



● Evolution of the legal framework for Rail Transport in the EU

Ankara, 08 October 2009

Dr. Göktuğ Kara
Transport Policy and Infrastructure Investments
Sector Manager
Delegation of the European Commission to Turkey



- **CONTENT**

I. POLICY CONTEXT

II. REGULATORY FRAMEWORK

III. ENFORCEMENT ACTIVITIES

IV. IMPACT ON THE MARKET



- **I. POLICY CONTEXT**

- White Paper of 1996
- White Paper of 2001 on “European transport policy for 2010 : time to decide”
- Mid-term review of the White Paper of 2001 --- June 2006



- **The White Paper of 1996 : Strategy for Revitalising the Community's Railways**

- Greater role for market forces
- Encourage operators to cut their costs
- Improve quality of service and offer new products
- Clear separation of responsibilities between State and railways

● **The White Paper of 2001 : « European transport policy for 2010 : time to decide »**

- In the 1990s the objective of opening up the markets was achieved, except for the railway market
- Unequal growth of transport modes: predominance of road, decline of rail
- Congestion: external costs of traffic congestion amount to 0.5% of Community GDP
- Environmental problems of road transport
- Consequence: need to revitalise rail transport



- **The EU approach :
Creating a common European railway area**

The cornerstones of the EU approach :

- Open access
- interoperability
- Common rail safety approach
- Trans-European Network for rail



● II. REGULATORY FRAMEWORK

- Legal basis : The EU Treaty
- Title V – Transport – Article 71
- Title XV – Trans-European Networks – Article 156

● Directives on Rail Network Access

- **Directives of the “rail infrastructure package” of 26 February 2001:**
 - 2001/12/EC amending 91/440/EEC on the development of the Community’s railways
 - 2001/13/EC amending 95/18/EC on railway licensing
 - 2001/14/EC on the allocation of capacity and levying of rail infrastructure charges and safety certification
- **2nd railway package:**
 - Directive 2004/51/EC of 29 April 2004
- **3rd railway package:**
 - Directive 2007/58/EC: open access rights for international rail passenger services including cabotage by 2010
 - Regulation (EC) No 1371/2007 on rail passengers’ rights and obligations

● Directives on Interoperability and Safety

● Directives on interoperability:

- Directive 96/48/EC on the trans-European high-speed rail system
- Directive 2001/16/EC on the trans-European conventional rail system

● 2nd Railway Package:

- Directive 2004/50/EC of 29 April 2004
- Directive 2004/49/EC on safety on the Community's railways
- Regulation EC/881/2004 establishing the European Railway Agency

● 3rd Railway Package:

- Directive 2007/59/EC on European train driver's licence

● Recast:

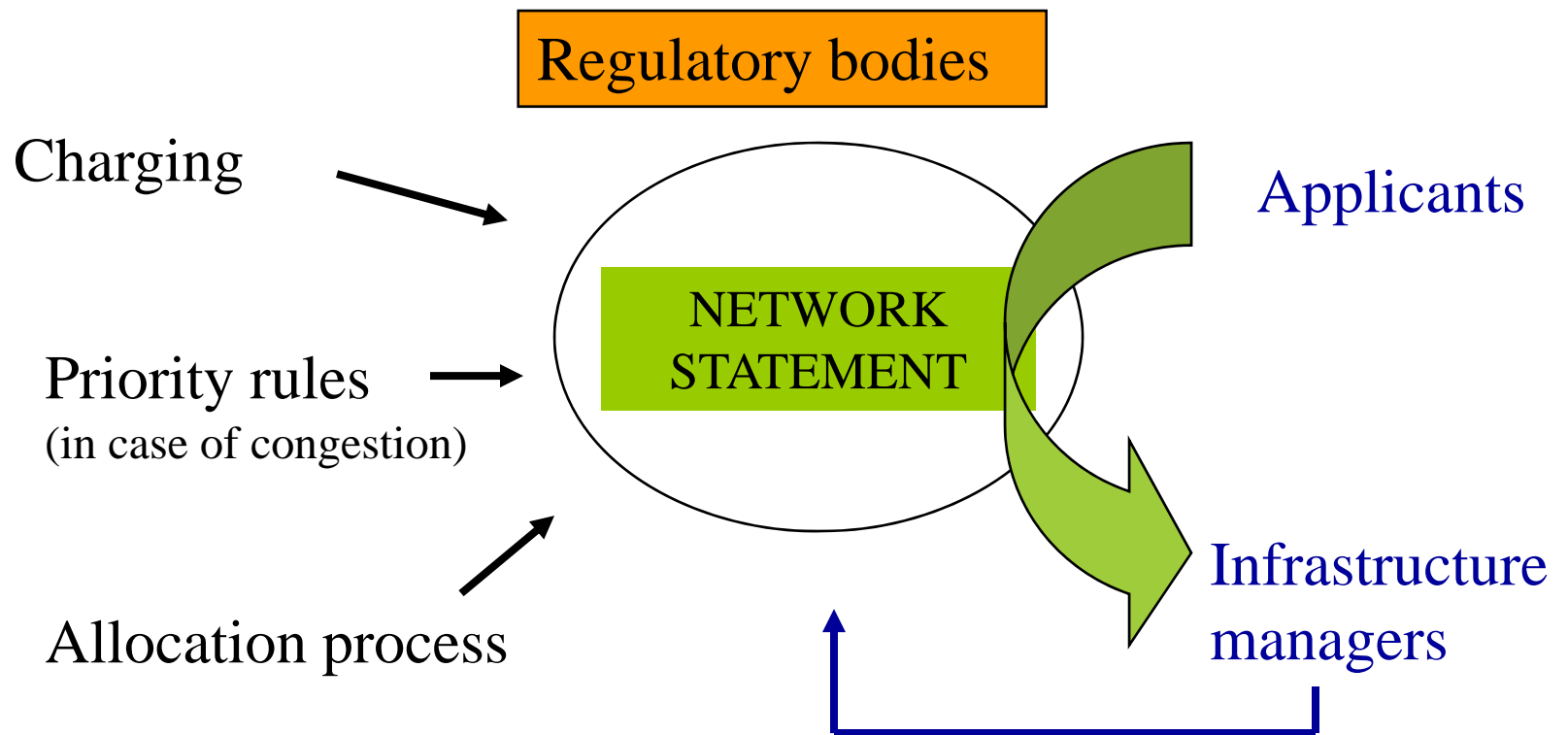
- Directive 2008/57/EC



- **Rail Network Access - Issues to be regulated**

1. Market opening
2. Institutional framework: Independence of essential functions, management independence from the State
3. Account separation
4. Licensing
5. Infrastructure charging
6. Allocation process
7. Regulatory body

- **EU regulatory framework for rail network access**





- **III. ENFORCEMENT OF THE REGULATORY FRAMEWORK**



- **1. Control of implementation of the 1st Railway Package**

- Report on the implementation of the 1st Package issued in May 2006
- Comprehensive analysis of the most important issues of implementation
- Questionnaire sent to Member States in May and November 2007
- Infringement procedures launched in July 2008



- **1. Problems of implementation of the 1st Railway Package**

- Management independence
- Separation of account
- Independence of essential functions
- Independence and administrative capacity of the Regulatory body
- Charging system
- Allocation of international train paths



Some Results – Market Impact

- In 2006 the share of the rail transport was 16,6 % in EU-15 (28 % in EU-10)
- More than 700 rail freight operators
- Most of the significant increases are observed in the countries with a good degree of concurrency
- The share in the land transport of passengers is 6 % in EU-15



Existing barriers in the EU

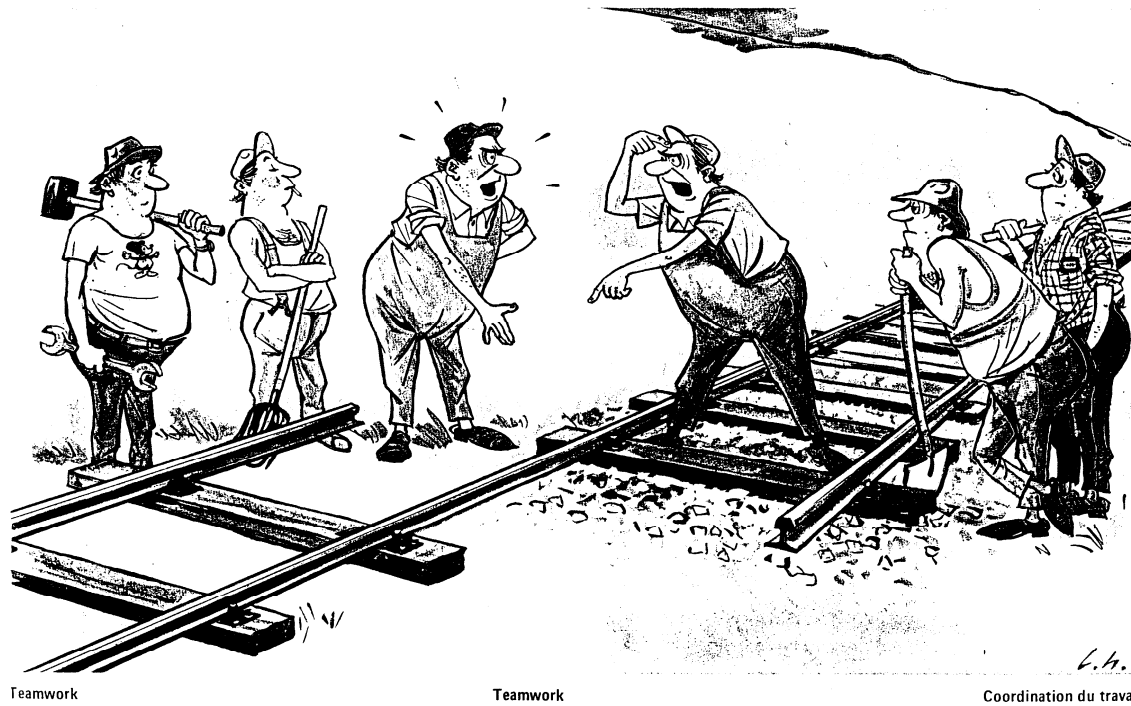
- Transposition deadlines / National approaches
- Infrastructure charging
- Insufficient service quality
- Low financial situation of the rail operators / Insufficient level of investments
- Lack of interoperability / Barriers with safety
- High costs for the entry on the market



- **Turkey's Challenges**

- **REMEMBER 14?**

The work on the common European railway area is ongoing...



Thank you for your attention!