

17th meeting of the European Network of Rail Regulatory Bodies

28-30 November 2018, Prague

Draft MINUTES

Present:

Rail Regulatory Bodies from the following Member States were represented: AT, BE, BG, 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 FYROM

European Commission

1. Approval of the agenda

The agenda was approved.

2. Approval of the minutes of the 16th 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. Demonstration by SZDC (CZ IM) of its SW (software) for capacity application and capacity allocation

Please see presentation.

5. Presentation by ORR of its recent inquiry on the May 2018 timetabling disruptions

Please see presentation.

6. Presentation by Jernbanenaevnet on the issue of compliance with the passenger rights regulation (compensations due to delays and cancellations, information from RUs to the passengers about their rights)

Please see presentation.

7. Presentation by Arafer on the issue of a common European framework for quality of service indicators in the railway sector

Please see presentation.

8. Information sharing and instructions by Urad pro pristup k dopravni infrastrukturi UPDI on the visits planned for the morning of 29 November 2018

9. Service facilities

1) Presentation by UIRR (member of the portal consortium) on the progress of the EU Rail facility portal

Please see presentation. The discussion raised questions on quality management, on whether the publication obligation covers both static and dynamic information, on the period of validity of the information submitted, on the interaction of the portal with other existing databases, on the users' needs, on the economic sustainability of the project and the role of regulators. Regulators were asked to raise awareness on the portal project and to provide the portal consortium with their input on what needs to be improved.

2) Presentation by IRG-Rail of its position paper on the exemptions under Article 2 of Implementing Regulation (EU) 2011/72177

Please see presentation. IRG-Rail presented its newly issued paper which sets out common decision making principles that should be applied by the national regulatory bodies when assessing requests for an exemption under article 2 (2) of the Implementing Regulation. Various regulators reported that they intend to translate the IRG-Rail document in their respective national language. Incorporating the principles embodied in IRG-Rail's paper in an implementing act will be considered at a later stage.

10. International Coordination

1) TTR (Time Tabling Redesign) project

i. Presentation of the Rotterdam-Antwerp TTR pilot by one of its representatives

Please see presentation. The presentation raised questions on how precise the capacity safeguarded for rolling planning can be, on whether it makes sense to test pilots on congested lines, on how the arrival of new entrants can influence the capacity safeguarded and on what happens in the case of conflicting requests. There were also questions on what the commercial conditions will include and on the timeline for the full roll-out.

ii. Presentation by RailNetEurope on the Legal soundness of the TTR project

Please see presentation. RNE's presentation was based on RNE's newly issued legal assessment of the TTR project.

iii. Presentation by RailNetEurope on the TTR Commercial Conditions

Please see presentation.

iv. Exchange of views and the role of regulators

IRG-Rail offered to contribute with input on the commercial conditions.

2) Presentation by RailNetEurope of the 2018 TCR Guidelines

The presentation was postponed.

11. Presentation by Schienen-Control on access and charging issues at passenger train stations

Please see presentation.

12. Presentation by the Finish regulatory body on the pricing of services related to Russian border transports and the transparency of the services supplied in rail freight transport.

Please see presentation. The presentation raised questions on whether platforms should be considered as part of a station and therefore categorised as service facilities or part of the minimum access package and on the consequences of such a distinction on charges. A request for a preliminary ruling on that matter has been submitted by the Austrian Courts to the Court of Justice and a hearing is scheduled for 17 January 2019. The Commission had been asked to submit its position.

13. Presentation by ACM of its advisory report on the desirability of economic regulation of the public transport payment/ticketing market

Please see presentation.

14. Presentation by DG MOVE on cancellation/reservation charges for international train paths

Please see presentation.

15. Report on IRG-Rail activities

- WG Access: 1st report: international cooperation of IM on TCR and contingency management, 2nd report: outlook on performance on the freight corridors based on the list of indicators, data missing for the latter; 3rd report: TTR project, 4th report: overview of technical barriers (general and specific issues (considering soft law measures))
- WG SF: 2 papers published (service facilities template, exemptions under Article 2 of Implementing Regulation on service facilities)
- WG legislative: MoU between RB Art. 57.8, this is being signed
- WG Charges: update on MAP practices, draft paper on DC, mark-ups and subsidies (WG highlighted the most important issues)

16. A.O.B

The next meeting of the European Network of Rail Regulatory Bodies (ENRRB) will take place in May 2019 (20, 21, 22). One day will be dedicated to a joint ECN-ENRRB Meeting and the rest one day and a half will be dedicated to the ENRBB Meeting itself.

End of the meeting

17. 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)