
20th Meeting of Working Group Railway and Intermodal Policy (RWWG) Podgorica, May 22-23, 2014

Chairman:

- **Frank Jost**, Single European Rail Area, Directorate General for Mobility and Transport, European Commission

Regional Participants:

- **Erjon Pipiko**, Inspector, Competition Authority, Albania
- **Julian Llupo**, Inspector, Competition Authority, Albania
- **Leonard Garuli**, Director-Economic Unit, The Albanian Railways, Albania
- **Liljana Bosak**, Senior advisor, Ministry of Maritime Affairs, Transport and Infrastructure, Croatia
- **Goran Matesic**, President of Administrative Board of Rail Market Regulatory Agency, Rail Market Regulatory Agency, Croatia
- **Dejan Garic**, Senior Advisor – Department of Agreements and Abuse of Dominant Position, Croatian Competition Agency, Croatia
- **Davor Belas**, Investigator for Investigating Railway Traffic Accident, Air, Maritime and Railway Traffic Accident, Investigation Agency, Croatia
- **Svetlanka Popovska**, Head of railway infrastructure unit, Ministry of Transport and Communication, the former Yugoslav Republic of Macedonia
- **Nikola Kostadinovski**, Director, Railway Regulatory Agency, the former Yugoslav Republic of Macedonia
- **Nikola Dimitrovski**, Head of department, Railway Regulatory Agency- Railway infrastructure, the former Yugoslav Republic of Macedonia
- **Bozidar Petroski**, Adviser, Railway Regulatory Agency- Economic issues, the former Yugoslav Republic of Macedonia
- **Karolina Andonovska**, Head of Unit, Commission for Protection of Competition, the former Yugoslav Republic of Macedonia
- **Milan Bankovic**, Assistant Director, Ministry of Transport and Maritime Affairs Directorate for Railways, Montenegro
- **Milena Milacic**, Railway Adviser, Ministry of Transport and Maritime Affairs Directorate for Railways, Montenegro
- **Bozenka Nikolic**, Senior Advisor, Agency for Protection and Competition, Montenegro
- **Jovana Toskovic**, Advisor, Agency for Protection and Competition, Montenegro
- **Zorica Radovic**, Legal Advisor for Railway Market Regulation, Directorate for Railways, Serbia
- **Martin Halilaj**, Head of railway division, Ministry of Infrastructure, Kosovo*¹
- **Burim Krasniqi**, Officer for freight transport, Ministry of Infrastructure, Kosovo
- **Arsim Ternava**, Director of Legal Department, Kosovo Competition Authority, Kosovo
- **Selajdin Beqa**, Investigating Inspector, Kosovo Competition Authority, Kosovo

¹ *"This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence."

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- **Zyrafete Zejnullahy**, Head of Interoperability, Railway Regulatory Authority, Kosovo
 - **Jakup Bellaqa**, Head of Market Regulation, Railway Regulatory Authority, Kosovo

SEETO - South East Europe Transport Observatory

- **Nedim Begovic**, Regional Railway Expert, SEETO
- **Sanja Dodig**, Administrative Assistant, SEETO

Invited speakers

- **Adriaan Johannes Toet**, Executive director, Royal Dutch Transport Association
- **Michael Rebentisch**, Acting head of sector, Supervision and investigation sector-European Railway Agency
- **Coen Timmerman**, Senior enforcement officer, Ministry of economic affairs of Netherland Authority for consumers and markets
- **Tomi Anttila**, Head of the Unit Infrastructure/Subsystem Approvals, Finnish Transport Safety Agency Trafi
- **Klaus-Jürgen Uhl**, Expert
- **Tatjana Mirkovic**, Senior Rail Transport Expert, COWI

Apologies for absence from

- **Mustafa Kovacevic**, Expert Adviser for rail traffic, Ministry of Communication and Transport, Bosnia and Herzegovina
- **Dejan Lasica**, Head of Department, Ministry of Transport, Republic of Serbia
- **Biljana Makevic**, Senior Adviser- Restrictive Practices Division, Commission for Protection of Competition, Republic of Serbia

1. Welcome and recent developments

The chairman of the RWWG, Mr. Jost opened the 20th RWWG Meeting and welcomed all participants. He briefly summarized the "Direct cost" topic presented on the 19th RWWG meeting. It was explained that the main goal of the direct costs is the efficient use of infrastructure and increase of transparency. The legal basis for the direct cost can be found in the article 31, paragraph 3 of the recast Directive. With this calculation method it can be ensured that RUs are not charged by anything else but the service they requested and paid for through infrastructure charges. Mark up is allowed only in cases where market analysis has been done and according to which market can bear the additional costs. Market analysis for freight transport should be done on regular basis, since situation with the prices in the freight transport can change rapidly. Simplified procedure for calculation of the direct cost was presented, which IM have to fill in, in order to allow the Regulator to check whether these costs comply with the provisions of the EU.

Direct cost calculation starts from the full costs and then all other costs are being deducted. Usually after deducting the "additional cost" a figure in the range of 30 % of full cost will be received, which then should be divided with the train km in order to get the average direct cost per train/km. Afterwards, based on the calculation, increase or decrease certain costs can be made e.g higher cost for heavier trains and lower costs to lighter trains. ²

Additionally Mr. Jost informed the participants on three calls for studies related to infrastructure charges. Novelty with this call is that the companies from the WB countries that have candidate status can participate.

2. Administrative matters

- Adoption of Agenda – Agenda was adopted with slight changes to utilize experts presence in the best possible manner
- Adoption of the draft minutes from the 19th RWWG – Minutes were adopted with included comments from the RWWG members

3. Rail accident investigation

Mr. Michael Rebentisch from European Railway Agency gave a presentation on the Rail accident investigation. He informed participants on the railway safety issues and railway fatalities in EU. Furthermore legal provisions for rail accident investigation were explained, followed by the description of the National Investigation Bodies network (supported by ERA), its function and problematic areas. The presentation is available at the SEETO web site³.

Comment was made whether the NIB can be a part of the Ministry, NSA or not. It was explained that according to the Directive, it is stated that the NIB has to be

² Short explanatory document on the direct cost can be found on the SEETO web page under 20th RWWG meeting: <http://www.seetoint.org/library/meetings/wg/>

³ <http://www.seetoint.org/library/meetings/wg/>

functionally independent, which is not possible if the NIB depends on the staff of the other body (Ministry, NSA). However if the NIB can independently make decisions and select their own staff without any interference from the other bodies (Ministry or NSA) then in some cases it is possible. Furthermore it was explained that borrowing of the staff between bodies is not allowed. During the discussion it was concluded that usually joint body independent from all authorities are more advanced and provide better results in the accident investigation

Discussions centred on the financial burden of the establishment of the NIB (staffing and functioning) for smaller countries with low traffic volumes. Importance of regional cooperation was stressed for several reasons; with the accident investigation experience is important, in the WB region fortunately accidents are not often, however due to this reason expertise and experience exchange between regional participants and the EU MS is very significant. As a possible solution, different specialization of regional participants NIB was mentioned, where afterwards, expertise can be shared according to the regional needs. This approach would substantially decrease the staffing cost of the RPs NIB and increase the experience and expertise. The Safety directive provides for "shared" investigations, like in aviation where this is standing practice.

Conclusions:

National accident and incident investigation bodies (NIB) must employ their own staff and be granted sufficient budget to investigate not only accidents but also incidents.

An NIB is not considered independent, if it cannot select its own staff, if it not separate from the safety authority or if its staff or the body itself depends on a railway undertakings or infrastructure manager.

National law must provide for cooperation of NIB's from different Member States.

Regional case

Mrs. Bosak presented regional train derailment case which occurred in Croatia on 24 July 2009, with 6 fatalities and 55 injured. The accident took place on a section between Labin Dalmatinski and Kastela, near village of Rudine, which has decline of an average 25 ‰, with curves radius below 300 m.

The accident happened when the two-carriage tilting train of the RegioSwinger type carrying about 90 passengers derailed in a remote area. For the purposes of criminal investigation of the accident, investigation was carried out by local police department and forensic team from the national forensic laboratory. That investigation was completed and the case ended in front of the judge and the jury.

From the very beginning, the investigation was focused on the fire retardant that was sprayed on the tracks before the derailment. Soon after the accident the rescue train, which was the same railway service vehicle that supported spraying of the fire retardant, suffered a loss of braking and derailed at the same location as the passenger train.

Police brought to the interview responsible persons from the HŽ supply office as well as the responsible persons from the company that had imported retardant. Director of HŽ Infrastruktura, a company within HŽ Holding, and two of his associates were removed from their positions by the act of the Minister of Transport. Criminal charges were brought upon and on 13 April 2010 the County Attorney in Split indicted the chief of ecology of HŽ Infrastruktura, chief of the fire department of HŽ Split, the director of Intrade (company which delivered fire retardant) and one of his employee, and a fireman involved in the treatment of the fire retardant. In May of 2013 the first degree verdict has been brought out, the chief of ecology of HŽ Infrastruktura and the director of Intrade were sentenced to four and three years in prison respectively, and the rest of the defendants were acquitted.

Under the Act on Safety in Railway Transport, National Gazette NN 40/2007, the Investigation of this accident was supposed to be lead by Independent investigation body, but at the time of the accident that body was not established, so the technical investigation was conducted by the Investigation Committee. The Committee was composed of employees of different companies from HZ Holding. The Committee has never brought a conclusion about the accident because the members could not agree on the causes of the accident.

Question was raised whether the NIB can open a case against its NSA. It was explained that this cannot be done according to the current provisions of the law, but NIB can recommend the NSA to revoke the safety certificate of the railway company.

4. From national safety and technical rules to interoperability

Mr. Tomy Anttila from the Finnish Transport Safety Agency gave a presentation about National Safety and Technical Rules to Interoperability. Content of the presentation was history and evolution of the Railway-specific rules, megatrends and trends in Railway Sector, transition from national level to international level as well as European legislation in Railway sector. Presentation is available on the official SEETO web site.

Question was raised on the rough percentage of rules belonging to different levels. It was explained that currently only two levels exist: EU and national. EU legislation encompasses approximately 10%, while the rest belongs to national rules; almost nothing is on railway company level, expect of SMS.

Furthermore it was explained that in the beginning of rail reform process most of the rules had been enacted by the railway organisations themselves. After reviewing the entire past railway rules, it has to be chosen what can be transferred to national level (and to which authority) and what can be excluded (e.g outdated rules). Mr. Antilla pointed out importance of having good team with right competences in this process. According to his experience, he recommends to start with the rules on rolling stock and then continue with the rest.

Mr. Uhl explained that in the WB region old Yugoslav railway safety rules still apply, which will have to be revisited, to find out which part of organization will get into safety rules and what which other rules had to be repealed because they did not create additional safety. This is needed in order for companies to receive safety certificates and safety authorization.

Old rules should be revisited and checked what can be applied for infrastructure manager, service facility, and railway operators. If this has not been done, then the risks exist that the new safety rules are published, which may or may not be in conformity with the old rules.

Example from the French railways was given to better explain the situation. The passenger railway company ordered rolling stock which had a different clearance gauge than in most of the passenger stations. Several possible reasons were stated: the first one was that rolling stock was built according to new TSIs, forgetting the fact that infrastructure was built by national rules and it was not updated. Secondly competences and cooperation with all the stakeholders involved in the process was stressed as important. Lack of cooperation between RU, IM and the NSA was the main reason for the huge cost incurred in the abovementioned example.

Question was raised, on the existing infrastructure built according to the old standards and whether is better to design rolling stock according to the existing infrastructure or renew the platforms. Mr. Antilla pointed out that this exercise (procurement of rolling stock) can be used to take stock of the infrastructural data, afterwards it can be estimated whether infrastructure needs to be upgraded, considering the interoperability rules.

It was stressed that the issue of dividing national safety rule should be addressed promptly, since many of the competent technical experts may retire in the upcoming years, in order to utilize their competences and highly valuable experience in this area.

Mr. Uhl pointed out that regional cooperation can be a good approach with this particular issue, since most of the regional participants still have the old Yugoslav rules. This issue can be addressed on two ways; firstly one particular country can start with this procedure and then knowledge and experience can be shared with other RPs, since the basis is the same; secondly added value in addressing this issue could be through a multi country project in order to save funds and to benefit from the regional approach. Mr. Antilla pointed out the advantages of multi country project: common basis and the railway network, vast possibilities of synergies.

Additionally it was pointed out that the regional NSAs should prepare administrative instructions on safety, where they will have to use the old safety instructions from railway companies. It was proposed to consider forming a regional team, led by international experts, who would take the JZ rules and divide them accordingly, giving basis for NSA instructions. Mr. Jost stressed that in this type of project, the bulk of work would still be done by the national experts, with the international experts doing the coordination, advisory and monitoring role.

Mr. Bankovic further explained that the old Yugoslav rules and railways had more than 500 documents, emphasizing that the work scope for this issue is very large. Furthermore he explained that the old experts are also the biggest opponents and that probably the regional common commission would be the best to deliver the minimum requirements. He emphasised that such a commission (Working group or a project) has to be divided into minimum five groups: operational, mechanic, energy, civil engineering, legal.

Mr. Anitlla added that in the case of a multi country project, national and regional team is needed. He suggested that the national team is composed of 4-5 persons with one coordinating person, which would also represent the group on the regional level.

Mr.Uhl pointed out that for this process there is no need for a study, only international experts coordinating the process, since just minimum harmonized national safety rules based on old YU rules are needed. With this project only a base is needed, and then after that with integration and transposition of the EU acqui, some of these rules will be minimized and replaced by EU rules. The final deliverable of this process should be a proposal for regulation (sublegal act) and the each nation can decide how they are going to apply this.

Conclusion:

Candidates States should prepare and launch a review of the national safety rules and national technical rules.

Outdated and incompatible rules should be repealed.

Rules that are still needed should be notified to ERA.

5. Presentation of the SEETO TA: Track b and c

Mr. Uhl and Mrs. Mirkovic gave presentation of the TA to SEETO, Task b and Task c (support of the implementation of the Strategic Work Programme of the South East Europe Transport Observatory). Within the study, description and analysis of the infrastructure bottlenecks on corridors/routes, terminals and border crossings on the flagship axes will be given. Additionally socioeconomic costs and benefits stemming from establishment of freight corridor will be evaluated and the quality of the service and non-physical barriers will be analysed and their affect on the continuity of transport flows are to be evaluated.

Preliminary conclusions from the fact-finding missions are:

- No big progress since SEETO project 2008/2009
- If new BCAs – no full implementation on place (but MKD-KOS, MNE-ALB, under negotiation SRB-MKD)
- Significant decrease of international passenger trains and freight trains but more than doubling of lorries and buses.
- Ports are willing to cooperate with railways but no agreement yet (port of Bar, MonteCargo, ZS)
- Technical improvements of some BCPs needed (parking terminals, fencing)
- No joint controls, no mobile terminals

- No electronic transmission of data between Customs and Railways, among border authorities
- SEEDS – Systematic Electronic Exchange of Data (only for Customs on road BCPs and only between regional countries – not with EU countries).

Mr. Jost pointed out the importance of BCA and the joint station, he informed the participants that in the recast (article 14) it is stated that the existing BCAs will be notified to the EC, which will then review the market access rules on the BCP. According to this article, DG MOVE does not have the obligation to check the customs, border police and other rules.

Discussion centred on the BCA between MS and WB partners. It was explained that some issues exist; example of Dimitrovgrad was presented, where the BCA and joint station exist but are not operational. It was explained that EU MS police can only operate on the Schengen territory because only there online access to the information systems can be guaranteed (according to DG HOME).

Comment was made on the traffic flows in the region, which have declining trend and are far below EU level. It was explained that potential in the region does exist, especially for transit, however without business orientation of the incumbent and more private operators as well as sound implementation of legislation, the regional railway system could collapse. In the past, the freight has transferred to other modes, which could continue in the future if railways do not improve their competitiveness.

6. Round Table

The Participants presented progress in rail reform in the SEE since the 19th RWWG meeting.⁴

Albania

The latest developments in the rail sector are focused on improving the legislation through drafting the Law "For the railway system in Albania". Preparation of the new Law on Railways is currently ongoing, EU acqui has been taken into consideration during preparation of this law. The law aims to reinforce administrative, regulative and technical capacities. It is expected that the Law is circulated to the other Ministers for consultation and adoption in June/July 2014. Adoption of the law is expected by the end of 2014.

Structural and management changes in Albanian Railways occurred in the previous year in order to better accommodate to market requirements. The Albanian Railways had excessive number of employees comparing to current demand and therefore reduction of employees was necessary. Gradual reduction of employees is still ongoing, until now the number of employees was reduced by 1130. The

⁴ Short summary is presented in the minutes, while comprehensive RP reports can be found on the SEETO web page: <http://www.seetoint.org/library/meetings/wg/>

Network Statement 2014 has been prepared and should be published at website of the Albanian Railways in Albanian and in English.

Technical Assistance to the Ministry of Transport and Infrastructure funded by EU and conducted by a consortium WYG International, GOPA Consultant and KLC Consulting commenced in 2014, aiming to achieve greater alignment with the EU legislation on transport.

According to the action plan from the Ministry of Transport and Infrastructure, in the next period interventions are planned in legislative documents (Codes, laws, decisions etc). Institutional coordination between public and private sector companies will be established in order to improve consultation process and to enact legislative documents beneficial for all stakeholders. These structural and legal reforms should contribute to efficiency increase of public investments and improved services.

Croatia

In the first quarter of 2014 the number of passengers carried by the Croatian carriers decreased and fewer goods were transported in the railway sector. According to the provisional data, there were 12.4% of passengers less in the railway transport; also they show the decrease of 4.5% in the transport of goods by railway.

Republic of Croatia has started activities regarding implementation of Regulation (EU) No. 1316/2013 with which the Regulation (EU) 913/2010 of European rail freight corridors is amended. The sixth rail freight corridor, established in November 2013, is becoming now the Mediterranean corridor and until November 2016 it should also be extended to lines in Croatia: Ljubljana-Zagreb, Rijeka-Zagreb and Zagreb-Budapest.

According to political decision to merge governmental agencies, rail market regulatory agency will become part of new Croatian Regulatory Agency for Network Services, responsible also for telecommunication and postal services. The Act on market regulation of railway services is in parliamentary procedure and it will replace the Act on rail market regulatory agency (OJ 79/07 and 75/09). Through this act the transposition of the Directive 2012/34/EU establishing a single European railway area is completed, as also the framework for implementation of Regulation (EC) No. 1371/2007 on rail passengers' rights and obligations.

Croatian Railway Safety Agency issued Part A & B of safety certificate for new Croatian railway undertaking Adria Transport d.o.o. (licence issued by Ministry of Transport) and is now in process of renewal of safety certificate for HŽ Cargo d.o.o. Two more companies from Hungary and Austria are now applying for part B of safety certificate.

Kosovo

Since the last RWWG meeting was quite recently, Mr. Halilaj briefly reported on the most important developments.

Ministry of Infrastructure has prepared Draft Administrative Instruction for Licensing of Train Drivers. The process of public consultation is completed and the instruction should be signed by the Minister of Infrastructure in the upcoming period. In order to improve communication and information sharing RRA (Railway Regulatory Authority) and Directorate of Montenegro Railways have signed the memorandum of cooperation.

The infrastructure manager INFRAKOS has prepared first draft of the NS for 2015 and it is expected to start with consultation process, to which all interested parties will participate. State owned railway undertaking TRAINKOS J.S.C. is trying to become a member of relevant railway associations, current focus is on COTIF.

As for the infrastructure projects Ministry of Infrastructure, Ministry of Finance, INFRAKOS and EBRD, are preparing the necessary documentation in order to finalize the procedures for loan agreement for rehabilitation of the Railway Route 10. The project should be implemented in three phases: First phase from Fushë Kosovë up to the border with Macedonia; Second phase from Fushë Kosovë up to Mitrovica; Third phase from Mitrovica up to border with Serbia.

Mr. Jost commented on the on the new applicant for Kosovo. He explained that the applicant should have been given a chance to remedy the problem and that licence should have not been immediately revoked. Mr. Halilaj explained that currently court procedure is ongoing between the licensing body and the applicant; more information will be available later.

the former Yugoslav Republic of Macedonia

Due to the short period of time since the last meeting and recent general elections in the former Yugoslav Republic of Macedonia, there has not been any substantial progress in the railway reform.

Regarding the passenger transport, after three years, an international passenger train started with regular operations on rail Corridor X, connecting Thessaloniki with Skopje and Belgrade. However, comparing passenger transport with the first quarter of 2013 decline of 15% has been reported.

As for the freight transport, when comparing the first quarters of 2014 and 2013 decrease of 11% is recorded. As for the structure of the goods, the railways transported the following goods: petroleum products, products of metallurgy, construction materials, ores, wood, grain, etc. There is a market demand for shipping electronic parts (HP) on route from port of Pireus to Central Europe (Athens-Skopje-Belgrade-Budapest-Prague-Bratislava). Transport with Kosovo takes place smoothly and without delay.

Recently accident occurred on a road/rail level crossing between a passenger train and a bus. The bus crossed a level crossing even though an automatic gate arm and signalling system were turned on, which resulted in a collision with injured passengers (mostly bus passengers). The investigation is currently ongoing.

Mr. Jost was interested who will perform the investigation. It was explained that the Commission, comprising RU, IM, police, was formed to investigate this case.

Additionally Mr. Rebentisch pointed out that during the investigations, views of the road users should be taken into consideration as well as proper functioning of the ramps.

Montenegro

Implementation of two new laws (Law on railways and Law on safety, organization and efficiency of railway transport) has started. In order to reach full compliance with EU regulations currently bylaws are being (licensing of train drivers and permission to use the vehicle) prepared.

TA involving Slovenian experts has been received for the Preparation of PSO contract, which has a legal basis in the new Law on Railways. Both bylaw and PSC are expected to be finalized by the end of 2014.

Establishment of the AIB (accident and incident investigation body) is currently underway. Funds have been allocated through National Budget for 2014, this will be a joint body for air, rail and maritime transport, which will have three employed inspectors (investigators) for each mode of transport. At the moment the selection process of investigators in line with the establishment of this body is in progress.

Strengthening of Montenegrin institutional capacities is needed in order to accommodate and properly implement the obligations emerging from the law and restructuring strategy.

In order to improve communication and information sharing RRA (Railway Regulatory Authority) and Directorate of Montenegro Railways has signed the memorandum of cooperation.

Freight transport has increased for 30% for the first quarter of 2014 compared to the same period last year.

As for the infrastructure, as a result of rehabilitation works in the past 6 years, approximately 40 % of most important railway line Vrbnica - Bar has been repaired. Several other infrastructure projects are in progress, which will contribute to reduced travel time and trains delays and safety at first place. Tender for selection of contractors for the rehabilitation of the railway section Kolašin - Kos has been opened until 30 April of 2014, but it will be repeated since there was only one offer that didn't fulfil the tender requirements.

Mr. Jost was interested in the passenger traffic line between Niksic and Podgorica and the pricing. It was explained that the current low prices have been introduced as a promotional prices for the start of the line and they will be valid until June 2014, afterwards they will increase.

The question was raised regarding the responsibilities of the Railway Directorate (RD) with infrastructure projects and its independence within the Ministry. It was answered that RD has a responsibility of procurement for infrastructure projects; currently IM is doing this for old projects while RD will overtake this task for new projects. As for the independence, the RD is functioning within the Ministry but can deliver decisions independently; it has sufficient capacity and does not have to “borrow” staff from the Ministry, legal and financial departments are common for the whole Ministry while all other departments are separated. In the case of the administrative appeal, first complaint is directed to the Ministry not the RD.

7. European rail freight network according to Regulation 913/2010/EU- next steps and opportunities for the SEETO Region

Mr. Toet from the Royal Dutch Transport Federation (Koninklijk Nederlands Vervoer- the Dutch umbrella organization for professional passenger transport and rail freight in the Netherlands) presented experience with European Rail Freight Corridors. He started with presentation of the corridors 1, 2 and 8 and how Netherlands passed all the phases from building the structure to operational phase. Examples from practice of Rail freight cross borders, lack of Interoperability, cost and competitiveness specific interoperability issues have been presented. The presentation is available at the SEETO web site.

Cross border acceptance of safety certificates was stressed as of significant importance for cross border traffic. Corridor approach provides an opportunity for easier solutions for corridor cross border acceptance.

In regard to the interoperability issues Mr. Jost mentioned that in the Connecting Europe Facility regulation there is a novelty regarding the train length, any new project must result in a train length of at least 750 metres in order to increase capacity. If this requirement cannot be fulfilled then the project is normally not eligible for CEF financing. Mr. Toet commented on this, and added that in Netherlands they have made study where ROI (return of investments) in the range of one to two years was calculated. However this study has not yet been published, authorities are still debating on the results.

Mrs. Popovska was interested in ways TAC are set between different countries and how this field is regulated. It was explained that every country sets their own prices and this issue is regulated by the national regulators. This question does not represent one of the tasks for the Rail Freight Corridors, however it was pointed out that the organizations in the RFC would like to have (at least to some extent) harmonized pricing on one corridor.

8. Cases and experience of an EU rail regulator

Mr. Timmerman from the Netherlands Authority for Consumers and Markets gave a presentation about Rail regulation. He presented the structure and responsibilities of his organization together with international cooperation between the regulators.

Furthermore he presented to the participants several regulatory cases from the Netherlands. The presentation is available at the SEETO web site.

Question was raised on the lead management. It was explained that the RB is nurturing proactive approach; e.g in cases when RU comes with informal complaint on discrimination, then the RB will check these complaints before starting the case.

Discussion centred on the IRG-Rail and the possibilities for the non EU states to join in. Aim of ACM is to facilitate creation of competitive, sustainable, efficient internal railway market in Europe and it acts as platform of cooperation and share of information and best practices in regulator landscape, between national railway regulators. Therefore, accession to the EU is not a condition for the membership to the IRG, there are other conditions which need to be fulfilled (independency). Kosovo is part of IRG, although they are not member of EU.

Comment was made on the rail regulation in the one stop shop cases, eg. if Dutch RU is not satisfied with the prearranged paths, does it have to go to Frankfurt (where the seat is) to complain? It was explained that the RU is free to decide; it can either go directly to the German Competition Authority (CA) or come to Dutch CA, which will then translate their complaint to German and send it to the German CA. Some of the investigation has been even done in cooperation between the Dutch and German CA (RBs).

Mrs. Popovska raised a question on the award of the PSOs for regional lines. It was explained that currently direct award to the RUs is being practiced, however in the 4th railway package this issue have been further regulated (only tender).

Regarding the case of transparency of access conditions and prices in network statement (Case 1), Mr. Jost commented that in the recast rules for NS content have been changed. The most important addition is that now recast prescribes which information should NS contain regarding the essential facilities (prices have to be published). Private terminal can publish its NS, however railway NS has to, at least, contain a link where terminal NS is published.

Other changes concern framework contract, if the the IM offers RUs possibility to sign framework contract, then the standard framework contract has to be published in the NS. Additionally all the information on the licensing will have to be available in the NS.

Discussion arose on the case of Regional passenger operators' dependent of incumbent operator for crucial services (case 3). It was pointed out that discrimination of the incumbent passenger operators occurs rather often, part of this was addressed in the recast (annex 2). Similar case was opened in Germany where one single ticket service (for all transport modes) existed and was controlled by the DB, however it collected commission only for the ticket sold to other operators. German CA started a case against DB, regarding this issue.

Mrs. Radovic wanted to know which organization is responsible for the railway passenger rights in Netherlands. It was explained that inspector for transport within NSA is responsible for the railway passenger rights.

Mr. Timmerman advised the WB RB and CA the following: to regularly monitor the market, check the Network Statement (for Completeness, Clarity, Accuracy), regularly inform the railway sector on RB (CA) competences and on their rights (publically available); establish close cooperation and close dialogue with all market players (Dutch RA has regular meetings with the Ministers, IM, RUs from the high level to the operational level). He added that having a common body encompassing CA and RB brings more efficiency and effectiveness for the organization.

9. Closing remarks

The Chairman thanked all participants for the effort made for attending the 20th RWWG meeting and for their instructive and enlightening presentations and comments. He announced one more meeting in 2014.