



RAIL TRANSPORT

EU rail transport policy is geared towards the creation of a single European railway area. Three packages and a recast were adopted in the space of 10 years following the opening-up of the railway sector to competition in 2001. A fourth package, designed to complete the single European railway area, was adopted in April 2016 (the technical pillar) and in December 2016 (the market pillar).

LEGAL BASIS AND OBJECTIVES

Article 100(1) of the Treaty on the Functioning of the European Union.

The aim of a common transport policy is to safeguard both competition and the freedom to provide services. This necessitates the harmonisation of technical, administrative and safety rules, which is essential if there is to be interoperability between national rail systems. Environmental and consumer protection measures may also have to be harmonised to some extent in order to prevent distortions of competition and make it easier for new companies to enter the market.

In its 2011 white paper entitled ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’ ([COM\(2011\)0144](#)), the Commission set the goal of ensuring that the majority of medium-haul passenger transport is carried out by rail by 2050. In the medium term (by 2030), the length of the existing high-speed network should be tripled and a dense rail network in all Member States maintained. In the long term, an EU high-speed rail network should be completed.

As reported in the 2020 [Sustainable and Smart Mobility Strategy](#), ‘the European Green Deal calls for a substantial part of the 75% of inland freight carried today by road to shift to rail and inland waterways. (...) Urgent action must therefore be taken given the limited progress achieved to date: by way of example, the modal share of rail in inland freight had dropped to 17.9% by 2018 from 18.3% in 2011’.

ACHIEVEMENTS

A. Interoperability

Through the adoption of [Directive 96/48/EC](#) of 23 July 1996 on the interoperability of the trans-European high-speed rail system and [Directive 2001/16/EC](#) of 19 March 2001 on the interoperability of the trans-European conventional rail system, the EU began a process designed to ensure that trains can transit smoothly and safely from one



Member State rail network to another. A number of technical solutions (known as technical specifications for interoperability) were drawn up as part of these directives.

The two directives were amended and updated by [Directive 2004/50/EC](#) of 29 April 2004. The scope of the directive was extended to cover the whole of the conventional European rail network in order to meet the demands created by the full opening-up of the rail network to national and international freight transport services (in January 2007) and international passenger transport services (in January 2010). [Directive 2008/57/EC](#) of 17 June 2008 – later amended by Directives [2009/131/EC](#) and [2011/18/EU](#) – recast the earlier directives into a single text. As part of the Fourth Railway Package, Directive 2008/57/EC was then itself also recast by [Directive \(EU\) 2016/797](#) of 11 May 2016 on the interoperability of the rail system within the European Union.

Since 1 January 2007, national and international freight transport has been entirely open to competition. In an attempt to make better use of the international freight network and improve its interoperability, the EU mapped out nine competitive EU freight corridors in [Regulation \(EU\) No 913/2010](#) of 22 September 2010 concerning a European rail network for competitive freight. The objective was to make the railways more competitive in relation to other modes of transport for goods that have to cross several Member States. Regulation (EU) No 913/2010 was amended by [Regulation \(EU\) No 1316/2013](#) of 11 December 2013 establishing the Connecting Europe Facility for the years 2014 to 2020. In 2015, Regulation (EU) No 1316/2013 was amended by [Regulation \(EU\) 2015/1017](#) of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal. The Commission proposal [COM\(2016\)0597](#) sought the extension of the duration of the European Fund for Strategic Investments, as well as the introduction of technical enhancements for that fund and the European Investment Advisory Hub, and entered into force on 16 October 2017.

Through the Fourth Railway Package, [Regulation \(EEC\) No 1192/69](#) of 26 June 1969 on common rules for the normalisation of the accounts of railway undertakings was repealed and replaced by [Regulation \(EU\) 2016/2337](#) of 14 December 2016. [Regulation \(EC\) No 1370/2007](#) of 23 October 2007 on public service obligations for passenger rail transport was also amended thanks to the Fourth Railway Package. Also known as the Public Service Obligation Regulation, [Regulation \(EU\) 2016/2338](#) of 14 December 2016 amended [Regulation \(EC\) No 1370/2007](#), addressing the opening of the market for domestic passenger transport services by rail.

In 2022, the Commission evaluated Regulation (EU) 913/2010 and found that it had not been sufficient in increasing cross-border rail or in supporting the EU's transport, energy, environment and climate change ambitions. As a result, in July 2023, the Commission presented a [proposal](#) to lay down a framework allowing rail infrastructure capacity and traffic to be managed more efficiently, thereby improving the quality of services and accommodating more traffic on the railway network while ensuring the transport sector's contribution to decarbonisation.

The Commission is also planning to adopt several implementing regulations, including one on harmonising train operations and management to support efficiency and



improve cross-border rail to further contribute to the EU's ambition of decarbonising transport.

B. The European Union Agency for Railways and railway safety

The European Union Agency for Railways (ERA), which has headquarters in Lille and Valenciennes, France, was set up by means of [Regulation \(EC\) No 881/2004](#) of 29 April 2004 with the aim of improving the interoperability and safety of the EU rail network. The agency itself has no decision-making powers, but it helps the Commission to draw up proposals for decisions in the area of the European rail network and in setting common safety targets. Following [Regulation \(EU\) 2016/796](#) on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004, with a view to contributing to the further development and effective functioning of a single European railway area, guaranteeing a high level of railway safety and interoperability and improving the competitiveness of railways, ERA is now the only authority with the power to issue vehicle authorisations (for locomotives and wagons) used for cross-border operations and single safety certificates for railway undertakings operating in several Member States.

The European Court of Auditors reported that the full deployment of the European Rail Traffic Management System (ERTMS) on the core network is currently way behind schedule and will not be completed by the 2030 deadline, mainly owing to a lack of coordination among Member States. Consequently, the Court of Auditors made some recommendations to address the identified problems.

In this regard, the Commission adopted Implementing [Regulation \(EU\) 2023/1693 of 10 August 2023](#) amending Implementing Regulation (EU) 2019/773 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system.

C. Social harmonisation

[Council Directive 2005/47/EC](#) of 18 July 2005 lays down working conditions for mobile workers engaged in interoperable cross-border services in the railway sector. It is based on an agreement between the EU social partners in the rail industry. Furthermore, [Directive 2007/59/EC](#) of 23 October 2007 aims to harmonise the minimum qualification requirements and the certification of locomotive and train drivers in the EU. It stipulates that all train drivers must hold a licence and a harmonised further training certificate.

The Commission is planning to review Directive 2007/59/EC on the certification of train drivers in the EU. After carrying out an evaluation, it identified many areas for simplifying and improving the effectiveness of the directive.

D. Access to infrastructure for railway undertakings

[Directive 2001/13/EC](#) of 26 February 2001 amending Directive 95/18/EC laid down rail sector operating conditions (safety, technical, economic and financial) applicable throughout the EU and established a freight service authorisation procedure for the European cross-border network.

[Directive 2012/34/EU](#) of 21 November 2012 establishing a single European railway area repealed and replaced [Directives 95/18/EC](#) and [2001/13/EC](#). It brought together in a single text the main principles governing rail development (focusing, inter alia, on



the separation of infrastructure management and transport activities), the granting of licences to railway undertakings and the levying of charges for the use of infrastructure.

The Fourth Railway Package was designed to complete the single European railway area and improve interoperability. On 14 December 2016, [Directive \(EU\) 2016/2370](#) (the Governance Directive) was adopted, amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure.

[Directive 95/18/EC](#) of 19 June 1995 on the licencing of railway undertakings was also amended by [Directive 2004/49/EC](#) of 29 April 2004 requiring all railway undertakings to obtain a safety certificate in order to gain access to infrastructure. [Directive 2008/110/EC](#) of 16 December 2008 (the Railway Safety Directive), amended Directive 2004/49/EC. As part of the Fourth Railway Package, [Directive \(EU\) 2016/798](#) of 11 May 2016 on railway safety repealed Directive 2008/110/EC.

In December 2021, the Commission adopted an [action plan on boosting long-distance and cross-border passenger rail](#). The aim is to improve rail infrastructure and increase high-speed rail capacity and investment support for rail in order to achieve the EU's objective of doubling high-speed rail traffic by 2030 and tripling it by 2050.

E. Railway noise

[Directive 2002/49/EC](#) of 25 June 2002 relating to the assessment and management of environmental noise provides a basis for the adoption of EU measures designed to reduce noise emissions from rail vehicles and infrastructure, leading to specific guidelines which were adopted in 2003 and entered into force in June 2006. In April 2011, a further Commission decision revised the technical specifications for interoperability for railway system rolling stock. On 8 July 2008, the Commission published a communication entitled 'Rail noise abatement measures addressing the existing fleet' ([COM\(2008\)0432](#)), in which it set the goal of retrofitting all freight wagons by 2015. In an attempt to encourage rail companies to retrofit their wagons with low-noise brakes, [Directive 2012/34/EU](#) also provides for a new, noise-differentiated charge collection system (European Train Control System (ETCS)). In this context, Commission [Implementing Regulation \(EU\) 2015/429](#) was issued to help EU countries set track access charges depending on the noise produced by freight trains, with the possibility of charging 'silent' trains less.

ROLE OF THE EUROPEAN PARLIAMENT

Parliament has used its legislative powers to support most of the Commission's proposals for harmonisation, while at the same time emphasising with its resolutions certain specific aspects. Recently, the following has been adopted:

- On 15 December 2020, Parliament endorsed the interinstitutional agreement establishing the [2021 European Year of Rail](#). According to this decision, measures to be taken as part of the European Year include initiatives to emphasise the essential role of rail in 'door-to-door' transport and to encourage work-to-work and home-to-work solutions by rail.



- In its resolution entitled '[Railway safety and signalling: Assessing the state of play of the European Rail Traffic Management System \(ERTMS\) deployment](#)', adopted on 7 July 2021, Parliament makes a number of recommendations to address the main problems identified with the deployment of ERTMS and asks the Commission to introduce a regulatory provision to ensure that the ERTMS national implementation plans are legally aligned with the binding ERTMS deployment targets set in EU legislation.
- In December 2022, Parliament adopted a [resolution](#) on the Commission's action plan to boost long-distance and cross-border passenger rail, following the report of the Committee on Transport and Tourism. Parliament supports the action plan, but calls for, among other things, speeding up the construction of new rail lines and prioritising investment in the development of cross-border, long-distance high-speed rail links.

RESPONSE TO THE COVID-19 OUTBREAK

1. Temporary framework for State aid measures

In their '[Overview of the State aid rules applicable to the land transport sector during the COVID-19 outbreak](#)', the Commission services recommended that for rail freight, when swift action was required, Member States conclude public service contracts within the meaning of the Public Procurement Directives. In addition, the general rules on services of general economic interest applied. They govern the conditions under which compensation for a service of general economic interest can be granted. Provided all requirements were respected, no notification under State aid rules was necessary.

[Regulation \(EU\) 2020/1429](#) aimed to temporarily repeal the rules laid down in Directive 2012/34/EU by allowing national authorities and rail stakeholders to deal more easily with a number of negative consequences of the COVID-19 pandemic: the waiver, reduction or deferral of track access charges for the use of rail infrastructure, as well as the waiver of reservation charges. This regulation covered a reference period up to 31 December 2020.

2. Extension of transposition deadlines

Given the severe effects of the pandemic, transport undertakings and operators, and other persons concerned, may not have been able to complete the necessary formalities or procedures to comply with certain provisions of EU law. [Regulation \(EU\) 2020/698](#) relates to the application of 12 legislative texts (directives and regulations) to all modes of transport, including rail, and extended the time limits laid down for the renewal or extension of certificates, licences or authorisations, and the postponement of certain periodic checks and training. This text was adopted by Parliament in May 2020. [Directive \(EU\) 2020/700](#) extended by three months (from 16 June to 16 September 2020) the final transposition period of Directive (EU) 2016/797 on the interoperability of the rail system within the European Union and Directive (EU) 2016/798 on railway safety, given that in 2019 only eight Member States had transposed both directives. Directive (EU) 2020/700 was adopted by Parliament and the Council in May 2020. In September 2020, Parliament [adopted the proposal](#) for a



regulation establishing measures for a sustainable rail market in view of the COVID-19 pandemic, which was intended to complete the existing rail-related framework.

In May 2022, the Commission adopted [a contingency plan for transport](#) to draw lessons from the COVID-19 pandemic and to provide guidance to European passenger and freight transport operators to better prepare the industry for unexpected events and to preserve the single market.

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