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EUROPEAN  
COMMISSION4th Railway Package  
Impact Assessment Questionnaire

Page 1 /

## Section A Your organisation

## A Which organisation do you represent?

Please select your organisation type from the list below. If more than one is applicable please select all relevant organisations. If you are a representative body please select the organisation type that you represent. For some organisations there are additional questions after those on the first page. These can be printed by clicking the pdf icons below. To download a pdf of the non-organisation specific questions please [click here](#).

## Nature of organisation

- |   |   |
|---|---|
| <input type="checkbox"/> Infrastructure managers                            | <input type="checkbox"/> Passenger organisations                                |
| <input type="checkbox"/> Workers' Representatives                           | <input type="checkbox"/> Rail regulatory bodies                                 |
| <input type="checkbox"/> Competition Authorities                            | <input type="checkbox"/> Incumbent passenger railway undertakings               |
| <input type="checkbox"/> National Safety Authorities                        | <input type="checkbox"/> Incumbent freight railway undertakings                 |
| <input type="checkbox"/> New entrant passenger railway undertakings         | <input type="checkbox"/> Rolling stock leasing companies                        |
| <input type="checkbox"/> New entrant freight railway undertakings           | <input type="checkbox"/> Industry Suppliers                                     |
| <input type="checkbox"/> Public Transport Authorities (Competent Authority) | <input checked="" type="checkbox"/> Transport (or other responsible) ministries |
| <input type="checkbox"/> Other <input type="text"/>                         |   |

## B Please state the name of your organisation and Member State(s) you operate in

Name of Organisation:

Country(ies) of operation (tick EU if active in all Member States)

- |  |                                      |                                   |   |   |
|--|--------------------------------------|-----------------------------------|---|---|
| <input type="checkbox"/> Austria       | <input type="checkbox"/> Belgium     | <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Czech Republic | <input type="checkbox"/> Denmark        |
| <input type="checkbox"/> Estonia       | <input type="checkbox"/> Finland     | <input type="checkbox"/> France   | <input type="checkbox"/> Germany        | <input type="checkbox"/> Greece         |
| <input type="checkbox"/> Hungary       | <input type="checkbox"/> Ireland     | <input type="checkbox"/> Italy    | <input type="checkbox"/> Latvia         | <input type="checkbox"/> Lithuania      |
| <input type="checkbox"/> Luxembourg    | <input type="checkbox"/> Netherlands | <input type="checkbox"/> Poland   | <input type="checkbox"/> Portugal       | <input type="checkbox"/> Romania        |
| <input type="checkbox"/> Slovakia      | <input type="checkbox"/> Slovenia    | <input type="checkbox"/> Spain    | <input type="checkbox"/> Sweden         | <input type="checkbox"/> United Kingdom |
| <input type="checkbox"/> All of the EU |                                      |                                   |   |   |

## Section B The quality of rail services in the EU

The Commission has set out in its "Road Map towards a Single European Transport Area" a number of initiatives, the first of which is creating a true internal market for rail services. This is seen as a necessary step to eliminate the problems that are restricting the development of the rail sector, in particular its competitive position compared to other transport modes which is driven by the general problem of deficiencies in the quality and efficiency of rail services. The issue of quality is of fundamental importance to the analysis to be undertaken in this impact assessment.

For the purposes of this survey we consider quality to include: punctuality, passenger comfort, on board services (including type, cleanliness, accessibility), information, service frequency, intramodal and intermodal integration. Quality also relates to the punctuality, reliability and customer needs for freight services.



**Q1.2c Looking at other countries you operate in, where do you think the quality of the freight rail sector is a problem?**

You can select more than one Member State

- |  |                                      |                                   |   |   |
|--|--------------------------------------|-----------------------------------|---|---|
| <input type="checkbox"/> Austria       | <input type="checkbox"/> Belgium     | <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Czech Republic | <input type="checkbox"/> Denmark        |
| <input type="checkbox"/> Estonia       | <input type="checkbox"/> Finland     | <input type="checkbox"/> France   | <input type="checkbox"/> Germany        | <input type="checkbox"/> Greece         |
| <input type="checkbox"/> Hungary       | <input type="checkbox"/> Ireland     | <input type="checkbox"/> Italy    | <input type="checkbox"/> Latvia         | <input type="checkbox"/> Lithuania      |
| <input type="checkbox"/> Luxembourg    | <input type="checkbox"/> Netherlands | <input type="checkbox"/> Poland   | <input type="checkbox"/> Portugal       | <input type="checkbox"/> Romania        |
| <input type="checkbox"/> Slovakia      | <input type="checkbox"/> Slovenia    | <input type="checkbox"/> Spain    | <input type="checkbox"/> Sweden         | <input type="checkbox"/> United Kingdom |
| <input type="checkbox"/> All of the EU |                                      |                                   |   |   |

**Please comment and provide any evidence and data that can substantiate your response.**

**Q1.3 Do you consider quality issues are different for passenger services provided under public service contracts and those provided by open access?**

- Yes    No    No opinion

**If yes, please explain what are the reasons for such distinction in your view and provide, where possible, examples and statistical data:**

No open access services from single private operators exist in the Netherlands.

**Q1.4** To what extent do you think that the quality of rail services affects the competitiveness of the rail sector in the country(ies) you operate in?

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Freight services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Passenger services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer with reference to any specific example.

Quality is one of the items impacting the development of the rail passenger and rail freight market, where other items are also important (i.a. frequencies, infrastructure conditions, pricing in all modes etc. Quality-items are fixed in KPI's.

**Q1.5a** To what extent do you believe that the following quality and financial elements affect demand for rail passenger services?

**Quality elements**

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Service frequency	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intramodal integration (between rail services of different operators including through-ticketing)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intermodal integration (e.g. interchange road-rail including the possibility of integrated ticketing)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Punctuality	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
On board services (e.g. train cleanliness, air conditioning, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information to passengers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Financial elements**

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Ticket prices	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Save Answer

*public subsidies for infrastr. developm.*

Public funding for public service contract compensation

**Other problem elements, quality or financial (please specify in the comment box)**

Commuters are much less sensitive to price than leisure-travellers. It is possible to have profitable PSO's without competition on busy lines/networks.

**Q1.5b To what extent do you believe that the following quality elements affect demand for rail freight services?**

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Reliability	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Punctuality	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Service offer adapted to customers' needs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Price	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intermodality	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Other problem elements (please specify in the comment box)**

Rail freight market, particular intermodal transport, shows to be sensitive to price competition with road and inland waterways.

**Q1.5c Please rank the following elements from the one with the greatest importance to the one with the least importance for the competitiveness of the rail sector, unless you have indicated "no opinion" or "not at all" in question 1.5a.**

Passenger services

**Rank importance**  
 (1=most important  
 9=least important)



- Intramodal integration (between rail services of different operators including through-ticketing) 1 ▾
- Intermodal integration (e.g. interchange road-rail including the possibility of integrated ticketing) 5 ▾
- On board services (e.g. train cleanliness, air conditioning, etc.) 3 ▾
- Information to passengers 2 ▾
- Ticket prices 4 ▾
- Public subsidies for infrastructure development - ▾
- Public funding for public service contract compensation - ▾

**Other elements (please specify in the comment box):**

Punctuality - reliability of rail passenger services important to remain attractive.

**Q1.5d** Please rank the following elements from the one with the greatest importance to the one with the least importance for the competitiveness of the rail sector, unless you have indicated "no opinion" or "not at all" in question 1.5b.

**Rail freight services.**

**Rank importance**  
(1=most important 5=least important)

- Reliability 1 ▾
- Punctuality 2 ▾
- Service offer adapted to customers' needs 3 ▾
- Price 4 ▾
- Intermodality 2 ▾

**Please comment and provide any evidence and data that can substantiate your response**

**Section C** Issues affecting the quality of rail passenger services in the EU

The European Commission believes that domestic rail passenger services suffer from a low level of quality and efficiency which leads to poor inter-modal performance. According to a preliminary analysis by the European Commission this situation can be attributed to the presence of several obstacles which hamper market access, limits new entrants and hinder the internal market for rail passenger services. We have identified four main drivers affecting the quality of rail services in the EU, each of them comprising a number of elements. We are interested in your opinion with respect to these issues.

**Q2.1 To what extent do you agree that the following aspects affect the quality of rail services and have an impact on the competitiveness of the rail sector in the EU?**

	Strongly agree	Partially agree	Neither agree nor disagree	Partially disagree	Strongly disagree	No opinion
Access barriers for railway undertakings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Discriminatory framework conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Inadequate regulatory oversight	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Lack of competitive incentives on railway undertakings to improve quality/ reduce fares	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**Please explain your suggested "Other" category in more detail**

Only relevant in case of market opening.  
 Both public tendering and awarding service contracts directly are successful. The results of the benchmark are good for the Netherlands  
 See also the Dutch report: Evaluation spoorwegwet 2009.

**Please comment and provide any evidence and data that can substantiate your response**

Reports:  
 Transport plan national Mainrailway network  
 Tendering regional railwayservices

**Q2.2 To what extent do you believe that the following factors contribute to each of the problems listed in the previous question?**

**a) Access barriers for railway undertakings to the rail sector**

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Constraints concerning access to rail related services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Infrastructure capacity constraints	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Constraints on rolling stock availability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other: <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please comment and provide any evidence and data that can substantiate your response.**

See also the report: Programma Hoogfrequent Spoor.  
 On a limited number of crucial locations infrastructure capacity will be increased

**b) Discriminatory framework conditions**

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Insufficient independence of Infrastructure Manager functions (in relation to capacity allocation and charging)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Lack of financial/ technical transparency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other: <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please comment and provide any evidence and data that can substantiate your response.**

A good cooperation between the infraprovider and the operator is necessary.

**c) Inadequate Regulatory Oversight**



	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Inadequate scope of regulatory competences (e.g. extending scope to open access and public service contracts for domestic passenger services including the definition of public service contracts)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Inadequate resources/ regulatory expertise (e.g. in terms of staff numbers necessary to react to a market with multiple operators or with sufficient experience in dealing with regulatory issues)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Divergent interpretation of legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**Please comment and provide any evidence and data that can substantiate your response.**

Output steering as part of the public service contract in combination with criteria (i.e. price, information, quality) in the public service contract is the instrument for the national authority (ministry of infrastructure and environment). This instrument is working satisfactory.

**d) Lack of competitive incentives on railway undertakings to improve quality/reduce fares**

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Lack of competitive award of Public Service Contracts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Inadequate definition and scope of public service obligations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Lack of open access rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please comment and provide any evidence and data that can substantiate your response.**

Railway undertaking NS holds main network concession 2005-2015 as result of a PSO compliant direct award and will obtain for the concession 2015-2025. NS pays a concession fee of 20 mln per year to the State (in 2012, 30 mln in 2013 and 2014). No more direct subsidy flows (for some regional lines) from the State to NS in 2015 and further. NS is only allowed to increase fares on majority of trips (second class singles) with CPI each year, while NS costs each year increase with approx. CPI + 1%. This leads to an increase of efficiency within NS each year and a limited increase of fares. NS shows overall signs of strongly increased financial performance in 2005-2011. This is due to increased passenger volumes (13,5 bln passenger kilometers in 2005 and 16,1 bln passenger kilometers in 2011) against a limited increase of fares.

Yes
  No
  No opinion

Please comment and provide any evidence and data that can substantiate your response.

**Q2.4** What effect do the following external factors have on the competitiveness of the rail sector?

	Very positive	Positive	Neither positive nor negative	Negative	Very negative	No opinion
Increasing road congestion	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improving quality of domestic air transport services	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Decreasing price of air transport services	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Deteriorating state of the economy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increasing road pricing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other: <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment and provide any evidence and data that can substantiate your response.

The main use of railtransport is dependent of the growth of the economy. The other factors only have a local effect for the use of railtransport. See also the enclosed "pyramid" for railtransport.

### Section D The objectives of this policy initiative

The European Commission wishes to contribute to the completion of the internal market for transport through improvements to the operation of the integrated EU railway system and its institutional framework. In order to do this a number of potential objectives have been identified.

**Do you believe that the following objectives address the issues previously discussed in Section C of this survey?** [Click here to see issues](#)

	Yes	No	No opinion
Improve access to infrastructure at cost-reflective charges that create appropriate incentives for new entrants	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve access to rolling stock on competitive terms for new entrants	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure independent decision making in relation to provision of, and charges for, infrastructure management functions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance regulatory competencies in relation to competitive award of public service contracts	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Improve access to rail related services (station facilities and ticketing and information systems)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure competitive award of public service contracts	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Ensure a consistent open access approach to domestic rail passenger markets	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**Please comment and/or add other objectives**

- Crossborder certification of new material/rolling stock is needed and usefull.

- Competitive award on PSO contracts can be positive on regional, more isolated lines. NL opinion is that Member State should be able to decide whether to tender or not main railway network.

**Section E Policy options**

The European Commission has identified a number of options that could contribute to the fulfilment of the policy objectives illustrated in the previous section and, ultimately, improve the competitiveness of the EU railway sector. Please provide your view on the different policy options illustrated below which are related to two main areas of intervention: market opening of rail passenger services and independence of infrastructure management.

**Market opening**

The Commission has stated in its Road Map that it will seek to establish an attractive and dynamic open rail market. We discuss in this section the various options for completing the process of market opening.

**Q4.1a Do you agree that further market integration of the rail sector should be progressed by opening of domestic passenger services through new open access rights?**

Strongly agree   Partially agree   Neither agree   Partially disagree   Strongly disagree   No opinion nor disagree

Till 2025 there it a PSO contract is foreseen with the national railway undertaking NS. A contract with the main issues, is already signed between the minister and the NS. In order to ensure a minimum level of quality, PSO's are needed. For public services transport PSO-contracts are obliged in the Netherlands.

**Q4.1b What effect would further market opening (through new open access rights in the domestic market) have on the following areas?**

	Very positive	Positive	No effect	Negative	Very negative	No opinion
Service frequency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Intramodal integration (between rail services of different operators including through-ticketing)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Intermodal integration (e.g. interchange road-rail including the possibility of integrated ticketing)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Punctuality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
On board services (e.g. train cleanliness, air conditioning, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Information to passengers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Ticket prices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Public subsidies for infrastructure development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Public funding for public service contract compensation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**Please explain your answer providing, where possible, national examples and statistical data**

NL has a reservation against more open access services in case it affects in a negative way the use of existing capacity and the issue of cherry picking is not solved. NL is of the opinion that such a decision should be taken on a national level and not on a EU-level.

**Q4.2a Do you agree that further market integration of the rail sector should be progressed by opening of domestic passenger services through compulsory competitive tendering for public service contracts?**

Strongly disagree.

**Please comment:**

NL's opinion is that Member State should be free to decide about tendering or not their main railway network (subsidiarity/national discretion).

**Q4.2b What effect would further market opening (through compulsory competitive tendering for public service contracts) have on the following areas?**

	Very positive	Positive	No effect	Negative	Very negative	No opinion
Service frequency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intramodal integration (between rail services of different operators including through-ticketing)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intermodal integration (e.g. interchange road-rail including the possibility of integrated ticketing)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Punctuality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
On board services (e.g. train cleanliness, air conditioning, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information to passengers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ticket prices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public subsidies for infrastructure development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public funding for public service contract compensation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please explain your answer providing, where possible, national examples and statistical data**

NL's opinion is that Member State should be free to decide about tendering or not their main railway network (subsidiarity/national discretion).

	Very positive	Positive	No effect	Negative	Very negative	No opinion
a) A continuation of the existing arrangements in Member States in relation to the provision of open access arrangements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
b) Open access on routes not covered by public service contracts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
c) Open access as in option (b), but also permitted on routes covered by public service contracts though Member States could limit access if economic viability of public service contract is affected	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
d) Open access unrestricted on certain types of services (such as long-distance, high-speed or premium airport services)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
e) Open access unrestricted on all routes (maintaining the possibility of public funding for unprofitable services)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
f) Other _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide details of any "Other" option that you have inserted and consider may be relevant.

NL has a strong reservation against more open access services because in case it affects in a negative way the use of existing capacity. Furthermore it will resulting in cherry picking and increasing costs for the government because the non-profitable lines need compensation.

**Q4.3b** Please rank the following options for which you believe there will be a positive or very positive effect from the one which you think is most appropriate to meet the objectives presented in Section D to the one which is the least appropriate. [Click here to see objectives](#)

	Rank importance (1=most positive 6=least positive)
a) A continuation of the existing arrangements in Member States in relation to the provision of open access arrangements	<input type="text" value="5"/>
b) Open access on routes not covered by public service contracts	<input type="text" value="5"/>
c) Open access as in option (b), but also permitted on routes covered by public service contracts though Member States could limit access if economic viability of public service contract is affected	<input type="text" value="5"/>
d) Open access unrestricted on certain types of services (such as long-	<input type="text" value="5"/>

- e) Open access unrestricted on all routes (maintaining the possibility of public funding for unprofitable services)
- f) Other

**Please explain your answer providing, where possible, specific examples**

NL has a strong reservation against more open access services because it affects in a negative way the use of existing capacity. Furthermore it will result in cherry picking resulting in higher costs for the government because non-profitable lines need compensation.

**Q4.4a If some or all of your network were subject to competitive tendering, please outline your views on the following ways in which such a policy might be implemented:**

	Very positive	Positive	No effect	Negative	Very negative	No opinion
a) Retention of the existing legal framework in which competent authorities can determine whether to award public service contracts directly or through a competitive tendering process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
b) Competitive tendering introduced for public service contracts where a financial or operational threshold is exceeded (e.g. contract value, volume of traffic):						
i) Financial: where the total contract value is greater than a pre determined figure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
ii) Operational: where the contract covers more than a pre determined percentage of the total network according to an agreed metric.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
iii) Other:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) A specification of negotiation elements allowed under a competitive tendering procedure along the lines of the relevant provisions in public procurement law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
d) Competitive tendering for all public service contracts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
e) Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide details of any "Other" option that you have inserted and consider may be

NL's opinion is that Member State should be free to decide about tendering or not their main railway network. For some regional rail passenger services tendering may be usefull.

**Q4.4b** Please rank the following options for which you believe there will be a positive or very positive effect in relation to the degree to which they meet the objectives presented in Section D. [Click here to see objectives](#)

- |   | Rank importance<br>(1=most positive 5=least positive) |
|---|---|
| a) Retention of the existing legal framework in which competent authorities can determine whether to award public service contracts directly or through a competitive tendering process | 1   |
| b) Competitive tendering introduced for public service contracts where a financial or operational threshold is exceeded (e.g. contract value, volume of traffic)                        | -   |
| c) A specification of negotiation elements allowed under a competitive tendering procedure along the lines of the relevant provisions in public procurement law                         | -   |
| d) Competitive tendering for all public service contracts   | 5   |
| e) Other <input type="text"/>   | -   |

**Please explain your answer providing, where possible, specific examples**

NL's opinion is that Member State should be free to decide about tendering or not their main railway network. For some regional rail passenger services tendering may be usefull.

**Q4.5a** What is the view of your organisation on each of the following framework conditions?

**Improved access to rolling stock**

	Very positive	Positive	No effect	Negative	Very negative	No opinion
a) Compulsory transfer of rolling stock to new operator	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Creation of rolling stock leasing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



trains for public service contracts.

- c) Rolling stock to be provided by competent authority
- d) Other

Please provide details of any "Other" option that you have inserted and consider may be relevant.

A provision for a transfer exists in the Netherlands. In the Netherlands there is also experience with rolling stock.

Improved access to rail related services, in particular ticketing

- |   | Very positive         | Positive                         | No effect             | Negative              | Very negative         | No opinion            |
|---|-----------------------|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| a) Reinforced access rules for ticketing facilities | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b) Compulsory through-ticketing                     | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c) Inter-availability of tickets                    | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d) Other  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please provide details of any "Other" option that you have inserted and consider may be relevant.

No problems with this issue in the Netherlands, although issues with new OV Chipcard are still to be solved.

Tendering procedures

- |   | Very positive                    | Positive              | No effect             | Negative              | Very negative         | No opinion            |
|---|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| a) <i>clean conditions</i><br><i>STAFF protection</i> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

protected during the transfer from one operator to another.

- b) Extending the competence of the regulatory bodies in the tendering process to cover areas such as defining the criteria that authorities are to use in formulating tenders.
- c) Mandatory application of compensation rules in Annex to Regulation 1370/2007 in case of a single bidder
- d) Other

Please provide details of any "Other" option that you have inserted and consider may be relevant.

NL's opinion is that Member State should be free to decide about tendering or not of their main railway network. For some regional rail passenger services tendering may be usefull.

**Q4.5b** Please rank each of the following framework conditions for which you believe there will be a positive or very positive effect in relation to the degree to which they meet the objectives presented in Section D. [Click here to see objectives](#)

**Improved access to rolling stock**

- a) Compulsory transfer of rolling stock to new operator
- b) Creation of rolling stock leasing companies that are to provide trains for public service contracts.
- c) Rolling stock to be provided by competent authority.
- d) Other

**Rank importance**  
(1=most positive  
4=least positive)

1

2

4

-

Please explain your answer providing, where possible, specific examples

The Netherlands are positive for the modals used in the case of tendering PSO-contracts. Provinces are free to include in the tendering procedure the transfer of existing rolling stock to the new railway undertaking.

**Improved access to rail related services, in particular ticketing**

**Rank importance**  
(1=most positive  
4=least positive)

- a) Reinforced access rules for ticketing facilities
- b) Compulsory through-ticketing.
- c) Inter-availability of tickets.
- d) Other

**Please explain your answer providing, where possible, specific examples**

Member States should be free to decide about regulatory measures regarding the ticketing issues between railway undertakings. All options mentioned are simultaneously relevant.

**Tendering procedures**

**Rank importance**  
(1=most positive  
4=least positive)

- a) Clear conditions to be introduced on the manner in which staff is appropriately protected during the transfer from one operator to another.
- b) Extending the competence of the regulatory bodies in the tendering process to cover areas such as defining the criteria that authorities are to use in formulating tenders.
- c) Mandatory application of compensation rules in Annex to Regulation 1370/2007 in case of a single bidder.
- d) Other

**Please explain your answer providing, where possible, specific examples**

NL's opinion is that Member State should be free to decide about tendering or not their main railway network. For some regional rail passenger services tendering may be usefull.

### Enhanced independence of infrastructure management

The Commission has stated in its White Paper that it will seek to ensure effective and non-discriminatory access to rail infrastructure in particular through structural separation (enhanced independence of infrastructure management) between infrastructure management and service provision. We discuss in this section the various options for this enhanced independence of infrastructure management.

**Q5.1** Currently, Member States have chosen to adopt different approaches to vertical separation. Which of the following vertical separation models exist in your country(ies) of operation:

Institutional separation	Partial separation (Infrastructure Manager and Railway Undertaking separated but some Infrastructure Manager activities undertaken by the Railway Undertaking)	Partial integration (Infrastructure Manager and Railway Undertaking under the same holding company)	Full integration with independent allocation and charging bodies
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q5.2** Please explain what the advantages and disadvantages are of the model(s) you have selected in question 5.1

Advantage is transparency.  
Challenge is how to ensure sufficient operational coordination between railway undertaking(s) and infrastructure manager.

### Institutionally separated model

**Q5.3** To what extent does this model address the following aspects?

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Ensuring financial transparency	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventing discriminatory practices	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating cross-border cooperation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Avoiding too extensive and costly regulatory oversight	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limiting transaction costs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring alignment/coordination between infrastructure management and provision of transport services	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please provide evidence and any data that you may have to support your view.**

NL infrastructure manager ProRail has set up an operational control centre (OCCR) to coordinate closely with the railway undertakings in case of disturbances on the network. This OCCR has been audited by the Ministry in 2012.

**Non-institutionally separated model**

**Q5.4. To what extent does this model address the following aspects?**

	To a great extent	To some extent	To a minor extent	Not at all	No opinion
Ensuring financial transparency	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventing discriminatory practices	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating cross-border cooperation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Avoiding too extensive and costly regulatory oversight	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Limiting transaction costs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring alignment/coordination between infrastructure management and provision of transport services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please provide evidence and any data that you may have to support your view.**

**Q5.5** For which of the following functions do you consider that independence of decision making must be reinforced to ensure non-discrimination?

	Yes	No	No opinion
Capacity allocation (including traffic management)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Infrastructure maintenance activities	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Infrastructure charging	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Infrastructure planning and financing	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other: <input style="width: 150px;" type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please provide where possible examples including quantified data as well as any detailed comment on different activities and functions listed above**

NL has separated infrastructure from providing railway services.

**Q5.6** Please rank the following options from the one which you think is most appropriate to meet the objectives presented in Section D to the one which is the least appropriate. [Click here to see objectives](#)

	<b>Rank importance</b> (1=most appropriate 5=least appropriate)
a) Existing separation requirements (legal, organisational and decision making)	<input type="text" value="5"/>
b) Existing separation requirements (legal, organisational and decision making) but also applying to additional functions of the infrastructure manager	<input type="text" value="5"/>
c) Institutional separation applying only to the body in charge of the essential functions	<input type="text" value="5"/>
d) Institutional separation applying to all functions of the Infrastructure Manager	<input type="text" value="5"/>
e) Other <input style="width: 150px;" type="text"/>	<input type="text" value="5"/>

Please explain your answer and/or indicate alternative options providing, where possible, specific examples

NL has infrastructure separation from providing railway services.

**Q5.7** In addition to the options in question 5.6, would you support the creation of a specific body including, in a non-discriminatory manner, representatives from all infrastructure users to ensure that their interests are duly taken into consideration?

Yes  No  No opinion

Please explain your answer

Structured consultation procedures between infrastructure managers and railway undertakings may be useful but should not be leading to excessive transaction costs.