

**RU Dialogue
Plenary, 27 October 2016**

Report from Subgroup on Access to Facilities

**Tony Berkeley
Vice President, European Rail Freight Association**

The Agenda for the Sub-Group



- Agenda designed to reflect reported concerns and interests from RUs about access to facilities, which covers both passenger and freight facilities, including passenger stations, depots, refuelling points, all kinds of freight terminals, large and small, open or disused.**
- Overall context of the meetings: The facilities market should support the competitiveness of the rail sector. Commission intends to introduce Implementing Act to put more flesh on the relevant parts of the Recast.**
- Discussion at meetings now centred on the content of the Implementing Act.**

Basis for discussion



- **Several RUs and CER had pointed out that it was too early to consider further legislation as the Recast had not yet been brought into force in many member states. Other RUs pointed out that the Recast, although helpful, was clearly not sufficient, so it was reasonable to consider what further legislation or other actions was necessary to improve competitiveness of the sector.**
- **It had previously been agreed to continue discussions on this basis. Individual RUs or associations are of course free to respond individually to DG MOVE.**
- **There was no intention for the RU Dialogue subgroup to seek a consensus by voting or other weighting but to provide a forum to hear views of different RUs.**

Sub-group meetings held



- 6 July 2016; partly with IRG. The Group heard proposals from IRG on the role of regulators in respect of access to facilities. It was agreed that further meetings might be useful after the publication of the draft Implementing Act.**
- 5th October 2016; draft Implementing Act circulated to members of the Sub-group.**
- 19th October 2016; meeting of Sub-group to discuss draft.**

The draft Implementing Act contents



- Article 1 Subject Matter
- Article 2: Definitions
- Article 3: Service Facility statement
- Article 4: Applicants
- Article 5: Principles for allocation and use of service facility capability
- Article 6: Information on available service facility capacity
- Article 7: Requests for access to a service facility and rail related services
- Article 8: Handling of conflicting requests
- Article 9: Refusal of access
- Article 10: Viable Alternative
- Article 11: Regulatory intervention in the case of conflicting requests
- Article 12: Single point of contact for requests
- Article 13: Incentive mechanism to ensure optimum effective use of service facility capacity
- Article 14: Continuous capacity management
- Article 15: Publication of unused facilities for lease or rent.
- Article 16: Ticketing services in passenger stations
- Article 17: Accounting separation
- Article 18: Independent requirements for service facility operators
- Article 19: Entry into force

Discussion at meeting 19 October 2016



- All articles were discussed. In particular,
- Concern was expressed about the amount of detail required to be produced under Art 3, but it was pointed out that, once this was done for the first time, the changes required thereafter would not be great unless the offered service changed.
- There was debate about whether it was possible to have 'one size fits all' when applied to single platform passenger stations or a freight 'siding' with one train a day compared with major stations, large maintenance facilities or intermodal terminals.
- There was discussion about what information was commercially confidential for those offering services, how requests for access should be handled and what happens when there are conflicting or refused requests.
- The concept of 'viable alternative' and how to implement it was found particularly difficult.
- How to deal with unused facilities (Art 15) provoked wide discussion
- Ticketing services in passenger stations (Art 16) and the scope of any requirements under this Implementing Act were discussed.
- The need for accounting separation and independence requirements was noted.

Next steps



- DG MOVE agreed to reflect on comments made at the meeting.
- DG MOVE will be consulting the regulatory bodies, PRIME and member states governments during November
- DG MOVE envisages to publish a revised version of the draft Implementing Act by the end of the year.
- The Sub-group agreed to meet again. They will invite PRIME and customer groups also to attend so that a range of views can be heard and any concerns between the groups discussed.
- Date to be set once new draft received; participants asked to be given four weeks time to assess the revised draft before discussing it in another meeting.

Tony Berkeley
Chairman, Access to Service Facilities Sub-group

00447710431542

tony@rfg.org.uk