

EN

P-004511/2025

Answer given by Mr Tzitzikostas
on behalf of the European Commission
(16.12.2025)

1. As a general rule, Directive 2012/34/EU¹ ('the Directive') provides that track access charges must be set at least at the level of the cost which is 'directly incurred as a result of operating the train service'². Subject to specific conditions, a mark-up may also be added³. The level of direct costs is not set in the Directive, but needs to be calculated on a case-by-case basis in accordance with the rules set out in Implementing Regulation (EU) 2015/909⁴. Article 34 of the Directive permits track access charges to be temporarily set below the level of direct costs to offset 'the demonstrably unpaid environmental, accident and infrastructure costs of competing transport modes', but this is the only possible exception.

2. The Commission is not in a position to determine whether the level of track access charges applied in Sweden is too low, and further wishes to note that, according to Article 56 of the Directive, it is the responsibility of the regulatory body to ensure that the level of track access charges complies with applicable rules. Further, decisions of the regulatory body regarding track access charges may be appealed before national courts.

3. While the Commission takes the view that the Directive sets a broad policy goal of lowering track access charges, the fact that it explicitly prohibits infrastructure managers from setting mark-ups at a level which would undermine 'the optimal competitiveness of rail market segments' cannot be construed as an exception to the general rule that infrastructure users must pay at least the level of direct costs.

¹ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast) (OJ L 343, 14.12.2012, p. 32, ELI: <http://data.europa.eu/eli/dir/2012/34/oj>).

² In accordance with Article 31(3), first sub-paragraph of the Directive.

³ In accordance with Article 32(2) of the Directive.

⁴ Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service (OJ L 148, 13.6.2015, p. 17, ELI: http://data.europa.eu/eli/reg_impl/2015/909/oj).