Agreements on cross-border rail traffic in Europe
Preliminary results of a Commission survey

Seminar of UNECE, ITF and World Bank on overcoming border crossing obstacles

Paris, 5 March 2009
Unit E.2 Rail Transport and Interoperability
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Overview

- Objectives of the survey and questions asked
- General information on the results of the survey
- Major incompatibilities with EU law identified
- Remedial actions by Member States
- Conclusions and follow-up actions
Objectives of the survey and questions asked

Objectives:

- Establish up-to-date database on key characteristics of border agreements
- Make Member States review their agreements (at State and public RU level) in view of compliance with EU law
- If required, make MS set up an action plan in view of ensuring compliance
Objectives of the survey and questions asked

Questions asked:

● Scope of the agreement (incumbents only/all RU)?
● Can private RU conclude agreements?
● Provisions on authorisation of rolling stock and certification of drivers for border stretches?
● All border crossing facilities available on a non-discriminatory basis?
● Statement on compliance with EU law for all agreements
● If required, what actions undertaken/envisaged to ensure compliance?
Major incompatibilities with EU law identified

EU Member States

- Scope limited to incumbent RU (State and RU agreements in 10 countries)
- Exclusive rights to incumbents in State agreements for border sections and/or for border stations (2)
- «Automatic» authorisation of rolling stock based on terms of RU agreement (6)
- No authorisation of RS required in state agreement (1)
Major incompatibilities with EU law identified

EU Member States

- “Automatic” authorisation of drivers based on terms of RU agreement (5)
- RU agreement on training of trainers for train drivers (1)
- Defining mandatory transport tariffs and minimum number of trains (PSO) in State agreement (1)
Major incompatibilities with EU law identified

EU Member States with 3rd countries (State and RU level agreements)

- Private RU cannot sign agreements
- "Automatic" autorisation for rolling stock and drivers from 1520 mm network
- Access to border crossing facilities (e.g. gauge changing facilities) restricted to incumbents
- No access to border facility as it was sold to private company (RO- Moldavia and RO-Ukraine)
Major incompatibilities with EU law identified

3rd countries

- Agreements (State/RU) of Turkey and Croatia are not compliant with EU law
- Both candidate countries state that revision is needed. State agreement between TK-BG being revised in 2006 but not yet ratified.
- NO has no agreement
- CH states compliance
Major incompatibilities with EU law identified

Questions related to multilateral “legacy agreements”

- Agreement on technical inspections (based on UIC fiche 471-2) open to all RU or accession based on majority vote of signatories?
- RID handover agreement open to all RU or only to UIC members?
Remedial actions by Member States

- 10 Member States indicate that agreements are non-conform with EU law and have to be revised.
- 8 MS have indicated time schedules for renegotiation of at least some non-compliant agreements.
Conclusions

“Legacy agreements” of RU to be revised, normally into agreements between IM

State agreements, if at all to be kept, to be aligned to new EU legislation such as on passenger market opening, rail safety and train driver certification

All agreements with 3rd countries to be revised

MS cannot conclude new agreements on matters that are exclusive EU competence
Follow-up actions

● RU agreements: MS to develop action plan to ensure compliance, possibly with support of the regulatory bodies

● State agreements: MS to denounce agreements that are not compliant

● Establish a «scoreboard» of revised agreements to monitor progress

● Define and implement a Community policy for renegotiating agreements that are not compliant