

16th meeting of the European Network of Rail Regulatory Bodies

2-3 July 2018, Brussels

MINUTES

Present:

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

Together with observers from: FYROM and NO

Commission

1. Approval of the agenda

The agenda was approved.

2. Approval of the minutes of the 15th 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. Track access charges

i. Presentation by Transportstyrelsen of Trafikverket's system for track access charges

ii. Presentation by ORR on ORR's preparation of the charging review

ORR presented the process of access charges review in the UK.

iii. Presentation by Schienen-Control on Austrian charging scheme issues

Schienen-Control presented its investigation of track access charges in Austria.

5. Presentation by BNetzA on its investigation re DB Netz's compliance with ECJ's ruling (C-482/14) regarding public funds

6. 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 and general discussion

IRG-Rail committed to present its progress on the development of common decision making principles for the application of the exemption criteria listed in Article 2 of the Implementing Regulation at the next ENRRB Meeting.

ii. Service facilities information template – IRG-Rail's position paper and general discussion

IRG-Rail presented its position paper on the common template for service facility descriptions published on 18 May 2018.

iii. Rail facility portal - Presentation by a representative of the portal consortium and general discussion

A representative of the portal consortium presented the Commission project of a common web portal on rail service facilities to the regulators.

iv. Presentation by State Railway Administration of Latvian Republic on the Ventspils depot case - access to a service facility

v. Presentation by Jernbanenævnet on service facilities charges

Jernbanenævnet presented the main steps to be checked by the Danish regulator when it comes to service facility charges.

7. Discussion with MOVE Interoperability/safety and ERA on technical barriers to market access

8. Presentation by ACM of various capacity allocation cases, including the complaint by DB cargo about capacity allocation at one of the service facilities in Rotterdam

9. Presentation by CNMC of CNMC's decision on rolling stock access in the freight market

10. Article 7a of Directive 2016/2370: Presentation by Urad pro pristup k dopravni infrastrukturi UPDI on the relations between IM, allocation/charging body and RU, price calculation, invoicing

11. Report on IRG-Rail activities

IRG-Rail referred to its 2019 working plan.

12. A.O.B.

It was reported that the next ENRRB Meeting will take place in Prague from 28 to 30 November 2018 and would include a rail-related site visit.

13. List of participants

AT	Schienen-Control GmbH (SCG)
BE	Service de régulation du Transport ferroviaire et de l'Exploitation de l'Aéroport de Bruxelles National
BG	Railway Administration Executive Agency (RAEA)
CH (Observer)	Railways Arbitration Commission (RACO)
CZ	Transport Infrastructure Access Authority (UPDI)
DE	Federal Network Agency (Bundesnetzagentur)
DK	Danish Rail Regulatory Body (Jernbanenaevnet)
EL	Greek Regulatory Authority for Railways (RAS)
FI	Finnish Transport Safety Agency (TRAFI)
FR	Autorité de régulation des activités ferroviaires et routières (ARAFER)
HR	Croatian Regulatory Authority for Network Industries (HAKOM)
HU	National Transport Authority, Department of Railway Regulation
IT	Autorità di Regolazione dei Trasporti (ART)
LT	Communications Regulatory Authority of Lithuania (RRT)
LU	Institut Luxembourgeois de Régulation
LV	State Railway Administration
MK (Observer)	Railway Regulatory Agency (RRA)
NL	Authority for Consumers & Markets (ACM)
NO (Observer)	Norwegian Railway Authority
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 (AKOS)
SK	Transport Authority (Dopravný úrad)
SP	Comisión Nacional de los Mercados y la Competencia (CNMC)
UK	Office of Rail and Road (ORR)