



Role of port authorities

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Transport



Starting points



- Scattered control and responsibilities ("Landlord system")
- Lack of coordination of train paths and terminal access
- No information on access conditions or charges

Result:

- ✓ Available infrastructure is not used
- ✓ Shippers and forwarders turn to road

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Legal Definitions

Who is infrastructure manager? [Art.3(2)]

- responsible for managing infrastructure e.g. concessionaire of a port
- allocating capacity
- setting charges
- **or** responsible for maintaining the infrastructure
- not a construction company because they are not responsible vis-à-vis the Railway Undertaking
- port authority

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What is a service facility? [Art.3(11)]

Installations, ground area, building and equipment to supply services in the facilities including additional services and ancillary services.

What is a facility operator? [Art.3(12)]

IM needs a safety authorisation by the safety authority, regardless if it is only responsible for managing **or** for maintaining its infrastructure. [Dir. 2004/49/EC, Art...]

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Exclusions from scope [Art.2(3)]

Application of independence of essential functions of an infrastructure manager [Art. 7]

Obligation to present a business-plan in investment programme and financial programme [Art. 8(3)]

Obligation of MS to ensure balance of income and expenditure of the IM [Art. 8(4)]

Chapter IV: Of charges, allocation of capacity and regulatory over....

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Criteria for the exclusion [Art.2(3)]

Privately owned infrastructure: not met

Solely used by the owner of the infrastructure: not met for owner freight operations: not met.

Conclusions: tracks in ports cannot be excluded from the scope.

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Definition of a railway undertaking [Art.3 (1)]

Principal business is to provide services for the transport of goods or passengers and

*- undertaking must ensure , including
Only*

- supplying sh..... services in ports require a licence.

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