



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

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Unit D.2 Rail Transport and Interoperability



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## 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 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 to improve the performance of rail transport are:

- Open access in rail transport to favour competition and create incentives for product innovation and service quality
- Fostering the interoperability of the national networks (and hence international services) through technical harmonisation
- Develop a common rail safety approach to facilitate market access while maintaining a reasonably high level of safety
- Develop the trans-European Network for rail



## ● II. REGULATORY FRAMEWORK

- Legal basis : The EU Treaty
- Title VI – Transport – Article 91
- Title XVI – Trans-European Networks – Article 172



## 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





### III. ENFORCEMENT OF THE REGULATORY FRAMEWORK

1. Control of the implementation of the 1st Railway Package
2. Multiannual contracts for rail infrastructure quality



## IV. IMPACT ON THE MARKET

1. Rail transport
2. Rail industry
3. Existing barriers
4. International context

# 1. Rail transport

- In 2008 the share of the rail transport was 17,8 % in EU-27
- More than 700 rail freight operators
- Most of the significant increases are observed in the countries with a good degree of competition
- The share in the land transport of passengers is 6,3 % in EU-27



## 2. Rail industry

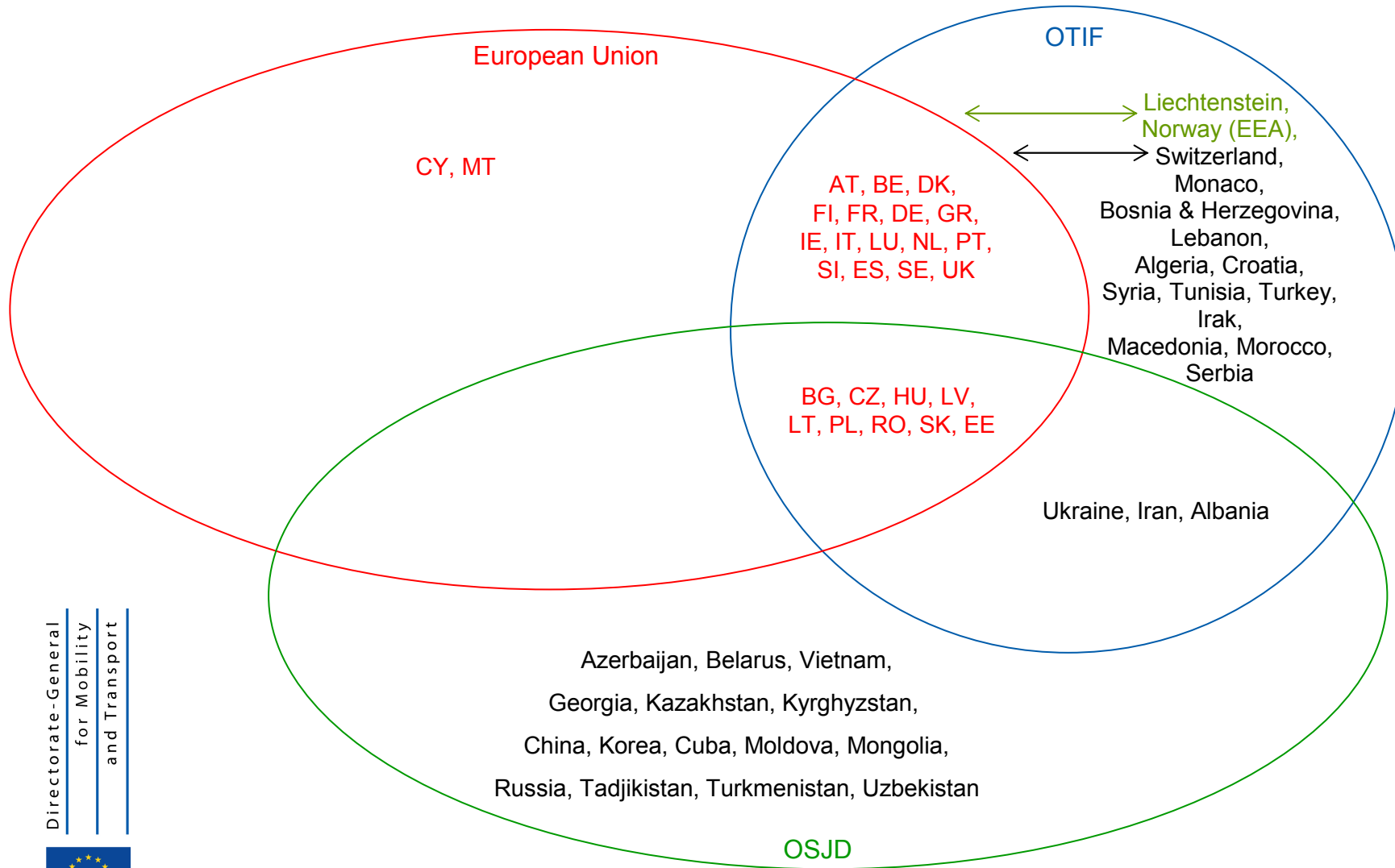
- Reduction of the staff / increase of the productivity
- 6178 km of high speed lines (in 2009)
- 212 842km of lines in use (in 2008)

### 3. Existing barriers

- Transposition deadlines / National approaches
- All the institutions are not fully operational
- 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



## 4. International context

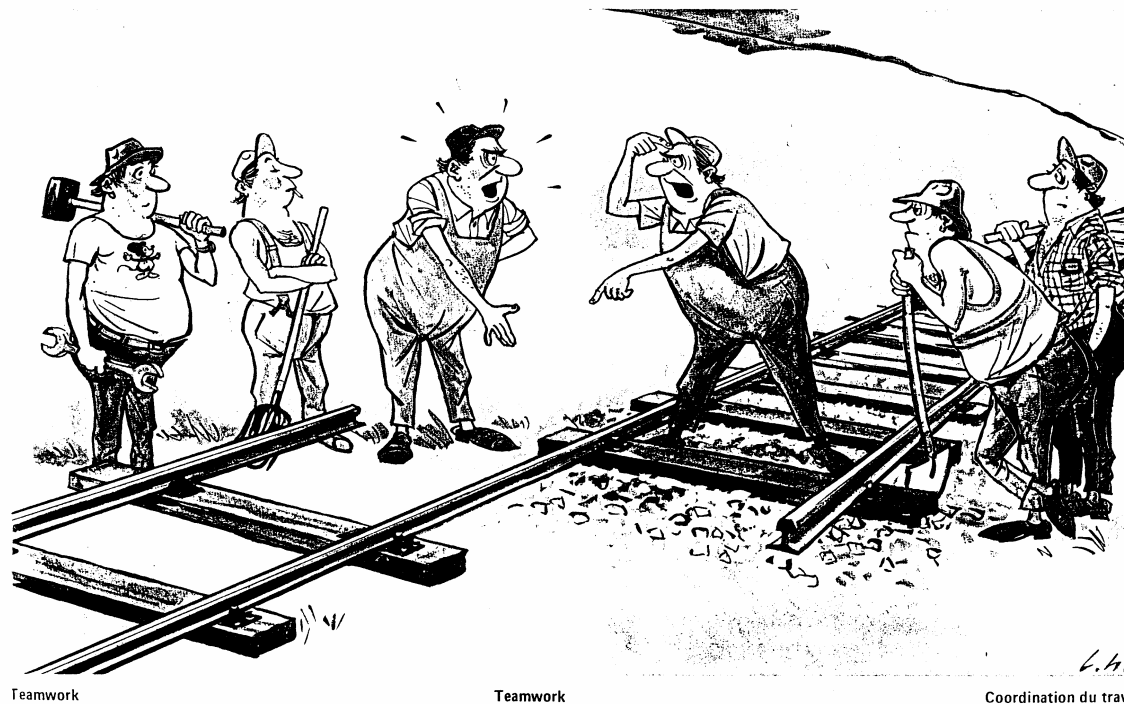




## V. ONGOING AND FUTURE WORK

1. Completing the opening of the market for the passengers rail transport
2. Recast of the legislation on the opening of the markets
3. Development of a network with freight priority

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



Thank you for your attention!