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## **7<sup>th</sup> 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