



**1st MEETING OF THE EUROPEAN NETWORK OF
RAIL REGULATORY BODIES (ENRRB)
13 -14 March 2013, Brussels**

SUMMARY RECORD

The Chair welcomed the participants to the 1st official meeting of the Network of European Rail Regulatory Bodies.

1. Adoption of the agenda

The agenda of the 1st meeting was adopted.

2. Adoption of the minutes of the 24th meeting

The minutes were adopted without further comments.

3. Discussion on the functioning of the new Network of Rail Regulatory Bodies, in particular rules of procedure

The revised rules of procedure were sent on 6 March 2013 together with all comments received. The Commission explained which modifications had been made and gave the reasons for these changes. The subsequent discussion focused mainly on Article 4 of the rules of procedure "Recommendations of the Network".

A revised version of the draft rules of procedure was submitted to the Network on the second day of the meeting. A majority of Regulatory Bodies States expressed their overall satisfaction with this new version. It was agreed that the Commission would circulate a final draft after the meeting. Regulatory Bodies should comment in writing within a deadline of one month. The rules of procedure should be adopted at the following meeting (July 2013).

4. Judgments by the European Court of Justice (EUCJ) of 28.02.2013 - Presentation by the Commission

The Commission informed the Network about recent judgments by the EUCJ on the implementation of the First Railway Package.

5. Implementing measures under the recast - Update by the Commission

The Commission updated the Network regarding the preparation of implementing measures under the recast.

An update will be given at every Network meeting. Depending on the nature of the implementing measure and the provisions of Directive 2012/34/EU, Regulatory Bodies will be consulted and involved in the preparation of the measure. In some cases working groups will be created. Regulators are welcome to table any point on the agenda, make a presentation or send comments on any implementing measure if they so wish.

6. Presentation by the Commission on a questionnaire relating to the implementing measures concerning the definition of direct costs

A questionnaire concerning the modalities for direct costs was sent to the Network together with the other documents for the meeting, with a request to comment on the questions. The basis for this implementing measure is Article 31(5) of the recast (Directive 2013/34/EU). The scope of the questionnaire is a) the wear and tear of using infrastructure, linked to the minimum access package, b) environmental costs excluding noise differentiated track access charges and c) scarcity charges.

Member States were asked to provide comments on the questions by 8 April. The revised questionnaire will be sent for completion and returning by early June. A debriefing will take place at the next Network meeting.

7. Presentation of the Commission on cooperation of regulators in the Rail Market Monitoring Scheme (RMMS)

Article 15 of the recast formalizes the market monitoring activities to a great extent. In line with Article 15(6) the Commission is preparing an implementing act to ensure consistency in the reporting obligations of Member States. To this end Regulatory Bodies, social partners, local authorities etc. are consulted. A first discussion will take place at the next meeting of the RMMS Working Group on 26 April to which Regulatory Bodies are invited.

8. Rail freight corridors

- State-of-play of the establishment of freight corridors

The Commission informed the Network about the state-of-play of freight corridors. The implementation plans for 6 corridors need to be ready by 10 May; the plans for corridors 1, 2 and 7 are well advanced. Several corridors have presented path catalogues. Principal problems are the exact designation of lines and terminals, the definition of principal routes and diversionary routes and the connection lines between corridors and ports/terminals.

- Report on the Working Group on Rail Freight Corridors on 15 February 2013

The Commission reported on the discussions at the Working Group on Rail Freight Corridors which had been considered very useful by the participants.

- Framework Agreement Corridors 1 and 2 - Presentation by corridors

A representative of corridor 1 outlined the provisions of Framework for Capacity Allocation for Rail Freight Corridors 1 and 2.

9. Roundtable of regulatory bodies, focusing on decisions taken and changes to the legal framework in the Member States

Network members replied to specific questions regarding the information provided by the Regulators in the questionnaire.

10. Presentation on account separation by French Regulatory Body

A representative of the French Regulatory Body made a presentation on account separation in French railway activities.

11. Proposal for a 4th Railway Package and the role of regulatory bodies - presentation by the Commission

The Commission outlined the Commission's proposals on infrastructure and market liberalisation. The Commission underlined that the aim of the "better governance of infrastructure" proposal was to address the efficiency and the equal access challenges. In the context of open access to all markets the proposal foresees that Regulatory bodies carry out the economic equilibrium test also for domestic markets. The amendment of the PSO Regulation 1370/2007 also foresees an additional function for Regulators, i.e. control of the compliance with assessment based on criteria and procedure.

12. Report from IRG Rail

Bulgaria recently joined IRG Rail. A representative from IRG Rail presented the priorities for 2013.

13. Any Other Business

The French Regulator will host the next Network meeting on 2 and 3 July 2013 in Le Mans.

Attendance List

BE	Service de régulation du Transport ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles National
BG	Bulgarian Railway Administration Executive Agency
CZ	Dražni Urad
DK	Jernbanenaevnet
DE	Bundesnetzagentur
EE	Estonian Competition Authority
ES	Comité de Regulación Ferroviaria
FR	Autorité de régulation des activités ferroviaires
IT	URSF - Ufficio per la Regolazione dei Servizi Ferroviari
LV	State Railway Administration Public Utilities Commission of Latvia
LUX	Institut Luxembourgeois de Régulation
HU	National Transport Authority Central Office, Department of Railway Regulation
NL	Office of Transport Regulation (NMa)
AT	Schienen-Control GmbH
PL	Urząd Transportu Kolejowego
PT	Unidade de Regulação Ferroviária
SI	Post and Electronic Communications Agency RS (APEK)
SK	Railway Regulatory Authority
FI	Finnish Transport Safety Agency (TRAFI)
SE	Transportstyrelsen (Swedish Transport Agency)
UK	Office of Rail Regulation European Policy
	Intergovernmental Commission for the Channel Tunnel - Joint economic committee
HR	Rail Market Regulatory Agency
NO	Norwegian Railway Authority
CH	Commissione d'arbitrato in materia ferroviaria/ Railways Arbitration Commission
MK	Railway regulatory agency
	DG MOVE