

15th meeting of the European Network of Rail Regulatory Bodies

8 and 9 March 2018, Brussels

MINUTES

Present:

Rail Regulatory Bodies from the following Member States were represented: AT, BE, BG, CZ, DE, DK, FI, FR, EE, EL, ES, HR, HU, IT, LU, LT, LV, NL, PL, PT, RO, SE, SI, SK, UK.

Together with observers from: FYROM, NO and CH.

Commission: Ms. Prout (chair), Ms. Kroon, Ms. Kontogianni, Ms. Trampisch, Ms. Garofalo, Ms. Pace, Mr. Haller, Mr. Padoy, Mr. Wójcik, Ms. Kotthaus, Mr. Szatmari, Mr. Scherp, Mr. Zanettin, Mr. Stavinoha (all DG MOVE), Mr. Grandcolas (DG COMP)

1. Approval of the agenda

The agenda was approved.

2. Approval of the minutes of the 14th ENRRB meeting

The minutes were approved.

3. Roundtable discussion: recent developments in Member States (relevant cases, changes to organisational set-up)

A roundtable discussion took place, which allowed for the exchange of information about ongoing work and recent decision-making practice, main issues of pending/recent procedures and problems of transposing Union railway law.

4. Update by DG Competition on recent cases

Firstly, it was reported that the Commission took a decision to fine Lithuanian Railways €28 million for hindering competition on the rail freight market (please see here the press release http://europa.eu/rapid/press-release_IP-17-3622_en.htm and here the decision itself http://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=1_39813).

Secondly, DG Competition referred to the opening of an in-depth investigation into support granted to the Romanian rail freight operator CFR Marfa (please see the press release here: http://europa.eu/rapid/press-release_IP-17-5345_en.htm).

Thirdly, DG Competition referred to the opening of another in-depth investigation into restructuring aid for Polish Regional Railways.

It was reported that there were concerns that the company had already received State aid in the past and it was highlighted that EU rules allow a company to receive restructuring aid only once over a 10-year period (please see the press release here: http://europa.eu/rapid/press-release_IP-18-394_en.htm)

Last but not least, it was reported that the Commission approved €96 million Slovak support for the building of three light maintenance workshops for passenger trains (please see here the press release: http://europa.eu/rapid/press-release_MEX-17-2801_en.htm?locale=FR and here the decision itself:

http://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=3_SA_42525)

5. Service facilities

i. Development of common decision making principles for the application of the exemption criteria listed in Article 2 of the Implementing Regulation - Update by IRG-Rail

Please see presentation.

ii. Service facilities information template - Follow-up to the February workshop

RNE had been working on the development of a service facilities common template. A rail sector meeting took place on 22 February 2018 at CER's premises to consult all interested stakeholders. Concerns were raised regarding the user-friendliness of the template. RNE committed to make the necessary amendments.

Regarding the GIS Portal, mapping Last-mile infrastructure (LMI) in Europe, it was developed in 2016 to remedy the lack of access to information on LMI. The first pilot version (www.railfreightlocations.eu) was developed during the first contract. It is not yet complete neither in terms of geographical coverage nor in number and type of facilities. A second contract will be launched with the aim of completing the portal and presenting the production version. At the end of that second contract the objective is to hand it over for management by the sector under conditions that will be discussed in the course of the contract.

The Portal's objective is not only to constitute a market tool offering an easy and user-friendly access to information about rail freight facilities but also to constitute the tool of choice for Service Facility operators to comply with their obligation to publish access information under Implementing Regulation 2017/2177.

Lastly, the portal will be further developed so as to accommodate passenger rail facilities.

iii. Service facilities charges - Presentation by Arafer

Please see presentation.

iv. Presentation by BNetzA on the High Court's ruling on freight terminals

Please see presentation.

6. Road charges - Presentation by DG Move

Please see presentation.

7. Rail infrastructure charges - Presentation by Úřad pro přístup k dopravní infrastruktuře

Please see presentation.

8. Commission Implementing Regulation (EU) 2015/909 on the modalities for the calculation of direct costs - Analysis by DG Move regarding the implementation of the Regulation and general discussion

Please see presentation.

9. Economic Equilibrium Test - Follow-up to the February SERAC Meeting

DG Move referred to the inter-service consultation that was planned to be launched in a few weeks' time and which would, then, be followed by a 4 week public consultation in April/May.

The aim was to vote the implementing act in the context of the next SERAC plenary meeting. It was decided to have a subgroup meeting around the first week of June to complete discussions on the text and then have the final debate in the plenary meeting in September.

Problems related to high speed rail as well as the type of information that shall be put at the disposal of the regulatory bodies were highlighted.

10. Interpretation of Article 56(9) of Directive 2012/34/EU - CNMC's driver case presentation

Please see presentation.

11. Network Statement - Overview by DG Move of the replies to the questionnaire's point on infrastructure description and general discussion

Please see presentation.

12. Update on the DAREBO application

Different ways to further develop the DAREBO application were discussed.

13. Passenger rights Regulation - Update on the revision of the Regulation

Please see presentation.

14. Framework Agreements

i. Presentation by ORR on the framework agreements concluded by Network Rail

Please see presentation.

- ii. Overview by DG Move of the Member States where IMs have concluded framework agreements and general discussion**

Postponed due to lack of time

- 15. Update on TTR based on the latest information by RNE, followed by a short report on the last NExBO by the Service de Régulation du Transport Ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles**

Please see presentation.

- 16. Contingency plans**

- i. National contingency plans**

Please see presentation.

- ii. Handbook for International Contingency Management**

Please see presentation.

- iii. Next steps**

- 17. Report on IRG-Rail activities**

IRG-Rail referred to its 2019 working plan. IRG-Rail also highlighted the introduction of a new exercise related to the exchange of views between regulators on multimodality and reported that the first outcome of the exercise will be discussed at its plenary in May.

- 18. A.O.B.**

16th ENRRB meeting: 2 July 2018 (afternoon) and 3 July 2018 (all day).