

## Subsidiarity check of the Commission's proposals in the Fourth Railway Package

### ANNEX 2

#### Reasoned opinion of the Riksdag

The transport sector is facing challenges regarding both the climate issue and other environmental issues. The Riksdag notes that if it is going to be possible to reduce emissions from the transport sector, more transport users must be able to use climate-smart modes of transport. If railway transport is to be an attractive transport alternative, thereby increasing its share of the transport market, the preconditions for choosing railway transport must be better. The Riksdag therefore welcomes the Commission's efforts to increase the competitiveness and attractiveness of railways and facilitate developments in the railway sector. The Riksdag wishes to underline the fact that the creation of a competitive and effective single railway area requires – within the framework of a coherent strategy – cohesive measures at EU level. The Riksdag takes a positive view of harmonisation efforts in progress in the EU in regards of the technical issues. However, when it comes to judging whether the proposals in the Fourth Railway Package are formulated with regard to subsidiarity, the Riksdag notes that parts of the content of the proposals are much too far-reaching, and the Riksdag considers that there are proposed regulations that instead should be handled at the national level.

#### **Regarding the Commission's proposal for a regulation on the European Union Agency for Railways (COM(2013) 27), proposal for a recast directive on interoperability of the rail system (COM (2013) 30), and proposal for a recast directive on railway safety (COM(2013) 31)**

The Commission's objective with the proposals is primarily to remove remaining administrative and technical obstacles, to introduce a common view of the regulations for safety and interoperability and to make certain processes more efficient. The Riksdag agrees with the assessment that technical harmonisation and a reduction of the administrative burdens and costs for railway companies constitute important elements in the continued efforts to increase the competitiveness of railways. The Commission proposes that the European Railway Agency (ERA) should be given extended powers such as decision-making regarding approval of railway vehicles and the issuing and revocation of safety certification for railway companies. The Riksdag questions whether such a transfer of decision-making authority from the member states to the ERA regarding the approval of railway vehicles and the issuing and renewal of safety certification for railway companies is a proportional measure for achieving the objective of the proposals. The Riksdag considers that instead there is a risk that the proposed measures could lead to more bureaucratic processes with increased costs as. The Riksdag therefore considers that there is reason to question whether the proposals really contribute in an appropriate manner to the achievement of the stated objectives. It has come to the Riksdag's attention that most of the railway vehicles only operate in one or a small number of member states, and the same is true for railway companies, which is why the Commission's proposal that each railway vehicle should meet the requirements in all the provisions applicable in the EU would appear to be clearly disproportional. In our opinion, with the situation as it is today, these vehicles should also continue to be approved by the national supervisory bodies.

#### **Regarding the Commission's proposal for an amendment to the EU's public passenger transport regulation (COM(2013) 28) and proposal for an amendment to the directive on a single European railway area (COM(2013) 29)**

The Commission proposes that railway companies should have access to railway infrastructure in all member states in order to carry out passenger transport. In Sweden the railway market has been completely open to competition since 1 October 2010, and the proposal would thus not have any effect on this part of Swedish legislation today. The Commission states that the objective of the proposals includes raising competitive pressure in domestic railway markets in order to increase the volume of passenger traffic and improve the quality of this traffic. However, the Riksdag considers that there are measures in the proposals that are much too far-reaching, nor are they suitable when it comes to increasing the volume of passenger traffic and improving the quality.

The Riksdag is doubtful about the proposed measure to open up domestic passenger traffic to competition and believes that this could be an excessively far-reaching measure which would reduce the scope for well-functioning national solutions. In the opinion of the Riksdag, there could be other measures that would be better able to achieve the overall goal of the Fourth Railway Package, that is to further develop the single European railway area, both the objective of the current proposals to increase the volume of passenger traffic and improve the quality of this traffic. Examples of measures could be common information, common timetables and ticketing systems, etc. The Riksdag bases its standpoint on Swedish experiences that show that our Swedish railway system does not in all its parts live up to the expectations that exist when it comes to a well-functioning railway system of high quality and punctuality. The Swedish Parliament has therefore found that there is reason to carry out an inquiry into the organisation of the Swedish railway system to ensure that the railways develop and are managed in the best way possible (committee report 2012:13: TU2, Riksdag Communication 2012/13:119). The Riksdag's assessment is that member states are better equipped based on their individual pre-conditions to make decisions on how domestic passenger traffic should be designed to achieve the objectives of increased passenger traffic within a competitive European railway market and of effectively contributing to breaking the transport sector's oil dependency.

The Commission further proposes that the relevant authorities should open up the allocation of railway contracts to competition through procurement instead of being able to allocate them directly to certain suppliers when they do not operate the traffic themselves. According to the Commission, the proposal is a measure to achieve real competition in the market for domestic passenger railway traffic. In the opinion of the Riksdag, the proposal exceeds the necessary level required to reach the objectives of the proposals. The Riksdag considers that the individual member states are in the best position to determine themselves how their relevant authorities can allocate contracts for public railway transports in the most suitable way.

### **Overall assessment**

In the view of the Riksdag, the Commission's proposals regarding extended powers for the ERA concerning approval of railway vehicles and the issuing and revocation of railway certification, the opening up of national passenger traffic and the opening up of contacts regarding transport in general to competition are not compatible with the principle of subsidiarity.