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.

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.
Memoranda of understanding were signed in 2005, 2008, 2012 and 2016 between representatives of the rail industry and the Commission in order to reduce technical barriers to interoperability and fix the main objectives of cooperation and commitment between counterparts.

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) No 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.


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 2023, the Commission is planning to adopt a regulation with measures to improve the management and coordination of cross-border rail traffic. Although rail transport is an energy-efficient and environmentally friendly mode of transport, cross-border rail transport is still struggling to attract customers, in particular with regard to freight transport.

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.
Another implementing regulation is planned to amend the rules phasing out national rules on rear-end signals of freight trains to enable a fully harmonised and interoperable railway system in the EU by 2026. A third implementing regulation is planned to improve data collection for railway markets in the Member States to account for changes in methodologies and developments in the railway market. A fourth one is planned on opening telecommunication applications for freight subsystems to other systems to take account of technical developments.

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. On 16 December 2008, Regulation (EC) No 1335/2008 assigned new tasks to ERA. On 11 May 2016, as part of the Fourth Railway Package, Regulation (EU) 2016/796 on the European Union Agency for Railways repealed and replaced 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.

Between June and September 2022, the Commission carried out an evaluation of ERA’s activities for the 2016-2021 period through a public consultation. The aim was to assess the agency’s impact, effectiveness, efficiency, working practices and assignments under the Fourth Railway Package and to ultimately improve the regulation on ERA.

Between early 2020 and July 2021, Parliament worked on an own-initiative report entitled ‘Railway safety and signalling: assessing the state of play of the European Rail Traffic Management System (ERTMS) deployment’ (2019/2191(INI)). The draft report was adopted in the July 2021 plenary. The European Court of Auditors reported that the full deployment of the 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 plans to adopt a proposal for an implementing regulation on the technical specifications for interoperability, which will repeal the previous Implementing Regulation (EU) 2016/919. This will revise the technical specifications for interoperability relating to control-command and signalling subsystems, providing a legal basis for the latest technical developments in the ERTMS and further harmonising the European rail sector.

C. Social harmonisation

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. On that basis, the directive provides for mutual recognition of documents. Since October 2011, certificates or licences have been issued to drivers performing cross-border services, cabotage services or freight transport services in another Member State, or working in at least two Member States.

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. The revision of the directive should improve the mobility of train drivers between companies, as well as between Member States, and reduce the administrative burden on all actors involved. The aim is to create a future-proof framework, in line with technological progress and increased demand for international journeys that can also make the train-driving profession more diverse and attractive to young people.

D. Access to infrastructure for railway undertakings

Directive 95/18/EC of 19 June 1995 on the licencing of railway undertakings provides that, in order to gain access to the infrastructure of all the Member States, a railway undertaking must hold an operating licence. The licence is issued by the Member State in which the company is established, provided that certain common conditions (good repute, financial fitness and professional competence) are met. The directive was amended by Directive 2001/13/EC of 26 February 2001, which 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. Generally speaking, the directive stimulates competition by making market access conditions more transparent, providing for clear separation of accounts and strengthening national regulatory bodies.

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.


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. However, the Commission is preparing a new proposal to repeal this regulation, following an evaluation conducted in 2019 that concluded that this implementing act was not effective.

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 certain specific aspects.

1. In its resolution of 11 March 2008 on sustainable transport policy, Parliament explicitly supported the introduction of the ERTMS/ETCS rail safety, control and signalling system with a view to eliminating technical obstacles, and called for moves to be made towards establishing a single European railway area.

2. In its resolution of 11 March 2009 on the greening of transport and the internalisation of external costs, Parliament called on the Commission to take steps without delay to produce specific proposals for all modes of transport. It also asked the Commission to submit a comprehensive plan for calculating and charging external costs and assessing their impact on the basis of a comprehensible model. Parliament then called on the Commission to draw up a proposal for a directive with a view to introducing noise-related track access charges for locomotives and wagons.

3. In its resolution of 9 September 2015 entitled ‘Implementation of the 2011 White Paper on Transport: taking stock and the way forward towards sustainable mobility’, Parliament called, with regard to rail transport, for the swift adoption of

On 15 December 2020, Parliament endorsed the interinstitutional agreement establishing the 2021 European Year of Rail. According to this report, 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. With a view to identifying areas where investment in rail infrastructure is particularly needed, the Commission has been invited to examine the possibility of creating a rail connectivity index to assess the consistency, quality and diversity of the EU rail network, as well as to assess its accessibility as regards the options it provides for intermodal travel.

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 this way, national authorities and rail stakeholders can deal more easily with a number of negative consequences of the COVID-19 pandemic, and respond to the urgent needs of the railway sector as long as those consequences persist.

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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