

## IRG-Rail Plenary Assembly held in The Hague

15.04.2015

### Regulators agree on common positions on the Fourth Railway Package and service facilities

The Hague, the Netherlands, 15 April 2015

The Independent Regulators' Group - Rail (IRG-Rail) held its Plenary Assembly on the April 14-15 in The Hague, the Netherlands. Rail regulators from 22 European countries gathered to approve common positions regarding the Fourth Railway Package and access to service facilities.

The Plenary Assembly approved two position papers. This includes a paper on competitive tendering for public service contracts.

### Competitive tendering

"IRG-Rail is a proponent of competitive tendering," says Henk Don, 2015 Chair of IRG-Rail. "Direct award of concessions is second best, if only because of the difficulty in stimulating a railway undertaking to operate efficiently in case of a direct award."

As there are still ongoing negotiations between the European Commission, the European Parliament and the European Council, IRG-Rail points out the benefits of competitive tendering, and it is concerned about proposals to allow direct award not just as a rare exception.

IRG-Rail Chair Henk Don explains: "It is important that new rail undertakings will have the opportunity to compete for public service contracts. Competition is not an end in itself, but can provide a benchmark and guarantee efficiency in use of public funds and performance. Competitive tendering is an integral part of market opening. It leads to improvement in efficiency and quality. We have seen positive examples of this in Sweden, UK and Germany where better value for public money was reached."

### Service facilities

IRG-Rail also adopted its second position paper on access to service facilities, like stations and freight terminals. It covers independence requirements for operators of service facilities, procedures concerning the 'use it or lease it' rules and a further clarification of IRG-Rail's position regarding the concept of 'viable alternatives' for service facilities.

“Access to service facilities is essential for railway undertakings. They should be able to seriously compete for public rail tenders. Safeguards are needed that protect entrants in the rail market,” IRG-Rail Chair Henk Don explains. “Independent decision-making by the operators of service facilities is therefore as important for new railway undertakings as are clear rules for access. Furthermore, IRG-Rail stresses the importance of a good procedure for dispute resolution when issues about access to service facilities arise. As rail regulators we should be able to prevent disputes, but when they occur we need clear procedures to settle them.”

The next IRG-Rail Plenary Assembly will take place in November 2015, also in The Hague, the Netherlands.

Note to editors:

1. The IRG-Rail is a network currently comprising independent rail Regulatory Bodies from twenty-five European countries: Austria, Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, France, the former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, Italy, Kosovo, Latvia, Luxembourg, the Netherlands, Norway, Poland, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.
2. Further information and all [papers adopted](#) at the Plenary Assembly can be found on the website of IRG-Rail at [www.irg-rail.eu](http://www.irg-rail.eu)