

# IRG Rail

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2024-04-20, 05:35

## Publications

### 2011

#### June 2011 - IRG-Rail First Recast Position Paper

The European Commission published a proposal for amending the First Railway Package (Recast) on 17 September 2010. The IRG-Rail fully supports the initiative and notably the overall target of opening the rail market further and creating more effective competition in order to provide clear benefits to the rail sector and customers. At the same time the IRG-Rail stresses that the proposals in the Recast must be practicable and thus allow effective regulation.

#### September 2011 - IRG-Rail Second Recast Position Paper – European Rail Regulatory Body

The IRG-Rail expresses in this position paper its view on the potential establishment of a European rail regulatory body. The IRG-Rail believes that the establishment of a European rail regulatory body at the European level for the time being is neither useful nor necessary. The IRG-Rail emphasizes that, instead, regulatory oversight over the rail market is best served at national level.

#### November 2011- IRG-Rail Third Recast Position Paper

The IRG-Rail states its views on the latest development of the Recast, including the general approach adopted by the Transport Council on 16 June 2011 and the European Parliament's first reading of 16 November 2011. In particular the IRG-Rail comments on the role and competencies of national regulatory bodies and the intended future balance of powers amongst the institutions. Furthermore, the IRG-Rail outlines the impact of the proposal on practical implementation of regulatory work and comments on specific regulatory issues, such as access to rail related facilities and services, financing and charging, regulatory accounts, market monitoring and equal rules for infrastructure managers and operators of service facilities.

#### November 2011 - IRG-Rail Guidance Paper on Economic Equilibrium

With the market opening of international passenger services from 1 January 2010, providers of new international rail passenger services have now the right of access to access the infrastructure. The provision of access to the infrastructure is subject to certain restrictions and has to meet certain tests which are to be undertaken by regulatory bodies: the “principal

purpose” and the “economic equilibrium” tests. This paper seeks to give guidance on the methodology and criteria for the assessment of new international passenger services and outlines an approach to evaluate whether the economic equilibrium of public service contracts are compromised by the introduction of such new services.

## 2012

October 2012 - IRG-Rail (12) 2-rev1 – Fourth Package Position Paper

October 2012 - IRG-Rail (12) 2a – Fourth Package Position Paper – Annex

The IRG-Rail welcomes the European Commission’s upcoming legislative proposal for the Fourth Railway Package as a necessary step towards a competitive and sustainable single rail market in Europe. The IRG-Rail supports the effort to improve competition in the EU rail industry through market opening, assisted by strong, independent regulation and accompanied by some key framework conditions, thus contributing to increasing the quality and levels of passenger and freight services.

The annex contains a description of existing arrangements in some IRG-Rail countries, covering for instance the general framework of domestic passenger markets, the organisation of public service operations, the concrete role of the Regulatory Body and some statistics on the national rail market.

October 2012 - IRG-Rail (12) 4 - Position on cooperation between regulatory bodies in order to assess the international nature of a passenger service

This document set out some guidance on the method, the criteria and procedures that the IRG-Rail expects to follow in processing the applications for assessment of new international passenger services. It addresses in particular the methodology that the IRG-Rail intends to use when carrying out the principal purpose and economic equilibrium tests, and outlines how regulatory bodies will cooperate to ensure that all necessary information is available to all relevant parties as required by legislation.

## 2013

April 2013 - IRG-Rail (13) 5\_rev2 – Fourth Package Position Paper

On 30 January 2013 the European Commission published its 4th Railway Package.

This position paper aims to address the objectives and concrete legislative proposals of the package from the regulatory perspective.

Furthermore the IRG-Rail also has some reservations about several aspects of the proposals,

where more clarity is required, such as how to ensure enforcement regarding non-discriminatory access on national level without proper measures provided neither in the package nor the existing legislation.

October 2013 - IRG-Rail (13) 07 – Fourth Package Amendments Position Paper

This position paper addresses the amendments currently being discussed with regard to Rapporteur Said El Khadraoui's draft report on the proposal for an amendment of Directive 2012/34/EU and Rapporteur Mathieu Grosch's draft report on the proposal for an amendment of Regulation (EC) 1370/2007.

The IRG-Rail paper focuses on the regulatory impact of the proposed amendments on the day-to-day work of the IRG-Rail members – such as the requirement of a balanced approach between market opening and the protection of public service obligations or the definition of criteria for an economic equilibrium test.

2014

May 2014 - IRG-Rail (14) 5 – Position Paper on the European Parliament's position (First Reading) for a Fourth Railway Package

On 26 February 2014 the European Parliament (EP) adopted its first reading on the Commission's proposals forming the "Fourth Railway Package".

The IRG-Rail strongly supports the aim of encouraging competition in the rail sector, as a mechanism for promoting efficiency and performance. However, the IRG-Rail regrets that many amendments introduced by the European Parliament, such as additional exemptions for the mandatory competitive tendering of service contracts and imposing lighter controls on vertically integrated companies significantly weaken the objective of developing the Single European Rail Market.