



Public Agency of the Republic of Slovenia for Railway Transport

Liberalised European Market (main elements)

Benjamin Steinbacher Pušnjak, Adviser to the Director

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Tel: +386 2 234 14 27
 Fax: +386 2 234 14 52
 E-mail: azp@azp.si
 URL: www.azp.si



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Tel: +386 2 234 14 27
 Fax: +386 2 234 14 52
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 URL: www.azp.si




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Players on the market

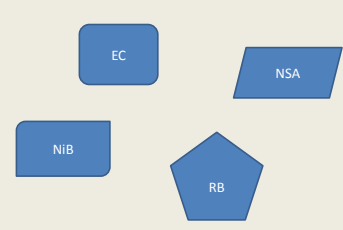


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 Fax: +386 2 234 14 52
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Regulators (market & safety)




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Sector organisations



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Legal instruments (Treaty of Lisbon)

- a **regulation** (general application, binding in their entirety and directly applicable in all MS);
- a **directive** (obliges the Member States to achieve a certain result but leaves them free to choose how to do so);
- a **decision** (binding act which may have general application or may apply to a specific addressee);
- a recommendation;
- an opinion.

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Relevant EU legislation (main)

- Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure
- Directive 2007/58/EC of the European Parliament and of the Council of 23 October 2007 amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure
- Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community
- DIRECTIVE 2004/49/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)

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Elements for non-discriminatory access

- Independence of essential functions from any RU (charging and capacity allocation)
- Open railway service market
- open access to the infrastructure
- Published conditions for access to the infrastructure (NS)
- Safe organisation of railway transport system:
 - Safety certification & authorisation
 - Monitoring safety (NSA, NIB)
- Ensured market regulations (RB)

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Basic documents

Licence for the railway undertaking
issued by a Member State, evidence that RU can cover its liabilities, including accidents.


Safety certificate of the railway undertaking
evidence that the railway undertaking has established its safety management system and can meet requirements laid down in TSIs and other relevant Community legislation and in national safety rules in order to control risks and operate safely on the network (part A and B).

Network Statement
sets out in detail the general rules, deadlines, procedures and criteria concerning the charging and capacity allocation schemes. It shall also contain such other information as is required to enable application for infrastructure capacity.

Contract of Use (RNE):
Defining basic conditions between RU and IM (RNE members) - with a view to regulating traffic control and safety issues concerning that transport.

Framework agreement:
a legally binding general agreement on the basis of public or private law, setting out the rights and obligations of an applicant and the infrastructure manager or the allocation body in relation to the infrastructure capacity to be allocated and the charges to be levied over a period longer than one working timetable period;

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Infrastructure Charges (basic principles)

- State sets the charging framework
- cooperation between IM
- competitiveness of international rail freight
- The charging scheme must be used on the same principles over whole network
- non-discriminatory charges
- To RU's must be offered minimum access package and track access to defined service facilities.
- Other services must be offered to RU's on request or the IM is not obliged to offer them (condition: service must be offered on the market also by the other players)

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Minimum access package

- handling of requests for infrastructure capacity;
- the right to utilise capacity which is granted;
- use of running track points and junctions;
- train control including signalling, regulation, dispatching and the communication and provision of information on train movement;
- all other information required to implement or operate the service for which capacity has been granted.
- Access: IM must provide

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Track access to service facilities and supply of services

- electrical supply equipment for traction current
- refuelling facilities;
- passenger stations
- freight terminals;
- marshalling yards, train formation facilities and storage sidings;
- Rolling stock maintenance facilities
- Access: IM must provide, may reject in case there is a viable alternative


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 **Additional Services**

- traction current;
- pre-heating of passenger trains;
- supply of fuel, shunting, and all other services provided at the access services facilities mentioned above;
- control of transport of dangerous goods, assistance in running abnormal trains.
- Access: IM shall supply if he offers

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 **Ancillary services**

- access to telecommunication network;
- provision of supplementary information;
- technical inspection of rolling stock.
- Access: IM not obliged to provide

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 **Minimum access package costs**

Direct costs of the train service:

- infrastructure wear and tear = 25% of maintenance & renewal
- Fuel and traction current

Items that cannot be direct costs of the train service:

- Network-wide overhead costs,
- including salaries and pensions;
- Interest payable on capital;
- More than one tenth of costs related to scheduling, train path allocation, traffic management, dispatching and signalling of a train run;
- Depreciation of information, communication or telecommunication equipment;
- Costs related to real estate management, in particular acquisition, selling, dismantling, decontamination, recultivation or renting of land or other fixed assets;
- Social services, schools, kindergartens, restaurants;
- Costs related to acts of God, accidents, service disruptions.

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 **Market segmentation (MC+)- published in NS**

The level of charges must not, however, exclude the use of infrastructure by market segments which can pay at least the cost that is directly incurred as a result of operating the railway service, plus a rate of return which the market can bear.

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 **Market segmentation for mark-ups**

The market segment which could be evaluated (pair for evaluations):

- **Passenger vs freight services** (minimal freight services, passenger services within the framework of a public service contract and other passenger services);
- Trains carrying dangerous goods vs other freight trains;
- Domestic vs international services;
- Combined transport vs direct trains;
- Urban or regional vs interurban passenger services;
- Block trains vs single wagon load trains;
- Regular vs occasional train services.

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 **Thank you!**

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