

7th Florence Rail Forum

Current Challenges of Rail Regulation in Europe: The European Regulators' View

organized by

**Chair of Management of Network industries, École Polytechnique Fédérale de Lausanne (EPFL)
Florence School of Regulation Transport Area, European University Institute**

Villa La Fonte
Via delle Fontanelle 10 – San Domenico di Fiesole

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■ **OVERVIEW**

The European Rail Regulators are rapidly being built up. Following the instructions stemming from the First Railway Package (2001) and the Recast (2012), the different national regulatory bodies have been established by all the concerned Member States. As mandated, every regulatory body is independent “in its organisation, funding decisions, legal structure and decision-making from any infrastructure manager, charging body, allocation body or applicant” (Art. 30.1 of Directive 2001/14/EC; Art 55.1 of Recast 2012/34/EU). Every regulator shall be an appeal body, shall act as a supervisor in any negotiation against any discrimination with the power of requesting relevant information, and shall ensure that charges set are not discriminatory. Regulatory bodies should perform these functions with the aim of monitoring the competition in the rail services markets, including rail freight transport market (Art 10.7 of Directive 2001/12/EC; Art. 56.8 of Recast 2012/34/EU).

Art. 31 of the said Directive and Art. 57.1 of Recast 2012/34/EU maintain that, also thanks to the support of the European Commission, “the national regulatory bodies shall exchange information about their work and decision-making principles and practice and, in particular, exchange information on the main issues of their procedures and on the problems of interpreting transposed Union railway law. They shall otherwise cooperate for the purpose of coordinating their decision-making across the Union”. In this realm, the Independent Regulators’ Group (IRG-Rail) was founded in June 2011 by 15 independent rail regulatory bodies, and it now has 22 members that work towards speaking with a single voice at the European level. Despite of sharing best practices and harmonising regulatory approaches, the European rail regulators are routed in their past. Regulatory theory has it that regulatory practice is very much shaped by national institutional characteristics and it is path-dependent.

The purpose of this 7th Florence Rail Forum is to crystallise the different national regulatory rail «philosophies», which are unavoidable elements that have to be taken into consideration when it comes to the implementation of all the European Directives. In early 2013 the European Commission published the 4th Railway Package. This Package is another step towards the European Commission's vision of a Single European Railway Area and as such will contribute to further shaping the European railway sector. The Recast, in most Member States, has not yet been transposed. This Forum aims at highlighting the different national specificities when implementing the various Directives (and Packages): on the one hand, we will look back at the different national «philosophies» when implementing the various Directives (and Packages) in the past, and derive from there how the Recast and the 4th Package are likely to be implemented by the various national regulators in the future.

Stakeholders – regulators, operators, Ministries, the European Commission, associations and academics – are invited to discuss the expected challenges stemming from the implementation of the Recast and from current proposals in the 4th Railway Package, for that matter. The discussions will focus on the following guiding questions:

- Does the European Commission perceive any difference in terms of national regulatory «philosophies» when implementing the various rail directives and packages?
- Is there a “Nordic way” of regulating railways? How does the interaction among different actors get influenced by the different national regulatory «philosophies»?
- Is there a “Latin way” of regulating railways? Would it be possible to find some commonalities among the Southern European regulatory «philosophies»?
- With regard to the implementation of the 1st Railway Package/Recast, up to which level can an operator extend its range of activity? Do we need a European Regulator?

■ PROGRAMME

08.30-12.30 Morning session

08.30-09.00 Introduction to the forum
Matthias Finger | FSR-Transport and EPFL
Keir Fitch | Cabinet of Vice-President Siim Kallas

A *Does the European Commission perceive any difference in terms of national regulatory “philosophies” when implementing the various rail directives and packages?*

09.00-09.45 **Thomas Kaufmann** | European Commission, DG MOVE B2
Round Table Discussion

09.45-10.00 COFFEE BREAK

B *Is there a Nordic way of regulating railways?*

10.00-12.30 German Regulator, BNetzA
Karsten Otte | Railway Regulation Department
Deutsche Bahn
Johann Metzner | Transport Policy Europe
Dutch Regulator, ACM
Mark te Velthuis | Transport Regulation Department
Nederlandse Spoorwegen
Renée Elzinga | Unit Regulatory Affairs and Compliance
British Regulator, ORR
Agnès Bonnett | European Policy Unit
Arriva
Piers Marlow | Business Development
Finnish Regulator, TraFi
Mervi Kaikkonen | Finnish Rail Regulatory Body
ÖBB Personenverkehr AG
Philipp Nagl | Corporate Development
Hungarian Regulator
Péter Menich | Department of Railway Regulation
Round Table Discussion

12.30-13.30 LUNCH BREAK

13.30-17.00 Afternoon session

C *Is there a Latin way of rail regulation?*

13.30-15.45 French Regulator, ARAF
Michel Vermeulen | General Secretariat
SNCF
Pierre Messulam | Strategy Innovation Research and Regulation Department
Italian Regulator, URSF
Fabio Croccolo | General Board
FS Italiane
Barbara Morgante | Strategies and Planning Department
Croatian Regulator, ARTZU
Goran Matešić | Arbitration Board
European Passenger Transport Operators
Jan Möllmann | General Secretariat
Round Table Discussion opened by selected academics

15.45-16.00 COFFEE BREAK

D *With regard to the implementation of the 1st Railway Package/Recast, up to which level can an operator extend its range of activity? Do we need a European Regulator?*

16.00-17.00 **Keir Fitch** | Cabinet of Vice-President Siim Kallas
IRG-Rail
Jacques Prost | Chairmanship
Round Table Discussion
Closing Remarks
Matthias Finger | FSR-Transport and EPFL