

COURTESY TRANSLATION

To the President of the European Commission
B-1049 Brussels
Belgium

The Hague, 26 March 2013

Subject:

Reasoned opinion (subsidiarity) on the EU proposals for a Regulation concerning the opening of the market for domestic passenger transport services by rail (COM (2013) 28), and the Directive establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure (COM (2013) 29).

The House of representatives of the States General of the Netherlands has tested the above proposals against the principle of subsidiarity in accordance with the prescribed procedure, applying Article 5 of the EU Treaty and Protocol 2 of the Treaty concerning the application of the principles of subsidiarity and proportionality.

This letter serves to inform you of the opinion of the House of Representatives of the States General. Identical letters have been sent to the European Parliament, the Council, and the Dutch government.

The House is of the opinion that the above proposals do not comply with the principle of subsidiarity. The responsibility for organizing domestic passenger transport services by rail must remain at the national government level. Member states should be free to choose how and to whom they award passenger transport services contracts on their railway infrastructures.

According to the House the European Commission has insufficiently substantiated the advantages of greater free market operation. Rail transport is a provision of general public interest. Competition can lead to an increase in costs and a decrease in quality. Dividing the main railway network into sections may lead to a further decrease in quality, because the cohesion of the railway network may be lost.

According to The House the proposals of the European Commission insufficiently take into account the national circumstances in the Member states and offer insufficient flexibility for national implementation. The Dutch situation is unique, as the Netherlands are, geographically speaking, a small country with a densely used railway network. This may cause the negative effects of competition and the breakup of the main railway network to be exacerbated. Also, the transitional periods in the proposals are too short. The proposals would mean that the concession intended to be granted to the Dutch railway company Nederlandse Spoorwegen should be renegotiated.

Finally, the proposals of the European Commission may lead to an unlevel playing field within Europe. Member states that have not yet separated the infrastructure and transport services have an advantage, as these states can maintain this construction.

For these reasons the House of Representatives of the States General considers the proposals COM (2013) 28 en 29 to be inconsistent with the principle of subsidiarity.

Yours sincerely,

Anouchka van Miltenburg,
Speaker of the House of Representatives of the States General