

Safety Authority and Rail Regulatory Body

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EU legislation on regulatory body and safety authority

- Regulatory body Directives 2001/12/EC and 2001/14/EC of the European Parliament and of the Council
- Safety authority Directives 2004/49/EC and 2008/110/EC of the European Parliament and of the Council

EU legislation on RB and SA

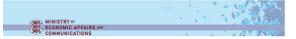
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Threats of activities of RB and SA

- 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 stuff or have less stuff 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



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?



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?



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 stuff 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?



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?



Thank you for your attention

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How to avoid foreclosing new players from market?

- · Safety authority
 - take decisions in time (maximum period four months) and have proper funds and stuff 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

How to avoid foreclosing new players?