



EUROPEAN COMMISSION

Brussels, 14-8-2013
C(2013) 5328 final

Ms Ewa KOPACZ
President of the Sejm
Ul. Wiejska 4/6
PL – 00-902 WARSAW

Dear President,

The Commission would like to thank the Sejm for its Opinion concerning the Proposal for a Regulation of the European Parliament and the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail {COM(2013) 28 final} and also on {COM(2013) 29 and 31 final}.

First and foremost, the Commission would like to reassure the Sejm that the aforementioned proposal has been based on thorough impact assessment in line with the Better Regulation agenda. The impact assessments of the 4th railway package have relied on an in-depth analysis of the national railway markets and structures across Europe and, very importantly, on a broad consultation process with stakeholders, local authorities, social partners and a survey with 25.000 citizens throughout Europe. The subsidiarity assessment of the proposals (necessity test and test of EU value added) has also been documented in the impact assessment reports accompanying the proposals and its annexes, and that for all options considered¹.

The opinion of the Sejm suggests a) to provide for appropriate sanctions in Art 7(1) of the Regulation with regard to the ex-post publication requirements of competent authorities and b) to make changes concerning the transfer of staff and possible routes, the mobilisation period between the conclusion of a contract and the start of transport services as well as non-discriminatory access to rolling stock and the limitation to the maximum size of public services contracts.

The Commission considers having made its proposals on the basis of a thorough impact assessment of different options, as mentioned above. However, it is ready to provide constructive input to the discussion of the proposal by the European legislator, which may modify certain provisions of the proposal, including possible sanctions for authorities that do

¹ http://ec.europa.eu/commission_2010-2014/kallas/headlines/news/2013/01/fourth-railway-package_en.htm

not comply with their publication obligations according to Art 7(1) of the Regulation and other concrete modifications the Sejm may have in mind.

The Commission hopes that these clarifications address the concerns expressed by the Sejm in its Opinion and looks forward to continuing this political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*