Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1100

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area[(1)], and in particular Article 15(6) thereof,

Whereas:

(1) For the purposes of rail market monitoring, Article 15(5) of Directive 2012/34/EU imposes a reporting obligation on the Member States regarding the use of networks and the evolution of framework conditions in the rail sector.

(2) On the basis of the information submitted by the Member States, the Commission should report to the European Parliament and the Council every two years on the subjects referred to in Article 15(4) of Directive 2012/34/EU.

(3) Member States had already been providing the Commission with the necessary information on a voluntary basis for a number of years. In order to ensure consistency and comparability between the data submitted by the Member States, detailed rules on the content and format of those data are necessary.

(4) This Regulation sets up a questionnaire to be filled annually by the Member States for the purpose of monitoring the technical and economic conditions and market developments in the Union rail transport sector.

(5) To compile the data required in the questionnaire, Member States should cooperate with social partners, users, regulatory bodies and other relevant competent authorities at national level.

(6) When deciding on the content of the data to be submitted by the questionnaire, the Commission takes into account existing data sources and data already provided under current reporting obligations in order to minimise the additional burden to rail industry and Member States. In particular, the Commission, where possible, makes use of data reported under following legal acts:

Changes to legislation: *Commission Implementing Regulation (EU) 2015/1100 is up to date with all changes known to be in force on or before 24 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

— Regulation (EEC) No 1108/70 of the Council[2], as regards the data on investments in railway infrastructure,

— Regulation (EC) No 91/2003 of the European Parliament and of the Council[3], as regards the data on traffic volumes on the rail network, and the data on accidents,

— Commission Regulation (EC) No 1708/2005[4], in particular its Annexes I and II, as regards the data on passenger rail transport,

— Regulation (EC) No 1371/2007 of the European Parliament and of the Council[5], as regards annual reports to be published by railway undertakings on service quality performance, and

— Commission Regulation (EU) No 1300/2014[6], as regards the inventories of assets to be established by Member States for monitoring and evaluation the accessibility of Union's rail system for persons with disabilities and reduced mobility.

(7) The European Network of Rail Regulatory Bodies should be closely involved in the implementation of the reporting obligations under Article 15 of Directive 2012/34/EU as well as in updating the methodology for data collection.

(8) The questionnaire included in the Annex should be used to collect data as of the reporting year 2015. For the first two years of reporting, a transitional period is necessary, given that Member States may need to adjust existing data collection mechanisms following the entry into force of this Regulation. In order to avoid misinterpretation, it is important that during the transitional period Member States inform the Commission about the differences in the data content or format in the relevant sections of the questionnaire.

(9) Upon request of the railway undertaking concerned, and if justified by the need for commercial confidentiality, Member States may submit to the Commission the data requested in point 7 of the questionnaire in pseudonymous form.

(10) Data collected under this Regulation should be made available to all interested parties, except where the need to protect commercial confidentiality precludes this.

(11) Methodologies, definitions and methods of collecting data may evolve over the time as a result of technical and scientific progress. Similarly, developments in the rail market and improvements in data availability may make it desirable to either reduce or extend the scope of the questionnaire. The Annex to this Regulation should therefore be updated regularly, in order to take account of these developments in accordance with the examination procedure referred to in Article 62(3) of Directive 2012/34/EU.

(12) The Commission has consulted the railway sector's social partners and users through the Rail Market Monitoring Working Group. It has also consulted the European Network of Rail Regulatory Bodies.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 62(1) of Directive 2012/34/EU,

HAS ADOPTED THIS REGULATION:

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Article 1

Subject matter

This Regulation establishes content and format of the data to be submitted to the Commission by the Member States under their reporting obligations for rail market monitoring purposes.

Article 2

Definitions

For the purposes of this Regulation the definitions provided for in Article 2(e) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council[(7)], Article 2(2)(a) of Regulation (EU) No 913/2010 of the European Parliament and of the Council[(8)] and Article 3 of Directive 2012/34/EU shall apply.

The following definitions shall also apply:

(a) ‘track access charges’ (TACs) means charges collected for the minimum access package referred to in point 1 of Annex II to Directive 2012/34/EU;

(b) ‘high-speed services’ means rail passenger services provided by high-speed rolling stock, including tilting trains, that travel at least 200 km/h for at least part of the service; the use of high-speed infrastructure is not always necessary;

(c) ‘conventional long-distance services’ means rail passenger transport services other than urban, suburban, regional or high-speed services;

(d) ‘station’ means a location on a railway where a passenger train service can start, stop or end;

(e) ‘freight terminal’ means a place equipped for the transhipment and storage of intermodal transport units, where at least one of the modes of transport is rail;

(f) ‘total compensation from the state’ in the context of contractual agreements means the total amount which the state has agreed to pay to the infrastructure manager as funding over the entire contractual period;

(g) ‘monitoring body’ means a body that, according to national legislation, verifies the infrastructure manager's compliance with the contractual agreement;

(h) ‘track’ means a pair of rails over which rail-borne vehicles can travel;

(i) ‘dedicated high-speed line’ means a line specially built to allow traffic to travel at speeds generally equal to or greater than 250 km/h on its main segments; it may include connecting segments where speeds are reduced to take account of local conditions;

(j) ‘node’ means an important point on the rail network where multiple railway lines are interconnected;

(k) ‘international passenger service’ means a passenger service where the train crosses at least one border of a Member State and where the service carries passengers between stations located in different states;

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(l) ‘domestic passenger service’ means a passenger service operated exclusively within the borders of one Member State;

(m) ‘domestic freight service’ means a freight service operated exclusively within the borders of one Member State;

(n) ‘path allocation’ means a decision on the allocation of individual train path(s) for operations; path allocation for each train service operating as part of a scheduled regular service counts as a separate path allocation;

(o) ‘scheduled train path’, means a path allocated according to scheduling rules provided for in Article 45 of Directive 2012/34/EU;

(p) ‘ad hoc train path’ means a path allocated according to path request as referred to in Article 48 of Directive 2012/34/EU;

(q) ‘rejected path allocation’ means a request for a path that is rejected by the infrastructure manager following the coordination process laid down in Article 46(1) of Directive 2012/34/EU; each cancellation of train service operating as part of a scheduled regular service counts as a rejected path allocation;

(r) ‘maintenance’ means non-capital expenditure that the infrastructure manager carries out in order to maintain the condition and capability of the existing infrastructure;

(s) ‘renewals’ means capital expenditure on a major substitution work on the existing infrastructure which does not change its overall performance;

(t) ‘upgrades’ means capital expenditure on a major modification work of the infrastructure which improves its overall performance;

(u) ‘new infrastructure’ means capital expenditure on the projects for construction of new infrastructure installations;

(v) ‘public funds’ in the context of infrastructure expenditure means funds sourced directly from public investments grants;

(w) ‘own funds’ means funds from revenue earned by infrastructure managers or operators of service facilities through access charges and by other means;

(x) ‘revenue’ means the total fees collected from the provision of rail transportation services during the reporting period; it excludes other income such as revenue from catering, station services and on-board services;

(y) ‘transit’ means transport through a country between the place of loading/embarkation and the place of unloading/disembarkation, both being outside that country;

(z) ‘railway traffic on national territory’ means any movement of railway vehicles within the borders of one country irrespective of the country in which the vehicles are registered;

(aa) ‘delay’ means the difference in time between the time specified in the timetable of a train and the actual time at which it passes a specific location on the train's route at which travelling data are captured;

(bb) ‘cancelled service’ means a train cancelled in the operations phase due to rail-service related reasons, including missing a scheduled stop if a train is rerouted or replacing a rail service with a road service;

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(cc) 'average timetable speed' means the speed calculated by dividing the total length of a journey by the time the journey is expected to take according to the timetable;

(dd) 'public service obligation compensation' or 'PSO compensation' means the financial benefits granted, during the reporting period, directly or indirectly by a competent authority from public funds for the operation of rail services under a public service obligation;

(ee) 'commercial services' means all passenger services that do not fall within the scope of services provided under public service obligations;

(ff) 'principal railway undertaking' means the largest undertaking in terms of passenger-km or tonne-km;

(gg) 'active licence' means a licence granted to a railway undertaking that has started and not ceased operations within the periods fixed by the Member State in accordance with Article 24(4) of Directive 2012/34/EU;

(hh) 'passive licence' means a licence granted to a railway undertaking that has not started or has ceased operations within the periods fixed by the Member State in accordance with Article 24(4) of Directive 2012/34/EU, and licences which have been suspended or revoked;

(ii) 'fee to obtain a licence' means all fees charged by a licensing authority in respect of the processing of the application;

(jj) 'time for obtaining a licence' means the length of time between the date on which a complete application for a licence is submitted and the date of the final decision;

(kk) 'full time equivalents' means total hours, including over-time, worked in a job over a year divided by the average number of hours worked per year in a full-time job;

(ll) 'marshalling yard' means a site or a part of a site equipped with a number of tracks or other equipment used for railway vehicle marshalling operations, including switching.

Article 3

Data collection and submission

1 By 31 December each year, Member States shall submit to the Commission the data specified in the questionnaire included in the Annex in respect of the preceding year.

2 Each Member State shall submit to the Commission the data relating to rail transport on its territory.

3 Where a railway undertaking operates in more than one Member State, it shall provide the national authorities with separate data for each Member State in which it operates.

4 Member States may obtain the necessary data from a combination of the following sources:

a mandatory surveys;
b administrative data, including data collected by statistical offices and other authorities;
c statistical estimations, while explaining methods used;
d data supplied by relevant industry organisations or other concerned parties; and
e ad hoc studies.