

Summary report – 8th ENRRB meeting

The 8th meeting of the European network of rail regulatory bodies took place on 1 and 2 July 2015 in Krakow. Regulatory bodies from 23 Member States and 3 observers were present.

Roundtable on regulatory bodies' decision-making practice

Regulatory bodies informed each other about ongoing investigations and important decisions taken since the 7th ENRRB meeting held in March 2015 in Athens as well as recent market developments and the state of play of the transposition of Directive 2012/34/EU.

Presentation by a regulatory body on a new suburban railway line

One regulatory body gave a presentation about a new railway line linking three urban agglomerations in a region; the envisaged date for start of operations should be autumn 2015, but safety authorisation, network statement and approval of infrastructure charges had not yet been completed. According to national law, the regulatory body should approve the track access charges, but would only be entitled to do so once the infrastructure manager has received a safety authorisation. DG MOVE indicated that Directive 2012/34/EU did not prohibit an approval of track access charges before a safety authorisation is issued; in fact, the recast required the regulator to decide within 2 months of receipt of all relevant information.

Discussion on the report on cooperation between Regulatory bodies

A discussion on the report on cooperation between regulatory bodies submitted by the Commission to the European Parliament, Council, European Economic and Social Committee and the Committee of the Regions took place. Some regulatory bodies indicated that in their view the report would not be a fair reflection of their actual level of cooperation and in particular the activities of IRG Rail. DG MOVE explained that the report was focusing on the obligations for cooperation between regulatory bodies laid down in Directive 2012/34/EU, while a number of the activities performed by IRG-Rail would not fall specifically within the scope of the provisions of the Directive.

Update on the fourth railway package

DG MOVE provided an update on the state of play of negotiations on the fourth railway package. The LV Presidency had managed to conclude the trilogue negotiations on the technical pillar and presented a progress report on the market pillar. The LU Presidency had scheduled a series of working group meetings still in July and was committed to achieving a general approach on the market pillar at the TTE Council in October with a view to starting trilogue negotiations immediately afterwards.

Presentation by a regulatory body concerning an audit on a possible transfer of capacity

One regulatory body presented its findings of an in-depth analysis of different aspects to be looked at when assessing the question of whether an unlawful transfer of capacity has been taken place in cases where several railway undertakings are involved in the operation of a

transport service (e.g. by means of cooperation contracts or by means of subcontracting certain parts of the service to other operators).

Update and discussion on DAREBO

DG MOVE gave a presentation of the DAREBO application currently under development, showing its future functionalities. Regulatory bodies suggested adding a number of functionalities, which DG MOVE will consider. Several regulatory bodies expressed interest in testing the application as soon as its development is sufficiently advanced.

Presentation of the Commission on the implementing act on calculation of direct costs

DG MOVE gave a presentation on the implementing regulation on modalities for the calculation of cost directly incurred adopted under Article 31(3) of Directive 2012/34/EU, which regulatory bodies need to take into account when verifying charges for the use of infrastructure.

Presentation of the Commission on the implementing acts on licensing and criteria for applicants

DG MOVE gave a presentation on the implementing regulations on certain aspects of the procedure for licensing adopted under Article 17(5) of Directive 2012/34/EU and the implementing regulation on criteria for applicants adopted under Article 38(3) of Directive 2012/34/EU, with specific emphasis on the role of regulatory bodies under these acts.

Presentation by a regulatory body on arrangements to engage with freight and passenger customers

One regulatory body gave an overview of different activities to engage with freight and passenger customers in view of the new task of regulatory bodies to consult representatives of users of the rail freight and passenger transport services at least every two years (Article 56(7) of Directive 2012/34/EU). The findings of the regulatory body are presented to responsible authorities as recommendations and the regulatory body cooperates with the authorities concerned in trying to find solutions to the problems identified.

Presentation by a regulatory body on a case concerning access to service facilities in tender procedures

One regulatory body presented its findings on a case concerning access to service facilities in tender procedures; one of the bidders for a PSO contract had asked the operator of service facilities to provide information on access to and charges for service facilities (in particular stations), which had not been provided and thus made it very difficult for the bidder to calculate its bid. The investigation by the regulatory body showed, that the operator of the service facility published very little information on access conditions and charges for use of its service facilities. DG MOVE underlined that Directive 2012/34/EU contained a whole set of new rules concerning publication of information on service facilities, which should be

implemented in Member States as from June 2015 and improve the situation for operators in this regard.

Discussion on the planned PRIME-ENRRB meeting

DG MOVE informed that a brainstorming meeting was held on 12 May in London, in which three regulatory bodies (including the chair of IRG-Rail), four infrastructure managers and an association of infrastructure managers as well as DG MOVE participated. A number of topics possibly of common interest to IMs and RBs were identified. The first PRIME-ENRRB meeting is scheduled to take place on 18 September 2015 in London.

Report of IRG Rail

The Chair of IRG Rail made a report on IRG's activities since the last ENRRB meeting as well as future objectives.

AOB

The next ENRRB meeting will take place end of November in Brussels.