

Independent Regulators' Group – Rail

Update of the table on time limits set for answering capacity requests according to Article 9 (1) of the Implementing Regulation (EU) 2017/2177 on the access to service facilities and rail related services

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This paper gives an update to the IRG-Rail 18_9 *“Report on time limits set in the Member States for answering requests by railway undertakings for access to, and supply of services in the service facility pursuant to Article 13(4) of Directive 2012/34/EU”*

1. According to Article 13(4) of Directive 2012/34/EU regulatory bodies shall set a reasonable time limit within which requests by railway undertakings for access to and supply of services in the service facility

referred to in point 2 of Annex II shall be answered. This obligations provision was taken up by Art. 9 (1) of the Implementing Regulation (EU) 2017/2177 (IR) and laid down that *after the receipt of all necessary information, the operator of a service facility shall respond to requests for access to and supply of services in services facilities within a reasonable time limit set by the regulatory bodies.*

2. The Implementing Regulation (EU) 2017/2177 was published in November 2017. IRG-Rail published a report giving an overview and background on the time limits to answer capacity requests for service facilities in 2018¹.
3. Since then more regulator bodies took or changed decisions according to Art. 9 (1) of the IR. The following table updates the table in the IRG-Rail document 18_9 in chapter 2.5

Country	Applicable deadline
Austria	In general: without undue delay within a maximum of one month Ad hoc requests: five days If access to service facility is linked to a path request: within the period required for answering the relevant path request
Belgium	<ul style="list-style-type: none">• In general: 30 calendar days• Acknowledgement of receipt and, where applicable, request for missing information within 5 working days.• Ad hoc access requests: 5 working days• For detailed deadlines: D-2021-04-S_reasonable-time-limit.pdf (regul.be)
Bulgaria	(Decision No 15-03-1 ; 27 November 2018) <ul style="list-style-type: none">• Up to 24 hours for ad-hoc request;• Up to 10 working days for requests for access to SFs, determined in Annex II, p. 2, letters "a" and "e" of Directive 2012/34/EU;• Up to 3 working days for requests other than the cases under the above two points
Croatia	3 days
Denmark	Within 30 days
Finland	General rule: within 30 days Ad hoc: in accordance with the Art.9 (4) of the IR (referring to Art. 48(1) of the Directive). Where SFO has defined an annual deadline for submitting requests: in accordance with the Art. 9 (4) of the IR, time limits are 30 days or lower, taking into account the time limits applied by IM.

¹ IRG-Rail (18) 9 Report on time limits ... <https://www.irk-rail.eu/irk/documents/position-papers/199,2018.html>

Country	Applicable deadline
France	Time limits are commonly 5 working days for ad hoc demands and 30 calendar days for simple demands but they may vary depending on the type of installations and services requested. Please refer to Decision n° 2020-012 dated 30 January 2020.
Germany	For annual timetable requests: without undue delay For ad hoc requests: without undue delay, maximum 5 working days (exemption: cases of particularly complex processing; in that case these cases have to be described in the SFD including a deadline)
Hungary	Maximum 15 days
Italy	Time limits for passenger stations: <ul style="list-style-type: none">• for requests of areas for ticket offices and customer caring: 15 working days for answering the request; 45 working days for sending the contract proposal; 70 working days for delivering the area (except for specific and objective technical problems, i.e. necessity of adaptation works);• for requests of areas for ticket machines and mobile information desk: 10 working days for answering the request; 40 working days for sending the contract proposal; 65 working days for delivering the area (except for specific and objective technical problems, i.e. necessity of adaptation works). Time limit for other SF: <ul style="list-style-type: none">• 30 days for answering the request;• 45 days, in case of conflicting requests, for completing the coordination procedure;• 90 days, in case of unsuccessful coordination procedure, for identifying and assessing viable alternatives.
Latvia	Within one month

Country	Applicable deadline
Lithuania	<p>In case of yearly requests (yearly requests are provided until the deadline set by the SFO) and that the railway undertaking submitted the request in line with the deadline:</p> <ul style="list-style-type: none"> - SFO responds by 20 working days after the deadline set by SFO; - but, if the data provided by the railway undertaking was not in line with the SFO description, SFO responds in 20 working days, starting from the first day after the acknowledgement of receipt stating that the request is complete. <p>The time limit for responding to late requests for access or in case SFO has not set the deadline for the yearly request:</p> <ul style="list-style-type: none"> - SFO responds in 20 working days starting from the first day after the acknowledgement of receipt stating that the request is complete. <p>Time limit for the ad hoc requests:</p> <ul style="list-style-type: none"> - SFO must respond immediately, but not later than 5 working days starting from the first day after the acknowledgement of receipt stating that the request is complete; <p>When ad hoc request and (or) late request is provided by railway undertaking for SF services: rolling stock maintenance facilities, except for facilities intended for large-scale maintenance of high-speed trains or other types of rolling stock that require special facilities (Directive 2012/34/EU ANNEX II p. 2 e services), the period of late or ad hoc requests are calculated according to Regulation (EU) 2017/2177 Article 9, Section 4, paragraph 3. SFO responds accordingly in 20 working days or 5 working days, starting from the first day after the acknowledgement of receipt stating that the request is complete.</p>
Luxembourg	Four weeks
Netherlands	<p>Within 30 working days in case of maintenance services (i.e. services listed under point 2(e) in Annex II of the Directive)</p> <p>Within 20 working days in case of all other service facilities</p>
Norway	Within 20 days from the day after the request was submitted
Poland	<p>Within no more than 14 days</p> <p>RB can approve a longer timeframe at SFO's request</p>
Portugal	Within 15 working days
Romania	In a reasonable time, but no longer than 30 days
Slovakia	Within 30 says
Slovenia	Within 15 days
Spain	<p>Within one month starting from next business day after receipt of operator's request</p> <p>Exemptions possible for ad-hoc requests for capacity – flexibility allowed e.g. in maintenance services to ensure compatibility with technical solution</p>

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Country	Applicable deadline
Sweden	General rule: within 30 days Ad hoc: in accordance with the Art.9 (4) of the IR (referring to Art. 48(1) of the Directive).
United Kingdom	General rule: within 10 working days In case of short-notice requests: shorter timescale expected where reasonable