

## **Joint statement of the BENELUX countries**

### **on the proposal of the European Commission for a Regulation amending Regulation (EC) No. 1370/2007 concerning the opening of the market for domestic passenger transport services by rail (Fourth Railway Package)**

- 1) The BENELUX countries – Belgium, the Netherlands and Luxembourg - believe that improving the safety, quality and efficiency of rail passenger services is essential to make rail transport a better choice for our citizens and to reinforce social, economic and territorial cohesion in the European Union, thereby strengthening the competitiveness and attractiveness of rail vis-à-vis other modes of transport;
- 2) We recognize that the availability of a skilled, experienced and highly-motivated labour force in the rail sector is essential for the supply of efficient and competitive transport services. The opening of the market should not have any adverse repercussions on the working and social conditions of railway workers. The relevant social clauses should be respected in order to avoid unfair competition by new entrants that fail to respect minimum social standards in the railway sector;
- 3) While subscribing to the key objectives of improving the quality of rail passenger services and enhancing their operational efficiency, we do not, however, see sufficient merit in the proposal of the European Commission to introduce mandatory competitive tendering for public service contracts from December 2019;
- 4) In essence, we believe that the introduction of such mandatory tendering is not an essential requirement to strengthen the competitiveness and attractiveness of rail services on domestic rail markets. It is our firm belief that the objectives we support can also effectively be attained through the direct award of public service contracts that are subject to certain conditions;
- 5) Furthermore, we are of the opinion that the proposal to introduce specific rules that determine the maximum annual volume of passenger transport by rail under each public service contract do not sufficiently take into account the varying size and administrative structure of rail passenger markets in the Member States;
- 6) An independent rail regulatory body should ensure that complaints regarding the direct award of public service contracts are handled fairly and efficiently. This regulatory body should also be able to act on its own initiative;
- 7) In its present form, therefore, the European Commission proposal concerning the opening of the market for domestic passenger transport services by rail cannot be supported. We welcome the amendments of the European Parliament and consider these to be a significant step in the right direction;
- 8) We call on the present EU Presidency and the incoming EU Presidency of the Council to continue the good work on the technical pillar of the Fourth Railway Package in order to reach an early agreement with the European Parliament on this part of the package by the end of this year;

- 9) We are ready to discuss our concerns in a constructive dialogue with the European Commission and invite other Member States with similar concerns to join us.

**FOR THE KINGDOM OF BELGIUM:**

Jean-Pascal LABILLE, Minister for Public Undertakings and Development Cooperation

Melchior WATHELET, State-Secretary for the Environment, Energy, Mobility and State Reform

**FOR THE KINGDOM OF THE NETHERLANDS:**

Wilma MANSVELD, State-Secretary for Infrastructure and the Environment

**FOR THE GRAND-DUCHY OF LUXEMBOURG:**

François BAUSCH, Minister for Sustainable Development and Infrastructure



Rijksoverheid

