

Single European railway area. Recast

2010/0253(COD) - 25/03/2015 - Follow-up document

The Commission presented a report on the cooperation between regulatory bodies under Article 63(2) of Directive 2012/34/EU establishing a single European railway area.

Directive 2012/34/EU obliges Member States to establish regulatory bodies responsible for monitoring the competitive situation in the rail services market. It created a European network of rail regulatory bodies (the network) that convenes at regular intervals, exchanging information about their work. The Commission is a member of the network, and coordinates and supports its work.

In addition to cooperation within the network, the Directive requires regulatory bodies to assist each other in market monitoring tasks and to cooperate on handling complaints and investigations, including by setting up specific working arrangements.

Cooperation between the regulatory bodies: according to the report, the regulatory bodies have worked closely together on sharing information about their work, best practices and decision making.

With the exception of Lithuania and Ireland, the regulatory bodies of all Member States obliged to establish independent regulators have regularly participated in the network's meetings. Some regulators already have substantial experience (e.g. Austria, Denmark, France, Germany, Netherlands, United Kingdom) while others have only handled a few or no cases (e.g. Finland, Greece, Lithuania, Luxembourg).

The Commission has facilitated cooperation. It explained policy proposals, presented judgments of the European Court of Justice concerning transposition and implementation of the first railway package, and provided recommendations on how to apply Directive 2012/34/EU.

In the context of establishing **rail freight corridors**, regulatory bodies have worked together to develop systems and working arrangements for handling cases referring to corridor issues.

Cooperation on concrete cases has remained limited with only a **small number of cases concerning international services** and requiring consultation and exchange of information between regulators having been brought to the attention of regulatory bodies so far.

At the same time, **there is a number of areas in which coordination between regulatory bodies needs to be further improved**. The Commission considered that the existing legal framework provides for a range of possibilities for improvement, such as the adoption of **implementing acts** setting out common decision-making principles and practices or the development of an electronic tool for exchanging information and discussion on cases handled by regulatory bodies.

Regular cooperation and exchange of **best practices** within the network of regulatory bodies is also expected to contribute to the development of frameworks for information sharing and cooperation with national safety and licensing authorities.

Since only a limited number of cases with a cross-border dimension have been brought to the attention of regulatory bodies so far, the Commission concluded that there is **not yet sufficient evidence for the effectiveness of existing cooperation arrangements**.

However, recent developments, in particular at corridor level where more and more paths are crossing several corridors, indicate that more integrated and effective regulatory oversight may be required as the

implementation of rail freight corridors and development of the single European Railway area progress further.

It is recalled that in its [legislative resolution](#) of 26 February 2014 on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/34/EU, the European Parliament adopted an amendment to the Directive, requiring the Commission to adopt a legislative proposal to replace the network of regulatory bodies by a European regulatory body dealing with cross-border issues and appeals against decisions of national regulatory bodies by 31 December 2019.

The Commission will therefore **continue to monitor the developments** as regards cooperation between regulatory bodies and, where appropriate, assess the need for measures to reinforce integrated regulatory oversight.