



SEETO Railway Working Group

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Single European Railway Area
EU Commission

Podgorica(ME), 7-8 May 2015

Transport



Licensing of railway undertakings Commission Implementing Regulation (EU) 2015/10

Regulation, applicable from June 2015

Licensing authorities have to use the template to upload licensing data to the ERADIS databank of ERA

Annex 1: template of the licence document for the issuing LA
Annex 2: template for the liability annex for the issuing LA or the 'other' LA

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LA must request evidence for cover of RU that have not taken out an insurance against accident risks by 25 August 2015

If not insured, cover must correspond to market conditions. In case of doubt, LA must inform State aid authority, i.e. competition authority

LA must inform PSO authorities and State aid authorities if it suspends a licence or grants a temporary license

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Relation with safety certificate

LA, within one month of receipt of documents, shall inform undertaking if the file is complete

LA shall only request documents required under EU or national legislation

Net capital of at least 100 000€ and undertakings with an annual revenue of less than 5 MC, LA may consider financial fitness as met

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Licensing of railway undertakings Commission Implementing Regulation (EU) 2015/10 Conclusions

ERADIS is more topical

No need to get established in all countries of operation

No double checks for license and safety certificates

Information of other authorities

Quicker procedure and simpler criteria

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Criteria for applicants for rail infrastructure capacity

Regulation, applicable from June 2015

IM may request financial guarantees (FG) for future payments of charges

Reasonable expectations about future revenues and use of infrastructure

All requirements in the network statement

2 forms of FG: advance payment or guarantee by a financial institution

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FG – appropriate, transparent, transparent

No guarantees for the same activities

Credit rating of applicant must be bad

Proportional to the activities: Level of FG at most 2 months of payments

FG effective not earlier than 10 days before the 1st of the month of operation

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Capability to prepare compliant bids

Applicant does not provide missing information pursuant to two requests by IM

IM took reasonable steps to support the correct and timely submission of applications

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Conclusions

Infrastructure manager can only request what it previously published in its network statement

Legal certainty for all parties as regards the reasons for rejecting an application and the terms 'transparent', 'proportional' and 'non-discriminatory'

Significance of rules for applicants that are not railway undertakings

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Overview of the technical regulation in the EU and OTIF

	EU	OTIF
Essential Requirements (Safety, Health, Accessibility, etc)	Directive 2008/57/EC on the interoperability of the rail system within the Community	COTIF - Appendices ATMF and ATPU
Mandatory Technical Specifications	Technical Specifications for Interoperability (adopted by the European Commission; prepared by European Railway Agency)	Uniform Technical Prescriptions (UTPs)
Voluntary Standards	EN standards (adopted by the EU Standardisation Bodies CEN, CENELEC and ETSI) International standards (ISO, IEC)	EN standards International standards (ISO, IEC)
Other acceptable means of compliance (with the Essential Requirements)	ERA Technical Documents CEN Workshop Agreements UIC leaflets	-

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Accession agreement between the EU and OTIF And Article 3a of COTIF - ATMF

- The EU accepts UTP compliant vehicles (Art 3a)
- For non-EU Member States, only the UTPs apply. TSI compliant vehicles are accepted (Art 3a)
- Non-EU MS that wish to apply EU legislation may enter a declaration to the COTIF depository.

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Conclusion

- Candidate countries should proceed with transposing interoperability law including TSIs

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