



Directive on a Single European Railway area

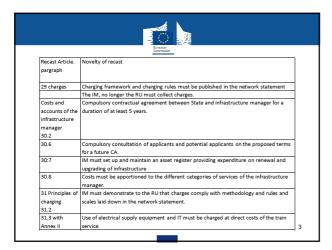
Repealing 7 different directives

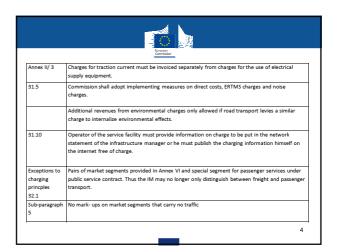
Ch II Management independence, Market monitoring, border crossing agreements

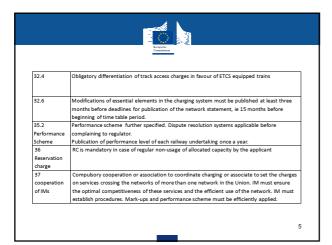
Ch III Licensing of railway undertakings

Ch IV Charging for infrastructure use and capacity allocation, Rail regulatory body

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	Section of the sectio
Chapter II	Management independence, separation and access to infrastructure
5.3	RU must be free to decide on the business including prices, marketing, staff, procurement and new activities
5.4	Public shareholders should not go beyond what private shareholders would decide. Limited to major business decisions, no discretionary intervention in management!
6.4	Accounts of the IM must allow monitoring the use of income from infrastructure charges and surpluses from other commercial activities
7.2	Charging and allocation body possible
8.4	Max 5 years to balance profit and loss accounts of the infrastructure manager
9	Debt amortization unit for debts incurred by State railway undertakings before accession to the EU
13.2	Also facility operators must grant access to services.
13.3	Service facility should be managed independently from transport operator that is dominant in a market segment for which the service facility is used.
13.3.3	Separate accounts of the FO,
	Burden of proof of independence is on the FO

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Europeven Commission	
55.3	Decision makers of RA: Dismissal only for disciplinary, but not for decision making reasons must not seek instructions from government
56/4	RA must have the necessary organizational capacity in terms of human and material resources
	RA supervises negotiations on charges and intervenes of negotiations contravene the requirements of the Directives.
56.5b	Regular consultations by RA of the stakeholders
56.6	Maximum 1 month time limit to respond to requests for information by the regulatory body
	Right of the regulatory body to impose fines.
	RB may request data on appeals, market monitoring, own initiative and market observations
56.7	RB must launch consultations on complaints within 1 month
	Fines on decisions not implemented
	Administrative appeal to another administrative instance must not be possible
	RB must reply to complaints on capacity allocation
56.8	Court appeal has no suspensive effect on the appealed decision except in case of irretrievable or manifestly excessive
	damages on the applicant
56.9	RB must publish its decisions
56.10	RB may initiate audits or external audits on IM, RU and FO. These have to provide all information requested. RB may also
	draw conclusions on State aid issues, which it will communicate to the competent competition bodies.
57.1	Network of regulatory bodies - Coordinate their decision making
57.2	Mutual assistance in monitoring, complaint handling and investigations of RB of different MS
.3	International train paths: RB shall consult other RBs involved in the train path
.4	The foreign RB that was consulted must provide all the information that they themselves have to the right to request under
	their national legislation and transmit it to the requesting RB which will use this to take measures
.6	RB have the right to transfer information to the investigating RB abroad
.6a	Commission may participate in the exchange of information on indivudal cases at the request of a regulatory body
.7	Commission may adopt common principles for decision making by regulatory bodies. RB may develop such principles.



Delegated Acts (Art. 290 TFEU)

supplement or amend certain non-essential elements of the basic act;

Perfect equal footing of the two legislators;

The intervention of committees of representatives of Member States is not foreseen;

The legislator may have a revocation and a veto right;

The right of veto intervenes after the adoption of the delegated act by the Commission: the effect of the veto is to block its entry into force (in PRAC the veto relates to a draft decision and impedes its adoption by the Commission).



Implementing acts (Article 291 TFEU)

Member States are responsible for the implementation of the Union law.

On a subsidiary basis, the Commission is entrusted this role of implementation, when uniform conditions for implementation are necessary (the Council may also exercise implementing powers in some specific cases).

It is therefore the Member States which have to control the Commission when the latter exercises $_0$ its implementing powers



Implementing acts

A single procedure in which committees may oppose by QM to the draft measures.

No referral to Council. No institutional role for EP either.

Flexibility for the Commission, which MAY adopt the draft measures where there is no QM against.



Implementing acts - example 1

Notification by 16/6 for existing agreements and before conclusion of new and revised agreements Commission decision with advisory procedure written procedure will be used to get the opinion of the SERAC.

Vote held in the meeting of July 2014 135 notifications have been received by 20.01.2014.

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