

Commission Implementing Regulation (EU) 2018/1795 of 20 November 2018 laying down procedure and criteria for the application of the economic equilibrium test pursuant to Article 11 of Directive 2012/34/EU of the European Parliament and of the Council (Text with EEA relevance)

Article 6

Public service contracts with exclusive rights

Where a competent authority has granted exclusive rights to the railway undertaking performing a public service contract in accordance with Article 3 of Regulation (EC) No 1370/2007, the existence of such rights shall not preclude access being granted to an applicant for the purpose of operating a new rail passenger service, provided that access would not compromise the economic equilibrium of the public service contract.

In carrying out the test pursuant to Article 10, the regulatory body shall give due consideration to the value of any such exclusive rights.

Changes to legislation:

There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2018/1795. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulation applied by [S.I. 2019/518 reg. 88](#)
- Regulation omitted by [S.I. 2024/127 Sch.](#)
- Regulation words substituted by [S.I. 2019/518 reg. 75](#)
- Art. 6 words substituted by [S.I. 2023/1369 Sch. 3 para. 8\(3\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/518 reg. 87](#)
- Art. 3(7)(8) inserted by [S.I. 2019/518 reg. 77\(b\)](#)
- Art. 4(4)(a) words omitted by [S.I. 2019/518 reg. 78\(c\)](#)
- Art. 4(4)(b) words substituted by [S.I. 2019/518 reg. 78\(d\)](#)
- Art. 7(2)(a)(2) words substituted by [S.I. 2023/1369 Sch. 3 para. 8\(4\)](#)
- Art. 11(2)(a) words substituted by [S.I. 2019/518 reg. 84\(b\)](#)