



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

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# ● Situation of Regulators before Recast

- Huge progress achieved in the last years
- Regulatory Bodies now exist in all Member States
- Most States created separate bodies outside the transport ministries
- However problems remain concerning independence, powers and cooperation with counterparts in other Member States

## ● Recast provisions on the Regulatory Body

- Strengthening of independence
- Clarification of powers (ex-officio, sanctions, information requests)
- Additional powers on rail related services and account separation
- Mechanisms for cross-border cooperation

# ● The Independence of the Regulatory Body

- Single authority independent from any other public authority
- Stand-alone authority, however possible competence for several regulated sectors, if all fulfil independence requirements
- Independent in organisational, functional, hierarchical and decision-making terms and
- Legally distinct from any other public authority.
- Reference dropped to « can be Transport Ministry or any other body »

## ● Independence of the Regulatory Body (2)

- President and governing board of the RB appointed for a fixed and renewable term under rules which guarantee independence
- No professional interest with the regulated undertakings or entities for a period of three years before and after their appointment and during their term of office.
- Full authority over the recruitment and management of the staff of the regulatory body

# ● Cooperation of Regulators across EU

- Creation of the Network of Regulators
- Coordinated and supported by Commission
- Exchange of information about their procedures and decision-making practices
- Cooperation on market monitoring and investigation
- On cross-border files, obligation to consult and transfer information



# Role in implementation of Recast

- Recast foresees a number of implementing measures which must be based on « experience of regulatory bodies »
- Examples: Principal purpose and economic equilibrium, framework agreements, rail-related services

# ● New Powers for Regulators in the Fourth Package

- Ongoing control of « Chinese Walls » in the case of an integrated undertaking
- Control of tendering procedures

# ● Regulatory Cultures ?

- Differences in size, experience and administrative cultures
- Density of decision-making dependent on number of complaints
- Stability of organisational framework necessary for efficient operation of regulators