18th meeting of the European Network of Rail Regulatory Bodies
Brussels, 20-21 May 2019

Draft Minutes

Present:

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

Together with observers from: CH, NO and North Republic of Macedonia

European Commission: Ms. Prout (chair), Ms. Kontogianni, Ms. Trampisch

1. Approval of the agenda

   The agenda was approved.

2. Approval of the minutes of the 17th ENRRB meeting

   The minutes were approved.

3. Round table 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. Presentation by ART (France) on the independence of the infrastructure manager, the implementation of 4th railway package (market pillar) and its legal enforcement in France

   ART presented its interpretation of Directive EU 2016/2370 with respect to the IM's independence and impartiality obligations as well as the application of its interpretation in its opinion 2019-28 dated 9 May 2019 upon the draft month's ordinance.

5. Presentation by AMT on the implementation of the 4th railway package (market pillar) and the enforcement of the economic equilibrium test in Portugal

   AMT reported on the Portuguese railway network and the main active railway undertakings and then described the state of play of the 4th railway package's implementation in Portugal. AMT also described its own competences within the Railway ecosystem and presented its methodological approach with regard to the Economic Equilibrium Test.

6. Presentation by the Service de régulation du transport ferroviaire et de l' exploitation de l' aéroport de Bruxelles of its decision on the organisational and decisional separation of SNCB's service facilities' management from SNCB's rail transport services

   The Service de régulation du transport ferroviaire et de l' exploitation de l' aéroport de Bruxelles presented its decision on the organisational and decisional separation of SNCB's

service facilities' management from SNCB's rail transport services. It was reported that on the basis of this decision, SNCB modified its internal organisation in order to increase transparency, non-discrimination and independency of the service facility division.

7. Infrastructure charges:

There were discussions on infrastructure charges with Czech Republic, Greece and Holland presenting their charging systems and Latvia raising the topic of mark-ups for passenger services within the framework of public service contracts.

In detail, ÚPDI presented the infrastructure charges applicable in Czech Republic in 2018 whilst RAS presented the revised charging system of OSE, the infrastructure manager, in Greece. Then, ACM presented its decision to conditionally approve ProRail's calculation methods for the infrastructure charges of 2020 and beyond in the Netherlands, which was appealed by ProRail and DB Cargo. Last but not least, the State Railway Administration presented its decision, in the light of which the charging regime for passenger services within the framework of public service contracts was ought to switch to direct costs plus mark-ups

8. Presentation by CNMC of the cost model of freight transport by rail in Spain with a comparison to that of freight transport by road

Please see presentation.

9. Presentation by Jernbanenævnet on DSB's accounting separation of PSO and commercial activities in Denmark

Please see presentation.

10. Service Facilities:

ESPO presented the various legal regimes used by either rail infrastructure managers or port authorities in relation to rail infrastructure in ports, in particular with regard to infrastructure charges and timetabling arrangements, which was followed by an exchange of views between Member States with significant ports (indicatively Germany, Belgium, the Netherlands)

Following the above discussion, ART (Italy) reported on the consolidation and integration of the Italian regulatory framework in view of the application of Regulation (EU) 2017/2177 and the developments of the Italian sector.

Last but not least, the European Commission presented for the first time the software demo of the Rail Facility Portal.

11. A.O.B

End of the meeting

18TH MEETING OF THE

EUROPEAN NETWORK OF RAIL REGULATORY BODIES (ENRRB)

BRUSSELS, 20-21 MAY 2019

AT	Schienen-Control GmbH (SCG)
BE	Service de régulation du Transport ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles National
CZ	Transport Infrastructure Access Authority (UPDI)
DE	Bundesnetzagentur
DK	Danish Rail Regulatory Body (Jernbanenaevnet)
EE	Estonian Competition Authority (Konkurentsiamet)
EL	Greek Regulatory Authority for Railways (RAS)
FI	Finnish Transport Safety Agency (TRAFICOM)
FR	Autorité de régulation des activités ferroviaires et routières (ARAFER)
HR	Croatian Regulatory Authority for Network Industries (HAKOM)
HU	The Rail Regulatory Body of Hungary
IE	Commission for Railway Regulation Ireland
IT	Autorità di Regolazione dei Trasporti (ART)
LT	Communications Regulatory Authority of Lithuania (RRT)
LU	Institut Luxembourgeois de Régulation
LV	State Railway Administration of Latvia
NL	Authority for Consumers & Markets (ACM)
PL	Polish Office of Rail Transport (UTK)
PT	Autoridade da Mobilidade e dos Transportes (AMT)
RO	Romanian National Railway Supervision Council (RCC)
SE	Swedish Transport Agency (Transportstyrelsen)
SL	Agency for Communication Networks and Services (RS - AKOS)
SK	Transport Authority of Slovakia

SP	Comisión Nacional de los Mercados y la Competencia (CNMC)
UK	Office of Road and Rail (ORR)
EC	
	Observers:
CH	Railways Arbitration Commission (RAC)
MK	Railway Regulatory Agency (RRA)
NO	Norwegian Railway Authority