can choose most appropriate means to comply with this requirement while respecting EU law (state aid rules):**
 - managing its own fleet,
 - providing a bank guarantee,
 - Issuing take-over guarantee
- **Commission to adopt implementing measure defining details of procedure to be followed (introduction of committee procedure in Regulation 1370/2007)**

1. Opening of rail passenger market - Amendment of Regulation 1370/2007



Framework conditions (II)

- **Cross-sectoral legislation (e.g. Directive 2001/23/EC) or competent authorities determine transfer of workers between PSC contractors /set social standards (no legislative modification):**
 - To ease social impact of opening
 - To ensure effective competition

2. An institutional structure that delivers



Efficiency measures:

- Unified infrastructure managers with all necessary functions combined (operation, maintenance and development)
- Coordination body for infrastructure managers and users
- EU network of infrastructure managers

Equal access measures:

- Institutional separation but possibility to maintain existing integrated structure under strong independence requirements
- Verification mechanism to ensure a level playing field

3. Simplifying and accelerating certification procedures



- **Move towards more standardised rail products (e.g. to favour emergence of rolling stock leasing market)**
- **Harmonisation and enhanced role of ERA in vehicle authorisation and safety certification of railway undertakings will gradually overcome 11.000 overlapping and non-transparent national rules**
- **Ultimate responsibility for ERA will lead to faster, cheaper and better coordinated certification procedure**

4th railway package



Reading in EP: Timeline

- **30 January 2013: adoption of Commission proposal**
- **7 May: EP hearing**
- **30 May: first exchange of views in TRAN Committee**
- **8-9 July: presentation of draft reports**
- **November 2013: vote in TRAN Committee**
- **February/March 2014: EP Plenary vote**



4th railway package

Reading in EP: Grosch report on amendment of Regulation 1370/2007

- Acknowledges principle of mandatory public tendering for award of public service contracts
- Confirms Commission proposals on rolling stock access
- Adds possibilities of direct award (e.g. if route/network has technical standards differing from normal standards)
- Delays market opening until 2029
- Introduces longer transition periods for directly awarded contracts (2039/2044)



4th railway package

Reading in Council

- **Focus on “technical pillar” (Interoperability Directive)**
- **Agreement in June 2013 on “general approach” for amending interoperability Directive:**
 - Single EU authorisation for rolling stock
 - Reinforcement of ERA role
- **Lithuanian Presidency to work on safety Directive and ERA regulation in 2nd half of 2013**
- **Greek Presidency expected to start working on “market pillar” in 2014**



Thank you for your attention!

For more information:

http://ec.europa.eu/transport/index_en.htm