



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

The Director-General

Brussels,  
MOVE/B/2/EH/sy

M. Jeppe Tranholm-Mikkelsen  
Ambassador  
Permanent Representative of Denmark  
to the European Union  
Rue d'Arlon 73  
BE - 1040 Bruxelles

**Subject: Organisation of the Danish Rail Regulatory Body**

Your Excellency,

The European Commission has been informed about an alleged decision of the Danish Ministry of Transport to close down the separate and independent secretariat of the Danish Rail Regulatory Body as from 1 January 2015. According to the information, future cases of the regulatory body would be dealt with by employees also working for the Danish Transport Authority.

I should like to draw your attention to the fact that Directive 2012/34/EU requires Member States to set up regulatory bodies as entities which in organisational, functional, hierarchical and decision-making terms are legally distinct and independent from any other public or private entity and also independent in their organisation, funding decisions, legal structure and decision-making from any infrastructure manager, charging body, allocation body or applicant.

According to the information of the European Commission, the Danish Transport Authority is approving the charges for the use of railway infrastructure, service facilities and services. In view of these circumstances, the Commission is concerned that the envisaged closure of the independent secretariat of the Danish Rail Regulatory Body and transferral of its tasks, including the preparation of decisions of the regulatory body, to personnel also working for the Danish Transport Authority, does not meet the independence requirements set out in Article 55(1) of Directive 2012/34/EU.

I would therefore invite the Danish authorities to discuss how compliance with the independence requirements concerning rail regulatory bodies will be ensured following the envisaged closure of the independent secretariat of the Danish Rail Regulatory Body.

As a number of questions to be discussed in this context are linked to aspects concerning the role of the Danish Transport Authority in determining charges addressed in a letter my services have sent to the Danish Ministry of Transport on 18 July 2014 (cf. Annex), I propose to organise a joint meeting to address all these interrelated questions. My services will contact you in order to determine a date for the meeting.

Yours faithfully,



João AGUIAR MACHADO

Annex: letter of 18 July 2014 on implementation and enforcement of legal framework on setting of charges for rail freight terminal services

CC. Mr Onidi, Mr Grillo, Mr Kaufmann, Ms Hochhold (DG MOVE)