



- 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

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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 data base 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 in conformity 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**

