



Implementation of the SERA Directive 2012/34/EU

RU dialogue
27 October 2016

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European Commission
DG MOVE DDG2.C3



Transposition

Article 64

"Member States shall bring into force the law, regulations and administrative provisions necessary to comply with this Directive [...] by

16 June 2015."

Implementing and delegated acts under preparation

- Implementing act on access to service facilities and rail related services (Art. 13)
- Delegated act on schedule for capacity allocation (Art. 43)

Outlook 2017: preparatory work on implementing act on economic equilibrium test (domestic services)

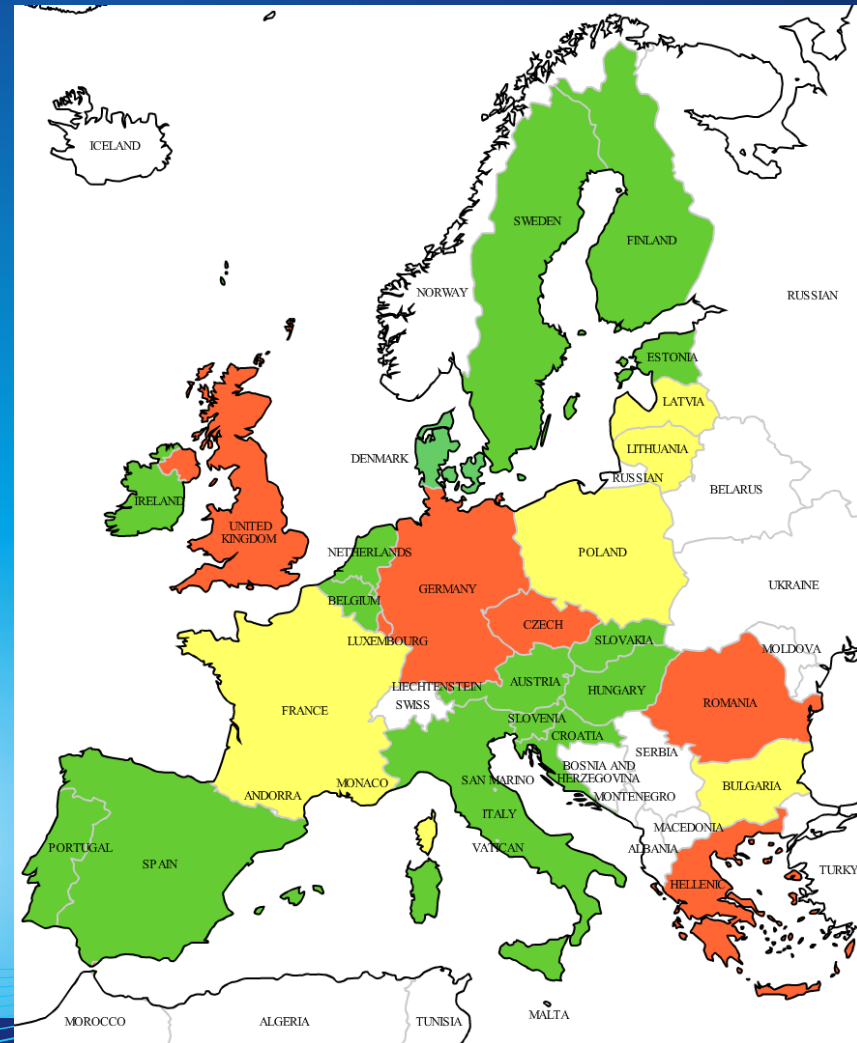
State of play – Transposition

as of 1 May 2016

GREEN: transposition declared
complete (EC assessment pending)

YELLOW: partial transposition
measures notified to EC

ORANGE: no transposition measures
notified to EC





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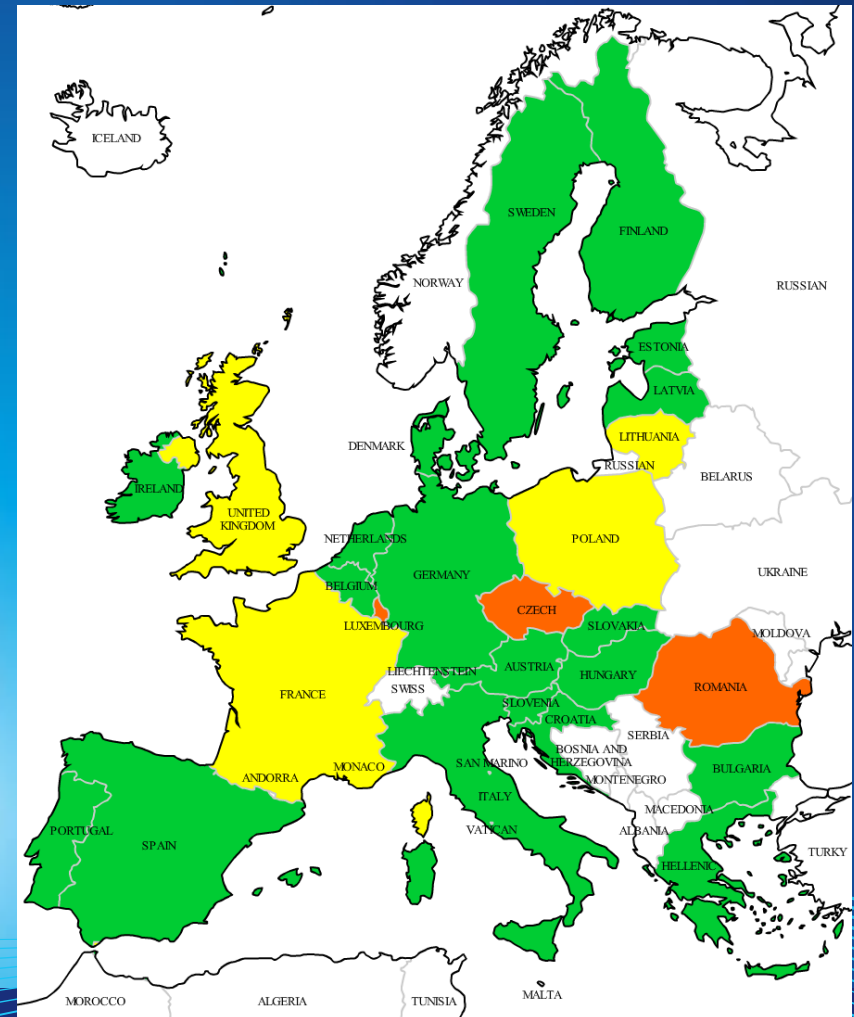
State of play – Transposition

as of 24 October 2016

GREEN: transposition declared complete
(EC assessment pending)

YELLOW: partial transposition measures
notified to EC

RED: no transposition measures notified
to EC so far



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Infringement procedures

Referrals to Court - non-communication of transposition measures

(July 2016)

Proposed daily penalty payments:

Greece* € 30.310,80

Romania € 29.091,40

Luxembourg € 8.710,00

* Greece adopted transposition measures in July;
Non-comm. procedure could therefore be closed.





Infringement procedures – Art. 260(3) TFEU

*"When the Commission brings a case before the Court pursuant to Article 258 on the grounds that the Member State concerned has failed to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure, it may, when it deems appropriate, specify the amount of the **lump sum or penalty payment to be paid by the Member State concerned** which it considers appropriate in the circumstances."*

Calculation of penalty payments

Factors taken into account:

- seriousness of the infringement
 - duration of the infringement
 - "n" factor which takes into account the Gross Domestic Product of each MS concerned
 - a flat-rate amount, which is set at €670 per day for all MS.
- ***Court cannot impose higher penalties than proposed by Commission***
- ***Payment obligation takes effect on a date set by the Court***

Elements of concern – transposition & implementation of the recast

Provisions on access to service facilities and rail related services

Powers and resources of regulatory bodies

Scope of applicability of provisions of the recast



Questions?

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