

EUROPEAN UNION



Committee of the Regions



Brussels, 6 July 2012

CoR Impact Assessment Consultation of the Fourth Rail Package

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The EU's Assembly of Regional and Local Representatives

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1. Introduction

In recent years the European rail market has evolved and gone through many changes. The market for freight and international passenger trains has been opened. Some countries have opened their domestic services to competition, either through the introduction of open access operators or through competitive tendering of public sector contracts.

This is a consequence of the different rail legislative packages adopted by the European Commission in 2001¹, 2004² and 2007³. Despite this progress, the establishment of a Single Transport Area in the rail sector is still hindered by a number of obstacles limiting the competitiveness of rail vis-à-vis other transport modes, such as the lack of common EU level criteria when defining public service obligations, or the lack of harmonised rules for the award of public service contracts. These aspects have already been addressed in other transport sectors.

At present, rail transport does not always respond to the evolving needs of passengers in terms of reliability, comfort, speed, resilience to traffic disturbances and the environment; and in many cases the price/quality ratio of the services offered is not attractive to passengers, who ultimately opt for other forms of transport.

Against this backdrop, the European Commission is preparing a fourth Rail Package which should help to pave the way for a genuine Single Transport Area in rail transport. In particular, the European Commission is carrying out an impact assessment on the very need to take further action at European level to open markets for domestic passenger transport by rail, and to ensure non-discriminatory access to rail infrastructure and services. This assessment will look at the drivers that are perpetuating these problems and assess which policy options the European Commission should pursue in order to mitigate them.

¹ Directive 2001/12/EC of 26 February 2001 amending Council Directive 91/440/EEC on the development of the Community's railways; Directive 2001/13/EC of 26 February 2001 amending Council Directive 95/18/CE on the licensing of railway undertakings; Directive 2001/14/EC of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification

² Directive 2004/49/EC of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/CE on the licensing of railway undertakings and Directive 2001/14/CE on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification; Directive 2004/50/EC of 29 April 2004 amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system; Directive 2004/51/EC of 29 April 2004 amending Council Directive 91/440/EEC on the development of the Community's railways; Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency

³ Directive 2007/58/EC of the European Parliament and of the Council of 23 October 2007 amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure; Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community; Regulation (EC) No 1370/2007 of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70; Regulation (EC) No 1371/2007 of 23 October 2007 on rail passengers' rights and obligations; Regulation (EC) No 1372/2007 of 23 October 2007 amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community

In this context and in the framework of their cooperation agreement, the **Committee of the Regions** (CoR) and the European Commission's **DG MOVE** have decided to consult local and regional authorities on the **future of rail transport in the EU**. To this end, two initiatives have been put forward. First, the European Commission has launched a consultation of local and regional authorities through the networks and platforms of the CoR; and second, the Committee of the Regions has submitted its own questions to local and regional authorities in this area.

Whereas responses to the European Commission's questionnaire are with the EC and will be the focus of a separate study there, this report summarises the contributions received to the questions submitted by the CoR.

The present consultation was launched on 11 May 2012 and closed on 21 June 2012 (the initial deadline was 14 June). Despite the short notice and the consultation time, eleven contributions from seven Member States were received. The respondents were: two associations of local and regional authorities; two European Groupings of Territorial Cooperation (EGTCs); three Regional Governments; two Regional Parliaments; and two Local Authorities. These contributions provide a useful indication of how local and regional authorities perceive the measures proposed by the European Commission. A detailed summary of the responses can be found in the second part of the report and all contributions translated into English have been attached to the report.

2. Key findings of the consultation

Based on the responses received, the findings can be summarised as followed:

Compliance with the subsidiarity principle and added value of additional EU criteria for competent authorities to apply when they define public service obligations in rail

To complete the single market for rail services, the European Commission is considering the possibility of introducing additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail. Respondents have been asked to express their views on this possibility and in particular on the need, potential added value and desired degree of detail of such a measure.

The responses received can be divided into three main groups: those in favour of further criteria determined by the EU in order to further completion of the internal market; those who believe that such criteria should fall exclusively to competent authorities and see their creation as problematic; and finally, those who have analysed the problem from a cross-border point of view.

Those regions in favour of additional specific criteria defined by the EU consider that this will help to further completion of the single market for rail transport services, since common EU criteria for public service obligations could help rail operators offer services in different Member States, thereby increasing competition. They also stress that additional criteria should be precise in order to promote liberalisation, and that this would bring clear added value. However, two respondents warned that, while additional criteria would bring added value, they must not be overly rigid or detailed as this could cause problems and increase red tape.

Those against the measure doubt its necessity and consider that it could bring more complexity to the process, with some insisting that only the competent authorities should define criteria so as to respond fully to the needs of their territories. Within this group, some respondents reject the measure on the grounds of subsidiarity, arguing that there is no need for additional criteria because the existing regulatory environment is sufficient. They also consider that local and regional authorities are better placed to respond to the needs of users in their territories, and that this is a competence that should remain at regional level.

Respondent EGTCs mainly focus on the benefits of such measures for territorial and cross-border cooperation. EGTCs see additional specific criteria defined by the EU as a possibility to improve and more effectively coordinate cross-border transfers and eliminate obstacles, and generally see the measure as compliant with the subsidiarity principle due to its transnational dimension.

Finally, asked about the degree of detail that such additional criteria should have, responses vary considerably, ranging from those who believe that precise criteria are needed to those who think that overly detailed criteria, or a list of compulsory criteria, could be highly damaging.

Need, added value and proportionality of further EU harmonisation of the procedure for awarding public service contracts for passenger services: related merits or problems and aspects to be taken into consideration

Regarding the possibility of further EU harmonisation of the procedure for awarding public service contracts for passenger services in order to complete the single market for rail services, responses can be divided into two main groups: those in favour of the measure, and within this group the respondents who are EGTCs and see benefits in cross border cooperation; and those who consider that the measure would not bring any added value and is unnecessary.

A number of respondents consider that the proposed measure would help to liberalise rail transport services, avoid protectionist behaviour and boost provision of services across Member States. They also consider that legal and technical specifications need to be harmonised first, and that the awarding procedure should guarantee transparency and equal access. One respondent underlines that such a harmonisation should take into account the particularities of regional transport (short distances).

EGTCs are also in favour of the measure, because they take the view that any harmonisation in this field would facilitate cross-border cooperation and could help to achieve better interconnection between cross-border regions and more quality services for users. Completion of the internal market in this area could lead to more competition between operators and to improvement of the services provided to the users of cross-border transport services. Regarding aspects to be taken into consideration, they underline the need to consider the particularities of peripheral regions and the benefits that joint approval and awarding procedures could have for cross-border regions.

Finally, those respondents against further EU harmonisation of the procedure for awarding public service contracts for passenger services believe that: 1) such a measure is unnecessary and could risk adding complexity to the system and violating regional prerogatives and decision making competences; 2) public authorities should be free to decide in this field so as to ensure quality services for citizens.

One respondent underlines that since the situation is very different in each Member State, for the sake of subsidiarity, decision making should be left to national and regional authorities to ensure that particular needs are met; further criteria decided at EU level may fail to adequately reflect current variations and make it difficult for the competent authorities to fulfil their obligations in transport policy.

Regarding the compliance of further harmonisation of award procedures with the proportionality principle, those respondents against harmonisation consider that it also goes beyond what is needed, since the existing regulatory environment is perceived as sufficiently comprehensive and responsive. They also stress that it is disproportionate and that such a measure should respect regional autonomy, preserve the possibility to award contracts directly, and not add further complexity to the process. By way of an alternative to further harmonisation, one respondent mentioned extending the duration of present legislation and focusing mainly on technical aspects such as interoperability and technical specifications.

Those who support harmonisation – especially EGTCs – believe that the measure complies with the proportionality principle and is a fit way of achieving the intended objective of a single rail transport market in the EU. In line with this, one respondent asks for joint award procedures between Member States with the intervention of the EU in the case of border regions, including the direct awarding of contracts by the EU.

Impact of further market opening regarding cross-border cooperation

Almost all respondents consider that further opening the market would have benefits for cross-border cooperation. In particular, they consider that further liberalisation could improve the quality of cross border cooperation; increase competition; contribute to more integrated services; reduce prices and improve quality; force railway companies to co-operate and also contribute to the opening of new routes. One respondent believes that in the case of cross-border transport, it is crucial to ensure access to rolling stock and guarantee its non-discriminatory use.

Some respondents consider that this measure will be especially useful in removing cross border barriers, increasing competition and harmonising services. This should all facilitate the use of rail transport in cross-border regions. One respondent suggests that problems and obstacles affecting cross-border connections be further monitored and analysed in order to counter existing imbalances between border regions in the EU.

Although, as already noted, the majority of respondents see the measure as positive for cross-border cooperation, one respondent remains sceptical and warns of the possible emergence of oligopolies, and underlines the need to preserve the possibility of directly awarding contracts or using in-house operators. Moreover, the respondent considers that joint award procedures are very difficult or even impossible to organise and that opening the market further would increase complexity regarding rail services in cross-border regions.

Coordination between different levels of administration as one of the key factors ensuring quality rail services and example of best practice

Coordination between different levels of administration is seen as essential to ensuring quality rail services by almost all respondents.

In the case of cross-border cooperation, coordination between cross-border administrations is seen as crucial to ensuring services. Some respondents lament the low degree of coordination in some cases and call for improvement.

Multilevel governance is perceived as key to successfully ensuring quality rail transport services. However, some respondents understand that coordination should exist not only between the national and the regional level, but also between administrations at the same level and especially between authorities in charge of managing the different lines (high speed and inter-city, for instance).

Involvement of local and regional authorities in the preparation of national rail strategies in order to ensure high quality rail services

All respondents see it as very important that local and regional authorities be involved in preparing national rail strategies in order to ensure high quality rail services. Respondents believe that local and regional authorities are best placed to understand the different needs of people in different territories, and that they can bring their knowledge and experience to the process leading to the preparation of national rail strategies. These should not be drawn up by central authorities alone, but should also take into account input from local and regional authorities in the interest of subsidiarity and with a view to fostering territorial cohesion and the efficiency of decisions.

One respondent underlines the need to achieve a standard level of quality across the whole network, and thus the need to incorporate local and regional authorities in the process.

3. Selected key elements from the contributions

This chapter presents key extracts of the contributions received by the Committee of the Regions in more detail.

Compliance with the subsidiarity principle and added value of additional EU criteria for competent authorities to apply when they define public service obligations in rail

"The more detail given, the faster we will achieve the implementation of an internal market in rail services. Examples of this include validation of licences for operating on Member States' rail networks, approval of training requirements for drivers, the size and length of trains, signal systems, safety requirements, maximum loads, etc. Similarly, a centralised system for allocation of train paths open to all European operators would be useful". Basque Government

"The French regions consider that the criteria for defining public services are subject to subsidiarity and, in the case of public service obligations in regional rail passenger transport, fall within the remit of the regions as the authorities running these transport services. The regions are committed to the principle of free administration of local authorities enshrined in the French Constitution, and in this regard wish to have a free hand to define public service obligations according to the local characteristics of the services for which they are responsible." Association des Régions de France

"Recommendations could be acceptable. A compulsory list of additional criteria is perceived as problematic." City of Vienna

"Further criteria would add additional complexity to the processes related to PSO in rail transport. This leads on the one hand to administrative burden to public authorities. Complexity and additional administrative efforts are themselves barriers to the completion of an internal Market for rail services." City of Vienna

"There is no question that the free movement of railway rolling-stock within the EU makes it necessary to set the guidelines on safety and interoperability required to ensure the proper functioning of this rolling-stock between EU countries so that all appropriate measures are adopted to ensure that railway structural subsystems can only be put into service if they are developed, constructed and installed in compliance with the relevant EU requirements." Extremadura Regional Assembly

Need, added value and proportionality of further EU harmonisation of the procedure for awarding public service contracts for passenger services: related merits or problems and aspects to be taken into consideration

"For both public passenger services and freight services full EU harmonisation is needed, which must be put in place from the start through detailed planning of rail networks when it comes to cross-border links overcoming major physical barriers such as the Pyrenees. Thus, full harmonisation is needed from planning right through to management, as that will also give greater added value to

.../...

contracts and, therefore, be less costly for the public purse." Aragon Regional Government and Fundaci3n Transpirenaica EGTC

"In principle, a harmonized procedure for awarding PSCs for passenger services might offer benefits (easier participation of TOCs in contracting procedures independent of the MS in which the procedure is done, mobility of experts on the issue within the EU, etc.). It must be avoided that the harmonization adds further complexity to contracting procedures or violates regional or local autonomy in taking decisions. Also harmonization must not lead to abolishing or complicating the possibility to award contracts directly to a chosen TOC or in-house operators. In many cases this is the most effective (and therefore it may also be an efficient) solution to providing rail transport for citizens." City of Vienna

"Award procedures centralised at EU level would certainly help further an integrated market in rail services. This would serve to prevent the protectionist tendencies present in certain Member States. Similarly, it would be much easier for operators to provide their services in different EU Member States without needing to apply to each Member State for a particular rail service to be awarded, if appropriate. In this sense it would encourage operators to get to grips with providing services between Member States." Basque Regional Government

Impact of further market opening regarding cross-border cooperation

"Any EU harmonisation will facilitate cross-border coordination and EU integration. This can also guarantee impact assessments in terms of sustainability, environmental protection, viability, regional development, etc." AEBR

"The impact would be considerable given that, thus far, cross-border rail cooperation policy has not yielded the desired results, with substantial bottlenecks persisting particularly in the south-west of Europe, where the Pyrenees are likely to grind to a halt if no new link is built under the Pyrenees connecting Portugal, Spain and France with the EU and routes outside the EU." Aragon Regional Government and Fundaci3n Transpirenaica EGTC

"[...] in conjunction with the Aquitaine government we are looking at the possibility of adopting interoperable payment methods. Likewise, we are trying to study the possibility of coordinating rail services in terms of timetables and frequency in order to avoid network breaks. The recently-created Aquitaine-Euskadi Euroregion has a cross-border project financed with European funds (TRANSFERMUGA), which will address these and other issues. Basque Regional Government (asked about best practices in this field).

Coordination between different levels of administration as one of the key factors ensuring quality rail services and example of best practice

"Coordination of the different regional and local authorities is important in our case in the interests of more effective intermodality. In this regard, we want to establish an integrated global public

transport network. If we can guarantee that, when the train run by the Basque government arrives, passengers will find a bus at the station that will take them onwards without a substantial wait, we will have succeeded in making the traveller seriously consider opting for public transport." Basque Regional Government

"A quality rail service requires good coordination between the different levels of the service, national and regional. It is therefore essential for good coordination between the different operators responsible for the different services to be put in place: between regions; between regions and the state, as the authority running intercity trains (national services subject to a public service obligation); and between the SNCF – which is responsible for TGV services – the state and the regions. It is therefore essential, in order to make the rail service attractive, to provide coordinated services with optimum connection times." Association des Régions de France

"Coordination and cohesion within an administration and between administrations are essential to their proper functioning and, as a result, to the delivery of public services to the end user, for whom they are ultimately intended." Extremadura Regional Assembly

"Coordination between different levels of administration is a legislative requirement set out in the Public Transport Act of 16 December 2010 (Polish Official Journal, 7 January 2011, No 5, item 13). Above all, coordination applies to local, regional and national public transport actions and their incorporation into local action plans. Regional passenger rail transport is organised by the Marshall of the region. The region's Sustainable Public Transport Plan (Transport Plan) takes into account the transport plan drawn up by the Ministry for Transport, Construction and Maritime Affairs at central level. At the same time, the regional Transport Plan must be taken into account in documents drawn up at county and municipal level. At present, we do not have any examples of best practices in coordination between the levels of administration on the drawing up of transport plans. The regions are currently in the process of drawing up these plans. An additional barrier to this activity is the lack of the relevant plan at national level." Wielkopolska Region

Involvement of local and regional authorities in the preparation of national rail strategies in order to ensure high quality rail services

"The importance of involving local and regional authorities in the preparation of a national rail transport strategy cannot be overestimated. Officially, such involvement takes the form of participation in public consultations on programming and planning documents, as well as through the the Joint Commission of Government and Local Self-Government." Wielkopolska Region

"There are many reasons that have to do with necessary consultations and involvement of LRAs: the principles of subsidiarity, partnership and solidarity; the need of deepening territorial cohesion, the implementation of real multi-level governance processes, etc." AEBR

"The important thing for the citizens is to be able to travel easily, i.e. to have frequent rail services, to be able to find information useful for their journeys and buy tickets easily, and to be able to move from one mode of public transport to another seamlessly. To this end, local and regional authorities need to be able to work alongside the state on drafting national rail strategies. Likewise, they should be consulted on major infrastructure decisions having to be made at national level. Lastly, given their importance in the French rail system (over 6 billion, including the Île de France); the French regions demand to be able to co-pilot national rail transport policy along with the state." Association des Régions de France

APPENDIX - CONTRIBUTIONS

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**Directorate for Horizontal Policies and
Networks**

**Unit 2 - Subsidiarity Network/EU2020
Monitoring Platform/Covenant of Mayors/
EGTC**

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Extremadura Assembly
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	
Member State:	Spain
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

Privacy Statement: The follow-up to your contribution requires that your personal data (name, contact details, etc.) be processed in a file. All the answers to the questions are voluntary. Your replies will be kept for a period of five years after the reception of the questionnaire. Should you require further information or wish to exercise your rights under Regulation (EC) No 45/2001 (e.g. to access, rectify, or delete your data), please contact the data controller (Head of Unit E2) at subsidiarity@cor.europa.eu. If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu). Please note that the questionnaire with your contribution and your contact details will be published online. Your questionnaire might be transmitted to CoR Rapporteurs and other EU institutions for information. If you do not wish so, please inform us accordingly.

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Compliance with the subsidiarity principle

1. To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?

I consider them to be sufficient.

1.1 If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.

The criteria on rail safety and interoperability between Member States are adequately set out in the regulatory framework.

2. Would there be a value added to define the criteria at EU level.

There is no question that the free movement of railway rolling-stock within the EU makes it necessary to set the guidelines on safety and interoperability required to ensure the proper functioning of this rolling-stock between EU countries so that all appropriate measures are adopted to ensure that railway structural subsystems can only be put into service if they are developed, constructed and installed in compliance with the relevant EU requirements.

3. To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?

Since 1991, the EU has been working to get Member States to separate the operation of services from the management of rail infrastructure. Without a doubt, the EU's intentions are clear. In the name of competition, ending State monopolies and introducing so-called accounting transparency, the EU institutions are trying to achieve the privatisation of these public services.

Granting concessions to run public passenger services will lead to poorer quality and management and, for this reason, total public ownership of railway transport services should be maintained.

3.1 If you agree, what aspects should be taken into consideration?

Compliance with the proportionality principle

3.2 If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?

Cross-border cooperation

4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?

Greater competition and demand between all parties involved.

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

Coordination and cohesion within an administration and between administrations are essential to their proper functioning and, as a result, to the delivery of public services to the end user, for whom they are ultimately intended.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

Local and regional authorities have a clearer idea of the needs and requirements of the people to whom they provide services, and are therefore closer to them. From this perspective, it is essential for local and regional authorities to be involved in the development of a country's national rail strategy in order to ensure the quality of rail services.

**Directorate for Horizontal Policies and
Networks**

**Unit 2 - Subsidiarity Network/EU2020
Monitoring Platform/Covenant of Mayors/
EGTC**

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Aragón government
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	Address: 18, Square de Meeûs City: Brussels
Member State:	Spain
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	No (for the moment)

Privacy Statement: The follow-up to your contribution requires that your personal data (name, contact details, etc.) be processed in a file. All the answers to the questions are voluntary. Your replies will be kept for a period of five years after the reception of the questionnaire. Should you require further information or wish to exercise your rights under Regulation (EC) No 45/2001 (e.g. to access, rectify, or delete your data), please contact the data controller (Head of Unit E2) at subsidiarity@cor.europa.eu. If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu). Please note that the questionnaire with your contribution and your contact details will be published online. Your questionnaire might be transmitted to CoR rapporteurs and other EU institutions for information. If you do not wish so, please inform us accordingly.

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Compliance with the subsidiarity principle	
1.	To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?
	Public service obligations should apply not just to passenger transport but to freight as well. The criteria should provide in particular for overcoming physical barriers, particularly cross-border barriers. Public service obligation criteria should be verified differently for freight and passengers. Bottlenecks must be eliminated and potential links across physical barriers that connect pre-existing, under-used train lines and paths should be designated. The internal market must be shaped as part of a global world and connected with this outside world, and so those links that both foster the internal market and connect it to the main external routes must be prioritised.
1.1	If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.
	A good example is the barrier of the Pyrenees, which only has one rail link through a low-altitude tunnel, which, moreover, serves both passenger and freight traffic, unlike in the Alps where the EU is supporting and has, in the past, supported many links. The Pyrenees present a barrier to the internal market, and also to the market outside the EU, and so another criterion to add would be promoting rail freight links, overcoming physical barriers, not just in the EU but also where these routes are connected with other, international links through ports and major logistics centres. The best example is the central crossing under the Pyrenees (<i>Travesía central</i>) for freight, which would connect the rail freight networks of Spain, France and Portugal with the rest of the EU and, in turn, with the rest of the international markets. Another criterion which should be applied to rail links is specialisation, in other words explicit designation of freight transport networks and passenger networks, to avoid the current problems such as, for example, in the Perpignan-Figueres link. The criterion should be applied of connecting highly-populated areas for passengers and connecting areas with low population but logistics infrastructure for freight.
2.	Would there be a value added to define the criteria at EU level.
	<p>The added value (GVA) of each freight rail link project should be assessed. Thus, in the case of the central Pyrenees crossing (<i>Travesía Central de los Pirineos</i>), according to the most recent study, carried out in June 2012, GVA would be generated of over EUR 19 billion, i.e. 0.16% of EU-27 GDP. In other words, it is essential to analyse the added value for EU-27 of rail freight projects, along with their direct and indirect impact on employment, which in this case according to the study amounts to 196 000 jobs per year. It is therefore essential to establish added value and employment criteria in relation to EU GDP when it comes to undertaking cross-border freight links.</p> <p>In economic and social terms, the major added value must be that each freight link connecting cross-border logistical areas produces not just economic synergies but intercultural synergies as well, along with joint practices implemented by nearby communities which do not have links.</p>

3. To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?

For both public passenger services and freight services full EU harmonisation is needed, which must be put in place from the start through detailed planning of rail networks when it comes to cross-border links overcoming major physical barriers such as the Pyrenees. Thus, full harmonisation is needed from planning right through to management, as that will also give greater added value to contracts and, therefore, be less costly for the public purse.

3.1 If you agree, what aspects should be taken into consideration?

The main aspect is, as has already been mentioned, joint planning, by means of cross-border and transnational public calls for tender issued by the relevant national or EU authorities. Joint planning, technical coordination, a single approval system and full interoperability are essential.

Compliance with the proportionality principle

3.2 If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?

Harmonising award procedures is not enough. Contracts should be awarded jointly by the Member States and the EU. That is to say, it would be a good idea to set up systems for direct award by the EU.

Cross-border cooperation

4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?

The impact would be considerable given that, thus far, cross-border rail cooperation policy has not yielded the desired results, with substantial bottlenecks persisting particularly in the south-west of Europe, where the Pyrenees are likely to grind to a halt if no new link is built under the Pyrenees connecting Portugal, Spain and France with the EU and routes outside the EU.

Moreover, setting up interregional and cross-border rail freight links that overcome major physical barriers will give substance to new rail routes, which will become more attractive as a result of the private initiative and thus more viable in the medium term.

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

We are in favour of any measure that serves to overcome physical barriers in the internal market, Including setting up a permanent body with the task of identifying bottlenecks, physical barriers, etc., hampering free movement of passengers and, especially, goods between EU countries, or to monitor potential imbalances, such as the large volume of rail links in the Alps, for example, while there are almost none in the Pyrenees. Therefore, in order to prevent imbalances, modal integration, supra-national information systems and permanent cross-border and transnational structures must be the good practices we must work towards.

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

As regards cross-border links, coordination is most lacking between the different administrations of adjoining Member States and regions. The current situation cannot continue, in that each Member State or region plans infrastructure without any knowledge of others' planning. Examples of good practices in the Pyrenees are creation of joint areas such as the Portalet pass or the Bielsa tunnel, but this expertise must be applied to major trans-European links, with the aim of building new links that overcome physical barriers such as in the case of the central Pyrenees crossing (*Travesía Central del Pirineo*), which would connect freight transport between Portugal, Spain and France.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

Local and regional authorities are essential as they are familiar with the local area and need to have some kind of involvement in planning and – why not? – in management of infrastructure, bearing in mind that, to this end, they need sufficient resources, including with regard to public service obligations, that is, using rail to overcome barriers which can only be overcome by means of a public service.

**Directorate for Horizontal Policies and
Networks**

**Unit 2 - Subsidiarity Network/EU2020
Monitoring Platform/Covenant of Mayors/
EGTC**

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Basque Government
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	Address: Donostia San Sebastian, 1 City: 01010 Vitoria-Gazteiz
Member State:	
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

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.../...

Compliance with the subsidiarity principle	
1.	To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?
Yes, the EU is the right framework for fostering a common legislative and regulatory system that will enable the same legal requirements, standards and specifications to operate throughout the EU.	
1.1	If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.
The more detail given, the faster we will achieve the implementation of an internal market in rail services. Examples of this include validation of licences for operating on Member States' rail networks, approval of training requirements for drivers, the size and length of trains, signal systems, safety requirements, maximum loads, etc. Similarly, a centralised system for allocation of train paths open to all European operators would be useful.	
2.	Would there be a value added to define the criteria at EU level.
Yes, as it would speed up harmonisation and integration of the market.	
3. To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?	
Award procedures centralised at EU level would certainly help further an integrated market in rail services. This would serve to prevent the protectionist tendencies present in certain Member States. Similarly, it would be much easier for operators to provide their services in different EU Member States without needing to apply to each Member State for a particular rail service to be awarded, if appropriate. In this sense it would encourage operators to get to grips with providing services between Member States.	
3.1	If you agree, what aspects should be taken into consideration?
Alongside the potential centralised awarding of services, harmonisation of the legal and technical requirements applying in the different national rail networks should be ensured.	
Compliance with the proportionality principle	
3.2	If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?
We feel that this EU action is an appropriate, proportionate response to the need to achieve a single rail network throughout the EU.	

Cross-border cooperation

4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?

Being able to incorporate rail services into cross-border cooperation would undoubtedly lead to cooperation that is more effective and more visible for the public, who would see that they were benefiting from a more integrated transport system without network breaks, in particular, through a highly sustainable form of transport such as rail transport.

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

Yes, in conjunction with the Aquitaine government we are looking at the possibility of adopting interoperable payment methods. Likewise, we are trying to study the possibility of coordinating rail services in terms of timetables and frequency in order to avoid network breaks. The recently-created Aquitaine-Euskadi Euroregion has a cross-border project financed with European funds (TRANSFERMUGA), which will address these and other issues.

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

Coordination of the different regional and local authorities is important in our case in the interests of more effective intermodality. In this regard, we want to establish an integrated global public transport network. If we can guarantee that, when the train run by the Basque government arrives, passengers will find a bus at the station that will take them onwards without a substantial wait, we will have succeeded in making the traveller seriously consider opting for public transport.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

It is essential, in that many regional governments and some local governments have their own local rail and tram services, which should therefore ideally be coordinated with the quality standards of the rest of the rail services so that users feel they are in a seamless public transport network and intermodality is encouraged.

**Directorate for Horizontal Policies and
Networks**

**Unit 2 - Subsidiarity Network/EU2020
Monitoring Platform/Covenant of Mayors/
EGTC**

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Association des Régions de France
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	Address: 282 bd St Germain City: 75007 Paris
Member State:	France
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

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Compliance with the subsidiarity principle	
1.	To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?
The French regions consider that the criteria for defining public services are subject to subsidiarity and, in the case of public service obligations in regional rail passenger transport, fall within the remit of the regions as the authorities running these transport services. The regions are committed to the principle of free administration of local authorities enshrined in the French Constitution, and in this regard wish to have a free hand to define public service obligations according to the local characteristics of the services for which they are responsible.	
1.1	If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.
2.	Would there be a value added to define the criteria at EU level.
3. To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?	
The European Union is entitled to establish the main principles for public procurement, so that all businesses in the EU can freely answer calls for tender. The French regions therefore consider that, given the widely differing situations of national public transport markets in terms of both the quality of service provided and the economic situation, it is better under the subsidiarity principle to leave Member States free to implement the principles defined by the EU on the subject, in order to prevent awarding authorities finding themselves in difficulties when it comes to awarding provision of their public services because of rules that are inappropriate to the situation of the national market or too burdensome for them to implement.	
3.1	If you agree, what aspects should be taken into consideration?
Compliance with the proportionality principle	
3.2	If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?
The French regions consider that the current rules, in particular those defined by Regulation No. 1370/2007 on public service obligations, strike a legal and political balance which should not be called into question. This legislation needs to be fully implemented without calling into question the transition periods necessary for the adaptation of national rail systems before anything else is done. After 2019 the legislation should be evaluated in terms of both its contribution to deepening the internal market and improving quality of rail services in Europe.	

Cross-border cooperation

4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?

Right from the beginning of the process of opening up the rail markets, the regions have noted that cross-border links have become more complex and less effective as the conception of cooperation between operators has been called into question. Further opening-up to competition will raise the question of how to choose cross-border link operators and whether to introduce much more formalised cooperation between the authorities running the services on each side of each border.

- 4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

A quality rail service requires good coordination between the different levels of the service, national and regional. It is therefore essential for good coordination between the different operators responsible for the different services to be put in place: between regions; between regions and the state, as the authority running intercity trains (national services subject to a public service obligation); and between the SNCF – which is responsible for TGV services – the state and the regions. It is therefore essential, in order to make the rail service attractive, to provide coordinated services with optimum connection times.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

The important thing for the citizens is to be able to travel easily, i.e. to have frequent rail services, to be able to find information useful for their journeys and buy tickets easily, and to be able to move from one mode of public transport to another seamlessly. To this end, local and regional authorities need to be able to work alongside the state on drafting national rail strategies. Likewise, they should be consulted on major infrastructure decisions having to be made at national level.

Lastly, given their importance in the French rail system (over 6 billion, including the Île de France), the French regions demand to be able to co-pilot national rail transport policy along with the state.

**Directorate for Horizontal Policies and
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**Unit 2 - Subsidiarity Network/EU2020
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EGTC**

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Association of European Border Regions
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	
Member State:	
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

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.../...

Compliance with the subsidiarity principle	
1.	To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?
The necessary coordination of national railway networks for effective cross-border transfer of passengers and freights, including the completion of small-scale cross-border infrastructures.	
1.1	If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.
In some European border areas, particularly in former Iron Curtain borders, there are important gaps to connect national railways in every side of the border(s). In many cases, only a minor intervention is needed. The results in terms of developments will become evident in terms of increasing economic activity, tourism, etc.	
2.	Would there be a value added to define the criteria at EU level.
Absolutely yes, as it would give citizens living in those border areas some more opportunities than before, being closer to the average EU population.	
3.	To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?
Any EU harmonisation will facilitate cross-border coordination and EU integration. This can also guarantee impact assessments in terms of sustainability, environmental protection, viability, regional development, etc.	
3.1	If you agree, what aspects should be taken into consideration?
See 9. As organization of border regions, these aspects would be very relevant to be included in tenders , but also the provisions about cross-border connections (intra- or inter-modal).	
Compliance with the proportionality principle	
3.2	If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?

Cross-border cooperation	
4.	What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?
It will definitely increase the queality of CBC, through facilitating already established mechanisms, and opening new ones in many existing and potential cross-border cooperation areas.	
4.1	Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?
Not the AEBR itself, but in some member regions and euroregions there are some initiatives that are particularly relevant).	

Governance	
5.	To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?
This is a must for CBC in many occasions, as more than one Member State is involved and, sometimes, competences across the border are held at differect levels (multi-level governance here becomes essential, and it has been practiced (mostly informally) for decades).	
6.	To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?
There are many reasons, that have to do with necessary consultations and involvement of LRAs: the principles of subsidiarity, partnership and solidarity; the need of deepening territorial cohesion, the implementation of real multi-level governance processes, etc.	

**Directorate for Horizontal Policies and
Networks**

**Unit 2 - Subsidiarity Network/EU2020
Monitoring Platform/Covenant of Mayors/
EGTC**

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Netwerkstad Twente
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	
Member State:	The Netherlands
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

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.../...

Compliance with the subsidiarity principle	
1.	To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?
	Yes, but not in detail Service level agreements should be defined.
1.1	If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.
	see above
2.	Would there be a value added to define the criteria at EU level.
	See above

3.	To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?
	No
3.1	If you agree, what aspects should be taken into consideration?

Compliance with the proportionality principle	
3.2	If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?
	Enhancing passenger rights

Cross-border cooperation	
4.	What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?
	It would force railway companies to co-operate cross-borderly to take away corss-border obstacles.

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

In the TEN-T corridor approach we are preparing a multimodal overall corridor project to define all obstacles ('hard' and 'soft') for the Warsaw-Midlands corridor, as a first step towards an overall corridor programme.

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

Together with national gvt's regional gvt's must bring together all railway stakeholders to define the transport needs, that have to be solved. The decision making process is still too fragmented.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

See above

**Directorate for Horizontal Policies and
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**Unit 2 - Subsidiarity Network/EU2020
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EGTC**

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Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Fundación Transpirenaica
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	
Member State:	
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

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Compliance with the subsidiarity principle

1. To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?

Public service obligations should apply not just to passenger transport but to freight as well. The criteria should provide in particular for overcoming physical barriers, particularly cross-border barriers. Public service obligation criteria should be verified differently for freight and passengers. Bottlenecks must be eliminated and potential links across physical barriers that connect pre-existing, under-used train lines and paths should be designated.

1.1 If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.

A good example is the barrier of the Pyrenees, which only has one rail link through a low-altitude tunnel, which, moreover, serves both passenger and freight traffic, unlike in the Alps where the EU is supporting and has, in the past, supported many links. The Pyrenees present a barrier to the internal market, and also to the market outside the EU, and so another criterion to add would be promoting rail freight links, overcoming physical barriers, not just in the EU but also where these routes are connected with other, international links through ports and major logistics centres. The best example is the central crossing under the Pyrenees (*Travesía central*) for freight, which would connect the rail freight networks of Spain, France and Portugal with the rest of the EU and, in turn, with the rest of the international markets.

2. Would there be a value added to define the criteria at EU level.

The added value (GVA) of each freight rail link project should be assessed. Thus, in the case of the central Pyrenees crossing (*Travesía Central de los Pirineos*), according to the most recent study, carried out in June 2012, GVA would be generated of over EUR 19 billion, i.e. 0.16% of EU-27 GDP. In other words, it is essential to analyse the added value for EU-27 of rail freight projects, along with their direct and indirect impact on employment, which in this case according to the study amounts to 196 000 jobs per year. It is therefore essential to establish added value and employment criteria in relation to EU GDP when it comes to undertaking cross-border freight links.

3. To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?

For both public passenger services and freight services full EU harmonisation is needed, which must be put in place from the start through detailed planning of rail networks when it comes to cross-border links overcoming major physical barriers such as the Pyrenees.

3.1 If you agree, what aspects should be taken into consideration?
<p>The main aspect is, as has already been mentioned, joint planning, by means of cross-border and transnational public calls for tender issued by the relevant national or EU authorities. Joint planning, technical coordination, a single approval system and full interoperability are essential.</p>
Compliance with the proportionality principle
3.2 If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?
<p>Harmonising award procedures is not enough. Contracts should be awarded jointly by the Member States and the EU. That is to say, it would be a good idea to set up systems for direct award by the EU.</p>

Cross-border cooperation
4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?
<p>The impact would be considerable given that, thus far, cross-border rail cooperation policy has not yielded the desired results, with substantial bottlenecks persisting particularly in the south-west of Europe, where the Pyrenees are likely to grind to a halt if no new link is built under the Pyrenees connecting Portugal, Spain and France with the EU and routes outside the EU.</p>

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?
<p>We are in favour of any measure that serves to overcome physical barriers in the internal market, including setting up a permanent body with the task of identifying bottlenecks, physical barriers, etc., hampering free movement of passengers and, especially, goods between EU countries, or to monitor potential imbalances, such as the large volume of rail links in the Alps, for example, while there are almost none in the Pyrenees.</p>

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

As regards cross-border links, coordination is most lacking between the different administrations of adjoining Member States and regions. The current situation cannot continue, in that each Member State or region plans infrastructure without any knowledge of others' planning. Examples of good practices in the Pyrenees are creation of joint areas such as the Portalet pass or the Bielsa tunnel, but this expertise must be applied to major trans-European links, with the aim of building new links that overcome physical barriers such as in the case of the central Pyrenees crossing (*Travesía Central del Pirineo*), which would connect freight transport between Portugal, Spain and France.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

Local and regional authorities are essential as they are familiar with the local area and need to have some kind of involvement in planning and – why not? – in management of infrastructure, bearing in mind that, to this end, they need sufficient resources, including with regard to public service obligations, that is, using rail to overcome barriers which can only be overcome by means of a public service.

**Directorate for Horizontal Policies and
Networks**

EUROPEAN UNION



Committee of the Regions

**Unit 2 - Subsidiarity Network/EU2020
Monitoring Platform/Covenant of Mayors/
EGTC**

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Vienna City Administration
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	
Member State:	
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

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Compliance with the subsidiarity principle	
1.	To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?
Recommendations could be acceptable. A compulsory list of additional criteria is perceived as problematic.	
1.1	If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.
Further criteria would add additional complexity to the processes related to PSO in rail transport. This leads on the one hand to administrative burden to public authorities. Complexity and additional administrative efforts are themselves barriers to the completion of an internal Market for rail services.	
2.	Would there be a value added to define the criteria at EU level.
This would largely depend on the criteria. Without a proposal this question cannot be answered fully. In general however, the regional authorities should be able to use a set of criteria depending on the specific local/regional situation (challenges and needs).	
3.	To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?
In principle, a harmonized procedure for awarding PSCs for passenger services might offer benefits (easier participation of TOCs in contracting procedures independent of the MS in which the procedure is done, mobility of experts on the issue within the EU). It must be avoided that the harmonization adds further complexity to contracting procedures or violates regional or local autonomy in taking decisions. Also harmonization must not lead to abolishing or complicating the possibility to award contracts directly to a chosen TOC or in-house operators. In many cases this is the most effective (and therefore it may also be an efficient) solution to providing rail transport for citizens.	
3.1	If you agree, what aspects should be taken into consideration?
See elaborations under 9.	

Compliance with the proportionality principle

3.2 If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?

Not applicable as 9 is answered moderately positive.

Cross-border cooperation

4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?

Further market opening might lead to the appearance of new market players. However, as the German example shows, market opening does not automatically lead to this effect. Also it must be noted that due to the characteristics of a rail transport, large market players are favoured. Concentrations of market players can already be monitored where public tendering is applied. As a consequence, local and regional authorities might be faced with an oligopoly (or even a monopoly) of TOCs which is not a desirable situation. This result may be significantly more inefficient than direct awards or using in-house operators. Further market opening is a risk to the provision of rail transport to citizens (and thus sustainability) and therefore it must be dealt with very carefully. Further market opening also means that existing operative structures are modified. If well working rail operations are modified in favour of market opening, it must be guaranteed that the new scheme results in superior quality of services and lower costs. It must be avoided, that existing well working operative structures are modified leaving a worsened situation. Cross-border cooperation to provide rail services may be further complicated by further market opening. Each region has to follow the specific national regulative framework. Common tendering might be difficult or impossible to achieve. Rail services may be severed at borders because of changing (slightly) different frameworks and responsibilities on the two sides of the border. For regions facing more than one national border this might become especially problematic.

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

The Austrian Federal Railways (Ã–BB) offer special EURegio Tickets for trips between the eastern provinces of Austria and the neighbouring regions in the Czech Republic, Slovakia or Hungary. (For details see: http://www.oebb.at/__downloads/de/Reisen_ins_Ausland/EURegio/Plakat_EURegio2012.pdf or http://www.oebb.at/de/Reisen_ins_Ausland/EURegio/index.jsp)

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

Coordination between different levels of administration, but also between administrations at the same level, must be considered essential in the Austrian regulatory framework.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

Local and regional authorities have the best knowledge about the requirements of citizens and stakeholders in their respective region. It is therefore essential to involve them in the elaboration of the national rail strategies. This is especially important to ensure a good connection between international/domestic high level rail services and local/regional transport services. When involved, local and regional authorities are able to contribute knowledge on where the most important developments in the settlement structures will take place. On the other hand, it might be possible to govern land-use development with a stronger focus towards rails infrastructures. Thus more sustainable settlement structures may be achievable, which do not leave citizens and enterprises with only the option to use motorized transport on roads.

**Directorate for Horizontal Policies and
Networks**

**Unit 2 - Subsidiarity Network/EU2020
Monitoring Platform/Covenant of Mayors/
EGTC**

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Wielkopolska Spatial Planning Office, Poznan, Poland
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	
Member State:	Poland
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

Privacy Statement: The follow-up to your contribution requires that your personal data (name, contact details, etc.) be processed in a file. All the answers to the questions are voluntary. Your replies will be kept for a period of five years after the reception of the questionnaire. Should you require further information or wish to exercise your rights under Regulation (EC) No 45/2001 (e.g. to access, rectify, or delete your data), please contact the data controller (Head of Unit E2) at subsidiarity@cor.europa.eu. If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu). Please note that the questionnaire with your contribution and your contact details will be published online. Your questionnaire might be transmitted to CoR Rapporteurs and other EU institutions for information. If you do not wish so, please inform us accordingly.

.../...

Compliance with the subsidiarity principle

1. To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?

The obligation to provide public transport services (including rail service) is clearly set out in the Public Transport Act of 16 December 2010 (Polish Official Journal, 7 January 2011, No 5, item 13), with effect from 1 March 2011. The principles on which organisation of public transport is based, financing, and the required standard of services are laid down in various legal documents, including the transport plans drawn up by the authorities responsible for organising transport, in this case the Marshall of the region. In view of this, there is no need to define additional criteria here.

- 1.1 If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.

2. Would there be a value added to define the criteria at EU level.

3. To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?

Contracts for rail services are awarded on the basis of public procurement legislation, in line with the provisions of EU directives in this field. Additional regulation to ensure further harmonisation of procedures is therefore unnecessary.

- 3.1 If you agree, what aspects should be taken into consideration?

Compliance with the proportionality principle

- 3.2 If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?

An alternative approach to further harmonisation of public service contract award procedures would be to preserve the existing legal provisions till 2015 at least, while focusing on technical conditions conducive to the development of the internal market for rail, including technical specifications for interoperability in terms of infrastructure, rolling stock, traffic management and rail safety systems.

Cross-border cooperation

4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?

Apart from the legal environment and ensuring an adequate level of funding for transport services, a decisive factor in cross-border operations is access to rolling stock (interoperability, including multiple power supply systems), and non-discriminatory conditions for the use of rolling stock on the territory of other countries.

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

We are not implementing any such schemes as Wielkopolska is not in a border area.

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

Coordination between different levels of administration is a legislative requirement set out in the Public Transport Act of 16 December 2010 (Polish Official Journal, 7 January 2011, No 5, item 13). Above all, coordination applies to local, regional and national public transport actions and their incorporation into local action plans. Regional passenger rail transport is organised by the Marshall of the region. The region's Sustainable Public Transport Plan (Transport Plan) takes into account the transport plan drawn up by the Ministry for Transport, Construction and Maritime Affairs at central level. At the same time, the regional Transport Plan must be taken into account in documents drawn up at county and municipal level.

At present, we do not have any examples of best practices in coordination between the levels of administration on the drawing up of transport plans. The regions are currently in the process of drawing up these plans. An additional barrier to this activity is the lack of the relevant plan at national level.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

The importance of involving local and regional authorities in the preparation of a national rail transport strategy cannot be overestimated. Officially, such involvement takes the form of participation in public consultations on programming and planning documents, as well as through the the Joint Commission of Government and Local Self-Government.

**Directorate for Horizontal Policies and
Networks**

**Unit 2 - Subsidiarity Network/EU2020
Monitoring Platform/Covenant of Mayors/
EGTC**

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Galicia-Northern Portugal European Grouping of Territorial Cooperation (GNP-AECT)
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	
Member State:	
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	

Privacy Statement: The follow-up to your contribution requires that your personal data (name, contact details, etc.) be processed in a file. All the answers to the questions are voluntary. Your replies will be kept for a period of five years after the reception of the questionnaire. Should you require further information or wish to exercise your rights under Regulation (EC) No 45/2001 (e.g. to access, rectify, or delete your data), please contact the data controller (Head of Unit E2) at subsidiarity@cor.europa.eu. If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu). Please note that the questionnaire with your contribution and your contact details will be published online. Your questionnaire might be transmitted to CoR rapporteurs and other EU institutions for information. If you do not wish so, please inform us accordingly.

.../...

Compliance with the subsidiarity principle

1. To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?

We believe that a uniform approach by the European Commission in defining criteria applying in the internal market for rail services could prove useful, particularly in terms of boosting the social and economic cohesion of the most disadvantaged regions and bearing in mind differences in location. Outlying countries such as Spain and Portugal need the European Union's process to take into account the distance between them and the centre of Europe. National approaches can take this perspective into account but we feel that establishing the criteria at European level would make for a more consistent approach. If the Member States alone decide on rail sector development policy unfair situations could arise, where outlying countries do not achieve beneficial agreements on development of these rail services or substantial inequalities are introduced in the provision of these services. Under the subsidiarity principle, set out in Article 5 of the Treaty on European Union, EU-level action is appropriate when it is more effective than national, regional or local action. In this case, given the transnational implications of the matter, EU-level action seems necessary. European criteria would be more effective than fragmented measures. Rail transport between countries would be thus be enhanced, giving cross-border regions better communications, and inequalities would be avoided.

1.1 If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.

General legislation, preferably a directive rather than regulations, setting out general guidelines for future development of public rail services, could be sufficient. The more specific details can be defined by the Member States, regions etc. themselves.

2. Would there be a value added to define the criteria at EU level.

On the one hand shorter response times would be achieved, along with more flexible development of the internal market. Clearly, it is more difficult to achieve agreements between countries than to follow Commission directives. As has already been said, some general guidelines would avoid inequalities and unfairness, in view of the diverse geographical locations of the European countries, where international rail links are more developed in the centre of Europe than in other, more outlying Member States.

3. To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?

Harmonised EU awarding of public service contracts in the rail sector would make provision of these services more uniform. Moreover, it would encourage large conglomerates, which could prove to be more efficient than widely-dispersed small businesses, to channel more money into safety, improving the services, innovation, etc. Moreover, their size would give these large businesses the option of providing these services in other countries outside the EU. This therefore seems the best option. On the other hand, it would be damaging to rail service providers from smaller countries whose small dimensions have prevented the providers from developing as much as businesses from other, larger countries with larger populations: the growth of these service providers is hampered purely by this rather than by inefficiency.

This aspect should also be taken into account when public contracts are awarded.

As regards harmonisation of the technical aspects of awarding contracts, this would give companies more security when it comes to tendering in other countries, enhancing the internal services market. Furthermore, the level of the requirements will probably be raised, making procedures as beneficial as possible for the public and thus enhancing the situation of all Europeans.

3.1 If you agree, what aspects should be taken into consideration?

In addition to the those already mentioned in answer to the previous question, the quality of service provision and the volume of services provided (in terms of both frequency and the number of destinations) should be key aspects. In the same way, the specific constraints of outlying locations must be taken into account.

Compliance with the proportionality principle

3.2 If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?

Our proposal is based on some general guidelines set out at European level – preferably through directives – which take into account the different constraints on countries while facilitating greater cooperation between European countries and better rail services in Europe. This recommendation would not apply to local or regional matters except when it comes to establishing minimum quality standards for the services, which would go no further than is necessary to complete the internal market in rail services, leaving room for Member States' action. It would result in greater uniformity and facilitation of the European internal market and a higher level of quality for users. The proposal is in line with the proportionality principle, whereby EU action is fairly limited and legislation is only adopted at the level that is necessary to achieve the aims.

Cross-border cooperation

4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?

The impact of further market opening would be very positive in terms of cross-border cooperation. Firstly, the services provided would be more uniform and it would become easier for any user - national or otherwise - to use rail services. Secondly, international services would be enhanced as the service providers would cater more for these destinations. It would also encourage a more open services market, as at present we have a market in which European cooperation is not as developed as in the goods market or in trading of tangible assets.

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

This organisation is an EGTC, as all our action is cross-border in nature. Our main actions in the transport sector, consistently from a cross-border perspective, are: production of the Galicia-Northern Portugal cross-border transport guide – compiling and creating an information platform making available to the public the different interregional and cross-border public transport networks linking the regions of Galicia and Northern Portugal; organising a workshop on Mobility in the Galicia-Northern Portugal Euroregion: problems and solutions (Vigo); taking part in and supporting the drafting of the Public transport plan for the cross-border Minho Valley (MOBITRANS); participating along with various institutions in the platform for modernising the Porto-Vigo rail link; and a study on Interoperability between the toll collection systems of Galicia and Portugal. The impact of the Portuguese SCUT (cost-free for users) toll on business relations between Galicia and Northern Portugal; a study on Labour movement in the Galicia-Northern Portugal Euroregion. The GNP-AECT has also run seminars on aspects of the cross-border situation, such as the costs and opportunities of living in a cross-border context, seeking to gradually eliminate the costs of the cross-border context in areas such as health, communications and transport. Transport is one of the GNP-AECT's key areas for action.

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

As stated in the previous section, we focus on cross-border action. In this respect, coordination of rail services between Galicia and Northern Portugal is not yet as good as it should and could be. A very clear example is the line linking Porto and Vigo, which takes 3 hours to cover 150 km. The combination of the neglect of this mode of transport and poor investment in modernising it means that it is practically unused, with the result that demand has fallen greatly. The use of alternative means of transport, such as private cars or buses, show that there is a potential public who might benefit from it but won't use a low-quality service. Thus, in addition to the necessary coordination between the different levels of central state administration, greater coordination between cross-border administrations is also called for.

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

Involving regional and local authorities in defining a rail strategy is the way to highlight the needs of the most remote communities. If rail transport strategies are dealt with solely by the central state administration, the effects of geographical location or dispersion of population in these countries, especially those furthest away from major urban centres, might not be taken into account. The transport network can thus provide high-quality services in all locations and solve problems of different levels of social and economic development locally and regionally, which will in turn enhance cohesion and integration within countries and also within Europe.

Directorate for Horizontal Policies and
Networks

Unit 2 - Subsidiarity Network/EU2020
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EGTC

EUROPEAN UNION



Committee of the Regions

Questionnaire

CoR Impact Assessment Consultation on further EU action regarding market opening or domestic passenger transport by rail and ensuring non-discriminatory access to rail infrastructure and services.

Name of the Authority:	Parliament of Catalonia (Directorate-General for transport and mobility)
Name and surname of the contact person:	
Contact details: (address, phone, fax, email)	Address: City: Barcelona
Member State:	
Please state if you are a member of the Subsidiarity Monitoring Network or the EU2020 Monitoring Platform:	Member of the Subsidiarity Monitoring Network

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Compliance with the subsidiarity principle	
1.	To complete the Internal Market for rail services, should the EU define/specify additional criteria (based on general principles of the Treaty) for competent authorities to apply when they define public service obligations in rail?
YES	
1.1	If yes, to what degree of detail these additional criteria should be defined? (give examples) If no, please justify.
To give more details about the liberalisation process and define the content of public service obligations	
2.	Would there be a value added to define the criteria at EU level.
YES	

3.	To complete the Internal Market for rail services should there be further EU harmonisation of the procedure for awarding public service contracts for passenger services? What would be the related merits or problems?
YES – However, the specific nature of regional and short haul services must be taken into account.	
3.1	If you agree, what aspects should be taken into consideration?
Maximum transparency, equality and conditions of access	
Compliance with the proportionality principle	
3.2	If you consider that the proposed action (harmonisation of award procedure) goes further than is necessary to complete the Internal Market for rail, what would be in your opinion a less restrictive, alternative action?
<i>(Please explain your answer)</i>	

Cross-border cooperation

4. What could be the impact of further market opening (through new open access rights/compulsory competitive tendering) regarding cross-border cooperation?

Better connections and standards of service and pricing

4.1 Are you implementing any cross-border initiative that could be considered as a best practice (ticketing, intermodal integration, permanent structures like EGTC, etc.)?

NO

Governance

5. To what extent is coordination between different levels of administration one of the key factors for ensuring quality rail services in your territory? Could you provide any examples of best practice in this field?

Better coordination between infrastructure managers and operators is indispensable

6. To what extent is it important to involve local and regional authorities in the preparation of your national rail strategy in order to ensure high quality rail services in your territory?

Extremely important, due to their grassroots nature and local and regional knowledge
