



Screening - Chapter 14

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Rail market and infrastructure access

Directive 200/14/EC

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Screening - Chapter 14

Dir 2001/14

Purpose

1. Harmonise conditions of using the infrastructure
 2. Internal market, extension of access rights
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Dir 2001/14

1. Applies to all rail infrastructure with minor exceptions
 2. Network Statement
 3. Infrastructure Charges
 4. Capacity allocation
 5. Regulatory body
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1. Scope of the infrastructure

1. Minor exceptions:

- Stand-alone passenger networks
- Networks for urban and suburban passenger services
- privately owned infrastructure, if only used by the owner

2. Categories of Services

- Minimum access package: fully inside scope
 - Track access to service facilities
 - Additional services
 - Ancillary services
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2. Network Statement

- Published by Infrastructure Manager 4 months before annual capacity allocation.
 - Within national framework of infrastructure charging and capacity allocation
 - Consult all interested parties.
 - Infrastructure available to railway undertakings and the conditions of access.
 - Charges: principles and tariffs; the scheme (methodology, rules and scales); charges for services in Annex II; future changes in charges
 - Capacity Allocation: principles and criteria, procedures and deadlines
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3. Charging (1)

- Management independence of the IM
 - MS must ensure that the IM can balance income and expenditures
 - Incentives to reduce costs and charges by contract of > 3 years or regulatory measures
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3. Charging (2)

- Charging framework must be set by Member State
 - IM sets the charges (if separated)
 - management independence of the IM
 - General rule: charges, mark-ups and discounts must be related to costs
 - Marginal costs is general rule for minimum access package and track access to services
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3. Charging (3)

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- Optional: Non discriminatory mark-ups possible where the market can bear this
 - Optional: pricing for congested infrastructure
 - Optional: modification of charges according to environmental costs, increasing only when competing modes are also charged for these costs
 - Optional: discounts on administrative costs saved or time limited on new rail services
 - Optional for the IM: long-term cost for specific investments projects that are new or would otherwise not have been built
 - Optional: reservation charges
 - Obligatory: performance scheme; infrastructure managers and railway operators should improve reliability / punctuality
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4. Capacity allocation (1)

- Capacity allocation by infrastructure manager within national policy framework on capacity allocation rules
 - Cooperation required between infrastructure managers, emphasis on international train paths
 - Optional: framework agreements Infrastructure Managers - applicants to arrange capacity for 5 years to support investments
 - IM's shall respond to ad hoc requests within 5 working days and reserve capacity for ad hoc requests
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4. Capacity allocation (2)

Scheduling for train paths:

- Publication of the network statement
 - Requests for train paths regular timetable
 - IM reserves capacity for ad hoc requests
 - Coordination of capacity requests by IM to solve conflicting capacity requests
 - Congested infrastructure: IM allocates on the basis of priority rules laid down in the network statement
 - After establishing the annual timetable, applicants can apply for using capacity reserved for ad hoc requests and for using spare capacity
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4. Capacity allocation (3)

Improvement of (the used) infrastructure:

- within 6 months analysis of causes of congested infrastructure design possible adaptations in timetabling and infrastructure;
 - within 6 months after completing capacity analysis design of capacity enhancement plan
 - return of unused train paths to the IM;
 - IM requests for capacity for maintenance;
 - IM has the obligation to take measures in cases of disturbances;
 - Optional: specialised infrastructure for specified type of traffic if alternative routes are available;
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4. Capacity allocation (4)

- Applicants for infrastructure capacity:
 - railway undertakings and international groupings of them
 - optional for member states: ‘authorised applicants’, i.e. other bodies like public authorities preparing a tender for railway services or shippers, forwarders. These bodies transfer the capacity further to a railway operator;
 - establish a dispute resolution system to reach decisions within 10 working days
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5. Regulatory body (1)

↑ Independent from any infrastructure manager, charging or allocation body or any applicant for capacity;

↑ Any applicant can appeal against decisions from the infrastructure manager;

↑ Appeals in particular with regard to:

network statement, criteria in it, allocation process, charging scheme, enforcement and monitoring of safety requirements.



5. Regulatory body (2)

- ↑ Shall monitor charges to ensure they are not discriminatory
 - ↑ Right to request information for the infrastructure managers .
 - ↑ Must decide on complaints within 2 months.
 - ↑ Can require IM to modify decision.
 - ↑ Judicial review
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Conclusions

- Harmonization of rules of using the infrastructure is needed to facilitate new rail services
 - Member States have considerable space to implement the infrastructure package
 - IM's attitude and cooperation to new services / railway undertakings essential for success
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