



2024/2018

29.7.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2018

of 26 July 2024

**as regards the revision of the fees and charges payable to the European Union Agency for Railways
and their conditions of payment**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004⁽¹⁾, and in particular Article 80(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/764⁽²⁾ sets out the fees and charges payable to the European Union Agency for Railways ('the Agency') for the performance of certain activities and the provision of other services referred to in Regulation (EU) 2016/796. Pursuant to Article 80(3) of Regulation (EU) 2016/796, the amount of the fees and charges is to be fixed at such a level so as to ensure that the revenue in respect thereof is sufficient to cover the full cost of the services provided.
- (2) Article 10 of Implementing Regulation (EU) 2018/764 requires the Commission to assess the regime for fees and charges once every financial year on the basis of the Agency's financial results and estimates of future expenditure and revenue and where necessary revise those fees and charges. Implementing Regulation (EU) 2018/764 is then to be reviewed in the light of the information provided by the Agency in its annual reports.
- (3) Until the end of 2023 the Agency had authorised over 65 000 vehicles, issued almost 200 single safety certificates and accepted technical solutions for over 10 trackside implementations of the European Railway Traffic Management System (ERTMS). Such processes allowed the Agency to gather the necessary data to define further fixed fees for specific types of applications and services.
- (4) The increasing number of authorisations for placing vehicles on the market issued by the Agency results in an increasing workload, notably for processing notifications of changes introduced to authorised vehicles, in accordance with Article 16(4) of Commission Implementing Regulation (EU) 2018/545⁽³⁾, and for processing requests for entry of data into the European register of authorised types of vehicles (ERATV) for new vehicle types and vehicle type variants. For the sake of transparency and predictability for applicants, and to ensure full recovery of associated costs, fixed fees for processing such notifications and requests should be introduced.

⁽¹⁾ OJ L 138, 26.5.2016, p. 1, ELI: <https://data.europa.eu/eli/reg/2016/796/oj>.

⁽²⁾ Commission Implementing Regulation (EU) 2018/764 of 2 May 2018 on the fees and charges payable to the European Union Agency for Railways and their conditions of payment (OJ L 129, 25.5.2018, p. 68, ELI: https://data.europa.eu/eli/reg_impl/2018/764/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66, ELI: https://data.europa.eu/eli/reg_impl/2018/545/oj).

- (5) In the case of applications concerning authorisation for placing on the market of freight wagons as defined in point 2.1 of the Annex to Commission Regulation (EU) No 321/2013 ^(*) where the area of use is the whole Union, the sole authorising entity is the Agency. Accordingly, the introduction of a fixed fee for those applications is appropriate.
- (6) The level of fixed fees should be calculated on the basis of the average workload associated with processing of a relevant type of application, request or notification.
- (7) Pursuant to Article 5(1) of Implementing Regulation (EU) 2018/764 the Agency is to issue a final invoice to the applicant within 30 calendar days of its decision. There is however no similar deadline for the delivery of statements of costs by national safety authorities participating in the Agency's assessment. Missing statements of costs delay the issuance of the final invoice by the Agency. Therefore it is necessary to revise the timing for issuance of invoices by the Agency and to include deadlines for the delivery of statements of costs by the national safety authorities.
- (8) Experience in applying Implementing Regulation (EU) 2018/764 has shown that several provisions require clarification in order to avoid misunderstandings and further streamline the handling of invoices. To that effect, changes should be introduced to enable the Agency to issue monthly or multiple invoices and to discourage late requests for the application of reductions for micro, small and medium enterprises.
- (9) While the introduction of fixed fees for certain Agency's activities has had positive results in terms of increasing transparency of the costs in the railway market, in the remaining areas fixed fees may not be suitable due to the specificities of individual applications causing significant variability of amount of work required to process them, as well as due to differences, for the time being, in the related underlying costs. This is the case, in particular, where the Agency is required to consult national safety authorities and therefore the final fee paid by the applicant contains a variable part reflecting the fees charged by the national safety authorities, most of which so far apply hourly rates.
- (10) Therefore the Commission considers that there is no need to set a specific deadline for the revision of Implementing Regulation (EU) 2018/764 with a view to introducing further fixed fees. The requirement to gradually move from variable to fixed fees should be maintained, however further revisions of the fees and charges should not be driven by a deadline but should be made wherever they are justified and necessary.
- (11) In accordance with Article 10(1a) of Implementing Regulation (EU) 2018/764, yearly indexation of the Agency's fees and charges is to take into account the annual update of the remuneration and pensions of Agency's staff as well as the inflation rate in the Union. The Agency regularly publishes indexed fees and charges for the following year on its website and their application does not require a revision of the Implementing Regulation. Since this Regulation adds new entries for specific types of fees, which are calculated using the Agency's hourly rate, indexed to 2024 values, the Commission considers that all the values provided by this Regulation should be updated to reflect the actual level of fees and charges for the year 2024.
- (12) In order to ensure adequate time for the applicants and the Agency to adapt to the new rules, it is appropriate to set a date of application of this Regulation. In addition, because activities conducted by the Agency may require a long time, certain activities may be ongoing at the date of application of this Regulation. Therefore, it is appropriate to also lay down transitory provisions pursuant to which the rules set out in the version of Implementing Regulation (EU) 2018/764 in force before the date of application of this Regulation should apply in respect of the calculation of fees for applications, requests and notifications submitted before that date.
- (13) Implementing Regulation (EU) 2018/764 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the committee referred to in Article 81 of Regulation (EU) 2016/796,

^(*) Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/321/oj>).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2018/764 is amended as follows:

(1) in Article 1(3), point (c) is replaced by the following:

‘(c) issuing an opinion on the request for the European Railway Traffic Management System (ERTMS) track-side equipment approval in accordance with the last subparagraph of Article 19(3) of Directive (EU) 2016/797;’;

(2) in Article 2, paragraphs 1 and 2 are replaced by the following:

‘1. The Agency shall levy fees in the following cases:

- (a) for the submission of applications through the OSS to the Agency, where such fees are not included in the fixed fees for the processing of applications;
- (b) for the processing of applications, requests and notifications submitted to the Agency, including for the issuing of estimates referred to in Article 4 or where an application, request or notification is subsequently withdrawn by the applicant;
- (c) where the Agency, acting on its own initiative, restricts, amends or reviews a decision issued in accordance with Directive (EU) 2016/798 or Directive (EU) 2016/797.

The Agency may levy fees where it revokes an authorisation for placing on the market due to a subsequently established non-compliance with the essential requirements of a vehicle in use or a vehicle type in accordance with Article 26 of Directive (EU) 2016/797, or where a holder of a single safety certificate no longer satisfies the conditions for the certification in accordance with Article 17(5) and (6) of Directive 2016/798.

2. The applications, requests and notifications referred to in paragraph 1, first subparagraph, points (a) and (b), shall cover:

- (a) authorisations for the placing on the market of vehicles and of vehicle types in accordance with Article 20 and 21 of Regulation (EU) 2016/796 other than those specified in point (b) of this paragraph;
- (b) authorisations for the placing on the market of a vehicle or a series of vehicles which is in conformity with an authorised vehicle type pursuant to Article 25(1) of Directive (EU) 2016/797;
- (c) single safety certificates in accordance with Article 14 of Regulation (EU) 2016/796;
- (d) decisions for approval of the interoperability compliance of an ERTMS track-side equipment solution with the relevant TSI in accordance with Article 22 of Regulation (EU) 2016/796;
- (e) pre-engagement applications in accordance with Article 22 of Implementing Regulation (EU) 2018/545 and Article 2(3) and Article 4(5) of Implementing Regulation 2018/763;
- (f) appeals referred to in Article 58 of Regulation (EU) 2016/796 in accordance with Article 7 of this Regulation;
- (g) registrations in the European register of authorised types of railway vehicles (ERATV) of a new version of a vehicle type or a new version of a vehicle type variant in accordance with Article 15(3) of Implementing Regulation (EU) 2018/545;
- (h) notifications in accordance with Article 16(4) of Implementing Regulation (EU) 2018/545, including any decisions of the Agency to that effect.’;

(3) in Article 3, paragraphs 2 to 5 are replaced by the following:

‘2. Without prejudice to paragraph 3, point (a), the amount of fees for processing applications referred to in Article 2(2), points (a), (c), (d) and (e), and for performing the activities referred to in Article 2(1), first subparagraph, point (c), and Article 2(1), second subparagraph, shall be the total of the following:

- (a) the number of hours spent by Agency staff and external experts, on the processing of the application multiplied by the hourly rate of the Agency specified in point 1 of the Annex;
- (b) the relevant amounts submitted by the national safety authorities (“NSAs”) resulting from the cost for processing of the national parts of the application, including assessments related to border stations, as appropriate.

3. The amount of fees for the submission and processing of the following applications, requests and notifications shall be the relevant fixed amount specified in point 3, Table B, of the Annex and shall include the fee for using the OSS referred to in paragraph 1 of this Article, where appropriate:

- (a) applications under Article 2(2), point (a), of this Regulation, for freight wagons as defined in point 2.1 of the Annex to Commission Regulation (EU) No 321/2013 (*) where the area of use is the whole Union;
- (b) applications under Article 2(2), point (b);
- (c) requests under Article 2(2), point (g);
- (d) notifications under Article 2(2), point (h).

The fixed amount referred to in the first subparagraph shall be due for payment at the time of the submission of the application, request or notification.

4. The amount of charges for services referred to in Article 2(3) of this Regulation shall be the number of hours spent by Agency staff and external experts multiplied by the hourly rate of the Agency set out in point 1 of the Annex. For services referred to in Article 43 of Regulation (EU) 2016/796 the charge per individual participant shall be the result of the division of such amount of charges by the estimated number of participants to the Agency’s assistance activity, unless agreed otherwise.

5. At the request of the applicant, a 20 % reduction of the amount levied by the Agency for an application, request or notification referred to in Article 2(1) shall apply in case of micro, small or medium-sized enterprise.

For the purposes of this Regulation, micro, small or medium-sized enterprise means an autonomous railway undertaking, infrastructure manager, vehicle keeper or manufacturer, established or having its seat in a member country of the European Economic Area and meeting the conditions laid down in Commission Recommendation 2003/361/EC (**).

The applicant shall provide proof that it qualifies as micro, small or medium-sized enterprise within 1 month from the date of the application, request or notification. The Agency shall assess the evidence provided and may refuse the request for the status as micro, small or medium-sized enterprise in case of doubt or lack of justification.

(*) Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem “rolling stock — freight wagons” of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/321/oj>).

(**) Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: <http://data.europa.eu/eli/reco/2003/361/oj>);

(4) Article 4 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

‘The Agency shall, at the request of the applicant, issue a non-binding estimate of the amount of the fees and charges related to the application, request or notification, including request for service, and provide information regarding the timing for the issue of the invoices.’;

(b) paragraphs 2 and 3 are replaced by the following:

‘2. During the processing of an application, request or notification the Agency and the NSAs shall monitor their costs. At the request of the applicant, where the costs risk exceeding the estimate by more than 15 %, the Agency shall inform the applicant thereof.

3. Where the processing of an application, request or notification, or a service lasts longer than 1 year, the applicant may request a new estimate.’;

(5) Article 5 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The Agency shall issue an invoice for the fees and charges due, within 60 calendar days of the date:

(a) of its decision, except in case of decisions covered by the fixed fee regime or subject to Article 6(3);

(b) of the decision of Board of Appeal;

(c) when the service rendered ended;

(d) of withdrawal of an application, request or notification;

(e) of any other event leading to cessation of processing of an application, request or notification.

With regard to fixed fees that become due for payment at the time of the submission of the application, request or notification referred to in Article 3(1) and (3), before the Agency’s processing of the application, request or notification, the Agency may agree a shorter due date with individual applicants at their request, as well as enter into a special arrangement for invoicing, including issuing of a monthly invoice.’;

(b) in paragraph 2, point (d) is replaced by the following:

‘(d) where relevant, the costs charged by the responsible NSA. Those costs shall be specified in relation to tasks and time spent or in form of fixed rates applied by the NSA to the processing of the national part of the application, including assessment related to border stations, as appropriate.’;

(c) the following paragraph 2a is inserted:

‘2a. The invoice shall be addressed to the person or the entity:

(a) indicated as the applicant in the OSS;

(b) requesting registration pursuant to Article 2(2), point (g);

(c) submitting notification pursuant to Article 2(2), point (h);

(d) requesting a service pursuant to Article 2(3).’;

(d) paragraph 3 is replaced by the following:

‘3. The NSAs shall provide the Agency with a statement of costs for their contribution to be included in the invoice issued by the Agency, within 30 calendar days of the dates referred to in paragraph 1. The statement of costs shall detail how such costs have been calculated.’;

(e) paragraphs 5 and 6 are replaced by the following:

‘5. The Agency shall notify the applicants of the decision and submit the invoice through the one-stop shop referred to in Article 12 of Regulation (EU) 2016/796 or by any other appropriate means.

6. The Agency may invoice interim amounts every 6 months or issue multiple invoices where relevant.’;

- (f) paragraphs 9 and 10 are replaced by the following:
- ‘9. Where the applicant is a micro, small or medium-sized enterprise, the Agency shall take into account requests for a reasonable extension of the deadline for payment and payment by instalments.
10. NSAs shall receive a reimbursement for the cost incurred for processing the national part of the applications, including assessments related to border stations, as appropriate, within the deadlines referred to in paragraphs 8 and 9.’;
- (6) in Article 10, paragraph 3 is replaced by the following:
- ‘3. In light of the relevant information provided by the Agency in its annual reports, this Regulation shall be reviewed to introduce fixed fees.’;
- (7) the Annex is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall not apply to applications, requests and notifications submitted to the Agency before the date of application.

Article 3

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

It shall apply from 1 October 2024.

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

Done at Brussels, 26 July 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘ANNEX

1. The Agency shall apply an hourly rate of EUR 265.
2. The fixed fees to be paid to the Agency for the use of the one-stop shop (OSS) shall be as follows:

Table A

	OSS Cost group	Amount (EUR)
Submission of an application to the Agency for:		
1.	A single safety certificate	464
2.	A vehicle type authorisation	464
3.	A vehicle authorisation other than an authorisation in conformity to type	464
4.	An ERTMS trackside approval	464
5.	A pre-engagement process	464

3. The fixed fees for the submission and processing of applications, requests and notifications in accordance with Article 3 shall be as follows:

Table B

	Cost group	Amount (EUR)
Submission to and processing by the Agency of an application for a decision authorising vehicles in conformity to type:		
1.	(a) freight wagons; (b) vehicles designed to carry: <ul style="list-style-type: none"> — motor vehicles with their passengers on board, or — motor vehicles without passengers on board but intended to be integrated in passenger trains (car carriers); (c) vehicles which <ul style="list-style-type: none"> — increase their length in loaded configuration, and — their payload itself is part of the vehicle structure 	865
2.	(a) thermal or electric traction units; (b) passenger carriages; (c) special vehicles.	1 082
3.	self-propelling thermal or electric trains	1 244
Submission to and processing by the Agency of an application for a decision authorising a vehicle type:		
4.	freight wagons when the area of use is whole Union	26 500

Request for and registration in the European Register of Authorised Types of Vehicles (ERATV) of a new version of a vehicle type or a new version of a vehicle type variant:		
5.	(a) freight wagons; (b) vehicles designed to carry: — motor vehicles with their passengers on board, or — motor vehicles without passengers on board but intended to be integrated in passenger trains (car carriers); (c) vehicles which — increase their length in loaded configuration, and — their payload itself is part of the vehicle structure	398
6.	(a) thermal or electric traction units; (b) passenger carriages; (c) special vehicles.	451
7.	self-propelling thermal or electric trains	504
Processing of notifications, including decisions of the Agency in accordance with Article 16(4) of Implementing Regulation (EU) 2018/545:		
8.	all types of vehicles	3 710

4. The annual inflation rate referred to in Article 10(1a) is established as follows:

Annual inflation rate to be used:	“Eurostat HICP (All items) – European Union all countries” (2015 = 100) Percentage change/12 months average
Value of the rate to be taken into account:	Value of the rate 3 months prior to the implementation of the indexation’