



URZĄD
TRANSPORTU
KOLEJOWEGO

Regulatory Bodies in Rail Freight Corridors

Izabela Kuligowska, PhD
Urząd Transportu Kolejowego

18th May 2015



RBs' tasks in freight corridors

- according to Regulation 913/2010
- according to Handbook of EU Com (draft April 2014)
 - ⇒ chapter 9 on RBs
 - ⇒ additional and specific tasks for RBs



Legal basis for RB's decisions regarding Corridor Framework

- FCA is not a part of the conventional system of EU legislation
- EC legal analysis of FCA – an "implementing measure"
- subject to challenge in court
 - ⇒ for RBs this legal basis is uncertain
as the legal nature of FCA is still unclear

Establishment of a common Corridor Framework for all freight corridors

1. Separate definition of FCAs bears a risk of establishing inconsistent rules for traffic crossing several corridors
2. Development of common template for FCA
 - need for analogous definition of the roles and functions of all institutions/bodies involved in capacity allocation process
 - cross-corridor aspects should be regulated in similar manner for all freight corridors
 - designation of PaPs crossing several corridors requires a common approach and uniform rules – potential conflict of allocation priorities
 - need to provide legal certainty for freight operators

versus need to secure certain economic interests via allocation formulae

Definition of the role and functions of RBs in FCA

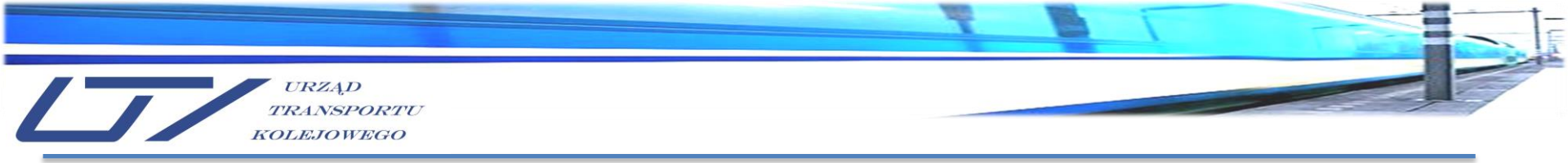
- need for uniform definition of the role and functions of RBs in FCAs
- if not defined uniformly – risk of strict or loose interpretation
- additional legal certainty for RBs



Involvement of RBs in preparation of pre-arranged train paths

RBs' main concerns:

- how provisions for requests involving infrastructure capacity on several freight corridors are defined
- how priority is applied to a decision in case of conflicting requests involving infrastructure capacity on several freight corridors
 - ⇒ ex. designation of Network PaPs should be justified by IMs and subject to regulatory control
- how criteria for the designation of different types of PaPs are defined
 - ⇒ if they are transparent, non-discriminatory, objective and measurable
- RBs should be involved in the process of determination, i.e. have the right of pre-approval



Involvement of RBs in preparation of pre-arranged train paths

RBs are entitled to regulate the activities of IMs

- in accordance with the Regulation and
- under their respective national provisions (territoriality principle)

but

- different scope of competences of RBs defined in their domestic legislation

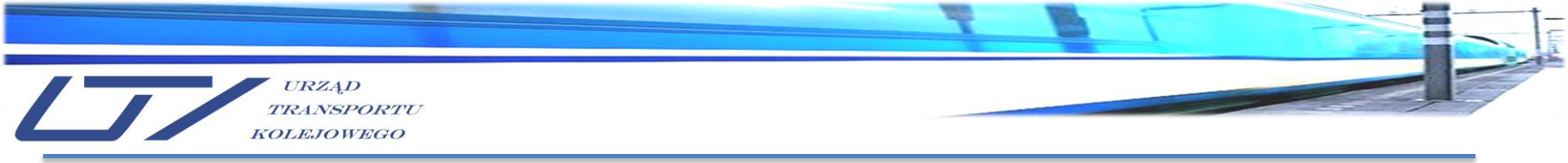


Responsibilities of the C-OSS for the allocation in case of PaPs connecting two or more corridors

- two structures for C-OSS –
 ”representative One-Stop-Shop” and ”dedicated One-Stop-Shop”
 designation of responsible RB in both cases
- C-OSS may have to deal with situations where requests not only concern its own corridor but also involve infrastructure capacity on other freight corridors
- existing legislation does not make clear which C-OSS is responsible for ultimate allocation decisions on PaPs – risk of dual governance
- possible solution – several options

Relation between network statements and Corridor Information Document

- content of the CID
- in Regulation 913/2010 is not explicitly stated that the RB has to supervise the content of the CID
- legal basis might be found by the joint interpretation of Directive 2012/34/EU and the Regulation 913/2010
- RBs control the content of the CID *via* their supervision of the network statements



Cooperation of RBs

- legal basis for cooperation
 - ⇒ Directive 2012/34/EU
 - ⇒ Regulation 913/2010
- corridor cooperation agreements signed by RBs
- common cooperation agreement between RBs under discussion





Shift in perspective

Single corridor perspective => Multi-corridor perspective

What about Regulation 913/2010?





IRG-rail

Independent Regulators' Group - Rail



IRG-Rail Access Working Group

- seeks to secure that necessary rules of the national network statements are reflected in the CID
- continues with the exchange on the monitoring of Corridor OSS (especially for those corridors established in 2013)
- discusses regulatory tasks and powers regarding framework for capacity allocation
- supports cooperation agreements between regulators, especially proceeds to review and adapt corridor agreements to accommodate multi-corridor issues and extensions of rail freight corridors or other arrangements on the basis of Article 57 (2) of Directive 2012/34/EU

<http://www.irg-rail.eu/working-groups/access/>



IRG-Rail Access Working Group

Papers:

- Discussion Paper: Analysis of and report on current topics in developing rail freight corridors (24 October 2014)
- Guidelines on the Monitoring of Corridor One-Stop-Shops (19-20 November 2014)

Workshops:

- 2nd June 2015, The Hague



THANK YOU FOR YOUR ATTENTION

