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COMMISSION STAFF WORKING DOCUMENT

Accompanying the document

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE
COMMITTEE OF THE REGIONS**

**on the implementation of Directive 2012/34/EU
as amended by Directive (EU) 2016/2370**

{COM(2025) 368 final}

Introduction

Between 2001 and 2016, four EU legislative packages were adopted with the aim of gradually opening rail transport service markets to competition, making national railway systems interoperable and defining appropriate framework conditions for the development of a single European railway area.

Within the 4th Railway Package adopted in 2016, Directive (EU) 2016/2370 ('Governance Directive') amended Directive 2012/34/EU ('Recast Directive'), which is the cornerstone of the European Union's legal framework for the railway market and establishes a single European railway area by ensuring fair and non-discriminatory access to rail infrastructure and services.

The amendments made by the Governance Directive had two main goals:

- completing rail market opening, including open access to domestic passenger services; and
- introducing clear rules for infrastructure managers being part of a vertically integrated undertaking, to avoid conflicts of interest and discriminatory behaviour.

Article 63(1) of the amended Recast Directive requires the Commission to evaluate the impact of the Directive on the rail sector and submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on its implementation. The report must evaluate, in particular, the development of high-speed services and the existence of discriminatory practices regarding access to high-speed lines. In parallel, the Commission is required to assess whether discriminatory practices or other types of distortion of competition persist in relation to infrastructure managers which are part of a vertically integrated undertaking.

The Governance Directive entered into force on 24 December 2016 and its transposition deadline was 25 December 2018. However, most of the Member States experienced delays in transposing it into national law. Moreover, according to Article 3, the provisions concerning the market opening of domestic passenger services and the related economic equilibrium test only applied to the annual working timetable starting on 14 December 2020.

The combination of late entry into force of market opening provisions and the delays in fully transposing the Governance Directive's provisions in national law resulted in a lack of data on the actual implementation of the amended Recast Directive. In addition, the persisting effects of the COVID-19 pandemic during the first timetable year of full application of market opening provisions (2021) affected market developments and the decisions of railway undertakings on market entry and on the supply of railway services.

Because of these reasons, the Commission does not consider that the data available at the time of drafting this report can fully capture the impact of the amended Directive, in particular in relation to market opening. Accordingly, it seems also premature to assess the need to submit legislative proposals.

However, a first general assessment of the implementation of the amended Directive can be already performed based on the evidence available up to 2024 and on the experience of Member States that opened their rail markets ahead of the EU legal deadlines, with the disclaimer that a proper evaluation will be needed once further annual data becomes available.

The following annexes integrate the Commission's report by detailing the sources used, the infringement cases considered and an overview of the recent developments in the UE rail market including relevant statistical indicators.

List of Annexes

Annex A – Sources

Annex B - List of infringement cases

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ANNEX A

SOURCES

The Commission based this report on a number of different sources.

The first source has been the Commission's own extensive experience given by the transposition checks of the Directive(s) in national laws and related infringement cases. Complaints received over the years also provided clear indications of difficulties faced by the sector.

In preparation of this report the Commission engaged in discussions with stakeholders in various fora, as for example the European Rail Regulatory Bodies platform (ENRRB) or the dedicated subgroup of the Single European Railway Area Forum (SERAF).

Bilateral meetings with individual stakeholders and associations, as for example IRG-Rail or the European Transport Federation (ETF), were also organised to discuss specifically positive and negative aspects of the implementation of the Directive.

The Commission also took inspiration from different discussions held in other public fora, even if not specifically dedicated to the assessment of the implementation of the Directive, as the Platform of Rail Infrastructure Managers in Europe (PRIME), the Rail Directors' meetings, Innotrans (2024) and other conferences.

Finally, the Commission consulted a number of studies, position papers and individual contributions the list of which can be found later in this Annex. For the in-depth analysis of the persistence of discriminatory practices or other types of distortion of competition in relation to infrastructure managers which are part of a vertically integrated undertaking, DG MOVE commissioned a dedicated study, 'Input study on infrastructure managers part of a vertically integrated railway undertaking' (2025) available on the webpage of DG MOVE.

The analysis of the high-speed market in the context of this implementing report has also informed the drafting of the High-Speed-Rail Communication to be adopted by the Commission.

The Commission expresses its gratitude to stakeholders having committed to share their experiences, helping to identify the positive effects so far of the implementation of the Directive and the obstacles still preventing the achievement of a truly single European railway area. Given the different backgrounds of contributors, sometimes conflicting experiences were reported: in any case, they were always useful to the Commission's own reflection.

The Commission greatly appreciated the commitment of stakeholders in providing their contributions, including suggestions on how to overcome the limits of the Directive's implementation. Their input constituted a solid basis for the Commission's assessment, even if it was not possible to represent satisfactorily in this report the richness of all the contributions received. They remain available on specific platforms (SERAF, PRIME, etc.) or in the public websites of contributors (ERA, IRG-Rail, etc.). The Commission will rely on them to keep assessing the Directive as more evidence will become available and to decide on additional actions to pursue in the medium term.

List of sources

1. Implementation of the main provisions

Autorité de régulation des transports, « Étude sur l'ouverture à la concurrence des services de transport ferroviaires de voyageurs » (2022)

Autorité de régulation des transports, '[Le marché français du transport ferroviaire en 2023](#) – bilan complet' (2025)

Autorité de la concurrence, "Avis 23-A-18 du 29 novembre 2023 relatif au secteur des transports terrestres de personnes » ([Avis 23-A-18 du 29 novembre 2023 \(autoritedelaconcurrence.fr\)](#))

CNMC, "Balance de la liberalización del transporte de viajeros por ferrocarril" (2024)"

CNMC, '[E/CNMC/004/19](#), Market study on the liberalisation of passenger transport services by rail' (2019)

Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services ([Implementing regulation - 2017/2177 - EN - EUR-Lex \(europa.eu\)](#))

Communication from the Commission "The European Green Deal", COM(2019) 640 final

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Sustainable and Smart Mobility Strategy – putting European transport on track for the future', COM/2020/789 final

Communication from the Commission to the European Parliament and the Council - Action plan to boost long distance and cross-border passenger rail, [COM\(2021\) 810 final](#)

Draghi M., '[The future of European competitiveness](#)', (2024)

ERA, '[Cross-border Rail Transport Potential](#)', (2022)

ETF and WMP consult, "The impact of railway liberalisation on social and working conditions" (2023)

European Commission "Impact assessment - support study for the review of the Community guidelines on State aid for railway undertakings" (2023) - [Final Report \(europa.eu\)](#)

European Commission, "Impact of the COVID-19 pandemic on the financial sustainability of the railway sector" (2024) final report

European Commission, “Input study on infrastructure managers part of a vertically integrated railway undertaking” (2025)

European Commission, “Long-distance cross-border passenger rail services”, (2021)

European Commission, “Study on passenger and freight rail transport services’ prices for final customers” (2024) -final report and annexes

European Union Agency for Railways, “Ex-post evaluation report on licences - Agency contribution to the Commission-led evaluation of Directive 2012/34/EU as per Art. 63” (2024)

European Commission, “Support study to the impact assessment on measures to better manage and coordinate cross-border rail traffic, including through revised rules for capacity allocation and infrastructure charging in rail”, (2023)

IEA, UIC ‘The Future of Rail – Opportunities for energy and the environment’, 2019

IRG-Rail, “[Input to Commission’s assessment of 2012/34/EU Directive](#)”, (2024)

Letta, E., ‘[Much more than a market](#)’, (2024)

[Mission letter](#) to Apostolos Tzitzikostas Commissioner-designate for Sustainable Transport and Tourism

PRIME “Charging and State Funding of European Infrastructure Managers” (2022)

[Research for TRAN Committee - Perspectives for the rolling stock supply in the EU \(europa.eu\)](#)

SERAF subgroup on the SERA Directive implementing report, survey’s individual replies available to SERAF members on CIRCABC, (2024)

2. The development of high-speed services

Antoniazzi, F., Giuricin, A., & Tosatti, R.. [Introducing competition in Italian high-speed rail. L’Espace Géographique](#), 48(4), 329–349, (2019).

CER, ‘[On track for Europe](#)’, (2024)

CER, ‘[High speed rail](#) as a strategic tool for achieving European transport policy goals: smart, integrated and sustainable mobility’, (2023)

Deutsche Bahn, ‘[Metropolitan Network](#): A strong European railway for an ever closer union’, (2023)

ECA, ‘[A European high-speed rail network](#): not a reality but an ineffective patchwork’, (2018)

European Commission, ‘Study on passenger and freight rail transport services’ prices for final customers’ (2024)

UIC ‘Atlas High-Speed Rail’ (2023)

UIC, ‘[High-Speed around the world](#) - Historical, geographical, and technological development’ (2023)

3. Vertically integrated undertakings

Autorité de régulation des transports, ‘ART ‘ [Le code de bonne conduite et l’indépendance du gestionnaire d’infrastructure SNCF Réseau](#)’, (2024)

E.CA Economics, “Vertical integration, competition and efficiency in the rail industry: Economic trade-offs”, June 2024

European Commission, “Input study on infrastructure managers part of a vertically integrated railway undertaking” (2025)

IRG-Rail, “Input to Commission’s assessment of 2012/34/EU Directive”, (2024)

SERAF subgroup on the SERA Directive implementing report, survey’s individual replies available to SERAF members on CIRCABC, (2024)

ANNEX B

LIST OF INFRINGEMENT CASES

The Recast Directive, recasting the First Railway Package and establishing a single European railway area, was amended by the Governance Directive which deals with the opening of domestic passenger transport services and the governance of the railway infrastructure. Several infringement proceedings have been launched against Member States in the past decade under both Directives. Of the infringement proceedings, 39 were launched for non-communication reasons, meaning that Member States had not notified their transposing measures to the Commission on time. A similar number of infringement proceedings (38) targeted the incorrect transposition by Member States of various articles of the Recast Directive. These proceedings, some of them still ongoing when drafting this staff working document, targeted the following issues, from the most to the least prevalent.

- The **governance of the infrastructure manager**, which is any body or firm responsible for establishing, managing and maintaining railway infrastructure. To ensure a level playing field for all railway undertakings, infrastructure managers should be independent and responsible for their own management, administration, and internal control. The Commission found that the lack of independence of their essential functions in determining equitable and non-discriminatory access to infrastructure was a common grievance; it launched infringement proceedings with regard to this issue on sixteen occasions against nine Member States. Issues relating to the financing of infrastructure managers, the separation of accounts between infrastructure management and transport operations, and the independence of railway undertakings and infrastructure managers were frequent, totalling twenty-five infringement proceedings launched against fourteen Member States.
- The **charging framework**, which should be non-discriminatory to ensure equal access to railway infrastructure and services for all railway undertakings and respect the independence of the infrastructure manager. Issues relating to the lack of incentives given to infrastructure managers to reduce the cost of providing infrastructure and the level of access charges were most recurrent, with eight Member States being the subject of infringement proceedings on the matter. Other cases targeted issues relating to discounts, exceptions to the charging principles, reservation charges, cooperation with other infrastructure managers in relation to charges systems in more than one network, as well as the performance scheme. A total of seventeen infringement cases against twelve Member States related to the charging framework.

- The **role of the regulatory body**, which is essential to monitor the railway market and settle disputes between the infrastructure operator and railway undertakings. In eighteen infringement cases opened against twelve Member States, the European Commission found that the regulatory body failed to perform its functions, particularly in hearing complaints from railway undertakings. In a small number of cases, the body lacked the human, financial, and administrative resources necessary to perform its duties. Cooperation between regulatory bodies enables consistency in decision-making across the Union and was a cause for concern in six infringement cases against as many Member States.
- The **granting of infrastructure access rights**, including access rights to the necessary services, on a fair and non-discriminatory basis to all railway undertakings. The European Commission launched infringement proceedings against nine Member States for unsatisfactory conditions of access to services, falling short of the requirement of fully transparent and non-discriminatory access. Limitation of the right of access and of the right to pick up and set down passengers was also an issue: five infringement proceedings were launched against four Member States.
- **Allocation of infrastructure capacity**, which is to be performed by the infrastructure manager in a fair and non-discriminatory manner for each working timetable, and possibly also using framework agreements with railway undertakings covering more than one working timetable. Concerns raised by the European Commission included the lack of cooperation of infrastructure managers in the allocation of infrastructure capacity on more than one network, the coordination process in cases of scheduling conflict, the allocation of specialised infrastructure, and the network statement to be published by the infrastructure manager. Infringement proceedings relating to infrastructure capacity totalled fourteen cases against twelve Member States.
- The **granting of licences**, which enables railway undertakings to operate on the market and which should be carried out by an independent licensing authority. The procedure of granting licences was one of the main concerns of the European Commission, which should be public, decided upon within three months and subject to judicial review. In addition, issues related to requirements relating to good repute and temporary licences were detected. Overall, the European Commission has launched eight infringement cases regarding licensing against seven Member States.

The following tables identify the concluded infringement cases related to Directive 2012/34/EU and Directive (EU) 2016/2370 as of November 2024 (11 infringement cases were still active at that time).

Table 1: Directive 2012/34/EU

<i>Infringement case number</i>	<i>Country</i>	<i>Type of infringement</i>	<i>Legal basis</i>	<i>Court reference</i>	<i>Financial sanctions</i>	<i>Article Number from Directive 2012/34/EU</i>	<i>General Issues</i>
INFR(2021)2218	Czechia	Non-communication of transposition measures for directives	32012L0034		No	Article 8(4)(1)	Financing infrastructure manager
INFR(2016)2171	Croatia	Non-conformity of transposition for directives	32012L0034		No	Article 46(2), Article 46(5), Article 46(6), Article 56(9) and Article 56(10)	Coordination process for infrastructure manager. Powers of the regulatory authority.
INFR(2019)2157	Denmark	Non-communication of transposition measures for directives	32012L0034		No	Article 3, Article 4(2), Article 5(1) to 5(4), Articles 8(2) to 8(4), Articles 9(1) & (3), Articles 12(2) & (4), Articles 13(5) and (8), Article 24(2), Article 25(2), Article 30(3), (5) to (7); Article 31(4) to (8) and (10); Article 32(3); Articles 33(1) to (5); Articles 34(2) to (4); Article 37(2); Article 38(2); Article 41(2); Article 44(3); Article 46(2) and (3); Articles 51(3) and (4); Article 56(6); Article 57(5)	Application definitions for the purposes of the Directive; Independence of railway undertakings from the State; Management of railway undertakings according to commercial principles; Financing of the infrastructure manager; Transparent debt relief; Levy on railway undertakings providing passenger services; Conditions of access to services; Requirements of licences; Procedure for granting licences; Infrastructure costs and accounts; Principles of charging; Exceptions to charging principles; Discounts; Compensation schemes; Cooperation in relation to charging systems on more than one network; Capacity rights; Applicants: Applications; Coordination process; Capacity-enhancement plan; Functions of the regulatory body; Cooperation between regulatory bodies
INFR(2015)0321	Netherlands	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0265	Germany	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.

Infringement case number	Country	Type of infringement	Legal basis	Court reference	Financial sanctions	Article Number from Directive 2012/34/EU	General Issues
INFR(2015)0281	Spain	Non-communication of transposition measures for directives	32012L0034		No	Articles 3(9) and (17); Article 6(4); Article 25(3); Article 27(3); Article 28; Article 29(4); Article 32(1) second, third, fourth and fifth subparagraph; Article 32(6), Article 37; Article 38(4); Article 40(1) second subparagraph; Article 40(2),(3) and (4); Article 45(4); Article 46(3); Article 52(2); Article 53; Article 56(2) and (12) second and third sentence; Article 57(2), (4), (7), (8) and (9); Article 64; Annex point 1 of VI and Annex VIII.	Definitions; Separation of Accounts between infrastructure management and transport operations; Procedure for granting licences; Network Statement; Agreements between railway undertakings and infrastructure managers; Respecting commercial confidentiality of information from applicants by IM; Exceptions to charging principles; Cooperation on charging systems on more than one network; Capacity rights; Cooperation on the allocation of capacity on more than one network; Scheduling; Coordination process for scheduling; Use of train paths; Infrastructure capacity for maintenance work; Functions of the regulatory body; Cooperation between regulatory bodies; Transposition. Annexes: requirement for costs and charges related to railway infrastructure; Accounting information to be supplied to the regulatory body upon request.
INFR(2015)0303	Italy	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0347	United Kingdom	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)2158	Ireland	Non-communication of transposition measures for directives	32012L0034		No	Article 4(1); Article 5; Article 8(4); Article 9; Article 28; Article 32(3) and (6); Article 33; Article 40(2), (3) and (4); Article 42(6)	Independence of railway undertakings and infrastructure managers; Management of railway undertakings according to commercial practices; Financing of the infrastructure manager; Transparent debt relief; Agreements between railway undertakings and infrastructure managers; Exceptions to charging principles; Discounts; Cooperation in the allocation of infrastructure capacity on more than one network; Framework agreements.
INFR(2015)0335	Romania	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0297	Hungary	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.

Infringement case number	Country	Type of infringement	Legal basis	Court reference	Financial sanctions	Article Number from Directive 2012/34/EU	General Issues
INFR(2015)0325	Poland	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0261	Czechia	Non-communication of transposition measures for directives	32012L0034		No	Article 3(4), (5), (9) and (17); Article 33; Article 35; Article 36; Article 48(2); Article 49(2) and (3); Article 52(1); Annex IV point (g); Annex VI points 2(a), (b), (e), (f), (g) and (h); Annex VIII	Definitions; Discounts; Performance scheme; Reservation charges; Ad hoc requests to the infrastructure manager; Specialised infrastructure; Use of train paths; Contents of the network statement; Requirements for costs and charges related to railway infrastructure; Accounting information to be supplied to the regulatory body upon request.
INFR(2015)0276	Greece	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0245	Belgium	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0330	Portugal	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0242	Austria	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)2161	Poland	Non-conformity of transposition for directives	32012L0034		No	Article 2(2); Article 8(3); Article 13(2) and (6); Article 35(2); Article 56(12)	Exclusion scope from the scope with respect to the licensing of railway undertakings; Financing of the IM; Conditions of access to services; Performance scheme; Functions of the Regulatory body.
INFR(2015)0251	Bulgaria	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0312	Luxemburg	Non-communication of transposition measures for directives	32012L0034	<u>C-489/16</u>	No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.

Infringement case number	Country	Type of infringement	Legal basis	Court reference	Financial sanctions	Article Number from Directive 2012/34/EU	General Issues
INFR(2015)0290	France	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0309	Lithuania	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0285	Finland	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0274	Estonia	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0342	Slovenia	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2015)0317	Latvia	Non-communication of transposition measures for directives	32012L0034		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)2311	Slovenia	Non-conformity of transposition for directives	32012L0034		No	Article 19; Article 30(8); Article 31(8) and (10); Article 32(1); Article 48; Article 55(3); Article 56(9); Annex II(3)(a)	Requirements relating to good repute; Infrastructure costs and accounts; Principles of charging; Exceptions to the charging principle; Ad hoc requests; Regulatory body; Functions of the regulatory body; Services to be supplied to railway undertakings.
INFR(2020)2311	Luxemburg	Non-conformity of transposition for directives	32012L0034		No	Article 27(1) and (3); Article 35(1) and (2) in combination with Annex VI; Article 37; Article 55(1) and (3)	Network statement; Performance scheme (unclear repartition of roles between the IM and the allocation body); Cooperation in relation to charging systems on more than one network; Independence of the regulatory body.
INFR(2020)2304	Austria	Non-communication of transposition measures for directives	32012L0034		No	Article 39(2); Article 42(6); Article 49; Article 57(9)	Confidentiality of information provided to the infrastructure manager in the context of capacity allocation; Framework agreements in relation to services using specialised infrastructure; Specialised infrastructure; Cooperation between regulatory bodies.

<i>Infringement case number</i>	<i>Country</i>	<i>Type of infringement</i>	<i>Legal basis</i>	<i>Court reference</i>	<i>Financial sanctions</i>	<i>Article Number from Directive 2012/34/EU</i>	<i>General Issues</i>
INFR(2020)2303	Luxemburg	Non-communication of transposition measures for directives	32012L0034		No	Article 11(6); Article 29(2); Article 30(6) and (8); Article 31(6); Article 32(3) and (5); Article 33(1), (2), (3) and (4); Article 40(2) and (5); Article 49; Article 53(2) and (3); Article 54(1), (2) and (3); Article 56(5); Article 57(9)	Limitation of right of access and right to pick up and set down passengers; Charging; Infrastructure costs and accounts; Principles of charging; Exceptions to the charging principles; Discounts; Cooperation in the allocation of infrastructure capacity on more than one network; Specialised infrastructure; Infrastructure capacity for maintenance work; Special measures in the event of disturbances; Functions of the regulatory body; Cooperation between regulatory bodies.
INFR(2020)2022	Spain	Non-conformity of transposition for directives	32012L0034		No	Article 56(5), (8) and (9)	Resources of the regulatory body and appropriate level of penalties for it to enforce its requests.
INFR(2012)2190	Slovenia	Bad application of regulations, Treaties and decisions	32007R1370 32012D0034		No	Article 6	Separation of accounts between IM and railway operator
INFR(2017)2153	Bulgaria	Non-conformity of transposition for directives	32012L0034		No	Article 6(1) and (3); Article 53(3)	Obligations of railway undertakings and infrastructure managers to public balance sheets and profits and loss account; Independence of the regulatory body.
INFR(2020)2305	Austria	Non-conformity of transposition for directives	32012L0034		No	Article 13(1) and (6); Article 29(1); Article 36	Conditions of access to services; Independence of the IM in setting the level of infrastructure charges; Reservation charges
INFR(2017)2178	Sweden	Non-conformity of transposition for directives	32012L0034		No	Article 13(1); Article 16; Article 30(1); Article 35(2); Article 46(3); Article 47(1); Article 50(2); Article 53(3); Article 54(1); Article 55(1) and (3); Annex VIII	Minimum access package; Independence of the licensing authority; Incentives to reduce the costs of infrastructure and the level of access charges; Performance scheme; Coordination process; Congested infrastructure; Capacity analysis; Unavailability of infrastructure capacity due to unscheduled maintenance work; Special measures to be taken in the event of disturbance; Independence of the regulatory body; Monitoring of charges paid for services.
INFR(2013)2089	Austria	Bad application of directives	31370R2007 32012L0034	<u>C-347/15</u>	No	Article 6	Transparency in regards to separation of accounts in rail. Risk of use of public funds to cross-subsidise other transport services.
INFR(2019)0087	Sweden	Non-communication of transposition measures for directives	32016L2370		No		Lack of transposition and notification of the Directive in full.
INFR(2017)2141	Greece	Non-conformity of transposition for directives	32012L0034	<u>C-180/23</u>	No	Article 30(2) and (6) in connection with Annex V	Contractual agreements between competent authorities and IMs
INFR(2020)4144	Lithuania	Bad application of directives	32012L0034		No	Article 45(2); Article 47	Priority rules in case of congestion

<i>Infringement case number</i>	<i>Country</i>	<i>Type of infringement</i>	<i>Legal basis</i>	<i>Court reference</i>	<i>Financial sanctions</i>	<i>Article Number from Directive 2012/34/EU</i>	<i>General Issues</i>
INFR(2019)0044	France	Non-communication of transposition measures for directives	32016L2370		No		Lack of transposition and notification of the Directive in full.
INFR(2017)2140	Romania	Non-conformity of transposition for directives	32012L0034		No	Article 11(2), (3) and (6); Article 19; Article 23(1); Article 25(3); Article 27; Article 30(2) and (6); Article 55(3); Article 56(1)	Licensing of railway undertakings; Publication of charges for services provided in service facilities by IM; Contractual agreement between the state and the IM; Rail regulatory body: Role of the ministry in making a decision to determine the economic equilibrium
INFR(2014)2076	France	Non-conformity of transposition for directives	32007R1370 32012L0034		No	Article 6(1)	Accounting separation. Transparency of accounts; transfer of funds within vertically integrated undertakings.
INFR(2013)2026	Romania	Bad application of directives	32001L0014 32012L0034		No	Article 8; Article 31	Financial equilibrium IM and charges imposed on diesel trains.

Table 2: Directive 2016/2370

Infringement case number	Country	Type of infringement	Legal basis	Court reference	Financial sanctions	Article Number from Directive 2016/2370/EU	General Issues
INFR(2021)2247	Ireland	Non-conformity of transposition for directives	32016L2370		No	Article 7(a)(3) and Article 7(c) (1) of Directive 2012/34/EU as amended by Directive 2016/2370	Independence of the essential functions of the IM
INFR(2021)2049	Denmark	Non-communication of transposition measures for directives	32016L2370		No	Insertion of Article 7e	Coordination mechanisms between IMs and railway undertakings
INFR(2019)0025	Czechia	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0015	Bulgaria	Non-communication of transposition measures for directives	32016L2370		No	Insertion of Articles 7(c)(1), (4) and 7(e); Insertion of Article 56(12)	Outsourcing and sharing the IM's functions; Coordination mechanisms between the IM and railway undertakings; Accounting separation for the regulatory body.
INFR(2021)2095	Germany	Non-conformity of transposition for directives	32016L2370		No	Article 7(1); Insertion of Article 7(a)(2), Article 7(b)(1), Article 7(c); Insertion of Article 56(9)	Independence of the IM and its essential functions; Impartiality of the IM in respect of traffic management; Outsourcing and sharing the IM's functions; Complaints managed by the regulatory body.
INFR(2019)0065	Latvia	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0087	Sweden	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0003	Austria	Non-communication of transposition measures for directives	32016L2370		No	Article 3(2); Article 3(2)(b) and (c); Article 7(1); Article 7c(1)(b); Article 7c(2); Article 7c(3); Article 7c(4); Article 7d(5); Article 11(2); Article 11(3) points (a) to (d); Article 56(12)	Definition of IM; definition of "operation of the railway infrastructure"; definition of "maintenance of the railway infrastructure"; Independence of the IM; Outsourcing and sharing the IM's functions; Management of infrastructure for power supply; Cooperation agreements; Loans between legal entities of a vertically integrated undertakings; Limitation of the right of access and of the right to pick up and set down passengers; Powers of the regulatory body.
INFR(2019)0059	Luxemburg	Non-communication of transposition measures for directives	32016L2370		No	Article 13a(3)	Contingency plans put in place by railway undertakings operating passenger services.

Infringement case number	Country	Type of infringement	Legal basis	Court reference	Financial sanctions	Article Number from Directive 2016/2370/EU	General Issues
INFR(2019)0044	France	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0092	Slovakia	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0020	Cyprus	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0057	Lithuania	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0048	Croatia	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0071	Netherlands	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0091	Slovenia	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0084	Romania	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0050	Hungary	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0028	Germany	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0097	United Kingdom	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0075	Poland	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0035	Greece	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0053	Ireland	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.
INFR(2019)0006	Belgium	Non-communication of transposition measures for directives	32016L2370		No		Failure to notify transposition of the Directive; Failure to transpose Directive in time.

ANNEX C

OVERVIEW OF MARKET DEVELOPMENTS AND STATISTICS

Over the past years, the European rail market has undergone significant developments in both passenger and freight segments. The period between 2018 and 2022 was marked by a sharp decline in the volume of passengers and freight due to the COVID-19 pandemic followed by a steady recovery, increased infrastructure investments in nominal terms, and progress towards improved market competition and sustainability.

Boosting rail is considered essential to decarbonise transport. Together with waterborne transport, it is one of the most greenhouse gas emissions efficient transport modes. In 2022, it performed 7.2% of EU passenger transport and 11.9% of EU freight transport while being responsible for only 0.3% of transport greenhouse gas emissions in the EU. Rail accounts for only 1.8% of the transport final energy consumption.

Passenger traffic, measured in passenger-kilometres (pax-km), declined significantly in 2020 due to travel restrictions, from 412 billion pax-km in 2019 to 223 billion pax-km. However, by 2022, the sector recovered to 395 billion pax-km, representing 96% of the pre-pandemic level. Freight traffic, measured in tonne-kilometres (tonne-km), decreased from 421 billion tonne-km in 2018 to 397 billion tonne-km in 2020, before recovering to 416 billion tonne-km in 2022, also nearly reaching pre-pandemic levels.

In terms of train-kilometres (train-km), 2022 saw a full recovery with 3 772.8 million train-km, a figure equivalent to that of 2019 (3 743.0) and substantially higher than the 3 346.7 train-km recorded in 2020 due to the pandemics. The proportion between passenger and freight traffic remains constant at 79% and 21%, respectively.

International traffic remains predominant in freight, with 54% of the total train-km being cross-border. Passenger traffic, on the other hand, remains predominantly domestic, with international journeys constituting only 6.8% of the total pax-km in 2022. Public service obligation (PSO) contracts contributed significantly to passenger traffic, accounting for over 60% of all pax-km in several countries.

Rail's modal share among passengers and freight remained modest but stable. In 2022, rail accounted for 8.1% of pax-km and 16.6% of freight tonne-km across all transport modes.

On average, the competitors' market share in the EU27 in 2022 was 21% in the PSO passenger market, 12.6% for passenger commercial services and 49% for rail freight. The commercial passenger market showed promising growth, particularly on high-speed routes, supported by the entry of alternative operators. For freight, new players captured an increasing market share, reaching approximately half of the total tonne-km operated in 2022. This growth highlights the success of liberalization policies in fostering competition and efficiency in the sector.

The sector employed over 920 000 individuals in 2022, a slight increase compared to 2018. Infrastructure managers (IMs) employed 230 000 employees in 2022, representing 25% of the total workforce. Main and alternative railway undertakings employed approximately 570 000

and 120 000 employees in 2022, respectively. The gender composition of rail employees in 2022 showed that women accounted for approximately 21% of the workforce, a share comparable to that recorded in previous years.

Between 2018 and 2022, infrastructure investment grew, with key projects focused on network upgrades, high-speed rail expansions, and multimodal connectivity. However, part of the growth was simply driven by the increased prices of materials, workforce and energy.

The high-speed segment

In 2022 around 6% of the EU27 rail network consisted of high-speed rail infrastructure (12 015km). The distribution of the high-speed infrastructure across the EU territory appears however uneven. High-speed lines are still concentrated in the southwest of the EU and in certain member states, most notably Spain, Italy and France, which in 2022 jointly accounted for 63% of the EU high-speed network.

The EU has been a world leader in developing and promoting high-speed rail, but in the last ten years the rest-of-the-world's invested at a faster pace, with the EU network passing from 43% to just 20% of the length of the global high-speed network.

Several member states which so far didn't have a long high-speed infrastructure declared their plans to develop extensive networks. Amongst them member states in the northeast of the EU 27 account for around half of the lines under construction or planned.

In terms of demand, in 2022 in the EU27 more than 6.3 billion passengers travelled by train for overall 402.2 billion passenger-kilometres (~33% of which by high-speed). The amount of high-speed passenger kilometres increased dramatically between 1995 and 2019, before decreasing temporarily as a result of the pandemic and the related limitations to the free movement of people. The share of high-speed rail within rail passenger transport in general has grown since the year 2000 to represent 31% of the total rail passenger transport in 2021, mainly due to high-speed traffic in Italy, France and Spain which together represented in 2022 around two thirds of all high-speed traffic in EU27. The intensity of use of the network for high-speed services varies across countries with Spain for example having a quite low intensity of use compared for example to France Italy and Belgium.

The demand for high-speed services remains mainly domestic. Competition is currently mainly represented by major incumbents increasingly looking at expansion abroad, in foreign high-speed domestic markets through subsidiaries (Trenitalia in France and Spain, SNCF in Spain and Italy, and RENFE in France)¹. It's only now that new entrants unrelated with incumbents are notifying to regulators and infrastructure managers their intention to launch new high-speed services.

The following tables and figures provide an overview of the reported statistics.

¹ With the notable exception of Nuovo Trasporto Viaggiatori (NTV) providing high-speed services in Italy under the brand Italo, which however counted SNCF amongst its shareholders between 2008 and 2015.

Main sources are the [Statistical Pocketbook \(2024\)](#) and the preliminary results of the forthcoming Rail Market Monitoring Survey (RMMS 2025).

Infrastructure

Table 3: Length of conventional and high-speed lines in use (km, 2018-2022) and percentage electrified in 2022

	2018	2019	2020	2021	2022	of which: Electrified %
EU-27	201 993	202 798	202 459	202 456	202 131	56,9
BE	3 607	3 614	3 615	3 612	3 619	88,0
BG	4 030	4 030	4 029	4 031	4 029	74,6
CZ	9 572	9 562	9 542	9 523	9 521	34,0
DK	2 481	2 536	2 485	2 485	2 448	32,8
DE	38 995	39 068	38 800	38 783	38 836	54,8
EE	1 161	1 167	1 167	1 167	1 175	11,9
IE	2 045	2 045	2 045	2 045	2 045	2,6
EL	2 293	2 280	2 345	2 339	1 990	37,1
ES	15 449	16 006	16 135	16 280	16 468	64,8
FR	28 461	28 350	28 080	27 924	27 812	60,3
HR	2 604	2 617	2 617	2 617	2 617	38,0
IT	16 781	16 779	16 782	16 832	16 829	72,4
CY	-	-	-	-	-	-
LV	1 860	1 860	1 859	1 859	1 865	13,5
LT	1 911	1 911	1 911	1 911	1 919	7,9
LU	271	271	271	271	271	96,7
HU	7 732	7 743	7 787	7 889	7 907	40,7
MT	-	-	-	-	-	-
NL	3 040	3 040	3 041	3 041	3 041	74,5
AT	5 526	5 615	5 607	5 603	5 575	72,0
PL	19 196	19 359	19 383	19 287	19 355	62,7
PT	2 546	2 526	2 526	2 527	2 527	70,9
RO	10 765	10 759	10 769	10 764	10 615	38,0
SI	1 209	1 209	1 209	1 209	1 208	50,1
SK	3 627	3 629	3 627	3 626	3 626	43,7
FI	5 926	5 923	5 918	5 918	5 918	57,9
SE	10 906	10 899	10 909	10 912	10 914	75,0

Source: Statistical Pocketbook (2024)

Table 4: Length of high-speed lines (km at the end of the year)

	BE	DE	DK	ES	FR	IT	NL	AT	PL	FI	SE	EU-27
2012	209	1258	-	2193	2 058	856	90	237	-	1 120	860	8 881
2013	209	1258	-	2489	2 058	856	90	237	-	1 120	860	9 177
2014	209	1258	-	2489	2 058	856	90	237	-	1 120	860	9 177
2015	209	1381	-	3002	2 058	856	90	237	224	1 120	860	10 037
2016	209	1381	-	3002	2 180	896	90	254	224	1 120	860	10 216
2017	209	1571	-	3002	2 735	896	90	254	224	1 120	860	10 961
2018	209	1571	-	3002	2 735	896	90	254	224	1 120	860	10 961
2019	209	1 571	56	3 330	2 735	921	90	254	224	1 120	860	11 370
2020	209	1 571	56	3 487	2 735	921	90	254	224	1 120	860	11 494
2021	209	1 571	56	3 660	2 735	921	89	254	224	1 120	860	11 699
2022	209	1 631	56	3 916	2 735	921	89	254	224	1 120	860	12 015

Source: Statistical Pocketbook (2024). High speed lines include principal railway lines allowing traffic at speeds on the main segments equal to or greater than 200 km/h on upgraded lines and 250 km/h on especially built lines. Dedicated high-speed railway line is a line specially built to allow traffic at speeds equal to or greater than 250 km/h for the main segments. Dedicated high-speed lines: BE: 209 km; DE: 1200 km; DK: 56km; ES: 3225 km; FR: 2735; IT:896; NL: 89 km.

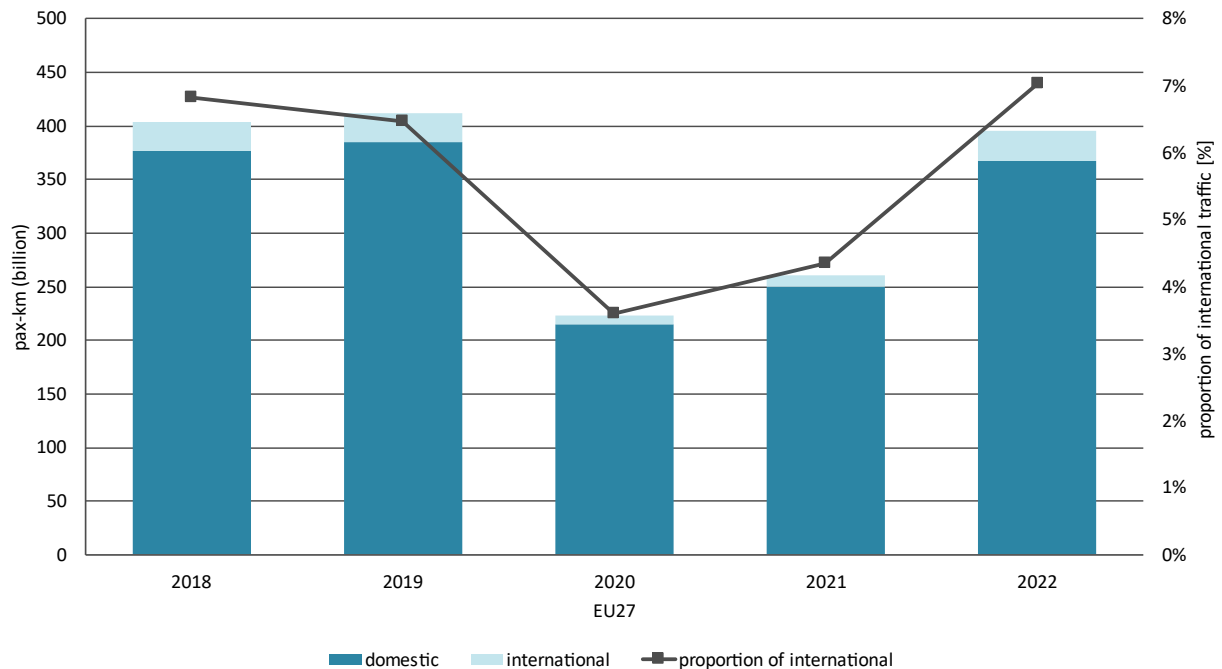
Table 5: High-speed lines currently under construction

LINE	Length km	Start of operation
DE Stuttgart-Wendlingen	25	2024
DE Karlsruhe-Raststatt (Basel)	17	2024
DE Buggingen -Katzenbergtunnel (Basel)	32	2025
DE (Karlsruhe) Katzenbergtunnel — Basel	13	2025
ES León-Pola de Lena (Pajares New Pass)	76	2023
ES Talayuela-Navalmoral-Plasencia	69	2024
ES Vitoria Gasteiz-Bilbao-San Sebastian	175	2028
ES Murcia-Almeria	188	-
ES Castejon-Pamplona	75	-
ES La Encina - Valencia	107	-
ES Palencia- Alar del Rey	82	-
IT Genova-Milano (Tortona)	53	2024
IT Brescia - Verona	45	-
IT Napoli - Bari	150	-
IT Verona - Padova	79	-
AT Wien Stadlau -Staatsgrenze (AT/SK)	38	2023
AT Wien Inzersdorf Ort — Wr. Neustadt	47	2023
AT Graz-Klagenfurt	122	2025
AT Gloggnitz — Mürzzuschlag	28	2026
AT Volders-Baumkirchen / Innsbruck -Staatsgrenze AT/IT	46	2027
PT Evora-Caila	80	2024
SE Umeå - Dävå	12	2024
SE Lund - Arlöv	11	2024
SE Varberg - Hamra (Varberg tunnel)	7	2025
SE Ängelholm - Maria	24	2025

Source: Statistical Pocketbook (2024) - The length indicated above is the length of the line under construction and not necessarily the distance between the places named.

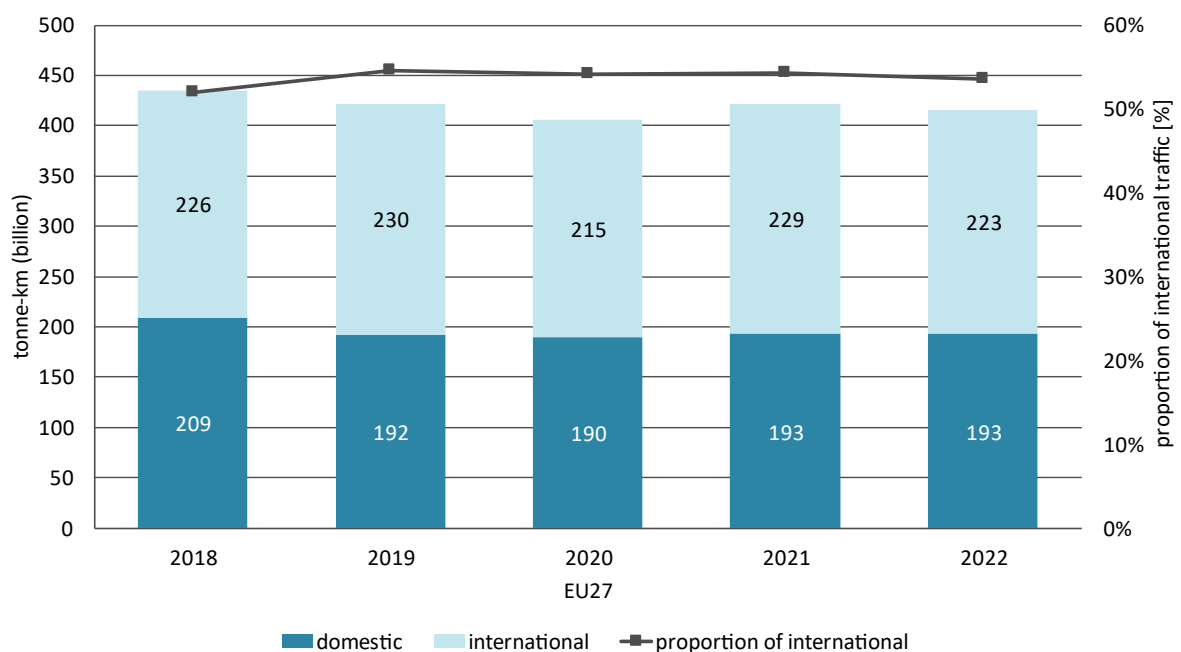
Passenger and Freight Traffic Trends

Figure 1: Evolution of rail passenger traffic volumes (domestic, international and proportion of international in total traffic) (billion pax-km, 2018-2022)



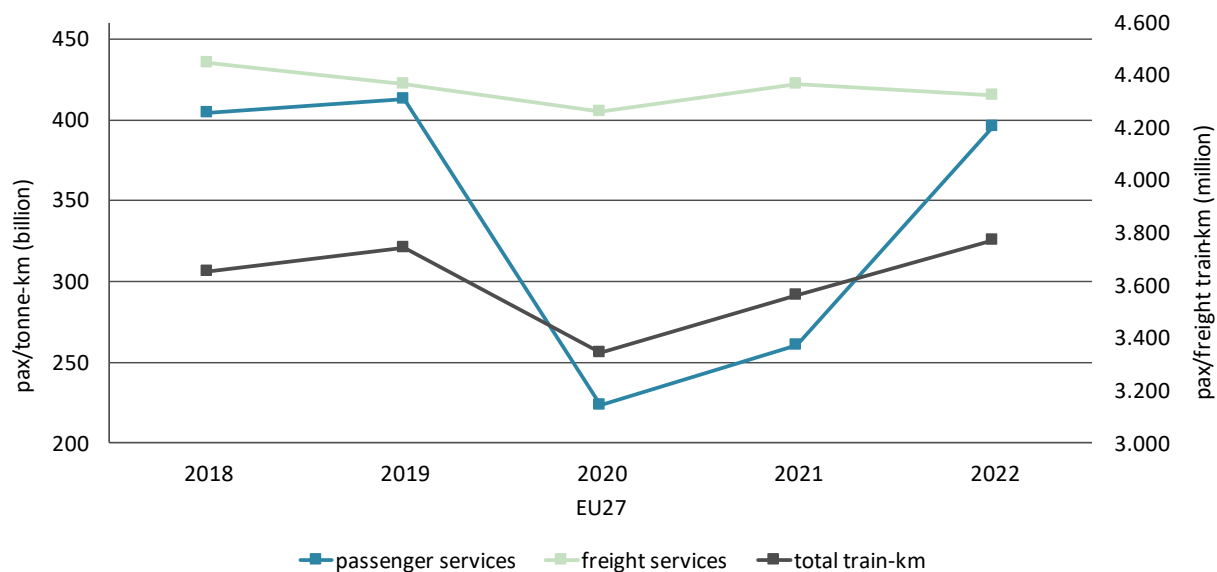
Source: 9th RMMS report (preliminary results)

Figure 2: Evolution of rail freight traffic volumes (domestic, international and proportion of international in total traffic) (billion tonne-km, 2018-2022)



Source: 9th RMMS report (preliminary results)

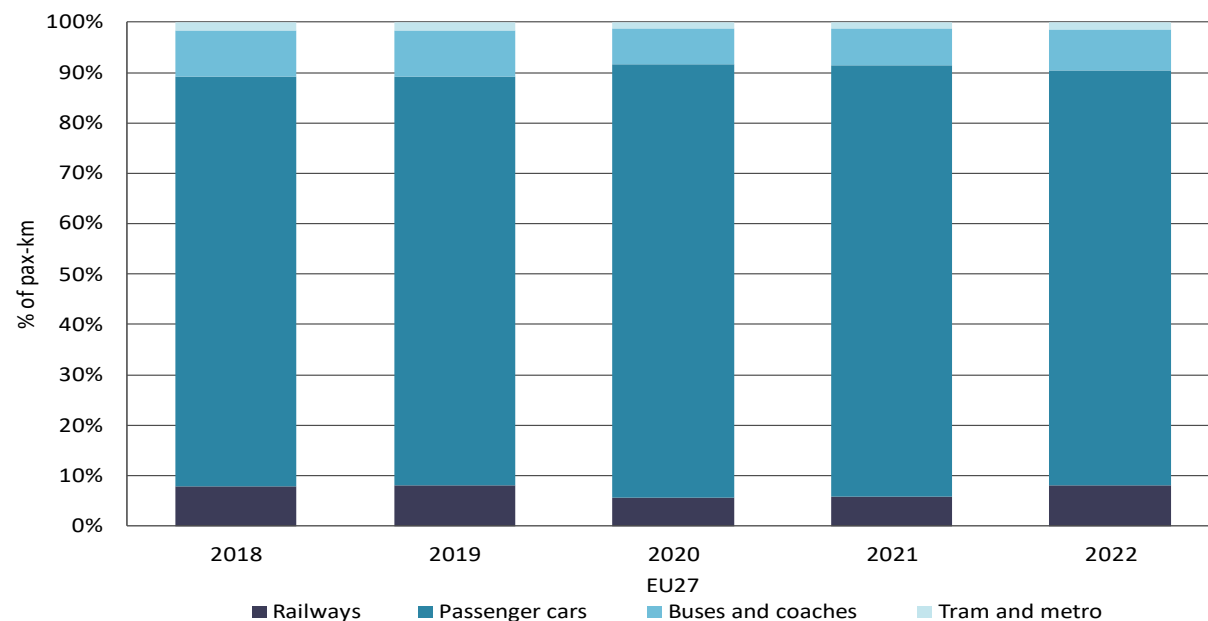
Figure 3: Passenger and freight volumes (pax-km, tonne-km, and train-km, 2018-2022)



Source: 9th RMMS report (preliminary results)

Modal Shares

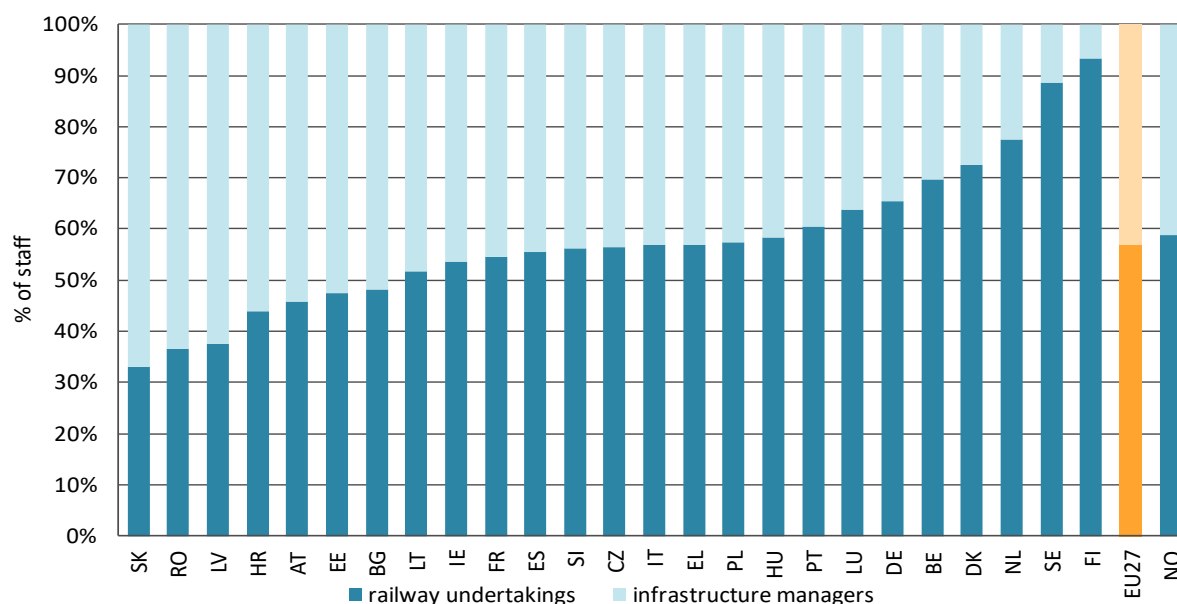
Figure 4: Passenger land transport modal split (% in 2018-2022)



Source: 9th RMMS report (preliminary results)

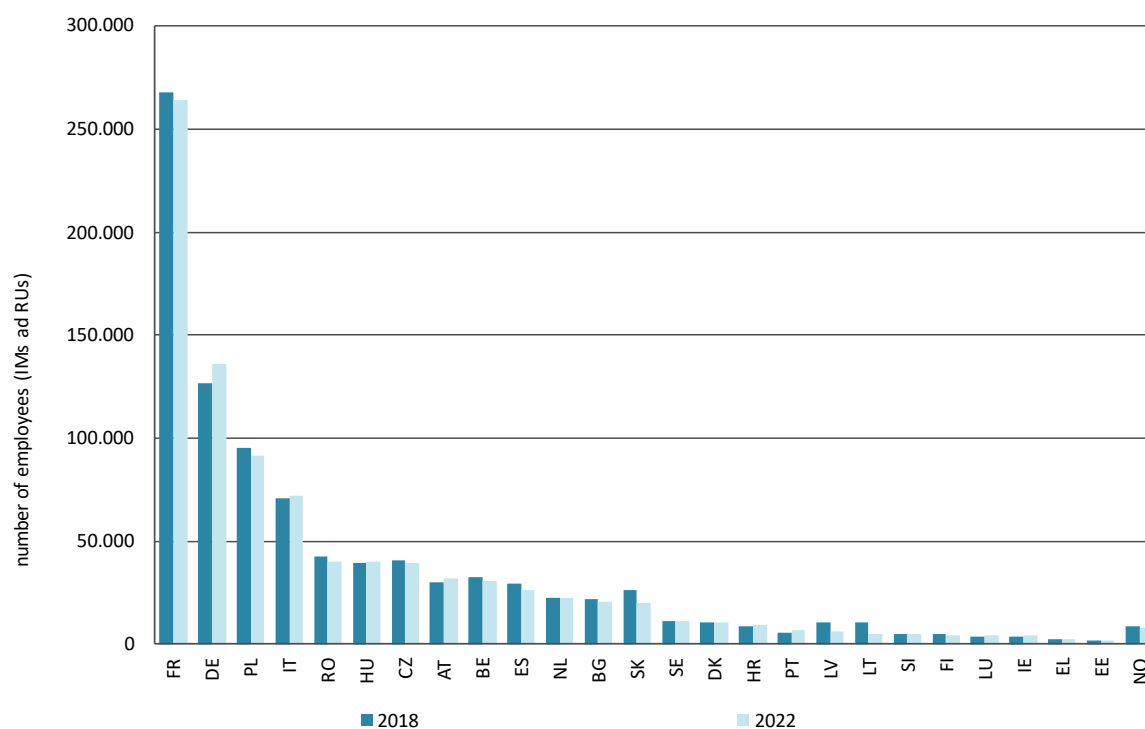
Employment and Gender Composition

Figure 5: Proportion of employees working for the infrastructure managers and railway undertakings respectively on total rail employees per country, (% in 2022)



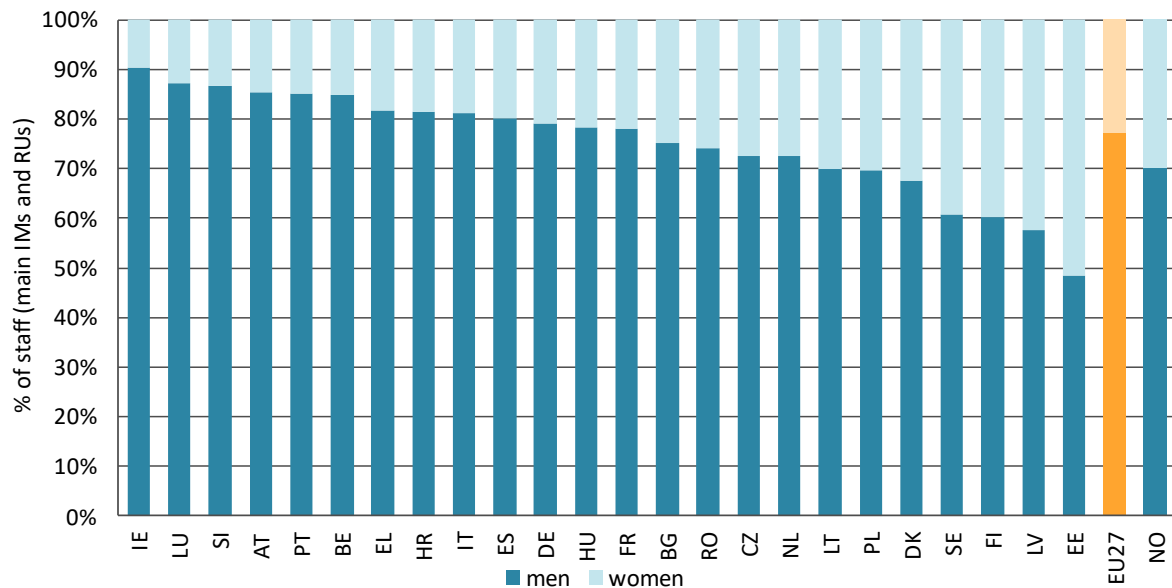
Source: 9th RMMS report (preliminary results)

Figure 6: Total number of employees in the rail market (infrastructure managers plus railway undertakings) per country (number, 2018 and 2022)



Source: 9th RMMS report (preliminary results)

Figure 7: Total employees (main infrastructure managers plus railway undertakings) by gender structure, (% in 2022)



Source: 9th RMMS report (preliminary results)

Other quantitative information was taken from the following sources:

- IRG-Rail, “12th Annual Market Monitoring Report”, March 2024 ([Main report](#), [working document](#) and [dataset](#))
- ERA, “[Report on Railway Safety and Interoperability in the EU 2024](#)”
- Eurostat, [transport statistics database](#)
- PRIME, “[Benchmarking report 2022](#)”
- European Commission, “Study on passenger and freight rail transport services’ prices for final customers” (2024) - [final report](#) and [annexes](#)
- European Commission, “Impact of the COVID-19 pandemic on the financial sustainability of the railway sector” (2024) - [final report](#)

Further to these, the report took quantitative information also from rail market monitoring reports of a number of national rail regulatory bodies.