

7th Florence Rail Forum
Current Challenges of Rail Regulation in Europe:
The European Regulators' View

Is there a „Nordic“ way of regulating railways?

A German perspective

Deutsche Bahn AG

Johann Metzner

Head of Transport Policy Europe

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Regulatory framework in Germany in line with EU law and confirmed by the ECJ

EBA

Federal Railway Office



- **Technical** rail supervision



- Control of use of **public funding**

BNetzA

Federal Network Agency



- Monitoring of **non-discriminatory access** to infrastructure
- Examination of **access terms and conditions**
- Examination of **level and structure of charges**
- **Ex-ante** and ex-post scrutiny rights
- Decisions **immediately enforceable**

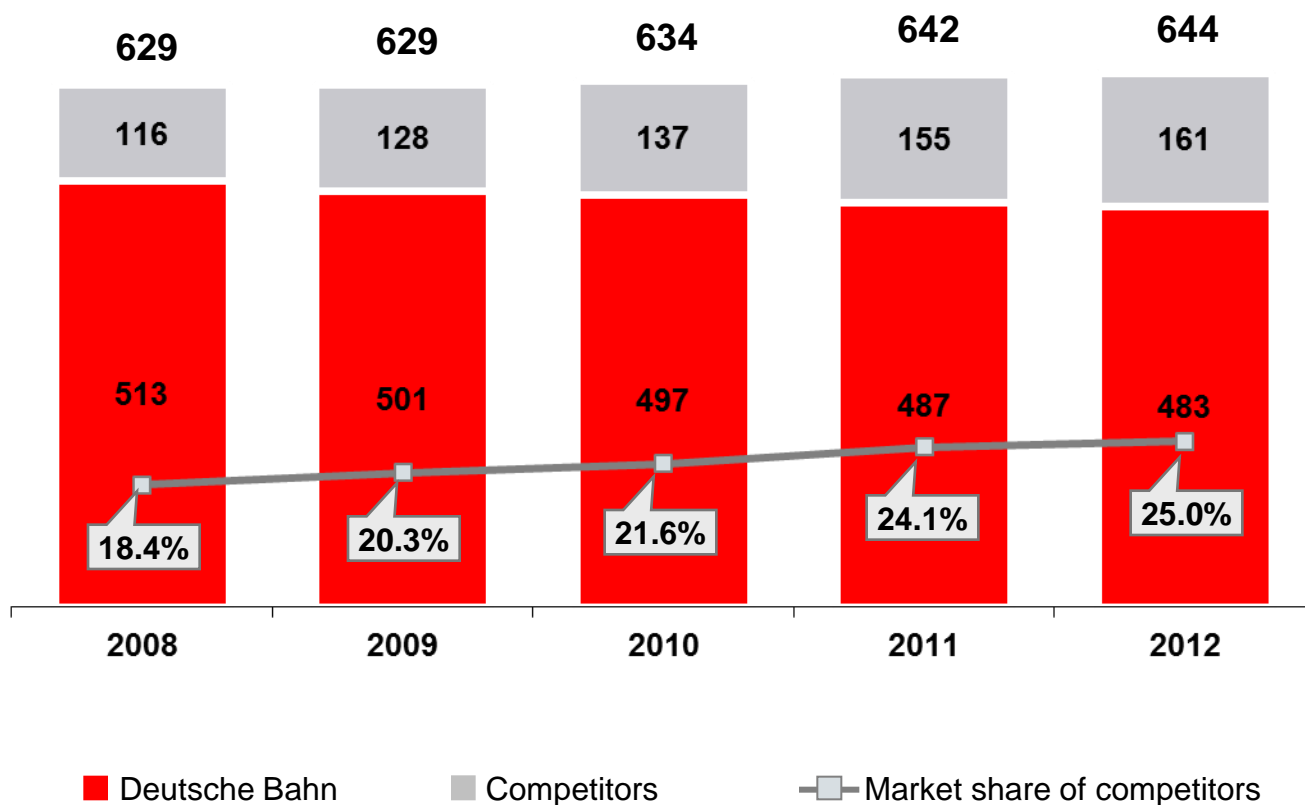
Recast of the First Railway Package



For the **implementation of the Recast no fundamental changes are necessary** in German regulation law.

Competitors continued to increase train kilometres in the regional rail segment – market share rose to 25 per cent in 2012

Ordered train services in the regional passenger transport market
(million train kilometres)

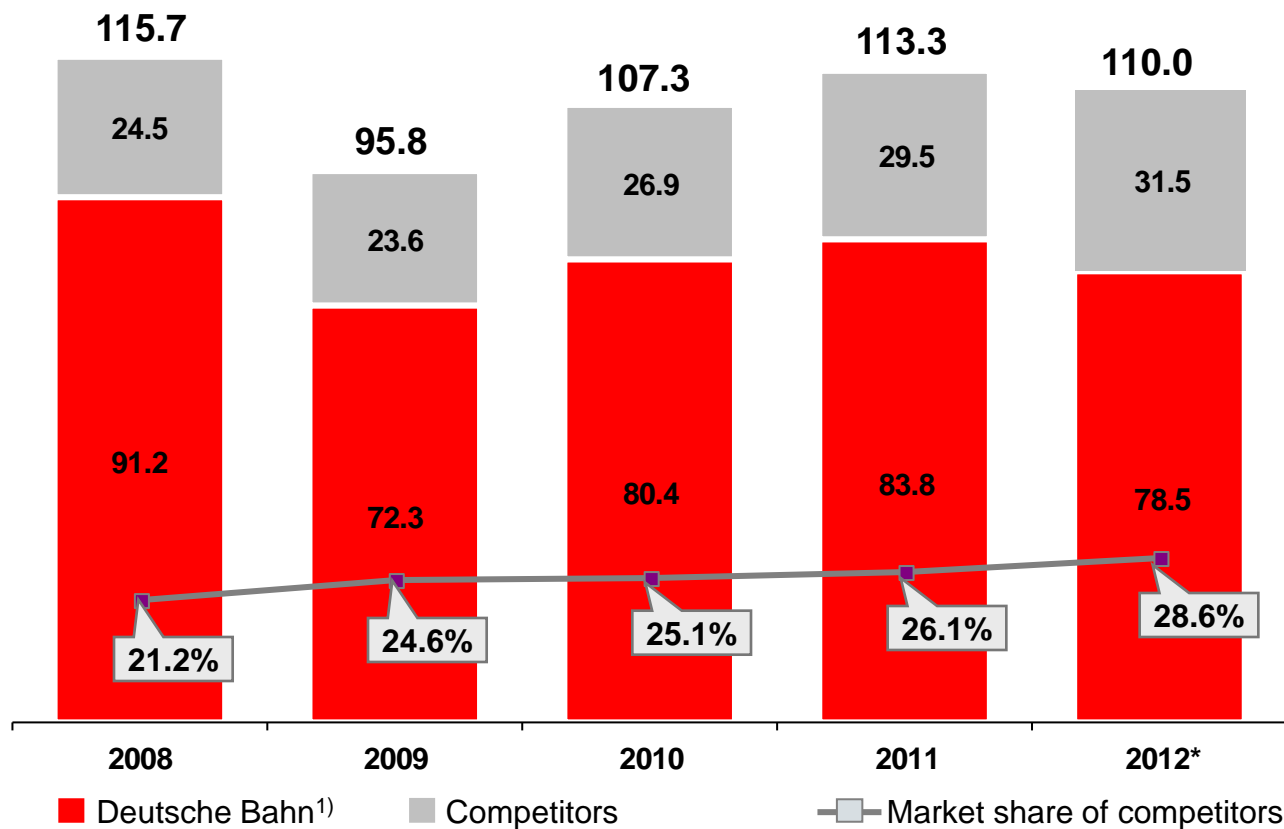


- Competitor railways continued to gain market shares again in 2012.
- They handled 161 million train kilometres, which already accounts for 25% of the total volume.
- The market share of non-DB railways will continue to grow over the next few years.

Overall, rail freight suffered a slight downturn in 2012 – competitors won additional market shares

Traffic performance by rail freight

(billion tonne kilometres)



- In 2012, traffic performance by rail freight was down by almost 3% on the whole – although competitors continued to grow (over 6.5%), performance by the DB companies declined significantly (-6.3%).
- The market share of competitors has thus risen to 28.6%.
- Altogether, traffic performance was still slightly below the pre-crisis level of 2008.

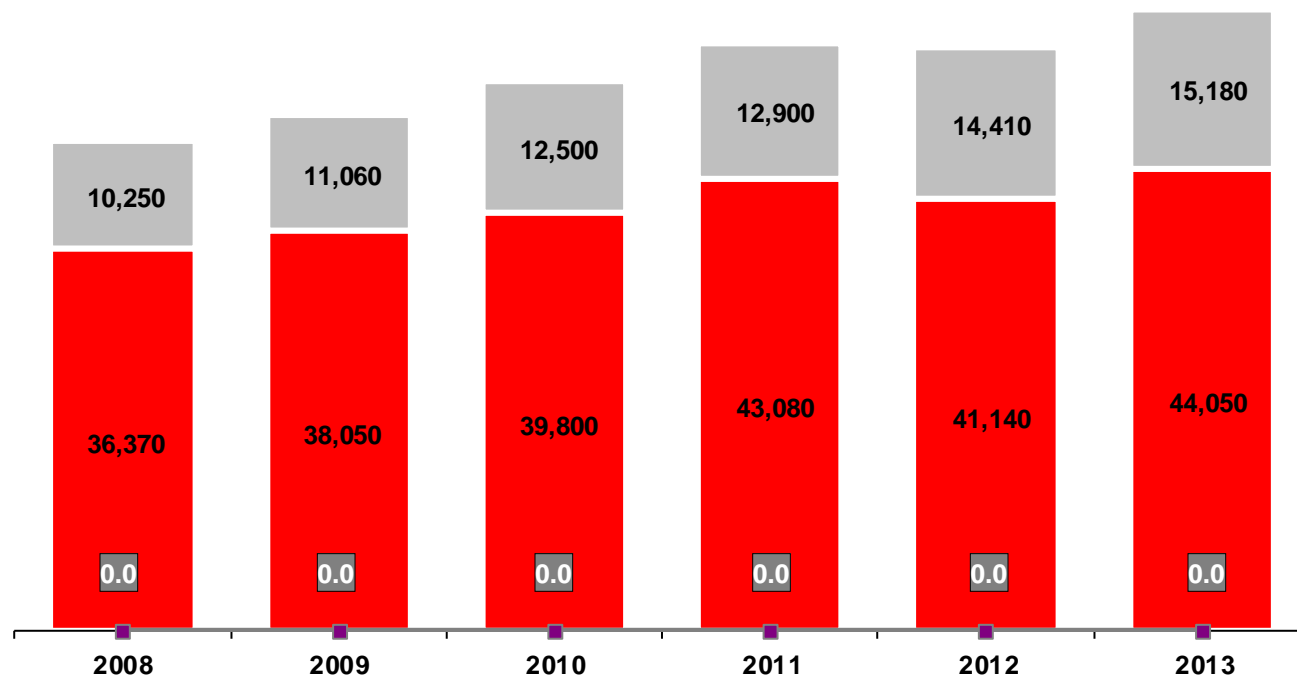
¹⁾ DB Schenker Rail Deutschland AG and RBH Logistics GmbH as from 2006

* estimate

Source: Federal Statistical Office, DB

Compilation of the working timetable has proceeded smoothly for years – record number of applications for train paths

Train-path applications for the 2013 working timetable



- DB Netz AG received nearly 60,000 applications for the 2013 working timetable, a sharp increase compared to 2012 (6.6%). Compared to 2008, the increase amounts to 27%.
- 694 construction projects were taken into account (2012: 752).
- There were approx. 12,500 conflicting applications; only **19 cases** could not be solved amicably and required invocation of the **formal decision-making** procedure.

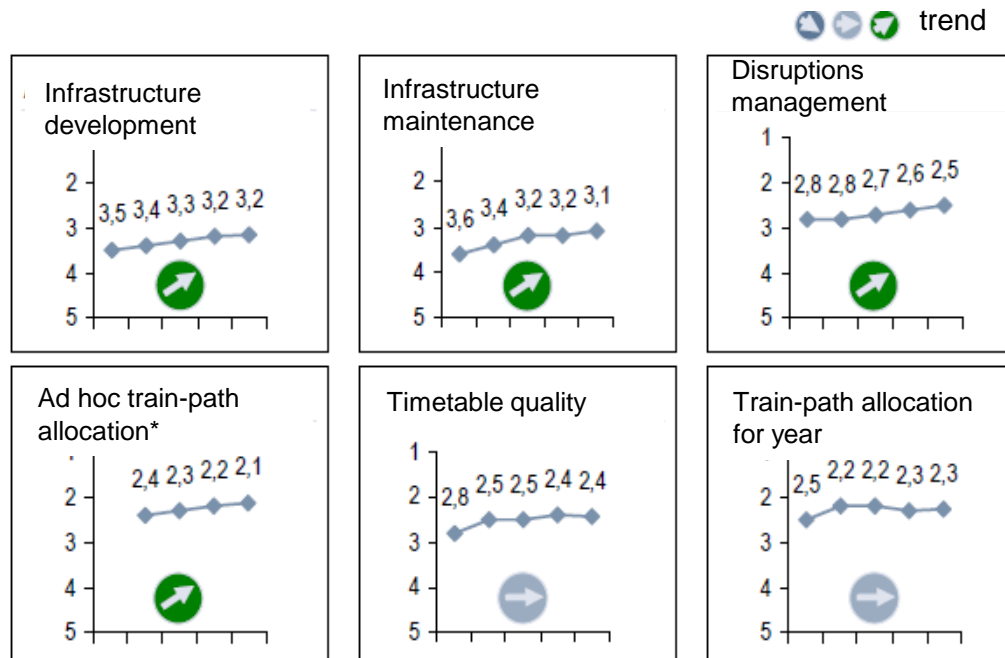
■ Applications by DB (figures rounded)
 ■ Applications by non-DB railways (figures rounded)
 0.0 Unsuccessful applications by non-DB railways in per cent

Source: DB data

A survey by the Federal Network Agency confirmed that the market players rate infrastructure access positively

Trends for rating of rail infrastructure aspects, 2008-2012

Grades (1 = excellent, 5 = unsatisfactory)



*) 2008: no distinction between ad-hoc and working timetable allocation

Source: Federal Network Agency: 2011 Rail Market Survey, p.28