

## Safety Authority and Rail Regulatory Body

Indrek Laineveer  
Ministry of Economic Affairs and  
Communications

## Threats of activities of RB and SA

- Regulatory body and safety authority can foreclose new entrant and foreign railway undertakings from market just by its wrong activities or non-activities
- There are usually two main reasons for that
  - ⇒ regulatory body and safety authority do not have competent staff or have less staff than needed for their activities
  - ⇒ there is political or incumbent railway undertaking's pressure to foreclose new players from market

## Threats of activities of RB and SA

- As safety authority's tasks are very technical there is high risk to foreclose somebody from market, e.g.
  - new entrant would not get safety certificate
  - safety authority does not authorise new type of rolling stock new entrant is using

## How to avoid foreclosing new players from market?

- Regulatory body
  - must be independent from market players in its organisation, funding decisions, legal structure and decision making
  - ensure non-discriminatory access to the railway market by ex-ante and ex-post decisions, must be able to take these decisions independently and efficiently

## How to avoid foreclosing new players from market?

- monitor competition in the railway market
- take decisions in time (maximum period two months) and have proper funds and staff for that
- must be accessible
- co-operate closely with other national regulatory bodies and exchange information on best practices

## How to avoid foreclosing new players from market?

- the decisions of RB shall be subject to judicial review
- avoid employing former railway incumbent employees to management board of regulatory body

## How to avoid foreclosing new players from market?

- Safety authority
  - take decisions in time (maximum period four months) and have proper funds and staff for that
  - must be independent from market players in its organisation, legal structure and decision making
  - shall carry out its tasks in an open, non-discriminatory and transparent way
  - must be accessible

**Thank you for your attention**

indrek.laineveer@mkm.ee

<http://www.mkm.ee/eng/>