

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2021/1061

of 28 June 2021

extending the reference period of Regulation (EU) 2020/1429 of the European Parliament and of the Council establishing measures for a sustainable rail market in view of the COVID-19 outbreak

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2020/1429 of the European Parliament and of the Council of 7 October 2020 establishing measures for a sustainable rail market in view of the COVID-19 outbreak ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) The COVID-19 pandemic has led to a sharp drop in rail traffic because of a significant fall in demand and direct measures taken by the Member States to contain the pandemic.
- (2) Those circumstances are beyond the control of railway undertakings that have continuously faced considerable liquidity problems, major losses and in some cases are risking insolvency.
- (3) In order to counteract the negative economic effects of the COVID-19 pandemic and support railway undertakings, Regulation (EU) 2020/1429 enables Member States to authorise infrastructure managers to reduce, waive or defer charges for accessing rail infrastructure. That possibility had been granted from 1 March 2020 until 31 December 2020 and was extended by Commission Delegated Regulation (EU) 2020/2180 ⁽²⁾ until 30 June 2021 ('the reference period').
- (4) Limitations imposed on mobility during the period of the pandemic had a significant impact on the use of rail passenger services. Rail freight services were also impacted but in a more limited way. Based on the data provided by Union rail infrastructure managers, the pandemic hit harder the passenger service segment and, in particular the commercial passenger service segment, with a significant reduction of its offer across all Member States, which has still not come back to its 2019 levels. Between March 2020 and February 2021, passenger services expressed in train-km decreased by 11,5 % compared to the same period 2019-20, freight services by 6,1 %. Between March 2020 and February 2021, passenger services operated under public service obligations expressed in train-km decreased by 5,9 % compared to the same period 2019-20, commercial passenger services by 33,1 %. In the fourth quarter of 2020, the passenger traffic in passenger-km decreased by 56 % and the number of passengers halved compared to the same period in 2019. That trend may have a significant impact on competition in the rail passenger markets, the realisation of a truly single European rail area and, ultimately the move towards a more sustainable transport sector with more people and goods moving by rail. The freight traffic in tonne-km increased by 5 % in the fourth quarter of 2020 compared to 2019 and the amount of tonnes moved by train increased by 3 %.

⁽¹⁾ OJ L 333, 12.10.2020, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/2180 of 18 December 2020 extending the reference period of Regulation (EU) 2020/1429 of the European Parliament and of the Council establishing measures for a sustainable rail market in view of the COVID-19 outbreak (OJ L 433, 22.12.2020, p. 37).

- (5) The World Health Organisation data shows that the number of daily recorded cases of COVID-19 in Europe is still very high as the cases reported on 9 May 2021 were at the level of 107 253 on that day only.
- (6) At the end of April 2021, the European Centre for Disease Control highlighted that 'Europe is at a critical juncture in its fight against COVID-19. Many countries are currently relaxing restrictions, some against a backdrop of increasing numbers of cases and with new variants emerging, while still rolling out nationwide vaccination programmes.'
- (7) The reduction in the level of rail traffic as compared to the level in the corresponding period in the previous years is persisting and is likely to continue at least until the conclusion of the vaccination process. That this situation is the result of the impact of the COVID-19 outbreak.
- (8) It is therefore necessary to extend the reference period established in Article 1 of Regulation (EU) 2020/1429 until the end of December 2021.
- (9) If the European Parliament and the Council were to scrutinise this Regulation for the full period of objection provided for in Article 6(6) of Regulation (EU) 2020/1429, this Regulation would only enter into force after the end of the reference period currently envisaged in Article 1 of Regulation (EU) 2020/1429. In order to avoid legal uncertainty this Regulation should be adopted under the urgency procedure provided for in Article 7 of Regulation (EU) 2020/1429, and should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EU) 2020/1429 is replaced by the following:

'Article 1

This Regulation lays down temporary rules on the levying of charges for the use of railway infrastructure as set out in Chapter IV of Directive 2012/34/EU. It applies to the use of railway infrastructure for domestic and international rail services covered by that Directive, during the period from 1 March 2020 until 31 December 2021 ("the reference period").

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 June 2021.

For the Commission
The President
Ursula VON DER LEYEN
