



EPTO

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To
Mr. Vice-President Tajani
European Commission
200, Rue de la Loi
B-1049 Bruxelles

28/09/2009

Mr Vice-President

the Association of the European Passenger Transport Operators (EPTO) has been notified by several of its members of delayed market opening of passenger rail markets by alleged misinterpretation and wrongful implementation of EU legislation.

Our question is especially raised with regard to the French market, but is also of interest with regard to other countries, especially in Eastern and Central Europe.

In your answer dated February 25, 2009 to the question raised by Mr Gilles Savary, MEP, and related to the interpretation of article 5 § 6 of the Regulation (CE) 1370/2007, you have confirmed that this article does not allow the adoption or the retention of national legislation which would prohibit competent authorities to tender out rail public service contracts and oblige, in law or in fact, direct award of this type of contracts. Consequently, national legislation which would forbid awarding rail public service contracts through competitive tendering would be conflicting with the Regulation.

The members of EPTO welcome this interpretation of the European Regulation which should allow the rail market to open in European countries, in line with the objectives of the European Union.

For the reasons outlined above, EPTO would very much appreciate if the European Commission could clarify

- under which conditions Member States should implement the prescriptions of the Regulation, in particular with regard to the 10-year transition period mentioned in article 8 § 2 of the Regulation,
- if article 8 § 2 allows a status quo until 2019 in countries having a restrictive interpretation of the Regulation.

We thank you very much for any element you might offer in order to clarify the uncertainty remaining on these crucial aspects of the Regulation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Quidort', with a small flourish at the end.

Michel Quidort
President