

Independent Regulators' Group – Rail

IRG–Rail

Subgroup on Access to Service Facilities

**Report on monitoring of exemptions granted under Article 2
Paragraph 2 of Implementing Regulation (EU) 2017/2177**

November 2020

I. Introduction

1. Implementing Regulation (EU) 2017/2177 on access to services facilities and rail-related services (hereafter: the Implementing Regulation) sets out uniform rules, procedures and certain obligations for service facility operators (hereafter: SFO). It also strengthens the requirement to provide information on services by mandating the publication of a service facility description.
2. Under Article 2 (1) of the Implementing Regulation, SFOs can file an application with their national regulatory body (hereafter: RB) in order to be exempted from all or some of the provisions of the Implementing Regulation in relation to, e.g., timescales, priority criteria, viable alternatives etc. An exemption from Article 4 (2) (a) to (d) and (m) and Article 5 of the Implementing Regulation is not possible. SFOs that exist solely for use by heritage railway operators for their own purposes, may request to be exempted from all the provisions of the Implementing Regulation. Exemptions do not affect the SFO's obligation to provide non-discriminatory access to their facilities and services.
3. Article 2 (2) of the Implementing Regulation specifies that RBs may decide to exempt SFOs that operate service facilities or provide services, if the requirements in any of the three following criteria are fulfilled:
 - a) service facilities or services which do not have any strategic importance for the functioning of the rail transport services market, in particular as regards the level of use of the facility, the type and volume of traffic potentially impacted and the type of services offered in the facility;
 - b) service facilities or services which are operated or provided in a competitive market environment with a variety of competitors providing comparable services;
 - c) service facilities or services where the application of the Implementing Regulation could negatively impact the functioning of the service facility market.
4. In 2018 IRG-Rail published a document establishing common principles on granting exemptions under Article 2 (2) of the Implementing Regulation (IRG-Rail (18) 7, hereafter: IRG-Rail's common principles).¹ In this document, IRG-Rail sets out decision-making principles that should be applied by the national RB when assessing applications for an exemption under the Implementing Regulation.
5. In 2019 IRG-Rail published a follow-up report on experiences regarding exemptions granted under Article 2 (2) (IRG-Rail (19) 7).² In this document, IRG-Rail sets out an overview of RBs' initial experiences in handling applications and making decisions and to promote sharing of best practices to request exemptions from the Implementing Regulation.
6. The Implementing Regulation has now been in force for more than a year and several national RBs have taken decisions on the first applications for exemptions. Therefore the IRG-Rail subgroup Access to Service Facilities took an in-depth look at the practical handling of the exemption procedures in the concerned member states. The goal of this report is to share experiences made with handling exemption decisions.

¹ <https://www.irg-rail.eu/download/5/561/IRG-Rail187-CommonPrinciplesongrantedexemptions.pdf>.

² <https://www.irg-rail.eu/irg/documents/position-papers/166,2019.html>

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7. IRG-Rail subgroup Access to Service Facilities developed a questionnaire asking for information on applications for exemptions in the period from October 2019 until September 2020³. The survey also collected information on the usability of the criteria set out in the IRG-Rail's common principles and the handling of requests in practical.
8. Increased general knowledge in the field of handling requests and better understanding of national differences and commonalities will help members of IRG-Rail in upcoming decisions on exemption and ultimately lead to more harmonized decisions on exemptions across Europe.
9. This IRG-Rail report presents the findings of the questionnaire. In total 15 replies were received, but the report only reflects responses by Austria, Germany, Italy, Poland and Spain, as those RB's already received requests for exemption over the reporting period. Poland is a special case because the applicants have withdrawn all applications.

II. Application for exemptions

10. Since 1st October 2019, RBs of five participating Member States (Austria, Germany, Italy, Poland and Spain) have received applications for exemption pursuant to Article 2 of the Implementing Regulation. Nine RBs of participating Member States have not received any applications for exemptions since the Implementing Regulation came into force. In Norway, the reason for not getting applications is that the Implementing Regulation has not yet been transposed into the EEA Agreement and Norwegian law.

| RB | Applications in total | Non-strategic importance | Competitive environment | Impairment of functioning | Cultural-historic |
|---------|-----------------------|--------------------------|-------------------------|---------------------------|-------------------|
| Austria | 5 | 2 | 3 | 0 | 0 |
| Germany | 8 | 6 | 1 | 0 | 1 |
| Italy | 2 | 1 | 0 | 0 | 1 ⁴ |
| Spain | 7 | 7 | 0 | 0 | 0 |

III. Decisions

11. The Implementing Regulation does not describe how the exemption has to be granted. In all participating Member States, the RBs close the exemption procedures with a decision. In the period from 1st October 2019 till 30th September 2020, exemption decisions have been taken in Austria, Germany, Italy and Spain.

| RB | Decisions in total | Non-strategic importance | Competitive environment | Impairment of functioning | Cultural-historic |
|----|--------------------|--------------------------|-------------------------|---------------------------|-------------------|
| | | | | | |

³ The editorial deadline for this paper.

⁴ This request was not finalised by the applicant.

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| | | | | | | |
|---------|----------|----|----|----------------|---|---|
| Austria | Granted | 4 | 2 | 2 ⁵ | | |
| | Rejected | 1 | | 1 | | |
| Germany | Granted | 3 | 2 | | | 1 |
| | Rejected | 0 | | | | |
| Italy | Granted | 1 | 1 | | | |
| | Rejected | 0 | | | | |
| Spain | Granted | 11 | 11 | 0 | 0 | 0 |
| | Rejected | 0 | 0 | 0 | 0 | 0 |

12. Spain has indicated the possibility to grant exemptions under Articles 4 (2) (f) to (k) and (n), 6 (2) and (3) as well as 12 (3) of the Implementing Regulation. The Spanish RB considers that these rules introduce an administrative burden on SFOs. In other member states, the RBs may exempt the applicant from all the provisions of the Implementing Regulation, for which the applicant applied. The German RB ensures that the applicant requests to be exempted from all the provisions of the regulation as far as possible.

IV. Usage of IRG-Rail's common principles

13. The questionnaire asked whether RBs who received applications would use IRG-Rail's common principles as a basis for their decisions (1.) and their experiences using it (2.). In addition, the questionnaire asked about the need to modify the used criteria (3.).

1. IRG-Rail's common principles as a basis for decisions

14. The RBs of Austria, Germany, Italy and Spain confirmed that they used the IRG-Rail's common principles to make an exemption decision. In Austria, the applicants formulated their request for exemption along the criteria in the IRG-Rail's common principles. Nevertheless, in some cases the level of detail provided by the applicants was not sufficient for reaching a decision. However, in these cases, all applicants were able to provide the necessary details after being prompted by the Austrian RB. In Germany, the criteria described in the IRG-Rail's common principles are used to assess whether a service facility is of strategic importance or not. The criteria allow the comparison of individual service facilities. The Spanish RB used the IRG-Rail position paper as a reference for selecting the criteria to be taken into account for the granting of exemptions.
15. Italy has granted one exemption related to lack of strategic importance. The request for exemption was submitted to stakeholders' consultation. Having received no observations, on the 2nd of July 2020, a decision has been adopted by the Authority (No 112/2020) which grants the exemption for a period of 3 years. The exemption system shall be subject to revision after a three-year period.
16. In the IRG-Rail's common principles, the subgroup has listed a selection of possible criteria for making the decision on strategic importance of the service facility or offered service. All participating member states (Austria, Germany, Italy and Spain) decided to use more than one criteria to make their decision.

⁵ These exemptions were justified under more than one criterion.

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17. The most frequently used criteria include “corporate affiliation between the SFO and one or more railway undertakings” (used by Austria, Italy and Spain), “level of capacity utilization” (used by Austria, Germany and Italy) and “volume of inter or multimodal (rail-ship) transshipment, for instance in TEU and/or tons (used by Austria, Germany and Spain).

18. The following table lists all criteria relevant for the decision.⁶

| Criteria | Used by |
|---|---|
| Corporate affiliation between the SFO and one or more railway undertakings |    |
| Level of capacity utilization |    |
| Volume of inter or multimodal (rail-ship) transshipment, for instance in TEU and/or tons |    |
| Market share of the service or facility |   |
| Number of train stops |   |
| Number of passengers |   |
| Number of, and reason for, access requests that have been denied in the last three years |   |
| Number of trains |   |
| Annual turnover of the service or facility |   |
| Proximity to a European Rail Freight Corridor |   |
| Relevance of the facility for existing Public Service Obligations |   |
| Volume of traffic |   |
| Service facility is connected to infrastructure that is exempted under Article 2(4) of Directive 2012/34/EU |  |
| Number of train tracks |  |
| Number or length of train tracks |  |
| Existence of other SFOs within the service facility |  |
| Service facility is connected to a line or network with non-standard technical characteristics |  |

19. The results of the questionnaire show that the applied choice of criteria differ from member state to member state. None of the criteria offered was used by a large majority. This could be due to the scope of the different applications or national characteristics.

⁶ All flags are taken from <https://www.countryflags.com/>.

2. Usability of common criteria

20. Beside the quality of the criteria as a basis for exemption decisions, it is interesting to observe whether it has been necessary to modify the criteria for the exemption decisions and what has been the weighting of the individual criteria.
21. In Austria the RB has not modified the criteria and not defined general limits. All of the criteria are taken into consideration and, where applicable, taken into account. Every case is judged individually and the decision is made on a case-by-case basis. All criteria taken into account have the same weighting. The arguments for exemption brought forward by the applicants are put together and weighed as a whole against potential drawbacks. If, in total, the arguments for exemption outweigh all potential detriments, the exemption is granted.
22. In Germany, the RB attaches great importance to the comparability of individual service facilities of the same type. It assumes that by establishing threshold values, all service facilities of one kind can be compared with each other. The main criterion used by the RB is the annual turnover of the service facilities. The calculation bases on the annual market survey conducted by the RB, which is used to determine the threshold values. The threshold value for turnover is calculated differently for each type of service facility; for example, sidings with an annual turnover of more than 160.000 Euro are classified as strategically important, while freight terminals are only classified as strategically important if their annual turnover exceeds 600.000 Euro. If the deviation from the threshold is small, in particular cases other criteria are taken into consideration.
23. The Spanish RB use elements of both of the above-mentioned approaches. They decide like the Austrian RB individually, but they also use threshold values, as the German RB does. They also use different criteria for each type of service facility. The Spanish RB has established several criteria for the study of the strategic importance of passenger stations and freight terminals. These criteria are not cumulative, so it is sufficient not to be exempted that according to any of them the service facility is qualified of strategically important.
24. In Italy, cases are decided individually on the basis of the Decision 130/2019. The Italian RB adopts this regulation.

V. Methodology

25. The RBs who have already gained experience with decisions and exemption procedures were asked to indicate their methodology for handling of the individual exemption cases.

1. Overview of handling an exemption procedure

26. The handling of the exemption procedures differs from one member state to another. This may be due to the different national administrative provisions and could also results from different ways of involving applicants and stakeholders in the procedure by the national RB.
27. In Austria, all requests for exemption are subject to the same procedure. In a first step, a request for exemption is submitted to the RB. The RB then forwards the request to all

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affected railway undertakings giving them the opportunity to comment (so far, no railway undertaking has used this opportunity). Finally, the ruling chamber decides on the request.

28. In Italy, any request for exemption must be properly justified with appropriate and complete quantitative and qualitative elements, based on the information provided separately for the different types of service facilities or services referred to under Article 2 (2) of the Implementation Regulation and prove that they do not belong to the categories referred to measure 5.3 of the Annex I of Decision 130/2019. In assessing the exemption requests, the Authority considers IRG-Rail's common principles, as published on the Authority's website and included in the Decision 130/2019. Within six weeks after reception of all relevant information, the Authority takes its decisions and ensures their publication on its website.
29. In Germany, the proceeding begins with the request for exemption submitted by the applicant to the German RB's ruling chamber. The RB's website informs the public about the application for exemption. Affected parties, especially RUs may apply to take part in the procedure via oral hearings and/or written statement. Usually the exemption procedure is decided in written proceeding. However, both the applicant and the affected parties may request a public oral hearing, where anyone can participate. Once all the information relevant to the decision has been collected, the planned decision is coordinated between the department for rail regulation and the ruling chamber. In any case, the procedure ends with a written decision. SFO can appeal at the Administrative Court. The procedure presented applies to all types of exemptions.
30. The procedure for granting exemptions by the Spanish RB can comprise in the following phases:
- Presentation of the request for exemption by the SFO,
 - Possible request for additional information by the Spanish RB,
 - A draft decision is sent to the SFO and, where appropriate, to other interested parties in the procedure so they can provide comments to the proposal,
 - Final decision on the granting of exemptions,
 - The final decision is published on the Spanish RB's website.

The Directorate of Transport and Postal Sector prepares draft decisions on the granting of exemptions, while the Ruling Chamber adopts final decisions. The procedure described would be the same for any type of request for exemption, although, so far only applications for exemptions based on the strategic importance of the facility have been received.

2. Methodology for handling and making decisions on requests for exemptions due to lack of strategic importance (Article 2 (2), alternative 1 Implementing Regulation)

31. In order to be able to verify the justification of requests for exemption based on the ground of "not of strategic importance", RBs must assess the strategic importance of the service or the facility in question for the functioning of the relevant rail market. A service or facility may be exempted from the application of the provisions of the Implementing Regulation if it is deemed to have no economic importance for the functioning of the rail transport market to which it provides a relevant input. Various economic or operational criteria can be used for this purpose. These criteria intend to determine the strategic importance of a service or facility from both a qualitative and quantitative point of view.
32. In Austria, an exemption is granted without time limits. The Austrian RB evaluates annually whether the reasons for exemption continue to exist. The guiding questions asked are:
- 'Who are the users of the service facility in question?' and

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- 'Who is affected and who could potentially be affected by an exemption?'

The Austrian RB looks at the facility itself, e.g. its location, whether it is suited to serve others or not, for example a washing facility built to clean the rolling stock of the operator but not other types of locos/wagons, or a non-calibrated fueling facility.

The classification of a railroad line as strategically non-important does not automatically lead to granting an exemption for service facilities on this line. The RB/ruling chamber reserves the right to withdraw the exemption in accordance with Article 2 (4) Implementing Regulation. Ordinarily, the Austrian RB excludes everything except Article 4 (2) (a) to (d) and (m) and Article 5 Implementing Regulation according to Article 2 (1), subpara. 1 of the Implementing Regulation.

33. The Italian RB has decided to take into account for freight terminals and related services, the rail traffic accounting for less than 2.000 average annual wagons, with reference to the last two years of operation. All other facilities and services must be measured against the criterion whether such facilities are not operated or provided by operators under the direct or indirect control of a controlling entity or of an infrastructure manager and not placed on Rail Freight Corridors (RFCs defined in the Regulation 913/2010). The Italian RB also takes into account if the residual capacity that is relevant for the reference market is unused.
34. The applicant is a small terminal on a regional network in the region of Bologna (in northern Italy), which requested the exemption because its annual traffic volume is below the named threshold (this being one of the criteria adopted by the Italian RB to allow a request for exemption). The Italian RB started a consultation to gather eventual stakeholders' contributions on 21 May 2020. The consultation closed on 5 June 2020 without any further contribution.
35. For the exemption due to lack of strategic importance according to Article 2 (2), alternative 1 Implementing Regulation, the German RB uses the criterion described in Article 2 (2), alternative 1 Implementing Regulation: level of use of the facility, type and volume of traffic potentially impacted and type of services offered in the facility.
36. In order to determine the utilization of a service facility, a self-assessment by the applicant is sufficient. In case of doubt, he must justify his view in more detail. The main criterion is the type and volume of traffic potentially impacted. Here the German RB primarily examines the degree of use of the service facility. In this respect, the annual turnover is generally a suitable parameter for the various types of service facilities. A high level of use is usually accompanied by corresponding sales. A prerequisite for this, however, is that the SFO is able to present reliable sales figures for the various service facilities. The German RB compares that information with the data provided in its annual market survey and gives the applicant the opportunity to comment. For the type of service offered in the facility, a corresponding description is sufficient.
37. As a rule, the German RB generally considers the respective service facilities with the same function of an operator together, unless the SFO expressly requests an isolated consideration. This is appropriate because regulatory obligations, generally, address the operator, who must, for example, draw up terms of use and calculate charges for all facilities.
38. Regarding the question of whether a total or partial exemption of a SFO from regulatory obligations leads to an impairment of competition, the different types of service facilities must be considered largely separately, as the indicators of competitive relevance are not uniform according to the different purposes of the service facilities.

39. Generally, the German RB does not exclude other articles in addition to Article 4 (2) (a) to (d) and (m) and Article 5 of the Implementing Regulation from exemption but would exclude other articles in specific cases where the applicant has attracted attention in the past. In addition, exemptions are granted, generally on an unlimited basis, but in special cases, e.g., if a new call for tenders in public service obligation is foreseen, it may be limited.
40. The decisions of the Spanish RB are based on the lack of strategic importance:
- considering the existence of public service obligation (PSO) services,
 - commercial activity,
 - relationship between SFO and railway undertakings,
 - the existence of interest in access to stations in the process of railway liberalization, as well as
 - European rail freight corridors.
41. The Spanish RB has granted exemptions from the following Articles: 4 (2) (f) to (k) and (n), 6 (2) and (3) as well as 12 (3) of the Implementing Regulation, as it considers these rules to introduce an administrative burden on SFO.
In the particular case of unused facilities, the Spanish RB exempted from the application of the entire Regulation, except of Article 15 Implementing Regulation.
42. Although there is no specific time limit for the duration of the exemption decisions, in accordance with the second paragraph of recital 2 of the Regulation, the Spanish RB may review these decisions if the underlying circumstances for the exemption have changed.

3. Methodology for handling and making decisions on requests for exemptions due to competitive environment (Article 2 (2), alternative 2 Implementing Regulation)

43. According to the Implementing Regulation, a facility or service may be exempted if the facility or service is operated or provided in a competitive environment with a variety of competitors providing comparable services on the market concerned. Services are part of the same market only if there is a certain degree of substitutability between these services. In turn, this requires that the services are comparable. In order to assess whether a single service or facility is operated in an environment sufficiently competitive to justify exemption under the Implementing Regulation, regulators must take into account the following three factors: substitutability, relevant geographic area and intensity of competition.
44. Italy and Spain have not taken any decisions on requests for exemptions due to competitive environment so far. Nevertheless, the Italian RB has developed a procedure to this effect. It requires the SFO to justify the request for exemption by supplying information that is suitable for attesting the presence of an appropriate degree of competition, and by providing detailed information on the following:
- substitutability of the facility or service within the market concerned, to be defined according to the technical features of the facility or service and to the types of its users, as well as with regard to the type of specialization and categories of goods that are served or may be served by the competing facilities;
 - relevant geographical area, in terms of distance and relevant characteristics (characteristic of the line in terms of loading gauge, traction, axle load, signalling system, speed etc..) of the rail network to which the competing facilities are connected;

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- existing level of competition (in terms of number of SFOs on the market concerned and their market share), level of potential competition (including in terms of available capacity and possible growth in the capacity of competing facilities), absence of barriers to entry and existence of user's bargaining power, any existing self-supply of services;
45. The Austrian RB conducts a market analysis concerning geographical and technical aspects and possibilities for substituting the facility.
46. Due to legal requirements from the Railway Regulation Act, the German RB has carried out a market analysis for maintenance facilities, on which the exemption according to Article 2 (2) alternative 2 Implementing Regulation is based.
47. For all other types of service facilities, the German RB focuses on the viewpoint of the applicants. The relevant services provided at the service facility must be determined as well as the geographical radius in which the applicants could use alternative providers. The combination of both factors sets the circle of potential competitors. Whether there is a "variety of competitors", must be determined in each case individually. A small number of potential competitors tend to speak against the assumption of a competitive environment. Similarly, high market shares of a single operator despite the existence of several competitors may be an indication that there is no competition. If necessary, the German RB also asks the demanders of the respective services whether a competitive environment exists according to their perception (free capacities, competitive prices).
- 4. Methodology for handling and making decisions on requests for exemptions due to impairment of the functioning of the market for service facilities (Article 2 (2), alternative 3 Implementing Regulation)**
48. An exemption on grounds of impairment of the functioning of the market for service facilities as described in IRG-Rail's common principles can only be granted if a negative impact affects not only a single SFO but the market for service facilities in which the operator concerned is active.
49. Only Germany received corresponding requests so far. This underlines that this ground for exemption is only conceivable in limited individual cases. Austria, Italy, Spain and Slovakia did not receive such requests.
50. The Italian RB has designed the following methodology for assessing the exemption ground of service facilities or services for which the application of the Regulation could adversely affect the functioning of the relevant market: The SFO has to indicate, in particular, which articles/paragraphs of the Regulation are affecting the functioning of the relevant market and by providing all necessary economic and quantitative elements for the assessment by the Italian RB, taking into account, inter alia, the impact on:
- level of competition in the relevant market;
 - level of efficiency of the management of facilities and services;
 - economic sustainability of the management of facilities and services;
 - charges for users.
51. In Germany, applicants must substantiate the harmful effects of applying the implementing regulation. So far, the German RB has received one request for exemption based on this among others, but it has not been decided, for the time being, how to handle the arguments

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from the applicant.

5. Methodology for handling and making decisions on requests for exemptions due to use by cultural-historical railways (Article 2 (1), subpara. 2 Implementing regulation)

52. SFO that exist solely for use by heritage railway operators for their own purposes may request for exemption from the application of all the provisions of the Implementing Regulation.
53. Austria and Spain have not received any request for exemptions due to use by cultural-historical railways.
54. In Germany, the operator of a railway museum or a museum railway may apply for exemption, if he demonstrates that the use of the facility is for museum purposes exclusively. The applicant should describe the used rolling stock. If this material is older than 50 years, the German RB assumes they are historical vehicles. If the railway journey serves to transport passengers only for the sake of travelling as an experience, then the German RB assumes these are cultural-historical rides.
55. The Italian RB has not taken a decision on such requests for exemption so far. In December 2019, one SFO requested an exemption for its maintenance and storage sidings facilities due to exclusive use by cultural-historical railways. The Italian RB requested information about these service facilities (some of these are located close to major Italian stations as Roma Termini or Milano Centrale) together with a document attesting that the operator is a Service Facilities Operator, and not only a simple user of the service facilities mentioned in its request. Thus far, the operator has not replied to the second request by the Italian RB.

VI. Handling of “special” requests

56. The possibility for operators of facilities or services to be exempted from certain provisions of the Implementing Regulation is still a quite new playing field for both operators and regulators. As a result, questions with the practical application of the exemption requirements arise, which cannot be answered directly from the legal basis alone. In the questionnaire on which this report bases, two such questions were included and put up for discussion. These questions relate to the exemption of individual services from a bunch of services and excluding SFOs because of self-supply.
- 1. Exemption of individual services from a bunch of services**
57. Exemptions according to the Implementing Regulation can be granted to the SFO or the operator of a service offered within a service facility. It is also possible to exempt a service supplied by an SFO providing more than one service. The participating RBs were asked whether they had received such requests and if so, how they dealt with it.
58. The RBs of Austria, Germany and Italy did not receive such requests.
59. Only the Spanish RB handled such a case with ports. In practice, port facilities are notable for their complexity. In these cases, in order to simplify the administrative procedure, the

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port authority attached to its request for exemption, the requests for exemption of the other operators of service facilities in the port area. As a result, all requests for exemption on facilities and services in the port area have been resolved in a single administrative procedure for each port by the Spanish RB.

2. Exemption based on own use or use for a single customer

60. Another question is whether any RB has exempted a SFO because they only provide services to themselves or to a single customer.
61. Where an operator has been the exclusive user of a service facility, the Austrian RB has adopted this as a relevant criterion. It also has taken into consideration requests by integrated railway undertakings. If and where they operate service facilities, and if and where there have not been access requests by others on the lines leading to the facility in question, the Austrian RB weighs this in favor of granting an exemption. Regarding private lines/feeder lines, questions include the number of train path reservations made by the operator itself, i.e. how many trains did the operator run on the line? How often and in what way the service facility has been used?
62. The Spanish RB has used the criterion for its own use in the case of freight facilities which are not for public use. This kind of facility has often been financed by its owner or concessionaire to serve their own transport needs exclusively. However, those facilities would not be considered as private sidings. In these cases, the Spanish RB has agreed a different treatment, excluding them from the concept of SFOs and, thus, not applying the Implementing Regulation. Facilities of this type are included in some recent decisions on exemptions in ports adopted by the Spanish RB.

VII. Conclusions

63. After evaluating the questionnaire's responses, it can be concluded that only a few RBs have received and decided on applications for exemptions at this point in time. The number of applications submitted is also very manageable, although sometimes one application may cover an important number of service facilities. The low number of applications may be due to the fact that many SFOs are not yet aware of the existence of the Implementing Regulation, or do not consider it necessary to be exempt from its requirements.
64. It can be further concluded that those RBs who received and decided on requests for exemption have designed their own methodology for handling requests. The criteria described in the IRG-Rail's common principles are being used and adapted to national characteristics. Currently there is no reason for updating IRG-Rail's common principles.
65. The development of the applications for exemptions of SFOs should be monitored further and section II and III of this report should be updated in the next year.