

## Rail transport

### Reform of first rail package slated for September

By Isabelle Smets | Monday 30 August 2010

The proposal for reform of the organisation of Europe's railways is expected to be tabled by the European Commission on 15 September. It will consist of a recast of the first rail package <sup>(1)</sup>, announced over two years ago. The legislative proposal was initially set to be presented on 20 July but a final attempt by Germany to delay it once more kept it on the shelf during the summer (see *Europolitics*4020). Officially, the staff of Chancellor Angela Merkel had made it known to European Commission President José Manuel Barroso that the proposal underestimated certain administrative costs that would result from the reform. In fact, however, the content itself of the proposal seemed to be the real problem, specifically its provisions on guaranteeing access for all rail operators to related services, such as railroad yards, terminals, diesel refuelling stations, etc. The current organisation of these services often proves to be a disguised obstacle to competition on rail networks and the Commission has decided to sort things out.

Germany first and foremost, but also Italy and a few other member states, hoped that the summer recess would be used to review the content of the draft – rather than simply to analyse its impact – but the manoeuvre seems to have failed. Those who hoped to see the text delayed further are also in for a disappointment. DG MOVE and Transport Commissioner Siim Kallas were opposed to further review of a matter that has already been drawn out for too long. According to an informed source, the text to be tabled on 15 September is almost identical to the one that existed before the summer. Apart from a few “minor” changes, only the impact study is believed to have been reviewed. For related services, “the goal is still the least discriminatory access possible”.

The proposal is meant to clarify and reinforce some of the fundamental principles sought by the EU to allow the opening up of rail to competition and to ensure non-discrimination among railway companies that compete with the incumbent operators. In particular, it aims to strengthen the independence of infrastructure operators and the oversight bodies in charge of enforcing legislation (for details, see *Europolitics* 3997).

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<sup>(1)</sup> *Directive 2001/12/EC on the development of the Community's railways; Directive 2001/13/EC on the licensing of railways; and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification*