

Tenth Annual Market Monitoring Working Document

April 2022



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List of country abbreviations and regulatory bodies

Country	Country abbreviation	Participating regulatory bodies
Austria	AT	Schiene-Control GmbH
Belgium	BE	Regulatory Body for Railway Transport and for Brussels Airport Operations
Bulgaria	BG	Railway Administration Executive Agency
Czech Republic	CZ	Transport Infrastructure Access Authority
Croatia	HR	HAKOM
Denmark	DK	Jernbanenaevnet
Estonia	EE	Estonian Competition Authority
Finland	FI	Finnish Rail Regulatory Body
France	FR	Autorité de Régulation des Transports
Germany	DE	Bundesnetzagentur
Greece	GR	Regulatory Authority for Railways
Hungary	HU	Rail Regulatory Body
Ireland	IE	Commission for Railway Regulation
Italy	IT	Autorità di Regolazione dei Trasporti
Kosovo*	XK*	Railway Regulatory Authority
Latvia	LV	State Railway Administration
Lithuania	LT	Communications Regulatory Authority of the Republic of Lithuania
Luxembourg	LU	Institut Luxembourgeois de Régulation
Netherlands	NL	Autoriteit Consument & Markt
Norway	NO	Statens jernbanetilsyn
Poland	PL	Urząd Transportu Kolejowego
Portugal	PT	AMT - Autoridade da Mobilidade e dos Transportes
North Macedonia	MK	Railway Regulatory Agency
Romania	RO	Consiliul Național de Supraveghere din Domeniul Feroviar
Serbia	RS	Directorate for Railways
Slovakia	SK	Transport Authority
Slovenia	SI	AKOS
Spain	ES	Comisión Nacional de los Mercados y la Competencia
Sweden	SE	Transportstyrelsen
Switzerland	CH	Rail Transport Commission (RailCom)
United Kingdom	UK	Office of Rail and Road

Kosovo (XK)*: This designation is without prejudice to positions on status and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

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Introduction



Participating countries



*Kosovo (XK): This designation is without prejudice to positions on status and is in line with UNSCR 1244 (1999) and the ICJ opinion on the Kosovo declaration of independence.

This Working Document complements the tenth IRG-Rail Market Monitoring Report¹ and provides country-specific data as well as further context to the results presented in the Main Report. Its aim is to provide a more detailed analysis on developments in the monitored countries.

Structure of the working document

The structure of this document follows that of the Main Report, with chapters on the network characteristics of the railway market (Chapter 2), Track Access Charges (Chapter 3), railway undertakings and European rail traffic (Chapter 4) before analysing the rail freight (Chapter 5) and the rail passenger (Chapter 6) markets.

The Working Document also includes a summary of important regulatory decisions taken in each country in 2020 (Chapter 7).

Additionally, some examples of financial aids to the rail sector in response to the impacts of the COVID-19 pandemic are presented in the Annex.

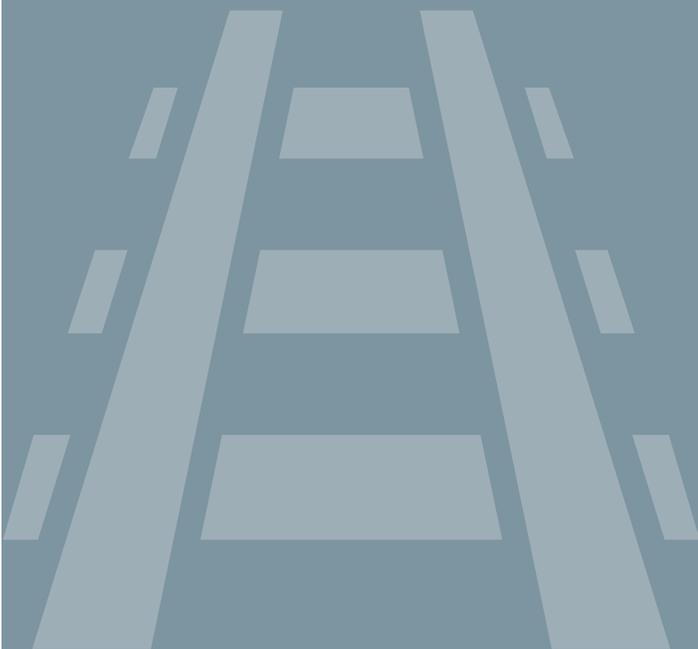
All data provided in tables and figures within this Working Document are available on the IRG-Rail website².

¹ The tenth IRG-Rail Market Monitoring Report can be found [here](#).

² The data are available [here](#).

02

Network characteristics of the railway market



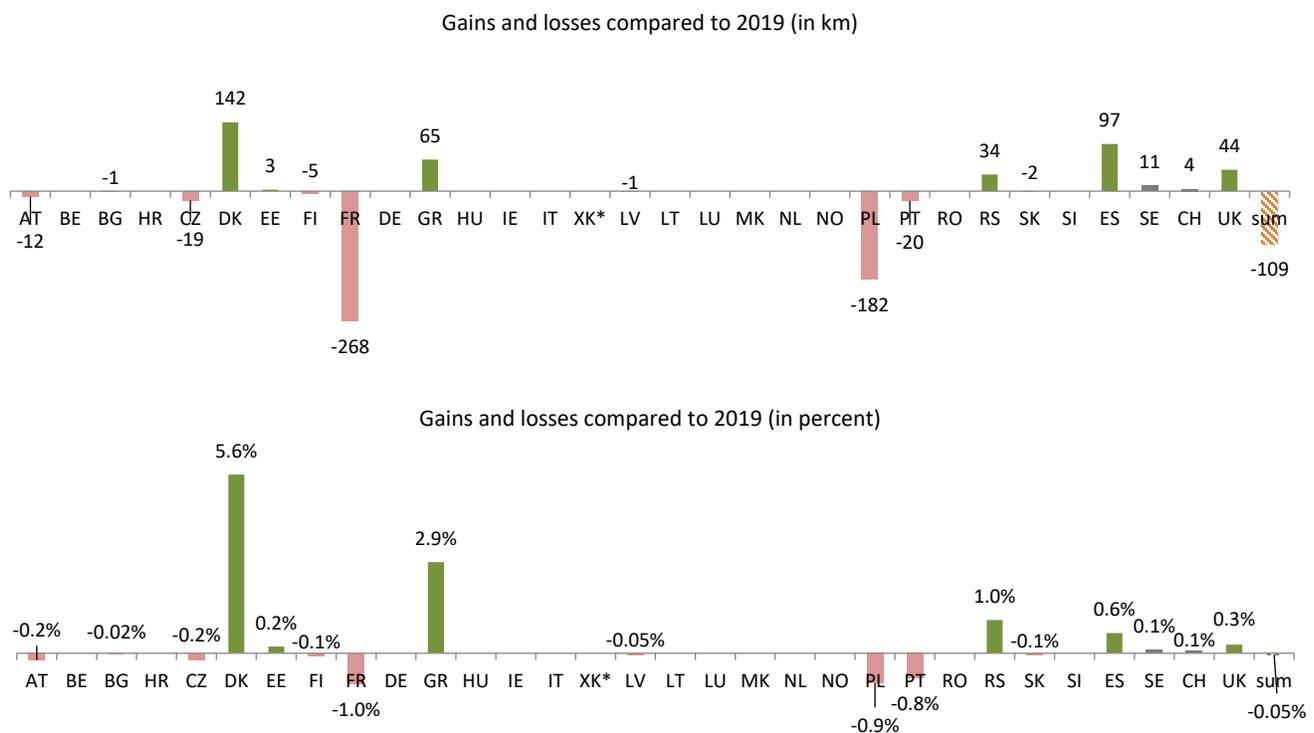
2.1. Total route length

Total route length across the monitored countries was approximately 234,000 km in 2020. Among the participating countries this was a marginal decrease of 109 km or almost 0.1% compared with 2019.

Compared to 2019, seven countries reported an increase in total route length, most notably Denmark (5.6%) and Greece (2.9%). The relatively large increase in Denmark is due to 142 km of newly electrified tracks opened in 2020.

On the other hand, nine countries reported a decrease in total route length: Austria, Bulgaria, Czech Republic, Finland, France, Latvia, Poland, Portugal and Slovakia. In France, the reduction of total route length in 2020 was due to the closure of some of the oldest and least used tracks.

FIGURE 1 - EVOLUTION OF TOTAL ROUTE LENGTH (IN KM AND IN %) BETWEEN 2019 AND 2020



2.2. Electrified route length

In 2020, 55% of the total railway network for participating countries was electrified. This proportion has increased gradually in recent years.

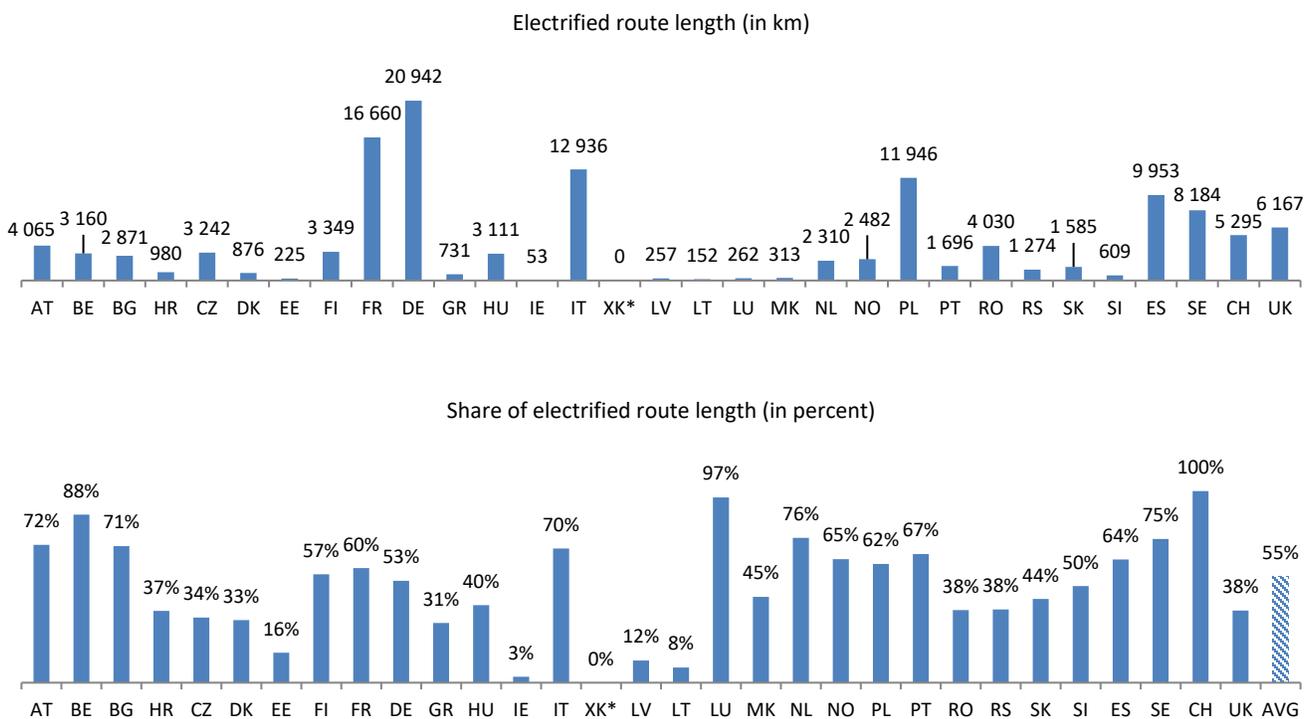
The level of electrification of the railway network differs significantly between monitored countries. Switzerland is the only country with a fully electrified network, while Kosovo's is the only network where no tracks are electrified.

Besides Switzerland, seven further countries have a railway network where 70% or more of the tracks are electrified: Luxembourg, Belgium, the Netherlands, Sweden, Austria, Bulgaria and Italy.

Ireland, Lithuania, Latvia and Estonia, besides Kosovo, are the countries with the lowest level of electrification. In these countries the share of electrified railway network is below 30%.

Compared to 2019, some countries showed an increase in the length of electrified route in 2020. The largest increases were observed in Denmark (197 km) and Spain (135 km).

FIGURE 2 - ELECTRIFIED ROUTE LENGTH (IN KM AND IN % OF THE TOTAL ROUTE LENGTH) IN 2020



2.3. High-speed route length

Another indicator of the ongoing development of the European railway network is the expansion of high-speed lines. Among the monitored countries, 10 countries have reported featuring dedicated high-speed lines as defined

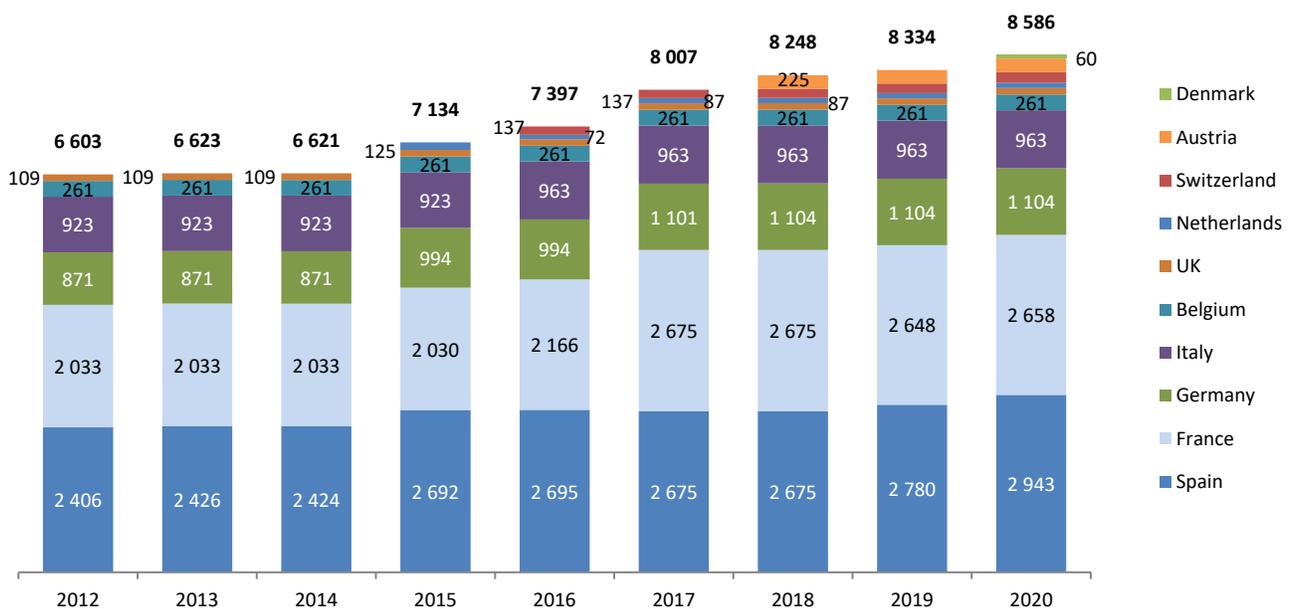
in the European Commission's Implementing Regulation 2015/1100³. France and Spain have the longest high-speed lines. Together they have more than half of the total high-speed lines among the monitored countries.

The total high-speed route length increased between 2019 and 2020, gradually growing during recent years. In 2020, the total route length of high-speed routes was almost 33% higher than in 2012.

It is worth noting that Denmark opened its first high-speed line in 2020. This 60-km line goes between Copenhagen and Ringsted.

FIGURE 3 - HIGH-SPEED ROUTE LENGTH FROM 2012 TO 2020

(in km per country)



2.4. ETCS-enabled route length

ERTMS/ETCS (European Rail Traffic Management System/European Train Control System) network compatibility is an indicator of interoperability across European rail networks. In 2020, 16 countries reported ETCS-enabled routes. Luxembourg has the highest share of ERTMS/ETCS-enabled route length as almost all (98%) the network is compatible with ERTMS/ETCS. Besides Luxembourg, there are only four more countries with a share of ERTMS/ETCS-enabled route length higher than 10%: Switzerland, Belgium, Slovenia and Spain.

³ 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.

FIGURE 4 - ERTMS/ETCS-ENABLED ROUTE LENGTH IN 2020

(in km per country)

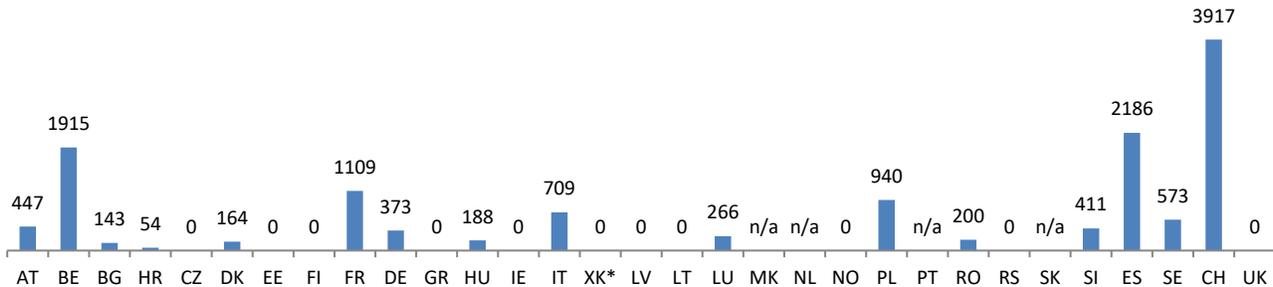
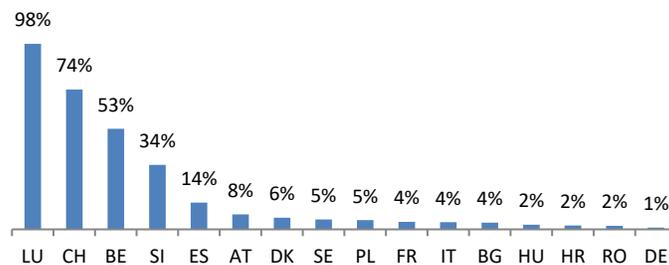


FIGURE 5 - ERTMS/ETCS-ENABLED ROUTE SHARE OF TOTAL ROUTE LENGTH IN 2020

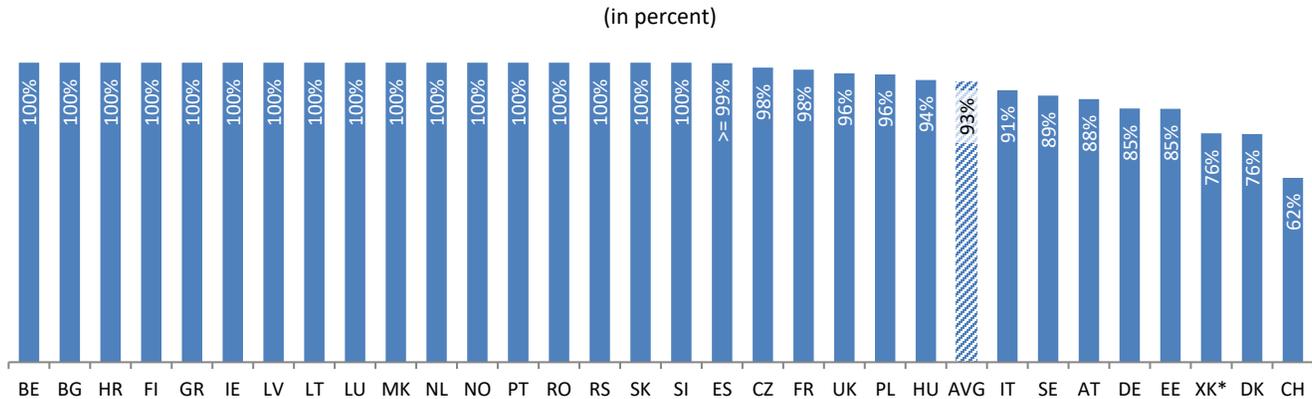


2.5. Main infrastructure managers' share of route length

In 2020, the main infrastructure managers in the monitored countries administrated 93% of the total route length on average. This share decreased slightly compared with 2019, when the main infrastructure managers controlled 94%.

In 18 countries, the main infrastructure manager oversees the whole (or nearly the whole) network. In seven countries the infrastructure manager manages between 91% and 98%. There are only three countries where the main infrastructure manager operates less than 80%: Switzerland (62%), Denmark and Kosovo (76% each). There have only been marginal changes in the share of route length controlled by the main infrastructure manager in recent years.

FIGURE 6 - MAIN INFRASTRUCTURE MANAGERS' SHARE OF TOTAL ROUTE LENGTH IN 2020



2.6. Network usage intensity

Network usage intensity measures the number of train-km per route-km per day and is an indicator of the overall occupancy of the railway network. Since it is a measure for the whole country, it does not account for how usage can vary between different regions within a country.

During the start of the COVID-19 pandemic in 2020, network usage intensity has decreased in almost all monitored countries. For passenger services, overall network usage intensity was on average 40 train-km per route-km per day in 2020, down by 10% from 44 train-km per route-km per day in 2019.

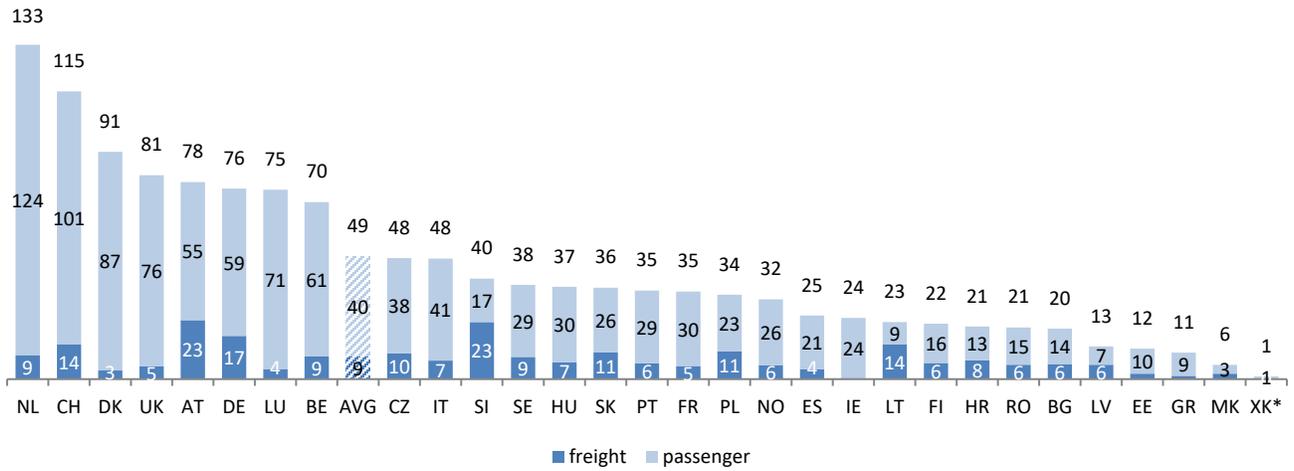
In the majority of monitored countries, railway networks have predominantly been used by passenger services in the past. This remained the same in 2020, although the share of freight traffic increased during that year. This can be explained by the fact that freight traffic was not as affected by the COVID-19 pandemic as passenger services were. For freight traffic, overall network usage intensity was on average 9 train-km per route-km per day in 2020. This is roughly the same as it was in 2019 when overall network usage intensity of freight traffic was 10 train-km per route-km per day on average.

Slovenia and Lithuania were the only countries where the railway network was used more intensively by freight services than by passenger services.

In 2020, the usage intensity for freight traffic was highest in Austria and Slovenia, followed by Germany. Usage intensity for passenger services was highest in the Netherlands, followed by Switzerland, Denmark and the UK.

FIGURE 7 - NETWORK USAGE INTENSITY IN 2020

(train-km per route-km per day)



03

Track Access Charges paid
by railway undertakings
for the minimum access package



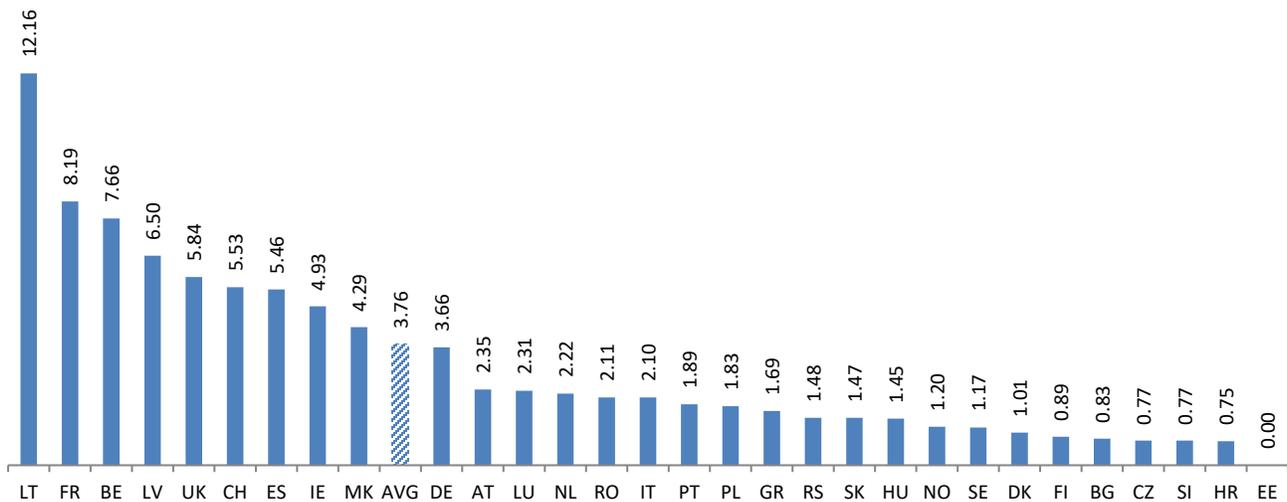
3.1. Track Access Charges in European countries

The average level of Track Access Charges (TAC) paid by railway undertakings (per train-km) continues to vary widely among European countries. In 2020, railway undertakings in Lithuania on average paid approximately €12 per train-km. On the other hand, railway undertakings in six countries paid less than €1 per train-km. The European average TAC fell from €4.09 in 2019 to €3.76 in 2020. The main reason for this decrease is the grant of higher subsidies in some countries to mitigate the negative impact of the COVID-19 pandemic on railway undertakings.

There are several factors for the variation in TAC between countries: Reasons include differences in the implementation of Directive 2012/34/EU, the level of mark-ups, the inclusion or exclusion of station charges in the Minimum Access Package (MAP), different charging approaches for passenger and freight services as well as various subsidisation schemes and the COVID-19 pandemic-related funding. As a result, Figure 8 cannot be used to directly compare countries.

FIGURE 8 - TRACK ACCESS CHARGES PAID BY RAILWAY UNDERTAKINGS FOR THE MINIMUM ACCESS PACKAGE IN 2020⁴

(in Euro per train-km)

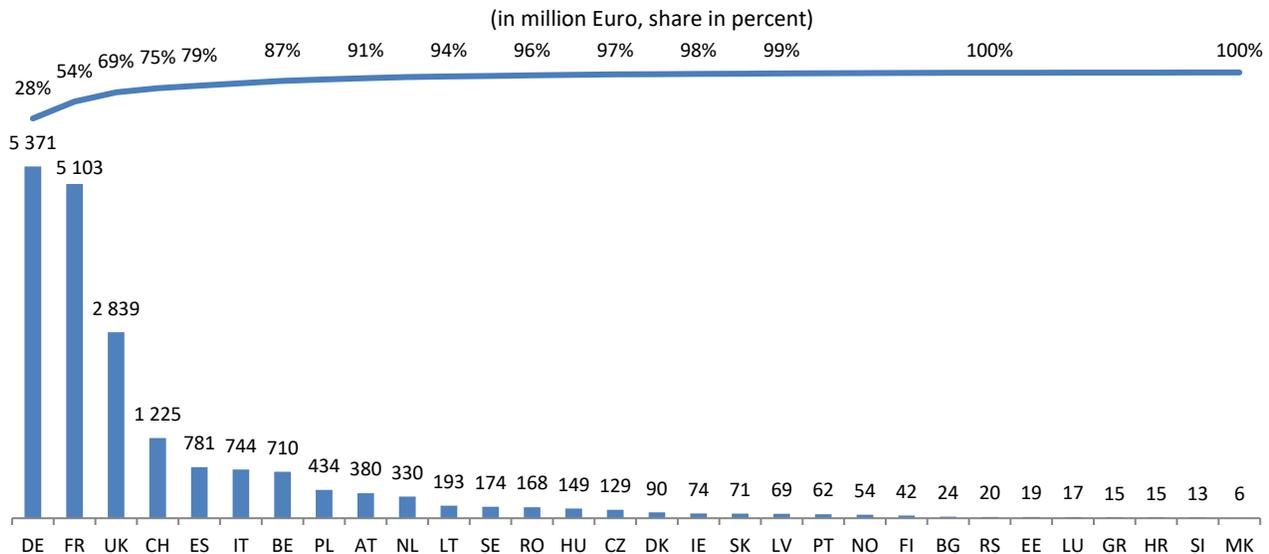


The total amount of TAC in Europe (Figure 9) was distributed unevenly in 2020. 80% of the TAC volume came from five countries, namely Germany, France, the UK, Switzerland and Spain. The remaining 25 countries accounted for just 20% of the total TAC. The specific TAC of a country results from a combination of the level of TAC per train-km and the volume of train-km provided. For example, the top five countries mentioned before show both a high volume of train-km and a high level of TAC and therefore dominate the overall picture. Contrarily, Italy shows a high number of train-km but has a low level of TAC per train-km and Belgium lies in the middle regarding train-

⁴ The average value in this graph differs from the one in the Main Report since the sample is different. This one includes all available data for 2020 (30 countries) while in the Main Report it includes only the countries which provided data for the 2016-2020 period (25 countries).

km-volume but has a high level of TAC per train-km and ranks 7th in the evaluation. The same applies to Poland in the 8th place.

FIGURE 9 - TOTAL TRACK ACCESS CHARGES FOR THE MINIMUM ACCESS PACKAGE⁵ PER COUNTRY IN 2020 AND CUMULATED SHARE OF THE TOTAL TAC



It is worth mentioning that the TAC from public subsidies increased substantially between 2019 and 2020 (especially in relation to TAC from railway undertakings), mainly as a result of measures introduced by governments to reduce the financial impact of the COVID-19 pandemic on the companies. The share of the TAC from public subsidies in the total TAC exceeded 20% in 2020 compared to 13% in 2019. Four countries contributed to this development: Estonia, France, Germany and Italy. There might be other countries whose governments funded parts of the TAC via direct or indirect COVID-19 financial support measures, but regulatory bodies were not able to detail to which extent this was the case.

3.2. Track Access Charges for passenger and freight services

Figure 10 shows that there are substantial differences between countries in the share of TAC paid from rail freight services and from passenger services. In Spain, 99% of the TAC are collected from passenger services while in Lithuania this amounts to only 1%. In general, the majority of TAC in Europe is derived from passenger services, reflecting the traffic split between passenger and freight services. Moreover, charges per train-km for passenger services are typically higher than those for freight services.

⁵ Please note that the total TAC is a proxy of the sum of TAC from railway undertakings and TAC from public subsidies.

FIGURE 10 - SHARE OF TAC PAID BY RAILWAY UNDERTAKINGS FOR PASSENGER AND FREIGHT SERVICES IN 2020⁶

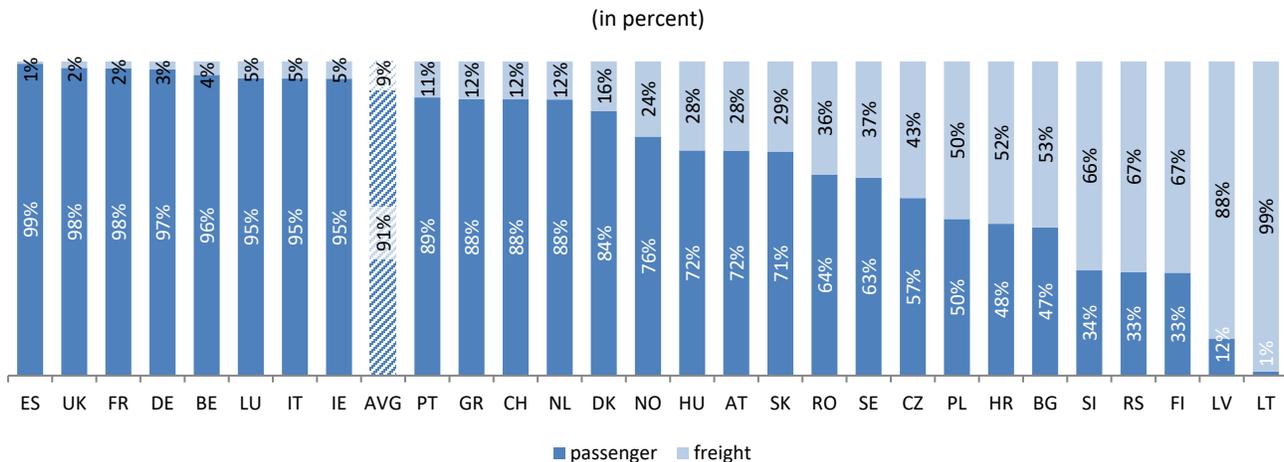


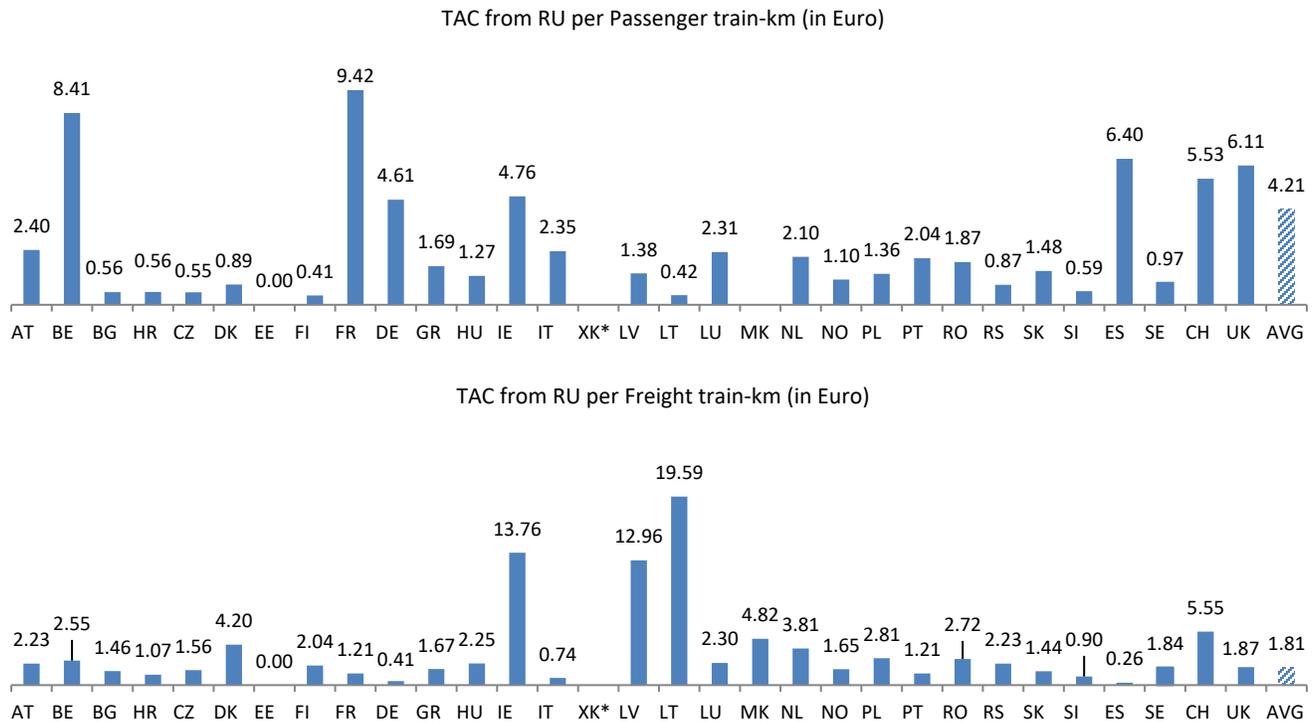
Figure 11 presents the TAC per train-km paid by railway undertakings for passenger and for freight services. The figure reveals large differences between countries, as well as differences between freight and passenger services within individual countries.

On average, railway undertakings paid €4.21 per passenger train-km, which is 17% lower than in 2019. Although passenger TAC were higher in twelve countries compared with 2019, the decline in several countries with high passenger traffic volume offset this development on an average level. This is the case for Germany, where 99% of all non-PSO TAC were funded by the government from March 2020 onwards. Other countries with a considerable decrease in their average passenger TAC from RUs per train-km compared with the previous year are Italy, Switzerland, Hungary, Czech Republic, Bulgaria and Denmark.

The TAC paid by railway undertakings for freight services decreased more than that for passenger services. An average of €2.32 in 2019 and €1.81 in 2020 means a drop of 23%. In ten countries, charges in 2020 were higher than in 2019, but at the same time a decrease was observed in 19 countries. In Germany, 50% of freight TAC were funded by the state in January/February 2020, increasing to 98% from March 2020 onwards. Strong decreases can also be observed in Austria (-12%), Bulgaria (-14%), France (-44%), Ireland (-47%), Italy (-15%) and Slovenia (-18%).

⁶ The average value in this graph differs from the one in the Main Report since the sample is different: This one includes all the available data for 2020 while in the Main Report it includes only the countries which provided data for the 2016-2020 period.

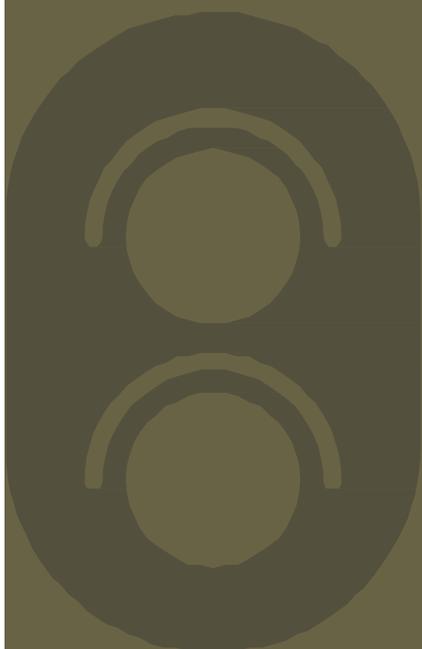
FIGURE 11 - TRACK ACCESS CHARGES PAID BY RAILWAY UNDERTAKINGS PER TRAIN-KM FOR PASSENGER AND FREIGHT SERVICES IN 2020⁷



⁷ The average value in this graph differs from the one in the Main Report since the sample is different: This one includes all the available data for 2020 while the one in the Main Report it includes only the countries which provided data for the 2016-2020 period.

04

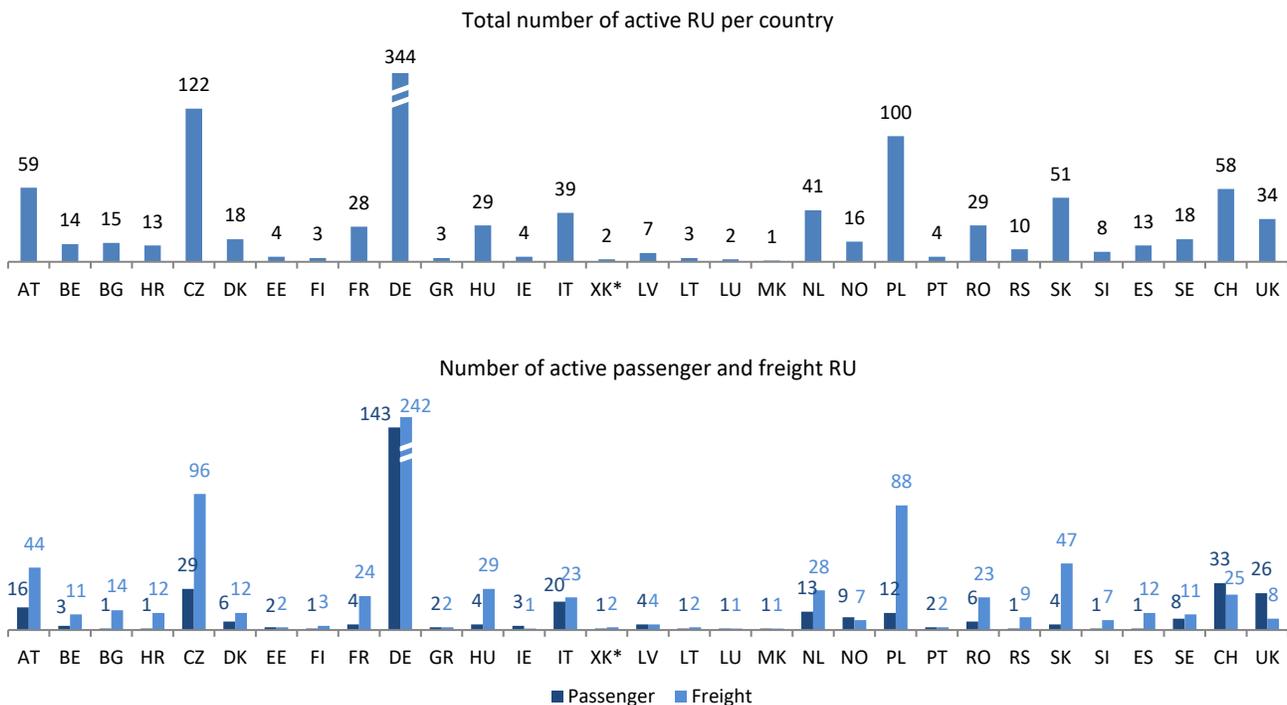
Railway undertakings and European rail traffic



4.1. Railway undertakings

The number of active railway undertakings varies significantly across IRG-Rail member countries reflecting several factors such as historical national developments, barriers to market entry and/or the number of earlier mergers. On the one hand, North Macedonia reported only one active railway undertaking offering both PSO passenger and freight services which indicates a highly concentrated (and de-facto monopoly) railway market. On the other hand, Germany (344), the Czech Republic (122) and Poland (100) reported high numbers of active railway undertakings in 2020, reflecting an advanced level of competition in these markets. Most countries reported either an increase (13) or no change (13) in the number of railway undertakings compared to 2019. Five countries experienced minor decreases.

FIGURE 12 - NUMBER OF ACTIVE RAILWAY UNDERTAKINGS (TOTAL AND PER SERVICE) IN 2020

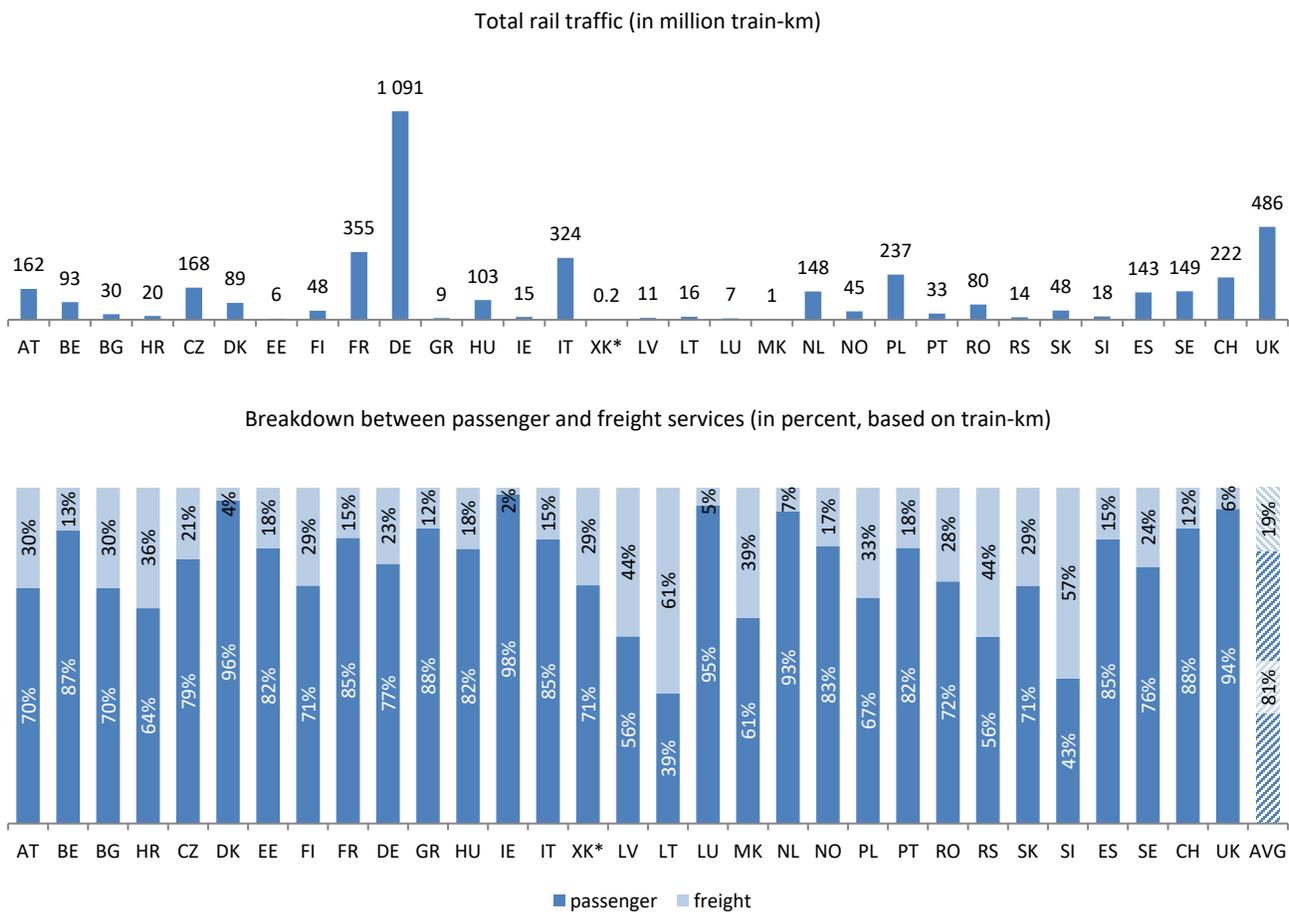


In most member countries, the number of active freight railway undertakings exceeded the number of passenger railway undertakings, irrespective of market size. This is likely to be the result of the liberalisation process that started a few years ago in the freight market. It should be noted though, when looking at the absolute numbers of freight and passenger railway undertakings, that some undertakings might be listed twice for one country if they operate in both sectors. Therefore, the sum of active freight and passenger railway undertakings is not necessarily equal to the total number for each country.

4.2. Total rail traffic

A total of 4.17 billion train-km (passenger and freight) were reported by 31 countries in 2020. Of this, Germany accounted for more than a quarter, while the UK (12%), France (9%) and Italy (8%) also reported notable contributions to European rail traffic.

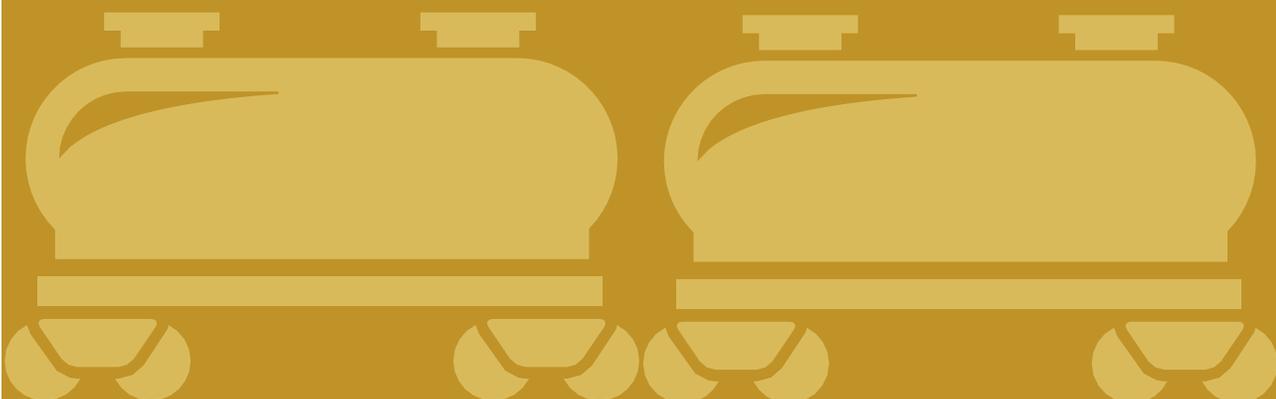
FIGURE 13 - RAIL TRAFFIC AND BREAKDOWN BETWEEN PASSENGER AND FREIGHT SERVICES IN 2020



On average, passenger services accounted for 81% of the total amount of train-km. The share of passenger train-km ranges from 39% (Lithuania) to 98% (Ireland). There were only two countries (Lithuania and Slovenia) where the share of freight traffic exceeded that of passenger traffic in terms of train-km. Although there was a substantial decline of almost 10% in total train-km due to COVID-19 compared to 2019, the distribution between freight and passenger traffic has remained constant.

05

The rail freight market



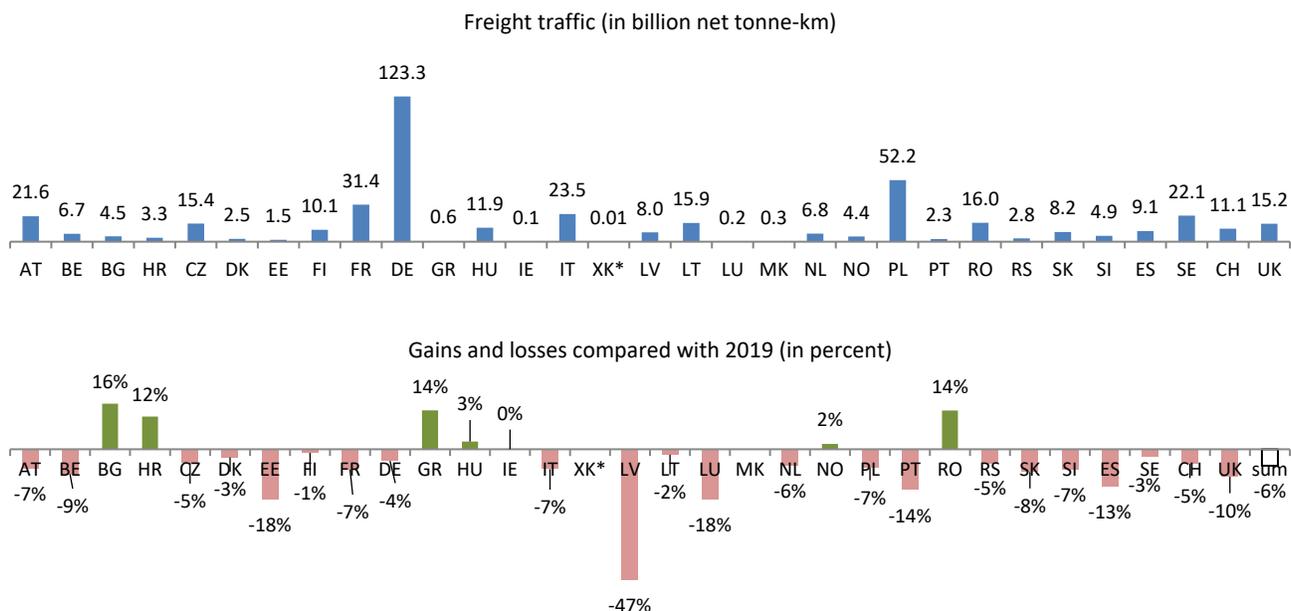
5.1. Rail freight market size

In 2020, the global rail freight market in IRG-Rail member countries amounted to 431 billion net tonne-km. This is a 6.5% decrease in comparison with 2019. The German rail freight market was the largest with 123.3 billion net tonne-km. The Polish rail freight market ranked second with 52.2 billion net tonne-km, followed by France with 31.4 billion net tonne-km.

When comparing 2019 and 2020 figures, most IRG-Rail members reported a decrease in demand for rail freight services with Latvia experiencing the biggest decrease (-47%). This may have happened due to the decisions of Russia and Belarus to redirect the flow of transit cargo from the seaports of Baltic countries to Russian ports or other alternative freight routes. In January 2021, the Russian Ministry of Transport officially announced that most of the transit cargo transported through the Baltic countries' seaports would be redirected to alternative routes by 2022-2023.

Despite the overall decrease in the European rail freight market, some IRG-Rail members reported a growth in rail freight demand. The biggest increase compared to 2019 was seen in Bulgaria (+16%), followed by Greece and Romania (+14% each) as well as Croatia (+12%). In Greece, the year-on-year growth of rail freight traffic can be explained by the improved economic situation. On the other hand, in some countries such as Croatia, this may have been due to private railway undertakings better adapting to the pandemic market conditions. This has improved competition and, as a consequence, increased demand for rail freight services.

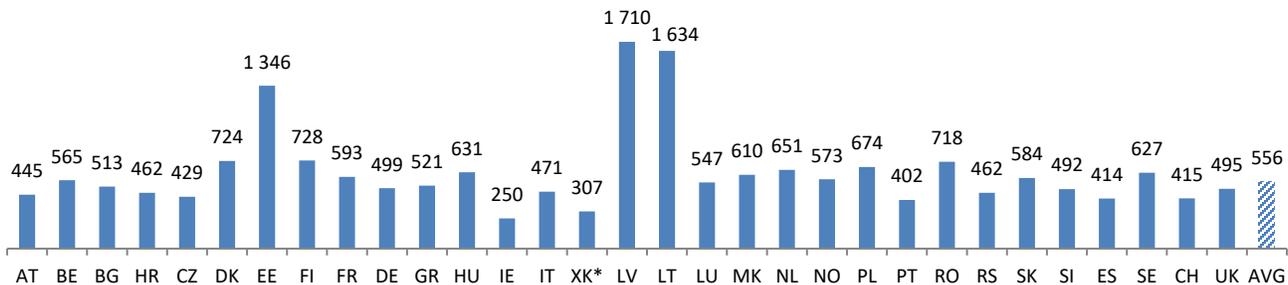
FIGURE 14 - RAIL FREIGHT TRAFFIC IN 2020 AND EVOLUTION BETWEEN 2019 AND 2020



As in previous years, Lithuania, Latvia and Estonia reported the highest freight load factor (the number of tonne-km per freight train-km). This can be explained by the conditions of rail infrastructure and station access roads in these countries which have been designed to accommodate longer trains. On the other hand, Spain reported a

relatively low load factor since trains are often shorter and lighter due to the topography of the land with steep slopes and the large use of intermodal transport.

FIGURE 15 - FREIGHT TRAFFIC LOAD IN 2020
(tonne-km per freight train-km)

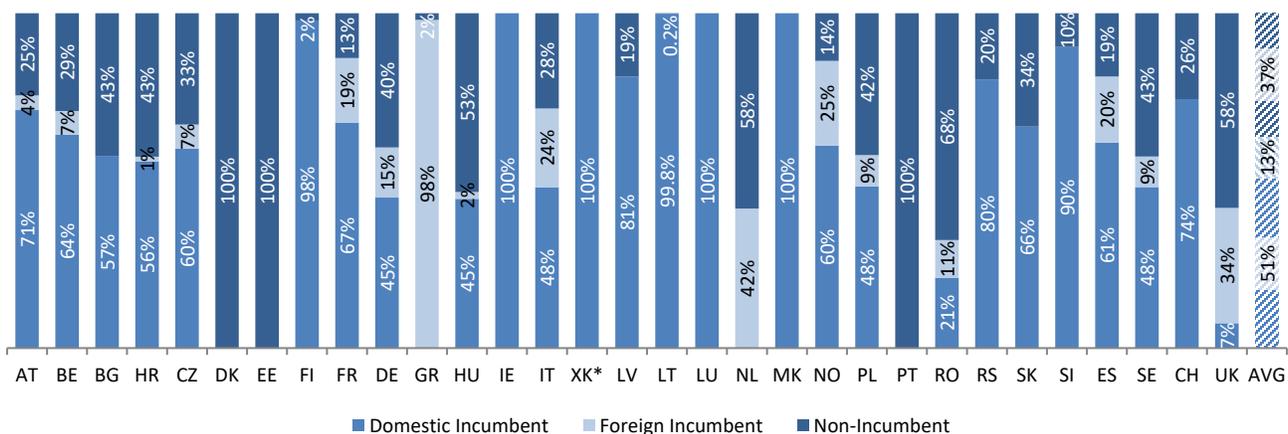


5.2. Market shares of freight railway undertakings

The figures below show the market shares of three categories of freight railway undertakings (domestic incumbents, foreign incumbents and non-incumbents), considering freight train-km and net tonne-km respectively. In 18 countries, the majority share of the freight market measured in freight tonne-km was operated by domestic incumbents. In 2020, these operators on average represented 52% of the traffic measured in net tonne-km.

FIGURE 16 - MARKET SHARES OF FREIGHT RAILWAY UNDERTAKINGS IN 2020 (BASED ON TRAIN-KM)

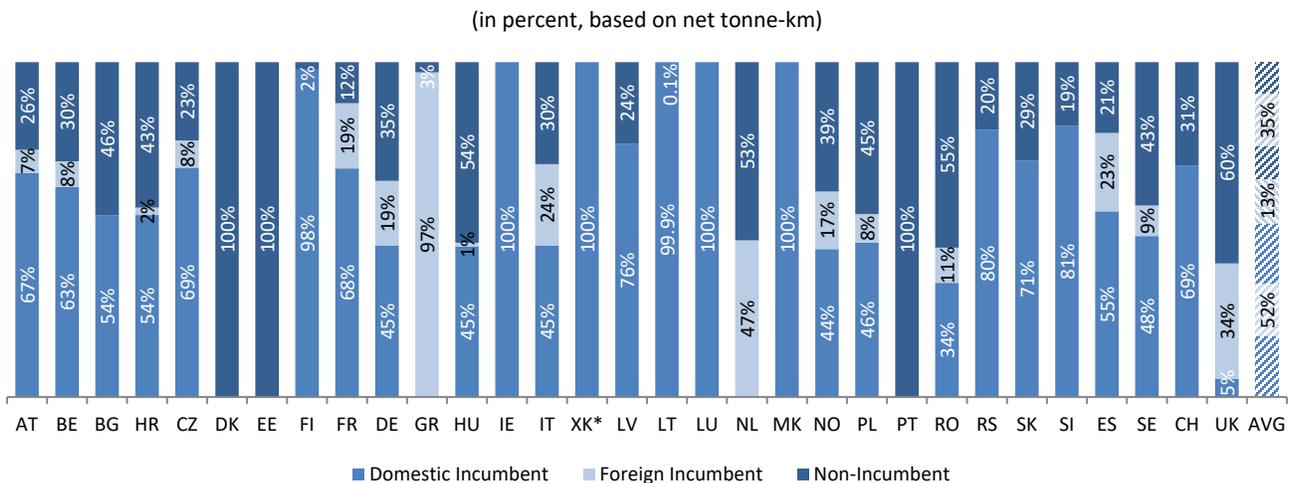
(in percent, based on train-km)



In 2020, four countries (Ireland, Kosovo, Luxembourg and North Macedonia) continue to show a monopoly situation in their rail freight market. On the other hand, in Denmark, Estonia and Portugal, non-incumbents exclusively operated rail freight transport. Hungary, the Netherlands, Romania and the UK reported market shares of non-incumbents above 50%.

More specifically, an increase in the share of competitors (foreign incumbents and non-incumbents) in freight tonne-km in 2020 occurred in 17 countries compared to 2019.

FIGURE 17 - MARKET SHARES OF FREIGHT RAILWAY UNDERTAKINGS IN 2020 (BASED ON NET TONNE-KM)



5.3. Economic performance of freight railway undertakings

In 2020, on the supply side, the average revenue per freight train-km was €20.79, down 2% from €21.13 in 2019. The highest revenue per freight train-km (€69.12) was, as in previous years, recorded for Luxembourg. This can be explained by the very limited domestic market and country size as well as by the absence of new market entrants.

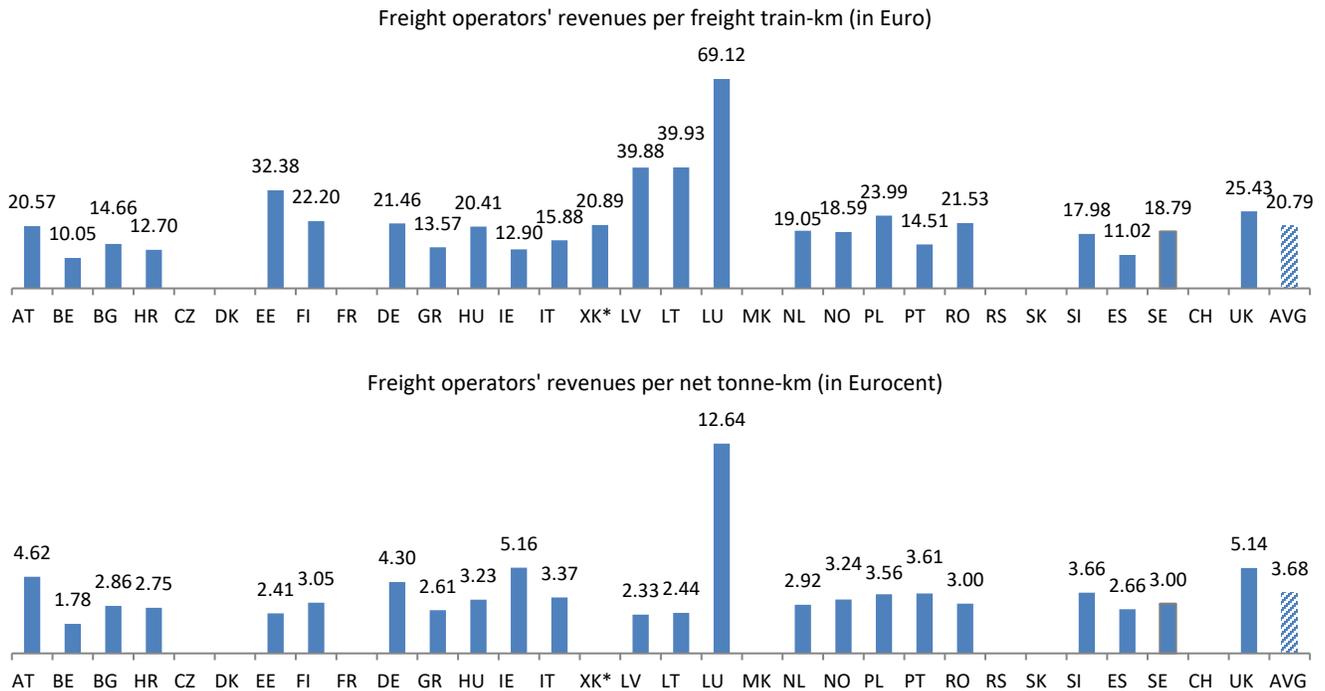
Luxembourg is also the IRG-Rail member with the second biggest annual increase in freight revenue per train-km (+24%) behind Kosovo (+64%). On the contrary, the revenue per freight train-km dropped significantly in Ireland (-52%) and Italy (-13%) compared to the previous year. Overall, there was a decrease in freight revenue per train-km in 13 countries out of 24 that reported data for both 2019 and 2020.

On the demand side, freight revenue per net tonne-km was €3.68 cent on average in 2020, down 2% from €3.76 cent in 2019. The lowest revenue of €1.78 cent per net tonne-km was recorded for Belgium while the highest was for Luxembourg (€12.64 cent). Compared to 2019, there were 16 countries that experienced a fall in revenue per net tonne-km, ranging from -0.3% in the UK to -20% in Romania. However, some countries such as Luxembourg (+22%), Portugal (+15%) and especially Ireland (where the unit revenue more than doubled) as well as Kosovo* (+75%) showed large increases.

Caution should be exercised when reading the revenue per net tonne-km since the type of goods transported may be quite different across countries, which can notably affect the denominator of the indicator. Indeed, heavier trains can especially be found in some countries where the most common goods transported are iron ore or coal, while lighter trains prevail in countries with a high share of intermodal transport. Besides, railway undertakings

may use different approaches to calculate the transport costs they charge their clients (giving more emphasis to the weight of goods or to the transport distance), thus altering the calculation of freight revenue.

FIGURE 18 - FREIGHT RAILWAY UNDERTAKINGS' REVENUES PER TRAIN-KM AND NET TONNE-KM IN 2020



06

The rail passenger market



6.1. Rail passenger market size

In 2020, the total passenger-km across 31 countries was 263 billion. As in 2019, Germany had the biggest rail passenger market in that sense, followed by France, the UK and Italy. Together, these four countries represent nearly two thirds of the market across reported countries.

As a result of the COVID-19 pandemic, all countries reported a substantial reduction in passenger traffic in 2020 compared with the previous year. Most countries implemented restrictive measures from March 2020 onwards, leading to a significant reduction in trains and rail passenger traffic.

The total reduction across all monitored countries was 49%. The largest decrease occurred in Ireland, where passenger traffic fell by 65%. There were also notable decreases in the UK and in Italy, with passenger traffic falling by more than 60%. Bulgaria had the smallest reduction with passenger-km declining by 'just' over a quarter compared to 2019.

FIGURE 19 - RAIL PASSENGER TRAFFIC IN 2020 AND EVOLUTION BETWEEN 2019 AND 2020

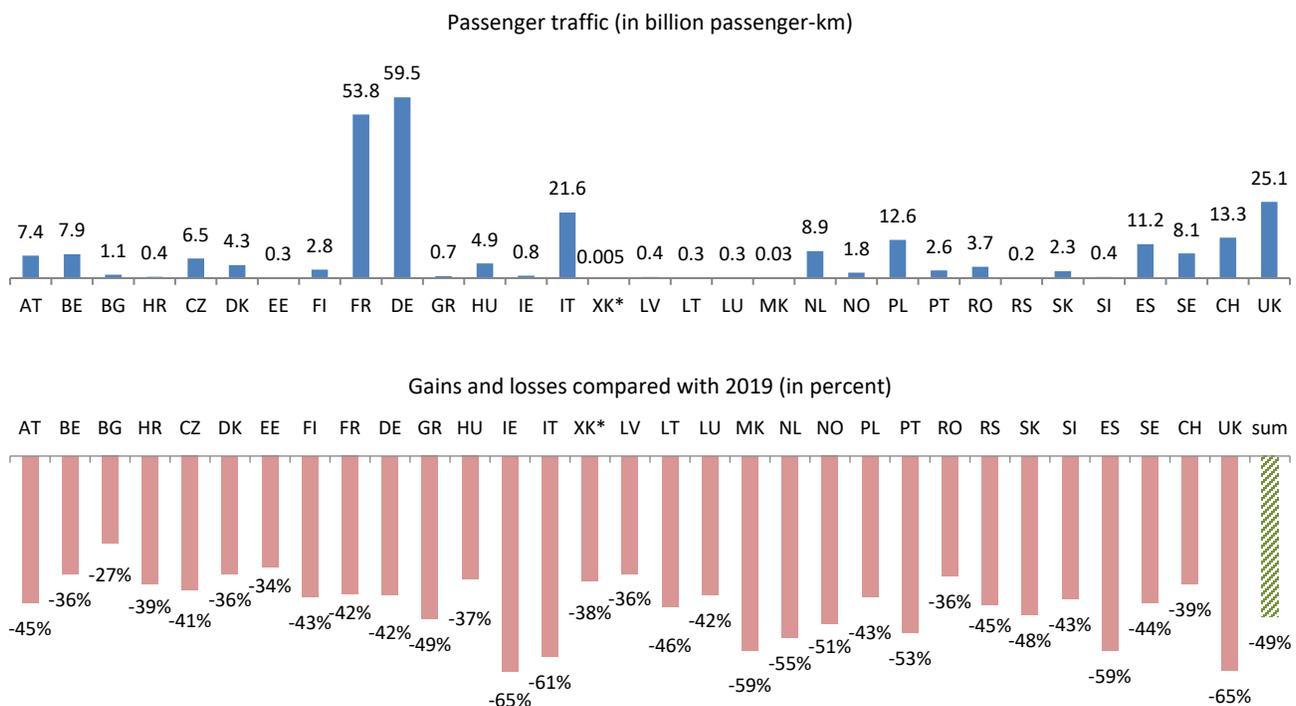
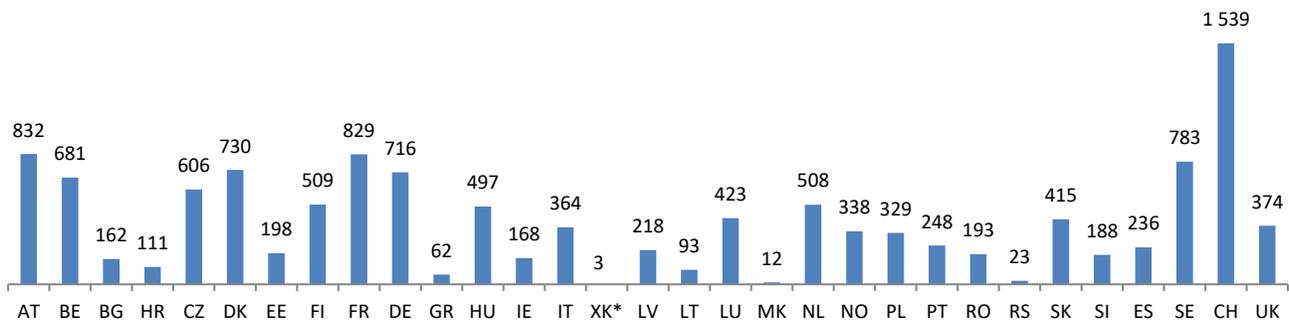


Figure 20 shows how many kilometers, on average, an inhabitant travelled by train in the monitored countries in 2020. Given the reduction in passenger-km, the average distance travelled by inhabitants has fallen for most countries. There is still substantial variation between countries, ranging from 3 km per inhabitant in Kosovo to 1,539 km per inhabitant in Switzerland.

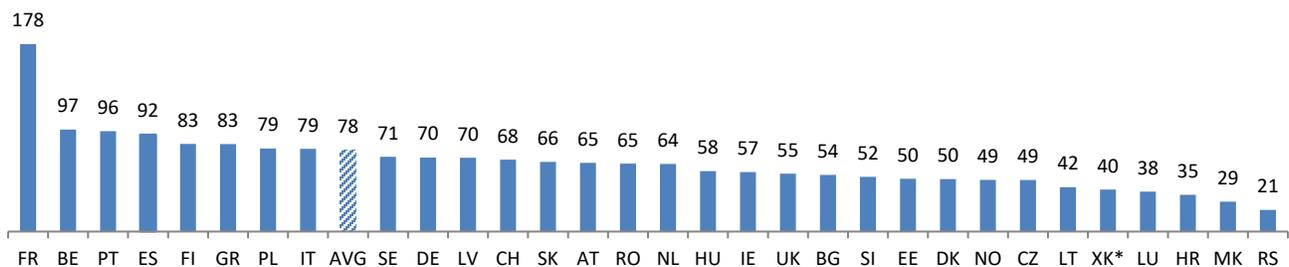
FIGURE 20 - PASSENGER-KM PER INHABITANT IN 2020



As in previous years, Switzerland continues to show the highest number in terms of passenger-km per inhabitant. Its public transport system is comprehensive, with coverage even in most of the country's remote regions. Furthermore, the networked timetable and good transfer connections create a well-integrated system across all modes of transport (including trains, trams, busses, ferries and cable cars).

Figure 21 shows the passenger load factor for each monitored country. It is calculated by dividing total passenger-km by total train-km. This indicator differs from the occupancy rate. The former is not only affected by the occupancy rate but also by the carrying capacities (i.e. number of seats per train).

FIGURE 21 - NUMBER OF PASSENGER-KM PER TRAIN-KM IN 2020



In 2020, France showed the highest passenger-km per passenger train-km, followed by Belgium, Portugal and Spain. France's 178 passenger-km per train-km are nearly double as high as the average of all monitored countries; this can partly be attributed to the greater capacity of its high-speed services compared to other European countries. The load factor also varies between PSO and non-PSO services, being three times higher for the latter. PSO load factors are much more consistent across countries, while there is substantially more variation for non-PSO services.

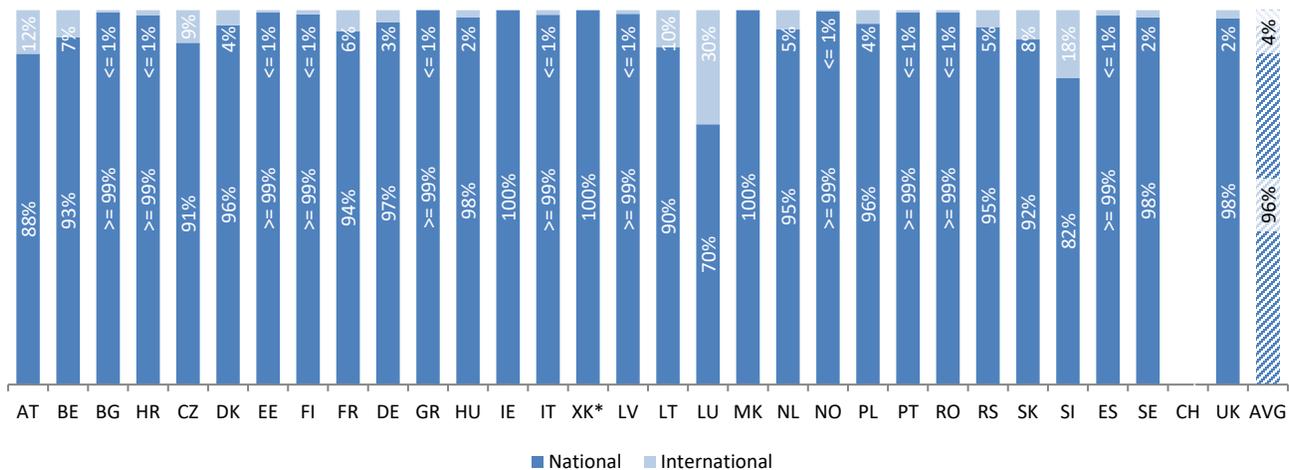
6.2. National and international passenger traffic

In response to the COVID-19 pandemic, many countries introduced cross-border travel restrictions which severely impacted international passenger traffic. Figure 22 shows the share of national and international passenger traffic

in 2020 across monitored countries. On average, the share of international traffic was just 4% while 96% of all traffic coming from national services.

FIGURE 22 - NATIONAL AND INTERNATIONAL PASSENGER TRAFFIC 2020

(in percent, based on passenger-km)



The share of international traffic was below average in 19 countries, with three countries reporting no international traffic during 2020 (Ireland, Kosovo and North Macedonia). The highest share of international traffic was recorded in Luxembourg (30%). This is due to its geographical position with several neighbouring countries and a very small country size. A large proportion of the labour force commutes to Luxembourg from neighbouring countries, many by train.

6.3. Share of PSO and Non-PSO

Figure 23 shows the proportion between PSO and non-PSO services on the supply-side (train-km). Across the monitored countries, PSO services accounted for 88% of the whole train-km offered on the passenger market.

In 2020, there were 15 countries where the share of PSO-operated passenger train-km equalled to or approximated 100%. In most monitored countries, the share of PSO services exceeded the 88%-average, except for France, Germany, Italy, Serbia, Spain and Sweden.

These differences in market share reflect the ownership structures and operating systems in these countries. For example in the UK, most passenger train operators are required to run under a franchise system (PSO) following the privatisation of the railway during the 1990s. The other passenger services are provided by non-franchised operators (Open Access), but these only make up a small part of the market.

FIGURE 23 - SHARE OF PSO AND NON-PSO SERVICES IN 2020 (BASED ON TRAIN-KM)

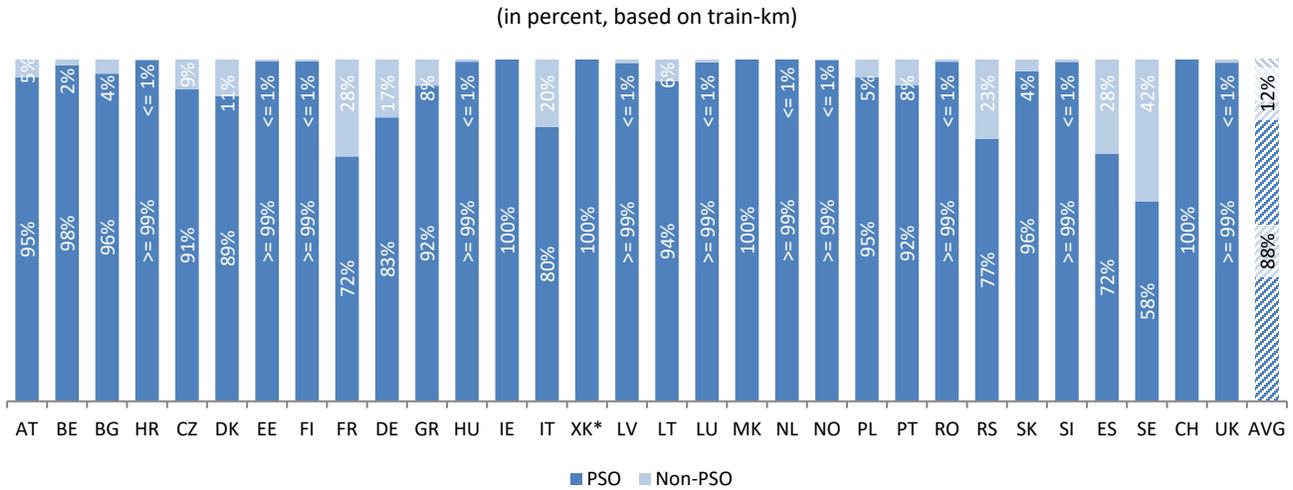


FIGURE 24 - SHARE OF PSO AND NON-PSO SERVICES IN 2020 (BASED ON PASSENGER-KM)

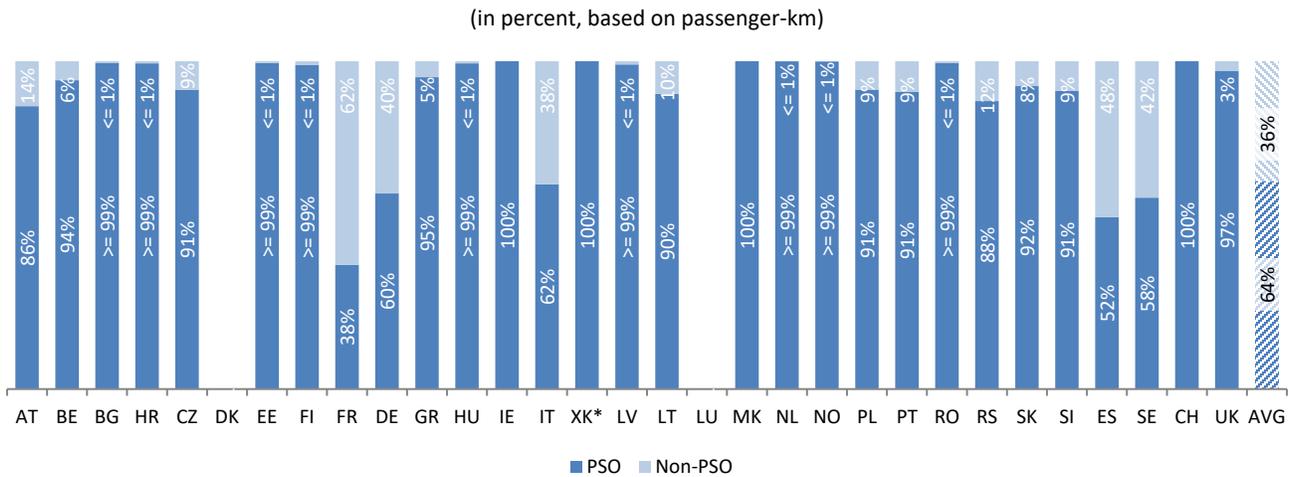


Figure 24 shows the proportion between PSO and non-PSO services on the demand-side (passenger-km). Across the monitored countries, PSO services accounted for 64% of passenger-km on average.

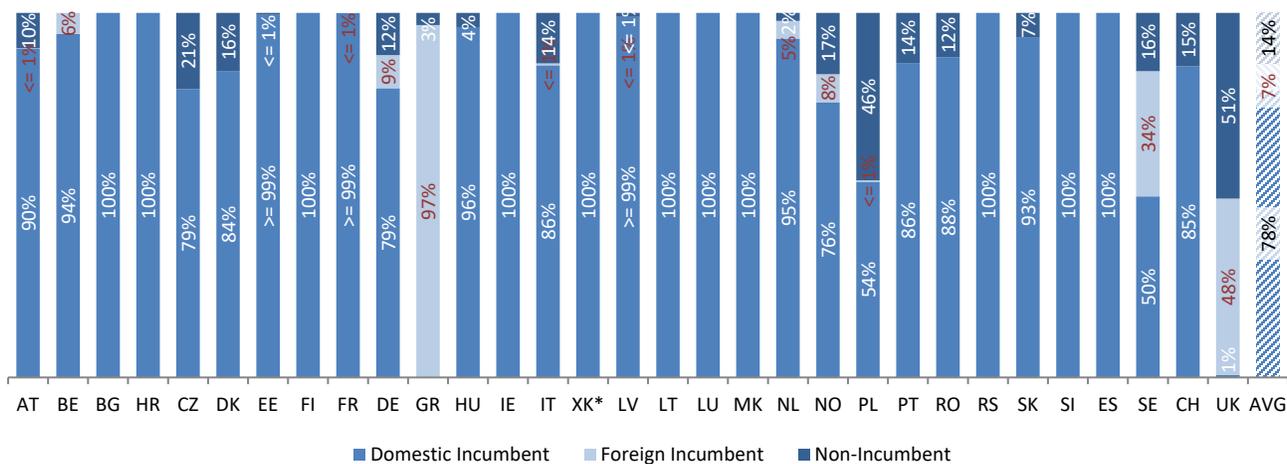
Similarly, on the supply-side (train-km), there are several countries where the share of PSO-operated passenger-km equals to or approximates to 100%, including Ireland, Kosovo, North Macedonia, the Netherlands and Norway. In some countries including France, Germany and Spain, the share of PSO traffic on the supply side is larger than on the demand side.

6.4. Market shares of passenger railway undertakings

In 2020, most European rail passenger markets continued to be dominated by domestic incumbents. Across the monitored countries, domestic incumbents accounted for a market share of 78% in terms of passenger-km on average. This is broadly unchanged compared with the pre-pandemic share of 77% in 2019.

FIGURE 25 - MARKET SHARES OF PASSENGER RAILWAY UNDERTAKINGS IN 2020 (BASED ON PASSENGER-KM)⁸

(in percent, based on passenger-km)



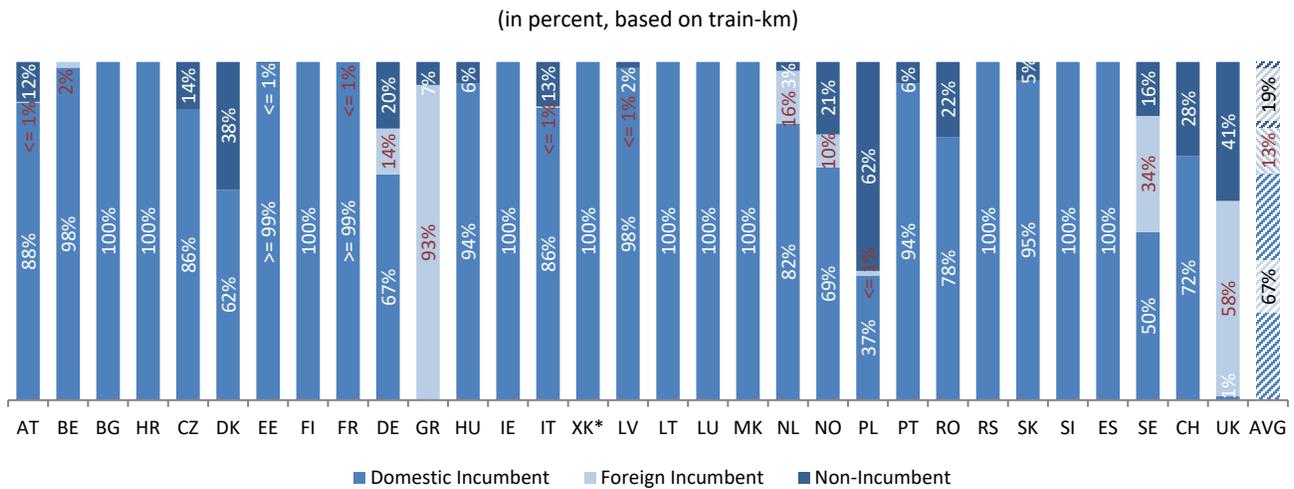
The UK, Norway, Poland and Sweden are the only countries where the market share of the domestic incumbent was below the average. In the UK, they accounted for only 1% of the market. This is due to the fact that the railways in the UK were passed from government control to private companies more than two decades ago. The only domestic incumbent operated in Northern Ireland (Translink), which makes up only a small proportion of total passenger-km. In Norway, non-incumbents Go-Ahead and SJ Norge operated in 2020 after winning tenders for PSO contracts. Go-Ahead entered the Norwegian rail passenger market in December 2019 and SJ Norge started operating in summer 2020. They took over routes that the domestic incumbent used to operate, leading to the fall of the domestic incumbent's market share. In Greece, the former domestic incumbent operator was sold to the Italian incumbent. Therefore, its market share is marked as "foreign incumbent".

The market shares of incumbent and non-incumbent railway undertakings are an important indicator of the potential for competitive advantages for incumbent operators and of the possible barriers to new market entrants. In 2020, in 12 countries the domestic incumbent remained the only passenger railway operator, meaning there was no competition.

Figure 26 shows the market shares across monitored countries based on passenger train-km. In 2020, the average market share of domestic incumbents was 67%. This is slightly lower compared with 70% from 2019. As with passenger-km, domestic incumbents still dominate most markets, except for Poland, Sweden and the UK.

⁸ The values for domestic and foreign incumbents include those of their subsidiaries, if any.

FIGURE 26 - MARKET SHARES OF PASSENGER RAILWAY UNDERTAKINGS IN 2020 (BASED ON TRAIN-KM)⁹

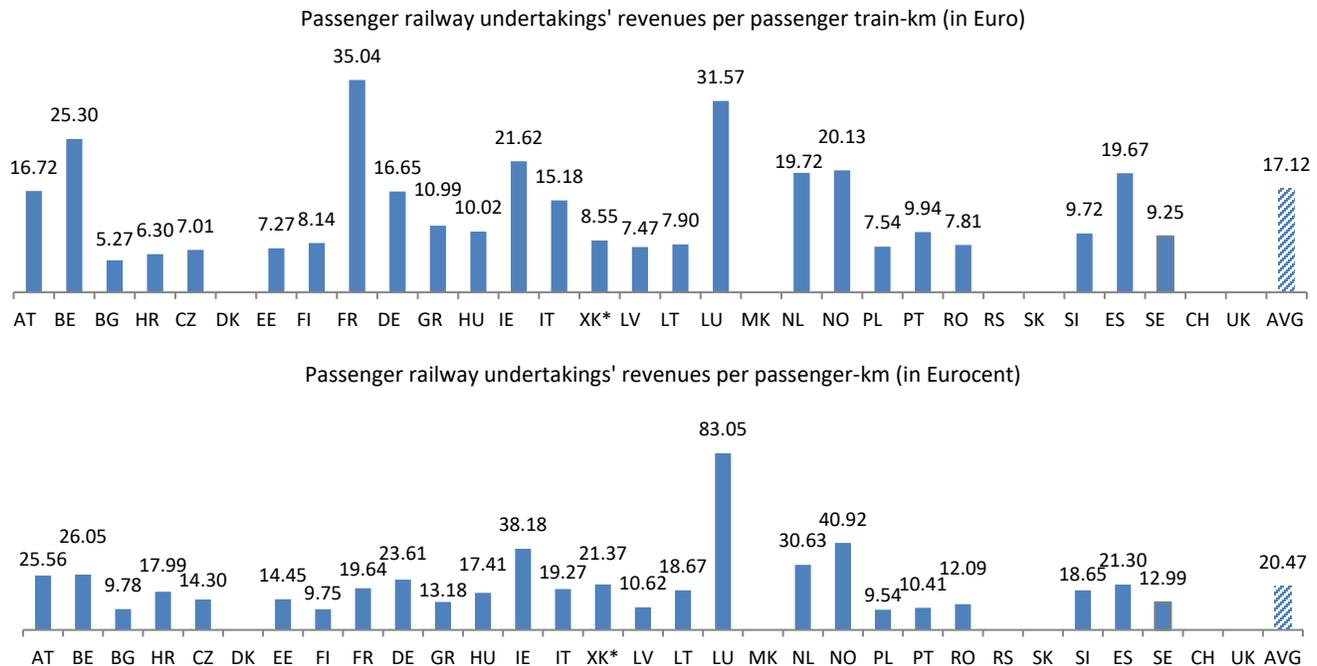


6.5. Economic performance indicators of passenger railway undertakings

The revenue of passenger railway undertakings from fares and compensations was significantly impacted by the COVID-19 pandemic. In 2020, the average revenue across monitored countries was €17.12 per train-km, down from €19.58 per train-km in 2019. On the other hand, the average revenue per passenger-km increased from €13.88 cent per passenger-km in 2019 to €20.47 cent per passenger-km in 2020. This increase can be explained by the significant fall in passenger-km across monitored countries.

⁹ The values for domestic and foreign incumbents include those of their subsidiaries, if any.

FIGURE 27 - PASSENGER RAILWAY UNDERTAKINGS' REVENUES PER TRAIN-KM AND PER PASSENGER-KM IN 2020



The highest unit revenues on the supply side were in France with €35.04 per train-km, followed by Luxembourg (€31.57 per train-km) and Belgium (€25.30 per train-km)¹⁰. The lowest reported revenue was in Bulgaria with €5.27 per train-km. On the demand side, Luxembourg reported the highest unit revenues with €83.05 cent per passenger-km which nearly doubled the revenue reported in 2019 (€46.94 cent per passenger-km). In 2020, Luxembourg RU's revenues from passenger services increased by 3% (thanks to the upturn in public compensations of more than 12%), while passenger train-km and passenger-km decreased by 6% and 42% respectively, leading to the hike in unit revenues.

In terms of PSO revenue generated from fares alone, the average revenue per passenger-km across monitored countries was €8.56 cent, increasing by 16% from €7.37 cent per passenger-km reported in 2019. The highest unit revenue was reported in Kosovo, closely followed by the UK. In Kosovo, the average unit revenue increased by more than a third compared with 2019. In the UK, the privatised structure of the rail industry, along with the existence of unregulated fares (i.e. fares set purely by market pricing), explain the increased revenues. Unit revenues were also above the average in the Netherlands, Norway, Ireland, Belgium and Germany.

¹⁰ The demand-side in this context refers to the demand for the railway undertakings in terms of passenger-km, whereas the supply-side refers to the traffic in train-km.

FIGURE 28 - PASSENGER RAILWAY UNDERTAKINGS' PSO REVENUES FROM FARES IN 2020 PER PASSENGER-KM

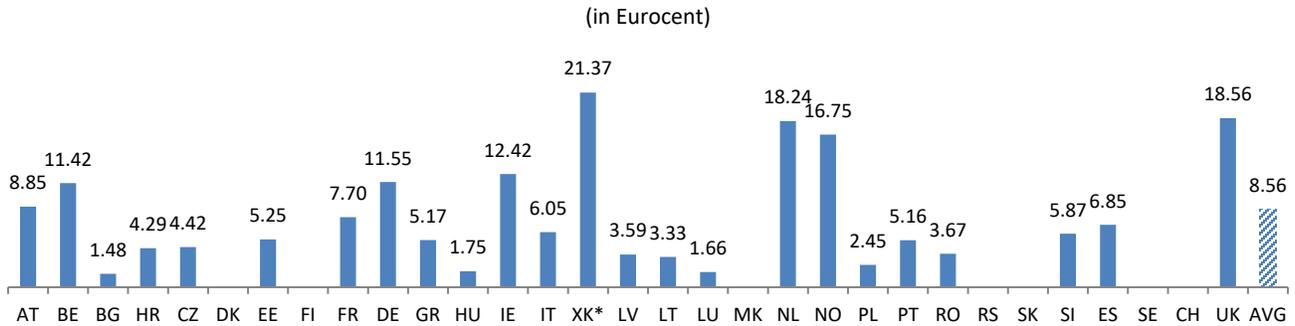
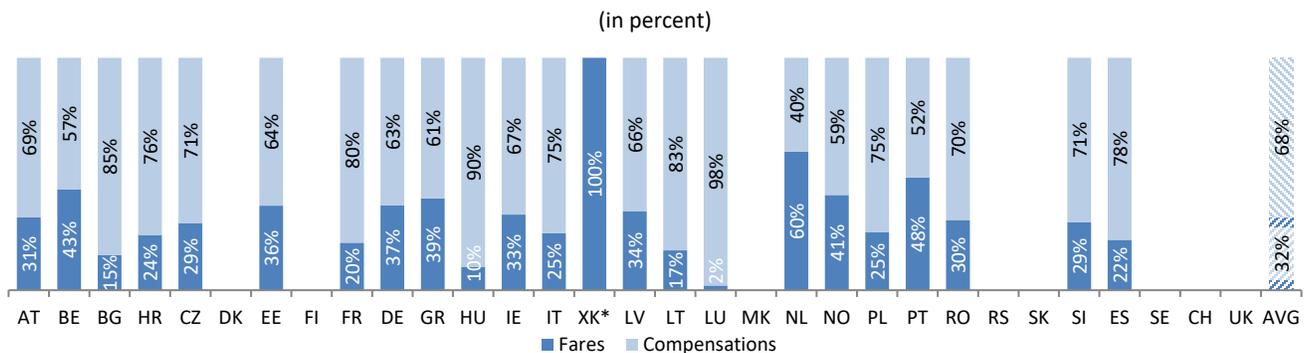


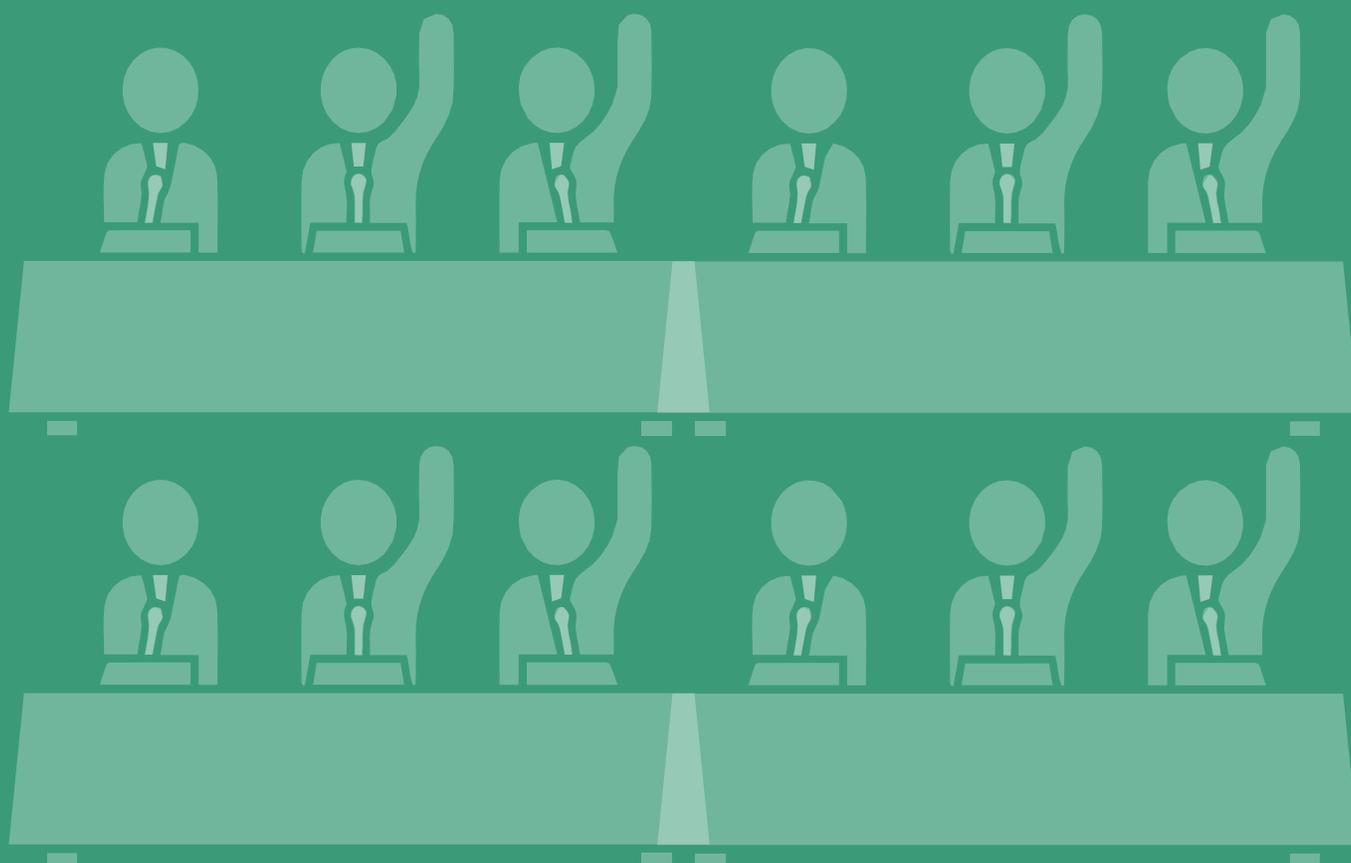
Figure 29 shows the distribution of PSO revenues generated from fares and compensations across selected countries. On average, there were more than twice as many revenues from compensations than from fares, with the shares varying substantially across monitored countries. In Kosovo, all revenue came from fares. In all other countries except for the Netherlands, PSO revenues generated from compensations were higher than from fares. For instance in Luxembourg, nearly all revenue (98%) was generated from compensations. Overall, the share of revenue generated from compensations increased due to the COVID-19 pandemic.

FIGURE 29 - BREAKDOWN OF PASSENGER RAILWAY UNDERTAKINGS' PSO REVENUES BETWEEN FARES AND COMPENSATIONS IN 2020



07

Abstract of regulatory decisions in 2020



This section presents the main regulatory decisions taken per country in 2020: It includes the decisions either taken in 2019 or decisions taken before 2020 and for which conclusions or effects appeared in 2020.

Austria

- In a trial regarding charges for passenger stations, Schienen-Control decided that "Bike/Park-And-Ride"-areas must not be considered for the determination of direct costs (decision taken in 2020/final).
- After an appeal by a competitor, Schienen-Control checked "Last-Mile"-services offered by the incumbent and decided that they have to be offered in a non-discriminatory and transparent way (decision taken in 2020/final).
- Schienen-Control solved several conflicts for paths between RU regarding the upcoming timetable (decisions taken in 2020/final).
- All other appeals and trials from 2020 (regarding charges for the MAP/passenger stations/SFs, mark-ups, traction current etc.) were either still pending or at other appeal stages and hence no final decisions had been made.

Belgium

- Decision D-2020-02-S regarding the audit assignment "Tariff hyper-peak":

In the framework of the publication of the pricing principles by infrastructure manager Infrabel in the network statement of 2021, where the notion of hyper-peak was included in the Ramsey-Boiteux markup (to cover its costs in full), the Regulatory Body started an audit assignment in order to test the conformity of these additional levies with the applicable regulations. Because it was concluded that the tariff levy "hyper-peak" did not meet the legal conditions laid down in article 58 of the Rail Codex, it was decided that this hyper-peak rate may not be applied on sections other than the North-South connection (with immediate effect for the market segments HKV non-PSO and HST and after closure of the timetable 2021 for the market segment HKV PSO).

Following decision D-2020-02-S in June 2020, Infrabel drew up a new "Tariff hyper-peak" and has requested advice from the Regulatory Service. In its advice A-2020-03-S, the Regulatory Body concluded that the new formula was in line with the decision and other regulations. (However, the Regulatory Body requested Infrabel to re-evaluate the feasibility studies ("market-can-bear" test) to take into account the impact of substantial market developments, such as COVID-19.) The hyper-peak mark-up is actually being challenged through a formal complaint introduced by a RU at the RB.
- Decision D-2020-06-S regarding the audit assignment works:

Beginning of 2019, the Regulatory Body started an audit assignment on the renewal planning and planned or unplanned maintenance carried out by Infrabel. During the investigation, the Regulatory Body identified various points for improvement, which resulted in 14 recommendations for the infrastructure manager.

The Decision was taken in December 2020. Infrabel will take into consideration the different recommendations in its further review of the process.
- Audit assignment regarding the new procedure for allocating capacity by Infrabel: Via Decision D-2020-01-S, the Regulatory Body imposed protective measures on Infrabel within the framework of the audit assignment for the capacity allocation of the 2020 timetable. Infrabel applied a procedure for allocating capacity that was not in accordance with the network statement and the Rail Codex. Subsequently, the

Regulatory Body imposed an administrative fine to Infrabel for the infringements found, through decision D-2020-05-S.

Decision D-2020-01-S was taken in March 2020. The administrative fine was imposed in November 2020. It was decided that 1/3rd of the fine is effective. Because mitigating circumstances were taken into account, 2/3 of this fine was imposed with deferral, on the condition that Infrabel does not commit similar infringements within 3 years of the decision.

Bulgaria

No key regulatory decisions in 2020.

Croatia

No key regulatory decisions in 2020.

Czech Republic

- RB cancelled charges of passenger stations therefore they were not published 1 year in advance.
- RB cancelled part of infrastructure charges so they were in contradiction with Railway Act.
- RB requested CJEU for preliminary ruling whether the freight platforms are infrastructure or service facilities.

Denmark

- On 30 September 2019 the Danish RB (Jernbanenævnet) initiated supervision of DB Cargo's 2020 rates for their intermodal terminals. On 25 November 2019 the Danish RB had received most of the required documentation from DB Cargo except for an account of DB Cargo's discount scheme for a few services provided. A review of DB Cargo's documentation showed that some of the 2020 rates were set higher than prescribed, whereupon the rates alone must cover the costs with a reasonable profit. The Danish RB therefore requested DB Cargo to reduce these rates. DB Cargo raised a number of objections against individual regulation for each terminal and single services as well as against being obliged to disclose fixed rates for one year at a time. On 30 April 2020 the Danish RB made a decision in the case where DB Cargo did not get a hold of the objections. At the same time, it was decided to notify DB Cargo of down-regulation of the rates that were set higher than prescribed, just as it was decided to notify DB Cargo to submit a statement of the discount scheme. The decision was submitted to DB Cargo on 5 May and the deadline was set for 14 May 2020. DB Cargo submitted new rate sheets before the deadline with down-regulated rates as well as a statement for the discount scheme. On 14 June 2020, DB Cargo sued the Danish RB claiming that the injunction of 5 May 2020 to downgrade the rates for 2020, publish new rate sheets as well as submitting calculations regarding discount schemes was invalid. 30.04.2020. The decision was final.
- On 28 February 2019, the Jernbanenævnet began an inspection of the Danish RU Midtjyske Jernbaner (MJBA) regarding compliance with Regulation 1371/2007, including information for travellers about the compensation rules in the event of delays/cancellations. Jernbanenævnet examined MJBA's website and then requested several updates and changes to be made so that the terms for compensation were clarified and thus met the requirements of the regulation. MJBA should ensure that the website came to contain clear information about rules for compensation for train passengers, including the passengers' claim for reimbursement and rescheduling of the journey. The right to compensation as well as the train passengers' right to a free meal and refreshment in case of delays should also appear on the website. Furthermore, the board requested that drafts be prepared for:
 - Brochures for delivery at ticket sales with information to passengers about the rules for compensation.

- Notices on stations with information for passengers on compensation and about the enforcement options.
 - Internal operating instructions for train drivers for loudspeaker calls on compensation in the event of major delays.
 - Information on tickets regarding compensation.
- MJBA implemented all actions except preparation of the brochures. The case was closed on 21 August 2020.

Estonia

No key regulatory decisions in 2020.

Finland

No key regulatory decisions in 2020.

France

- Notice N°2020-043 (16 July 2020): Opinion on the code of good conduct of SNCF Réseau – the principal infrastructure manager.

In this notice, ART pointed out several limits of the code of good conduct of SNCF Réseau. Three principal issues were shown. Firstly, the office independence does not prohibit SNCF Réseau's agents to share their office with those of SNCF Voyageurs (the incumbent railway undertaking). Secondly, the commitment of the information system waterproofing does not apply to SNCF group. Finally, the code of good conduct does not mention the training of agents or the management of SNCF group's common services. Besides, ART recommended that the warning facility should be completed by the nomination of a referee in order to assure the fulfilment of the code of good conduct.

- Decision N°2020-044 (30 July 2020): Dispute resolution between Hauts-de-France region and SNCF Voyageurs concerning the transmission of information related to the organisation or execution of rail public passenger services and to the missions covered by the PSO contract concluded between the region and SNCF Voyageurs (the incumbent railway undertaking).

This is the first ever dispute resolution of ART concerning the information transmission which is essential for the market liberalisation. Indeed, the regional authorities competent for transport organisation must possess all information necessary to precisely characterise the service and define the criteria for the contract awarding. The decision obliged SNCF Voyageurs to communicate within one month the information that concerns the service organisation, compensation justification, rolling stock use and maintenance, transport supply, traffic and distribution channels, and human resources.

On 27 August 2020, SNCF Voyageurs brought an application for annulment and alteration of the decision before the Paris Court of Appeal. However, the whole application was rejected by the Court on 18 November 2020. On 16 April 2021, ART initiated an infringement procedure against SNCF Voyageurs for the non-execution of the decision following the claim by the region.

- Notice N°2020-064 (8 October 2020): Opinion on the draft decree on the operation and management of rail passenger stations essentially used by rail passenger services.

In this notice, ART considered that the scope defined by the draft decree was too large to ensure a good management of the stations and services by SNCF Gares & Connexions. It reminded that the scope should only be limited to stations which are used nearly exclusively and permanently by a unique

operator so that once the market is liberalised, the station manager can prioritize services that favour competition.

Germany

- Approval of incentive scheme for freight traffic of DB Netz AG
After approving an incentive scheme for passenger traffic in 2019 for the first time, the approval of such a scheme for freight traffic followed in 2020. Usage fees for the rail network need to contain elements that give incentives to the network provider for minimising disturbances and to increase the capability of the rail network. This is done by introducing contractual penalties for delayed trains. A delay is allocated to an event caused either by the network operator, the train operator, or none of both. This allocation results in alternating penalty payments.
- Approval of fees for the usage of railways for the timetable period 2020/2021
BNetzA approved the fees of DB Netz AG in March 2020, due to an open legislative procedure, with a revocation disclaimer. Following the legislative revision, BNetzA approved the revised fees in September 2020 by partly revoking its previous decision. The approval led to an increase of fees of 1.8% for passenger traffic and to an increase of 2.4% for freight traffic. Beneath DB Netz AG, currently seven further network providers undergo the approval procedure for fees for the usage of railways.

Greece

- RAS decided to revoke a license granted in 2018, according to the provisions of par. 4 ar. 24 of Directive 34/2012 since the RU has not started its operations. (Oct 2020)
- On 12 October, after an oral hearing, RAS issued a decision No. 14006 relating to a proceeding under Article 102 TFEU. Specifically:
 1. The case relates to competition concerns due to potential abuses of dominant position on the Greek markets for: (a) rail freight transport services, which may be further divided into the submarkets for i) block train freight transport services and ii) single-wagon train freight transport services, and (b) rail rolling stock maintenance services.
 2. The Decision makes legally binding the commitments offered by the Greek railway operator TRAINOSE SA, pursuant to Article 25 para. 6 of Greek Law 3959/2011 and Article 32 para. 7 of Greek Law 3891/2010 in a proceeding under Article 102 TFEU and Article 2 of Greek Law 3959/2011.

Hungary

- We carried out an investigation in connection with the independence of the infrastructure manager MÁV Co. During the procedure we identified a shortcoming related to the internal rules of MAV Co. According to the national legislation, the infrastructure manager has to exclude any national rail transport activities from its scope of activities. This exclusion was not included in the internal rules of MAV Co., thus we obliged MÁV Co. to make amendments to the relevant documents. Aside from that we came to the conclusion that the internal rules of MAV Co. ensured the fulfilment of the obligations laid down in the national legislation in connection with impartiality of the members of the supervisory board and of the management board.
- According to the Hungarian railway act requests by railway undertakings for access to, and supply of services in the service facilities referred to in point 2 of Annex II shall be answered within a time limit set by the regulatory body. The time limit cannot exceed 15 days. During the procedure we investigated maintenance, cleaning and washing facilities operated by MÁV-START Co. The facilities provide services

regulated under Point 2. e) and f) of Annex II of the 2012/34/EU Directive. Taking into account the relevant national legislation and the service facility statement published by the operator, we set the maximum time limit to be determined (15 days) for answering requests. While determining the time limit, we took into consideration that requests may only be refused if there are viable alternatives allowing railway undertakings to operate the freight or passenger service concerned on the same or alternative routes under economically acceptable conditions. Considering the fact that in case of lack of capacity in the service facilities the procedure for determining whether a viable alternative is available is part of the capacity allocation process, which in the regulatory body's opinion requires a significant amount of time, we considered that setting the maximum time limit for answering requests was justified.

- We have carried out an investigation in connection with the operation of the infrastructure manager MÁV Co. According to the national legislation, the infrastructure manager has to ensure that the railway undertakings using the railway infrastructure do not have access to each other's data, in the case of a vertically integrated undertaking the infrastructure manager shall ensure the IT separation of the activities related to the essential functions and the railway services provided exclusively by the infrastructure manager from other tasks performed by the infrastructure manager, in terms of the use of IT resources (hardware and software) and the employees performing IT tasks. The infrastructure manager shall also lay down the main rules concerning its independence in its statutes, its rules of organisation and operation and its internal rules. During the procedure we have identified that MAV Co. was in compliance with the national legislation.
- According to the national legislation for the event of serious disruption to rail passenger services, the railway undertaking must draw up an emergency plan including provisions for assistance under Article 18 of the Regulation (EC) No 1371/2007. We carried out two investigations and we found that the MÁV-START Co. and GYSEV Co. have emergency plans in accordance with the legislation.

Italy

- Decision no. 37/2020 containing "Measure 11, point 4, referred to in Annex A to Decision no. 130/2019. Postponement of the term.
- Decision no. 38/2020 containing "Decision no. 130/2019 on "Measures concerning access to service facilities and railway services". Application of measure 13, point 13.18." (extension to the Trieste interport of the regime of the single operator of the maneuver in the railway area of the port of Trieste).
- Decision no. 91/2020, containing "Measure 12, point 5, of resolution no. 130/2019. Approval of the report presented by Rete Ferroviaria Italiana S.p.A. regarding the organization of the shunting service in the border stations of Brenner, Domo II, Tarvisio Boscoverde, Villa Opicina ".
- Decision no. 100/2020, containing "Terms provided for by resolution no. 130/2019 "Measures concerning access to service facilities and railway services" and by Decision no. 151/2019 "Indications and requirements relating to the" 2021 network prospectus ", presented by the national railway network manager, R.F.I. S.p.a., to the "2020 network prospectus", as well as relating to the preparation of the "2022 network prospectus" ": applications presented by Grandi Stazioni Rail S.p.a. and Rete Ferroviaria Italiana S.p.a. " (omnibus Decision for extension of terms due to COVID-19).
- Decision no. 111/2020, bearing "Measure no. 4.3.6 of Annex A to Decision no. 140/2017. Assessment and verification of the proposed catalog of paths related to the application of the PROMO rates for the two-year period 2021-2022 ".

- Decision no. 112/2020, bearing "Measure 5 of Annex A to Decision no. 130/2019 ("Measures concerning access to service facilities and railway services"). Request for exemption from the application of the provisions of Implementing Regulation (EU) no. 2017/2177 presented by Cargofer s.r.l. - Conclusion of the procedure started with Decision no. 99/2020".
- Decision no. 147/2020.
Measures concerning the minimum content of the specific rights that users of rail and bus transport services can demand from service managers and related infrastructures with regard to the handling of complaints.
- Decision no 156/2020.
Conclusion of proceedings initiated by decision no. 86/2020. Approval of "Methodology for the economic equilibrium test of public service contracts pursuant to Article 12 of Legislative Decree No. 112/2015 and Article 14 of Commission Implementing Regulation (EU) 2018/1795"

Ireland

No key regulatory decisions in 2020.

Kosovo

(n/d)

Latvia

- On 15 July 2020 Regulatory body (RB) adopted a decision regarding a complaint received from railway undertaking (RU) on 12 July 2019. RU claimed that there were issues with main infrastructure manager's charging scheme, namely, regarding the charging unit of choice and its application; inclusion of services in the minimum access package that the RU can provide themselves; charge for non-regular freight train is not provided; meaning of regular freight train services is not defined and finally that the discount for small trains (10 wagons and less) was discontinued. Performer of essential functions of the main infrastructure manager (LatRailNet) resolved the afore mentioned issues on their own initiative, therefore RB was not obliged to instruct it. Since the RU agreed that the issues were resolved, RB adopted a decision not taking any action as the complaint was withdrawn. The decision was not appealed to court, thus the decision is final and in force.

Lithuania

- 12 November 2019 RRT (Lithuanian RB) received a complaint from Gargždų geležinkelis Ltd. (hereinafter - GG), where GG requests to cancel the 17 October 2019 decision No. PSE-357 "No allocation of public railway infrastructure capacity for the period 2019-2020 during the period of validity of the official train schedule of Gargždų geležinkelis Ltd." (hereinafter - Decision No. PSE-357) of the Director of the capacity allocation authority (LTSA) and to oblige the LTSA to make a new decision regarding the applicant's on 3 April 2019 application no. 72 "Allocation of Public Railway Infrastructure Capacity for Freight, Commercial Trains" (hereinafter - Application No. 72) for the allocation of requested public railway infrastructure capacity (hereinafter - capacity). RRT decided to reject (Order No. (1.9.E) 1V-191 of 13 February 2020) GG's complaint as unfounded, because the capacity allocation authority (LTSA) on 17 October 2019 Decision No PSE-357 states that the capacity requested by GG was not allocated due to congested infrastructure. After analysing the entire content of the complaint, RRT found that there had been procedural irregularities in the capacity allocation process, but RRT considered that the allocation of GG capacity was not justified and found that Decision no. PSE-357 has not to be annulled and LTSA has not to be obliged to make a new decision on the applicant Application

no. 72 allocation of requested capacity. GG appealed the decision of RRT to the Vilnius Regional Administrative Court, which on 22 October 2020 decided to reject the complaint. GG disagreed with this decision and appealed to the Supreme Administrative Court. The case is still pending.

- 15 November 2019 RRT (RB of Lithuania) received a complaint from LGC Cargo Ltd. (hereinafter - LGC) where LGC requests to oblige the Capacity Allocation Authority (hereinafter - LTSA) to appoint the LTSA director's 17 October 2019 decision No. PSE-356 "On the allocation of public railway infrastructure capacity for the period 2019-2020 during the period of validity of the official train schedule, LGC Cargo Ltd." (hereinafter - Decision No. PSE-356) refused to allocate the applicant's request capacity in accordance with the submitted 5 April 2019 applications No. 98 "Allocation of public railway infrastructure capacity for freight and commercial trains" (hereinafter - Application No. 98). After assessing the information provided by the LTSA, RRT determined: 1) one part - allocated, 2) the second part - not allocated, because LGC did not provide documents, data or other reasonable data, that in the public railway infrastructure (hereinafter - infrastructure) the requested capacity will not be used for transit between third countries, 3) the third part - not allocated because the requested capacity was not allocated due to congested infrastructure or the capacity was allocated to other railway undertakings (carriers) according to priority rules, 4) the fourth part - not allocated due to requested no capacity has been allocated or no documentation, data or other reasonable information has been provided, that the requested capacity will not be used for transit between third countries. RRT, having assessed the information received, stated (Order No. (1.9E) 1V-190 of 13 February 2020) that Decision No. PSE-356 Item 3 was adopted as a result of incorrect application of the Priority Rule, recognizes LGC 15 November 2019 the complaint is partially well-founded and orders the capacity allocation authorities (LTSA) to annul Decision no. PSE-356, item 3, and after assessing the circumstances established during the examination of the complaint, to take a new decision regarding LGC Application no. 98 13, 15, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 68, 69 and 70, and the remaining LGC requirements on 15 November 2019 rejected in the appeal as unfounded. LTSA and LGC appealed the RRT decision to the Vilnius Regional Administrative Court, which rejected the appeal. LTSA and LGC appealed against the decisions of this court to the Supreme Administrative Court of Lithuania. The case is still pending.
- 12 June 2020 RRT (RB of Lithuania) received a complaint from LGC Cargo Ltd. (hereinafter - LGC) requesting to oblige the public railway infrastructure manager (hereinafter - the manager) to appoint the General Directors of Joint Stock company "Lietuvos geležinkelių infrastruktūra" 12 May 2020 order No. JS-PAJ (LGJ) -72 "Regarding the refusal to assess LGC Cargo Ltd. 10 April 2020 application for public railway infrastructure capacity No. 168 " refused to allocate the capacity of the public railway infrastructure requested by the applicant (hereinafter - the capacity). The applicant stated in the complaint that he had submitted Application No. 168 requesting capacity allocation for freight trains for the period 2020-2021 for the period of validity of the official train schedule, but the manager refused to assess Application No. 168, whereas the applicant did not remedy the deficiencies found and did not submit the documents within the time limit set by the manager. In view of the fact that LGC was late in submitting a complaint to RRT regarding the refusal of the manager to allocate capacity in accordance with Application No. 168 (the deadline for submitting the complaint was 9 June 2020), therefore RRT refused to accept the LGC 12 June 2020 complaint.

Luxembourg

No key regulatory decisions in 2020.

Republic of North Macedonia (n/d)

The Netherlands

No key regulatory decisions in 2020.

Norway

- In a recent investigation following a complaint, the Norwegian Regulatory Body found that the IM had infringed the capacity allocation rules. The complaint concerned two limitations that the IM had set for requests for capacity in the 2021 working timetable. The first limitation reserved a train path via Roa for diversion of cross-border trains during periods of planned maintenance work. The second limitation reserved a train path arriving at Oslo central station at minute XX:25 for long-distance trains and was part of a pre-constructed schedule/integrated railway schedule on which the IM based its capacity allocation. The RB found that the IM violated the rules on capacity allocation and on the supply of the minimum access package by rejecting applications for capacity with reference to these limitations. The RB ruled that the IM must remove these illegal limitations in the future. For the train path via Roa the RB also ruled that the IM should reopen the allocation process for 2021 and process the applications without the reservation for cross-border trains. Furthermore, the RB emphasized that the IM must ensure that future capacity allocation processes are non-discriminatory and in accordance with the regulations on processing applications for infrastructure capacity. (11 December 2020)

Poland

- 13 January 2020: Decision finding an infringement of railroad legislation, relating to the use by a railroad undertaking of a passenger station without a signed agreement with the operator of that station. According to national regulations, a rail carrier acquires the right to use services provided in the facility after concluding an agreement with the operator specifying, in particular, their rights and obligations related to the provided services. This was the last in a series of decisions concerning non-contractual use of passenger stations by carriers. The series of these proceedings began in 2019 and a total of 10 decisions (including first and second instance) were issued for 3 carriers. The President of the Office of Rail Transport clearly indicated the obligation to conclude agreements specifying the rights and obligations of a railroad carrier and Service Facility Operator. Currently, court proceedings in these cases are pending.
- 27 January 2020: Decision discontinuing the proceedings initiated by the President of the Office of Rail Transport ex officio on violation of the provisions on making service infrastructure facilities available. The infringement concerned improper provision of platforms as an element of service infrastructure facility, which, in connection with the Judgment of the Court of Justice of the European Union, in case C-210/18 of 10 July 2019, was contrary to the regulations. The proceedings were discontinued because the passenger station operator amended the Regulations for Provision of Service Infrastructure Facility by removing platforms from the service infrastructure facility area and changing the fee for their provision.
- 20 February 2020: In this decision the President of the Office of Rail Transport ordered changes to the Rules of the Service Infrastructure Facility in OT Port Świnoujście S.A. According to the regulations in force on the date of issuing the decision, providing access to port infrastructure included in the service infrastructure facility should be free of charge. Despite this, the seaport operator charged separate fees

for providing access to IOUs included in the port infrastructure, therefore the President of the Office of Rail Transport ordered changes to the Service Infrastructure Facility Regulations.

- 12 March 2020: Decision discontinuing proceedings initiated upon request of a railroad undertaking in relation to the system of charging fees for service facilities belonging to Polskie Koleje Państwowe S.A., which is the main operator of passenger stations in Poland. The proceedings were discontinued in connection with changes introduced by the passenger station operator to the Rules for Access to Service Infrastructure Facilities, i.e. removal of platforms from the definition of a passenger station and introduction of changes to the price list of fees for access to passenger stations.

Portugal

- Approval of the principles of rate setting and homologation of the respective access charges for 2020, detailed on the Network Statement 2020 - 1st Addenda. (19 December 2019 Homologation of access charges for the national rail network in 2020).
- Regulation that establishes the principles and criteria adopted by the AMT for granting the exemptions referred to in Article 2 of the Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017, on access to service facilities and rail-related services. (21 December 2020 Establishment of principles and criteria for exemptions on access to service facilities and rail-related services).
- Prior Binding Opinion on Public Service Contract for passenger transport between the State and the CP - Comboios de Portugal, E.P.E. (21 November 2019 Establishment of Public Service Obligations and the respective financial compensation).
- Prior Binding Opinion on: a) Merger operation of EMEF - Empresa de Manutenção de Equipamento Ferroviário into CP - Comboios de Portugal, E.P.E.; b) Acquisition by MSC of control over the railway public domain assets located in the Bobadela Railroad Complex. (a) 5 November 2020, (b) 5 September 2019).

Romania

- DECISION no. 1 from 21 July 2020 regarding the complaint filed by Deutsche Bahn Cargo Romania SRL and Vest Trans Rail SRL against CFR SA regarding the increasing of tariffs for additional services established by the Decision no 2/2018 and non-compliance with some contractual terms of the railway infrastructure access contract.

Serbia

(n/a)

Slovakia

- In 2020 our Regulatory Authority has taken 2 decisions and 14 statements in the field of possible impact of new passenger railway services on existing services operated under public service contract and one decision on changes in categorisation of service facilities operated by infrastructure manager.

Slovenia

No key regulatory decisions in 2020.

Spain

- SNC/DTSP/041/19 and SNC/DTSP/042/19: Decisions on the sanctioning proceedings against ADIF and ADIF AV for non-compliance with the CNMC's resolution on charges for 2019. 30 January 2020. To sanction the IM for failing to modify its charges proposal for 2019, as required by a CNMC resolution.
- STP/DTSP/038/19: Decision about the ADIF charging scheme for 2020. 5 March 2020. To approve the IM charges scheme for 2020 with some modifications.
- STP/DTSP/043/19, STP/DTSP/057/19, STP/DTSP/059/19, STP/DTSP/061/19, STP/DTSP/062/19, STP/DTSP/001/20, STP/DTSP/002/20, STP/DTSP/024/20: Decisions on exemptions from the application of the RE 2017/2177. These decisions concern ports, maintenance and freight facilities. 14 and 23 January, 15 April, 1 July and 10 September 2020. Exemptions from the application of the Regulation are granted for not being strategic facilities.
- IPN/CNMC/002/20: The CNMC approves the report on the Preliminary Draft Law amending Law 38/2015, of the railway sector, on charges. 15 April 2020. To state the CNMC's opinion on the new draft legislation provided by the Transports Ministry on charges.
- STP/DTSP/036/19: Decision approving the principles and methodological criteria to be applied in relation to the economic equilibrium test. 16 July 2020. It is an update of the CNMC methodology to Regulation 2018/1795.
- STP/DTSP/079/20: The CNMC publishes its report on the IM's 2020 Network Statement modification, previous to its publication, in relation to the rail traffic incentive bonus. 17 September 2020. To state the CNMC's opinion in relation to this bonus.
- STP/DTSP/029/20: Decision about the ADIF charging scheme for 2021. 8 October 2020. To approve the IM charges scheme for 2021 with some modifications.
- STP/DTSP/033/20: The CNMC publishes its report on the IM's 2021 Network Statement, previous to its publication. 19 November 2020. To encourage the IM to implement some improvements in the Network Statement.
- STP/DTSP/025/20: Decision on the charges for the provision of basic services at Renfe Fabricación y Mantenimiento, S.M.E., S.A. facilities. 10 December 2020. To analyse the compliance of RENFE Maintenance charges with the current regulation.

Sweden

- 24 August 2020: Decision on complaint concerning track access charges
The complaint concerned the increase of access charges of tracks owned by a municipality. The information of the new level of charges was included in the Network Statement on the 19 May 2020 and would apply from the 1st September 2020. The complaining RU argued that charges should not be increased until December 2021 for timetable 2022, as the network statement shall be published no less than four months in advance of the deadline for requests for infrastructure capacity. So charges cannot change during the working timetable period. The municipality disputed the claim. Both the complaining RU and the municipality perceived the tracks as rail infrastructure and hence the municipality as an infrastructure manager. However, Transportstyrelsen had the perception that the infrastructure concerned rather had features of a service facility and took a decision that the track owner is a service facility operator and not an infrastructure manager. Transportstyrelsen decided further that the SFO

had not informed the complaining RU in due time as stated in Article 5.3 of Implementing regulation (EU) 2017/2177. Transportstyrelsen does however not take position on when the information should have been submitted to the RU. Such an assessment had, according to Transportstyrelsen's opinion, meant that the examination went beyond what the RU claimed and stated. The issue was also deemed to better be resolved by the parties themselves, based on the information on the applicable rules under the decision taken by Transportstyrelsen in this particular matter.

- 27 November 2020: Decision on complaint concerning capacity restriction
The complaint concerned point 12 second sentence in (EU) 2017/2075 and the details and time limit of offered train paths before the beginning of a capacity restriction on an important stretch of the line in the main capital of Sweden. A passenger RU argued that as a station for travel exchange was not final in the first offer the offer was not provided until 5 weeks before the capacity restriction instead of 4 months which is stated in point 12. Trafikverket (the main IM) argued that train path was offered nearly 13 weeks before the restriction and that it was agreed with the RU that train paths could be offered at a later time than 4 months ahead of the restriction since this was stated in the NS which is part of their agreement (article 28). The case demonstrates the importance of the IM process for planning and the need to provide RU early and reliable details of alternative train paths so they can adapt their operations and transport needs as well as selling tickets and compete with other transport modes. Transportstyrelsen, the Swedish Regulatory Body, decided that a detailed offer of train path must include stations for travel exchange and that the offer must be reliable. The RBs assessment was that the detailed offer of train path in the specific case was provided only 5 weeks before the restriction. The RB stated that it was not clear that the information in the NS concerned point 12 i (EU) 2017/2075, and stated that that there was not such an agreement as is mentioned in point 12. The IM was therefore not allowed to provide train paths later than 4 months before the restriction. The regulator also decided that the IM must change the NS so it is not contradictory to the delegated act and that an agreement mentioned in point 12 must be made explicitly.
- 24 August 2020: Decision on complaint from RU concerning delay class
The regulatory body in Sweden (the Swedish Transport Agency) received a complaint from the RU Green Cargo concerning the delay class which was due to a disturbance in Hallsberg railway yard. Green Cargo did not agree with the IM on the given delay class. Therefore it made an appeal according to the existing dispute resolution system but still the RU and the IM could not reach unanimity. When investigating the case the regulatory body noticed a lack of accordance to Article 2(g) in annex VI of the Directive 2012/34/EU. Namely, the existing dispute resolution system is not impartial towards the parties involved. The fact that the IM is involved in every step of the system makes it difficult to see impartiality in the process. The request for dispute resolution shall be made to the IM and the IM decides which delay class the disturbance is referred to. The final evaluation according to the system is done by both the IM and the RU. Despite the fact that both parties are involved in this final step we consider that the system is not impartial. We also found that the time limit of 10 working days is not fulfilled. Clearly the existing dispute resolution system must be revised since it is not in line with the Railway Regulation or the Directive 2012/34/EU. The regulatory body decided that the IM shall hand in a plan that shows what kind of changes it is planning to do concerning the dispute resolution system. The new system shall be in place the 13 December 2020 at the latest. 01 April 2020
- 02 April 2020: Decision following a complaint regarding the infrastructure manager's allocation of capacity and the method applied in the allocation process.

The allocation of capacity was based on information that had been collected from two railway undertakings competing for the same train path, after the conflict could not be resolved by the application of the priority criteria. One of the companies complained to the Swedish regulatory body Transportstyrelsen, stating that the method used by the infrastructure manager in this case had not been sufficient for determining accurately which of the two alternatives represented the most economically efficient use of capacity. Transportstyrelsen decided that 1. the infrastructure manager's allocation of capacity was not in accordance with the priority criteria described in the network statement 2. the method used for determining which alternative represented the most economically efficient use of capacity was inadequate 3. the infrastructure manager shall, in the next network statement, present a method for handling a situation where two alternatives cannot be separated by the application of the priority criteria. The method shall be based on current knowledge of economic efficiency, be preceded by an analysis and be transparent to the market. 4. the infrastructure manager shall, in the process of creating the working timetable of 2021, make sure that all measures taken in the application of the priority criteria are properly documented. 5. the request by the train company to cancel the decision by the infrastructure manager should be denied.

- 27 March 2020: Decision on complaint from RU concerning designation of particular infrastructure and the right to refuse capacity.

The complaint from the RU, Transdev Sverige AB, concerned designation of particular infrastructure for use by specified types of traffic and the right to refuse capacity due to a document on capacity planning, fair and non-discriminatory access to infrastructure and the need to take into account all constraints on the applicants including the economic effect on the RU's business. The case also concerns the consultation process and which information shall be part of the network statement and when maintenance may precede the capacity application. Trafikverket (the main IM in Sweden, the Swedish Transport Administration) refused the application of capacity for Transdevs continuous night passenger train through Citybanan in Stockholm on its way from southern to northern part of Sweden during Easter 2020. The traffic was planned to be performed by a part of Transdevs business called Snälltåget which conducts passenger traffic primarily aimed at major weekends and summer holiday. The ordinary route for Transdevs train path was prohibited by maintenance work. Due to the refusal the RU decided not to traffic the route from southern part of Sweden to Stockholm. Citybanan is according to the IM capacity plan for Stockholm TT 2020 IM mainly reserved for commuter train but mail train and service trains are also allowed. The capacity plan is according to the IM a prerequisite for planning in the allocation process in order to create efficient capacity utilization. The railway work specified in the plan thus precedes the railway. The plan is not a part of the NS for TT 2020 and has not been part of the consultation process. The IM argued that there were safety reasons in case of fire if passenger trains were allowed at Citybanan at night. Conclusions: The RB decided that it is discrimination to exclude one type of traffic (night train) but not another. The IM could not show the lack of available capacity on Citybanan at the time. The IM could neither give technical circumstances for denying the capacity. The IM did not try to accommodate all applications for infrastructure capacity and has not taken into account the financial impact on Transdev. It was not in line with the regulation to deny capacity by referring to a document that was not part of the NS and which have not been part of the consultation process with the RU. Furthermore the maintenance work was not the kind that the RU are obliged to adapt their train paths to it according to annex VII (point 17). The IM did not convince the RB that there were fire safety reasons, since the risk could not be excluded the RB however did not

decide that the capacity should be allocated. The RB requested the IM to consider the application once again. The IM then denied Transdev capacity at Citybanan.

- 02 January 2020: Decision on complaint from RU concerning delay attribution codes

The Swedish regulatory body Transportstyrelsen have ruled in a complaint brought forth by a railway undertaking against the main infrastructure manager Trafikverket related to delay attribution codes. The complaint concerns the codes used by Trafikverket for a series of disturbances around the town of Malmö on 24 June 2019. The codes used correspond to disturbances caused by external factors. The disturbances were thereby exempted from the performance scheme. The RU believes that the disturbances were preventable by the IM, and that this should be reflected in the codes used. The RU also took issue with how their appeal for new codes to the IM was handled. Transportstyrelsen dismissed all complaints by the RU save one: Trafikverket were wrong in attributing the delays caused by the power outage due to a bird short-circuiting electrical equipment at Malmö central station to external factors. The code must be changed to one reflecting faulty infrastructure. Transportstyrelsen decided that it is within the control of the infrastructure manager to prevent birds from short-circuiting electrical equipment in this case. These disturbances should therefore not have been attributed to external factors.

Switzerland

No key regulatory decisions in 2020.

United Kingdom

- 16 December 2020 - Direction of the 28th Supplemental Agreement (SA) to the Track Access Contract dated 11 December 2016 (the TAC) between Network Rail Infrastructure Limited (Network Rail) and DB Cargo (UK) Limited (DBC) (the parties). The DBC's application for seven 1-hour firm rights did not match Network Rail's offer of 24-hour contingent rights. Therefore, DBC explained it could not reach agreement with Network Rail. Representations from the parties were provided and based on the evidence provided by the different parties, ORR directed that the rights applied for should be directed as firm 24-hour windows.
- 16 December 2020 - Direction of the 27th Supplemental Agreement (SA) to the Track Access Contract dated 11 December 2016 (the TAC) between Network Rail Infrastructure Limited (Network Rail) and DB Cargo (UK) Limited (DBC) (the Parties). DBC's application explained it could not reach agreement with Network Rail, primarily because the latter was only willing to offer 24-hour contingent rights on all of the application. Additional representations between the parties to ORR were needed to demonstrate evidence of their concerns. In particular, Network Rail was asked to provide evidence of its concerns on capacity. The ORR directed the parties to enter into the DBC 27th SA of the TAC confirming the provision of firm rights with 24-hour windows for 4L08 and 4L45 (MSX), firm rights with 1-hour window for 4E45 and contingent rights to expire on Subsidiary Change Date 2022 (SCD 22) for 4E08, 4D10 and 4L45 (MO).
- 16 December 2020 - Direction of the 11th Supplemental Agreement (SA) to the Track Access Contract dated 11 December 2016 (the TAC) between Network Rail Infrastructure Limited (Network Rail) and GB Railfreight Limited (GBRf) (the Parties). GBRf's application for seven new 1-hour firm rights did not match Network Rail's offer of contingent rights expiring in December 2021. The ORR considered GBRf's and Network Rail's representations and reviewed the evidence and conclusion. On 16 December 2020 ORR directed the parties to enter into the GBRf 11th SA of the TAC which provides firm rights with 24-

hour windows for 4D06 and 4D15, and contingent rights to expire on the Subsidiary Change Date 2022 (SCD 22) for 4N06, 4D08 (SX), 4D08 (SO), 4N08 (SX), and 4D12 (SO).

- 13 November 2020 - Direction of the 15th Supplemental Agreement to the Track Access Contract dated 11 December 2016 (the TAC) between Network Rail Infrastructure Limited (Network Rail) and GB Railfreight Limited (GBRf) (the Parties). GBRf was seeking four new Firm Rights for traffic between the Port of Southampton and Trafford Park Euro Terminal, via Oxford and the West Coast Main Line. The proposed rights, with 60-minute windows at origin and destination, were required to support new and on-going “just-in-time” intermodal services, which are particularly time-sensitive and part of a long logistics chain. The services are currently running six days a week. GBRf was unable to agree terms with Network Rail. The application was formally submitted to ORR on 18 August 2020. The ORR on 13 November 2020 directed the Parties to enter into the GBRf 15th Supplemental Agreement of the TAC. Based on the evidence provided by Network Rail, ORR concluded that Firm Rights with 1-hour windows will be directed, on the terms requested by the applicant. GB Railfreight Limited Section 22A 15th Supplemental Agreement.
- 13 February 2020 - Directions in respect of the 8th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Freightliner Heavy Haul Limited. On 13 February the ORR issued directions for Network Rail Infrastructure Limited (Network Rail) to amend its existing framework agreement with Freightliner Heavy Haul Limited (FLHH) dated 11 December 2016 (the TAC), as formally requested by FLHH on 17 October 2019 but with modifications. FLHH requested 21 additional Firm Rights to support a commercial contract, for the duration of the TAC. FLHH explained that matters that could not be agreed with Network Rail were: • the duration of access rights on the Great Western Main Line beyond the Principal Change Date (PCD) 2020, • certain arrival/departure windows, and • certain objections relating to the South East Engineering Access Statement.

Annex

Examples of financial aids to the rail sector in response to the COVID-19 crisis

The table below shows the detailed answers collected per country regarding the financial aids to the rail sector in response to the COVID-19 pandemic that were granted or decided in 2020.

Austria	<p>As a measure under Regulation (EU) 2020/1429, mark-ups for non-PSO traffic have temporarily been suspended from 8 October 2020 on. Track access charges (based on direct costs) for non-PSO traffic have been waived as of 8 October 2020 as well, while for freight traffic they have been waived retroactively as of 1 March 2020. Currently there is no data available for the overall financial amounts that were used for these measures.</p> <p>From 8 April 2020 on, the whole long-distance non-PSO traffic Vienna-Salzburg was temporarily made PSO until the end of June (three months) and then again from autumn to spring 2021. Both the incumbent (ÖBB-PV) and private operator WESTbahn were endowed with an "Emergency-PSO-contract" for this route section. According to a final report from the Austrian Transport Ministry, total expenditures for this single temporary provision were €83.54 million in 2020. WESTbahn received €13.72 million, ÖBB-PV €69.82 million with the latter providing a higher number of trains running.</p>
Belgium	<p>The federal state granted our PSO-operator SNCB (in the framework of their management contract) an additional exceptional lump-sum fee of €264,000 in 2020 + €24,000 (by means of 2 separate royal decrees) to compensate the impact of the COVID-19 pandemic on the accounts of the public service obligations of SNCB.</p> <p>Within the same framework, the federal state granted our infrastructure manager Infrabel an additional exceptional lump-sum fee of €46,900 in 2020 plus €1,300 to compensate the impact of the COVID-19 pandemic on the accounts of the public service obligations of Infrabel.</p>
Bulgaria	
Croatia	<p>IM decided not to charge reservation charges for passenger and freight transport for the period when passenger transport was banned (period from 16th March until 10th May 2020). This was even before the Regulation (EU) 2020/1429 was adopted. After the adoption of the aforementioned Regulation, the state didn't authorise IM to implement any further measures. Incumbent passenger RU lost part of its own transport revenues in 2020, which is why the state increased the amount of the subsidy under the PSO contract for 2020 and the subsidy under the PSO contract was paid in full for 2020. In the first half of the 2020, the payment of taxes and contributions on workers' salaries has been postponed. In the second half of 2020, the state adopted a program of state aid which included a €80 million loan guaranteed by the State.</p>
Czech Republic	<p>Financial support amounted to around €39 million (CZK1030 million)</p>
Denmark	<p>In Denmark, Regulation EU 2020/1429 has been applied, as the main IM, Banedanmark, in agreement with the Danish Ministry of Transport, has decided to reimburse track access charges paid by the two railway companies DSB (incumbent) and Arriva in the period from September to December 2020. Both are on PSO contracts. In this period, DSB paid DKK180 million and</p>

	<p>Arriva paid DKK14.5 million in track access charges to Banedanmark. These charges have been repaid to the RU – so a total of DKK194.5 million (€26.1 million) has been compensated. The reimbursements include bridge charges, charges per train-km and cancellation fees charged DSB and Arriva for the period. The Ministry of Transport has received the European Commission's approval of the scheme for reimbursing the track access charges via Banedanmark.</p>
Estonia	<p>Freight company didn't get any State aid, as it didn't meet the criteria. RB changed the basis of calculating infrastructure fee from usual yearly based volume to monthly based volume during the period of April - June 2020 to compensate the decrease of infrastructure fee caused by decreased volumes.</p>
Finland	<p>Due to the COVID-19 pandemic, the State granted additional funding of €200 million for purchasing and developing public passenger transport services. In addition to public transport subsidies, the State granted also, as a stimulus measure, funding for numerous transport infrastructure projects (including rail and road projects). According to the Government Decree, State authorities could also grant max. 3 months interest-free payment period for the public charges amounting more than €100 (between 24 April 2020 and 31 August 2020). The state also granted €11 million for purchasing passenger train services from the incumbent railway undertaking VR Group.</p>
France	<ul style="list-style-type: none">- For IM: the government has announced a package of €4.05 billion of aids to the main infrastructure manager including the takeover of parts of the debt, or recapitalization in return for the IM's commitment to reduce debt, dedicate the aid for the network renewal, relaunch of night trains.- For RU: No changes in legal charging principles, but a complete relaxation of freight TAC in the second half of 2020 (€54.2 million) and an exemption of 50% of taxes for freight RU from January 2021.- Other: aids to launch new rolling highways of maximum €35 million per year starting from 2020.
Germany	<p>The EU-Commission confirmed Germany's €3.77 billion package of direct and indirect financial help for the German rail market. Thereof, €2.3 billion are for funding track access charges. The whole package contains payments for 2020-2022. (No separation for 2020 possible)</p>
Greece	
Hungary	<p>The Hungarian state has accepted the request of the main infrastructure manager for additional costs and the impact of the pandemic situation, the full amount was paid in December of which €11,7 million related to the pandemic. Last year, the amount of financial compensation (which includes the additional cost of COVID-19) granted to PSO passenger railway undertakings and to infrastructure managers was significantly higher (up 13%-14%) than in 2019. The total amount of financial compensation in 2020 (without possibilities to separate the specific aid related to the pandemic) granted to:</p> <ul style="list-style-type: none">o PSO passenger railway undertakings: €653 million,o infrastructure managers: €283 million.
Ireland	
Italy	<p>The IM applied relief measures in favour of RUs, such as the removal of penalties for non-use of capacity due to path cancellation, and the zeroing of access charges for certain non-MAP</p>

services, e.g. long-stay parking of trains in service facilities. In the Relaunch Decree (20 May) a package of economic measures was defined for companies affected by the crisis caused by the COVID-19 pandemic, including those in the railway sector. Compensation for the fee for the use of the railway infrastructure. Compensation was introduced for the fee not paid to RFI equal to €115 million. A fee reduction is foreseen for all freight and passenger railway companies, without public service obligation. For rail freight services, the charge for the use of the railway infrastructure to be applied is reduced by 40% for the portion exceeding the coverage of the cost directly linked to the provision of the railway service. For passenger rail services from 1 July 2020 to 31 December 2020, a discount will be applied on the charges in consideration of the effects resulting from the COVID-19 pandemic, including the reduced capacity to fill vehicles.

Latvia In order to mitigate the consequences of the COVID-19 pandemic in the railway sector in Latvia, the Government in 2020 has granted financial support to the passenger carrier (PSO service) as compensation for unforeseen events in the amount of €2.9 million and €1.6 million. The Government has also provided support to the IM (infrastructure manager) for the management, maintenance and development of the State public railway infrastructure in the amount of €27 million and €32.4 million.

Lithuania Lithuania didn't have any financial aid to the rail sector in response to the COVID-19 pandemic in 2020.

Luxembourg

Netherlands The aids granted to the rail sector in 2020 in view of the pandemic was €1.1 billion.

Norway The RUs with PSO contracts still received unchanged total PSO compensation from the Railway Directorate, despite reduced traffic at the beginning of the year. Furthermore, the Ministry decided to increase the financial support given to RUs providing PSO transportation since critical personnel used rail transport to and from their workplace. The government revised the state budget for 2020, and the Railway Directorates funds earmarked for buying public transportation increased. With the increased financial support, the Railway Directorate developed temporary PSO contracts; these contracts stated that the Railway Directorate would cover the difference between the RUs income and transportation costs. At first, the temporary PSO contracts lasted from 12 March to 31 May. The period of the contracts was however eventually extended to 30 December. The directorate offered all RUs supplying national PSO transport in 2020 a temporary PSO contract.

The government approved NOK1.32 billion (€132 million) of additional expenditure to ensure that vital rail passenger services continued to operate in 2020.

Poland

Portugal The incumbent company, which operates the vast majority of passenger rail transport in Portugal, received through the publication of the Council of Ministers Resolution N° 16/2021, on 10 December, an additional compensation of €80,914,205 (plus VAT) justified by the effects of the pandemic outbreak on the service.

Additionally, and although not specific for railways, the Decree-Law 14-C/2020, dated on 4 April 2020, in its current wording, sets the procedures for the allocation of funding and compensation for passenger public transport operators, arising from the epidemiological situation that led to the declaration of a state of emergency, in 2020.

The allocation of funding under this decree-law can only occur to compensate the operators of passenger transport for carrying out essential public transport services, as defined by the

	authorities of transport, arising from the exceptional measures of public health protection adopted, and when there are losses from the point of view of coverage of operating expenses by revenue from the sale of transport tickets, till the end of the 1 st semester of 2022. The amount that could be paid by the application of this Decree-Law isn't yet estimated.
Romania	CFR SA (The Romanian IM) received approximately ROL94.6 million (about €20 million) as compensation for losses incurred due to COVID-19 pandemic.
Serbia	Railway undertakings could only benefit from the general COVID-19 recovery measures provided for all companies whose operations were affected by the pandemic.
Slovakia	With effect from 1 January 2021, IM introduced reduced charges for regular freight trains: 1) For trains with a total performance of 299,9 km or less in one run: - reduced charges for MAP by 50%, - reduced charges for access to marshalling yards and train facilities by 90%. 2) For trains with a total performance of 300 km or more in one run: - reduced charges for MAP by 90%, - reduced charges for access to marshalling yards and train facilities by 90%.
Slovenia	In the period from 16 March 2020 to 30 June 2020, the IM did not charge compensation for delays under the performance regime and for unused train paths or late cancellations of train paths. A "COVID" law was adopted, which allows to allocate financial support to companies, in particular for temporary "out of work".
Spain	Regarding charges for 2021, the RB decided last year that the market cannot bear mark-ups above the current level applicable to 2020. The sum of the charges and the mark-ups for 2021 will be lower than the one for 2020 in order to increase traffic. The RB asked the Ministry of transport, in line with Regulation (EU) 2020/1429, 7 October 2020, to assume the IM's revenue decrease. That measure was accepted so the IM's revenue decrease will be covered by the State's general budgets in 2021.
Sweden	Regarding direct financial support, the regional competent authorities have received approximately SEK3 billion (about €300 million) in 2020 as compensation for losses because of the drop in ticket sales. These aids have been for public transport in general and not just for rail and we don't know how much has been awarded to the rail sector. Other measures have also been taken that has reduced costs for companies in general, among them railway undertakings. The mentioned measures were: o Companies are offered increased loan facilities and credit guarantees. o Companies can receive support based on loss of turnover. o Companies can use short-term layoffs, which means the Government will pay a part of the employees' salaries while the employees themselves work on reduced time. o Companies receive relief regarding employers' social security contributions o A possibility has been introduced for companies to postpone tax payments.
Switzerland	
UK	The RB does not have data on the amount of financial aid granted to the rail sector in 2020.
