



**Economic and Social
Council**

Distr.
GENERAL

TRANS/SC.2/2000/2/Add.1
25 July 2000

Original: ENGLISH

**ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE**

Working Party on Rail Transport
(Fifty-fourth session, 3-5 October 2000,
agenda item 5)

**DETERMINATION OF RAILWAY INFRASTRUCTURE CAPACITY INCLUDING
ASPECTS RELATED TO THE FEE FOR THE USE OF THE INFRASTRUCTURE**

Addendum 1

Transmitted by the Governments of Armenia, Bulgaria, Czech Republic, Denmark, Finland,
Germany, Hungary, Latvia, Lithuania, Macedonia, Netherlands, Slovakia, Slovenia, Sweden and
United Kingdom

During its fifty-third session (6-8 October 1999), the Working Party on Rail Transport invited the governments to transmit to the secretariat information on the progress made in the determination of fees for the use of railway infrastructure (TRANS/SC.2/192, para.19 and TRANS/SC.2/199/2), particularly on the following items:

- (a) Legal status (existing or foreseen) for railway infrastructure managers, railway operators and the national regulatory body.
- (b) Principles for capacity allocation
- (c) Principles for the identification of sections with capacity constraints. Priority criteria for these sections.
- (d) Cooperation with neighbouring network infrastructure managers for the allocation of capacity at the international level.
- (e) Description of the existing/envisaged infrastructure charging schemes: charging principles and rules.
- (f) Special charging regimes.

The information submitted by Governments is reproduced below.

* * *

1. ARMENIA

- (a) Legal status (existing or foreseen) for railway infrastructure managers, railway operators and the national regulatory body.

The railway national regulatory body in Armenia is Armenian Railway Department of the Ministry of transport and communications of the Republic of Armenia, which status is ratified by Government Decree N.625 (06.11.1998). "Railway rolling stock of RA", SSCJVC, "Railway transportation of RA" SCJVC, "Railway infrastructure of RA" SCJVC of Armenian Railway Department are the general operators of the Railway and the statuses of their managers are determined by Law of RA and by the above mentioned Government Decree. The draft of Railway Law is under discussion at present and will be represented to National Assembly of RA. After ratification of the Law the legality of Railway will be completed.

- (b)(c) Principles for capacity allocation and for the identification of sections with capacity constraints.

The technical-economic possibilities of Armenian Railway Department allow to implement 35 million tone cargo transportation yearly. These indexes are calculating according to the linear, energetic economy possibilities of Armenian Railway Department, i.e. capacity of linear, engineering constructions, electric drawbar substations, contact networks, the evaluation of station economy power due to previous year's experience.

- (d) Cooperation with neighbouring network infrastructure managers for the allocation of capacity at the international level.

Armenian Railway Department has touching points with Georgia (Ayrum-Sadakhlo), Turkey (Akhuryan-Dagukap), Azerbaijan (Eraskh-Norachen&Ijevan-Ghazakh). The co-operation with Georgia Railway Department is being implemented by direct contact and in the framework of Railway Committee of CIS countries, on the basis of international and intergovernmental agreements.

The co-operation with Turkey and Azerbaijan is not active now because of well-known reasons. In case of restarting the cargo transportation, the cooperation will be implemented directly and on the basis of international and intergovernmental agreements.

2. BULGARIA

The questions, related to the railway infrastructure status and capacity and usage charges, are developed in detail in the Draft Railway Transport Act. They are in compliance with the European Commission Directives and with the railway act principles in the EU Member States.

The Act has been introduced to the Parliament. The preparation for its second hearing is carried out in the spring of 2000.

- (a) Legal status of the managers and operators

The direct management of railway transport in the Republic of Bulgaria will be executed by a railway administration with the status of State executive agency. It will control the access to the rail infrastructure and its appropriate usage, will issue licenses and execute monitoring over the safety in accordance with the legislation. It will prepare and propose to the Minister of Transport the draft regulatory documents, concerning railway transport.

(b) Separation of capacities

The direct management of infrastructure will be executed by National Company BDZ with the status of a State-owned enterprise under the Commercial law. It will ensure the infrastructure usage by the licensed rail carriers and will collect the usage charges, will elaborate the train schedules and manage the train operations, will carry out the activities, related to railway infrastructure development, repair and maintenance.

(c), (d) Capacity concerns and international cooperation

The responsibility for the conduction of national transport policy, the international commitments and the coordination with the other transport sub-systems is a prerogative of the Minister of transport. The relevant activities are carried out by the railway administration.

(e) Charge definition, charging regimes

The amount of the infrastructure charges will be defined by the Council of Ministers by proposal of the Minister of transport, coordinated with the Minister of finance.

3. CZECH REPUBLIC

- a) The legal statute for railway infrastructure managers, railway operators, and the national regulatory body is the amended Act No. 266/1994 Sb, the Railways Act.
- b) Principles used to allocate capacity are based on the equal right of access to the infrastructure for all railway operators if they respect the timetable.
- c) Priorities for sections subject to capacity restrictions may be based on state interest in terms of defence, in cases of natural disasters, or when transporting hazardous cargoes.
- d) Cooperation with neighbouring infrastructure network managers when allocating capacity is based on mutual agreements that are updated at regular intervals.
- e) In the framework of harmonizing the access of all transporters (DOP, external transporters) to transport routes, pricing will have to be based on the regulations and standards in force in the European Union (especially Directive 95/19/EC, on the allocation of railway infrastructure capacities and charging for infrastructure). In this respect, it will be necessary to create suitable methods for infrastructure use charges that are founded on the principle of non-discrimination. The charges must be set according to the nature of the services, the duration of the services, the market situation, and the type and extent of wear and tear. However, because no such appropriate methods have yet been adopted, Price Assessment of the Ministry of Finance of the Czech Republic No. 01/00 is in force for the year 2000. Taking into account the fact that the price assessment retains the existing pricing structure for the use of a transport route, on principle a price at the upper end of the regulated price will be charged for external transporters for the transportation of cargoes.

Ceske Drahy plans for a route reservation charge to be included in the price for the use of the transport route.

- f) A case-by-case approach will be adopted for the transportation of building mechanisms, for a demonstrably new transportation on a railway route, when converting from road to railway, and for the running of historic trains considered to be railway promotion.

4. DENMARK

a) Legal status

Denmark has implemented all EC railway directives:

- Directive 91/440. The separation between infrastructure management and operating business is implemented by Act No. 1230-1996 on the Danish National Railway Agency (the infrastructure manager - BS) and the Act No. 289-1998 on the railway sector in general.

From 1 January 1999, the DSB (Danish State Railways) has become a public limited company by virtue of the Act No. 485-1998 on the independent public limited company DSB and DSB Suburban trains.

- Directive 95/18. A national Railway Inspectorate is established by the Act No. 336-1996 on railway safety, Executive Order No. 920-1998 on railway operations (licences) and Executive order No. 90-1999 on safety certificates.
- Directive 95/19. The allocation of infrastructure capacity is regulated by Executive order No. 998-1998 on the allocation of railway infrastructure capacity.

The infrastructure charging is regulated according to Executive order No. 879-1999 on Infrastructure Fees and Environmental Grants for the Transport of Freight by Rail, Infrastructure fees were introduced from 1 January 1999.

b) Principles for capacity allocation

Ordinary process

To increase competition on the Danish state network, the BS is responsible for the allocation of railway capacity under due respect of existing grandfather rights.

If no capacity constraints are identified, the BS will book in the train paths in the draft service timetable.

In case of a non-solvable conflict, the BS may decide on the allocation of the specific train-path. But the main principle is that the BS has to encourage the railway operators to solve their capacity allocation conflicts between themselves; if that fails the BS shall take part as a mediator to solve any capacity conflict.

The BS is obliged ex officio to make a capacity allocation decision if neither negotiations nor mediation lead to a result.

The DSB (Danish State Railways) is to request for the railway capacity just as other foreign and commercial railway operators, however, a rule of grandfather rights apply to DSB:

Any railway undertaking, which performs non-public service passenger traffic, may claim to keep 80 per cent of its capacity from the former period of allocation on all routes and transfer them to the next. The freight traffic undertakings have the right to keep the capacity from the former period of allocation in the allocation period until May 2001. The quota is, however, only until 95 per cent of the capacity immediately before the allocation period, in the period from May 2001 until May 2003 until 90 per cent and hereafter until 80 per cent. (Executive Order No. 998-1998 §12).

Time-limits

All operators have to request for capacity within due time, i.e. the annual time limit, published by the BS. A principle of *first come, first served* apply.

Beneath is a description of the construction of the service timetable:

- 18 months before commencement of an allocation period, the BS publishes an account of the accessible infrastructure for the allocation period (§4).
- 12 months before commencement of the allocation period (§5) the BS makes the decision of allocation of train paths.
- At the latest 9 months before commencement of an allocation period the BS reserves the train paths for long-term infrastructure works (§6).
- 8 months before commencement of an allocation period BS convenes the railway undertakings to negotiations in case of conflicting applications of a train path (§7).
- 6 months before the allocation period the final allocation of train paths takes place (§8).

Conflict scheme

§10. Public service traffic shall have priority over other types of traffic in the allocation of train paths. However, in case of scarce capacity, the extent of public service traffic may only be increased through a possible extension of the capacity on the route concerned or in accordance with the provisions laid down in §11.

§11-(1) In those cases where there are opposing applications for train paths on a route where the aggregate capacity is not already used by public service traffic, cf. §10, the allocations of train paths shall be made in the following order of priority:

1. Applicants who apply for allocation of train paths on a route for the first time shall together have a right to half of the train paths allocated in accordance with section 12 on the route applied for.
2. Thereafter train paths for new public service traffic shall be allocated.
3. Thereafter train paths for freight traffic along international rail freight corridors as determined by the Danish Minister of Transport shall be allocated.
4. The remaining train paths shall be allocated to applicants who wish to provide other transport services.

- c) Principles for the identification of sections with capacity constraints. Priority criteria for these sections.

None, however, the general priority criteria as described in point B apply, if stated that there is an actual capacity constraint.

- d) Cooperations with neighbouring network infrastructure managers for the allocation of capacity at the international level.

The BS is coordinating international train-paths for passenger as well as freight services in the Forum Train Europe, The European forum for coordination of the international timetables. Annual sessions are held at least 3 times a year in the form of timetable conferences.

Bilaterally the BS is for the first time coordinating the Øresund link traffic, which is to start from 2 July 2000, with the Swedish Banverket.

- e) Description of the existing/envisaged infrastructure charging principles and rules

Danish infrastructure charges 2000

All beneath mentioned charges are cited from the Danish Act on railway infrastructure charges and environment subsidies Regulation 879 from the 4 December 1999.

Kilometre charges, main section

Danish main section: Padborg (Danish/German border) - Øresund Link (Danish/Swedish border):

- Passenger trains: 21,53 DKr per train kilometre.
- Freight trains: 8,71 DKr per train kilometre.

Kilometre charges, other sections

- Passenger trains: 3,28 DKr per train kilometre.
- Freight trains: 1,64 Dkr per train kilometre.

Access charges

Freight only sections:

- 1.615,40 per kilometre x (X/365 days).

When a railway undertaking is allocated a train path during the year, a charge corresponding to the access charge multiplied with the fraction X/365, where X equals the remaining days of the year at the commencement of the operation, is collected by commencement of the operation.

Great Belt Link charge

- Passenger trains: 6,385 Dkr per train.
- Freight trains: 687 Dkr per wagon per passage, but a maximum of 5.922 Dkr per train.

Øresund Link charge

- Passenger trains: 1000 Dkr per train.
- Freight trains: 1.938 Dkr per train (maximum).

Environment grant

0,031 Dkr per tonnes kilometre transported freight. Domestic transports only.

The deduction must not exceed 50 per cent of the total sales price for the relevant transport in accordance with the invoice (freight bill).

f) Special charging regimes

None. Every railway operator must pay the same price on non-discriminatory terms.

5. FINLAND

(a) Legal status (existing or foreseen) for railway infrastructure managers, railway operators and the national regulatory body.

Existing:

Finnish Rail Administration (RHK) is a railway infrastructure manager and an independent authority under the Ministry of Transport and Communications. RHK takes decisions on the railway infrastructure capacity (legal basis Railway Network Act including implementation of 95/19/EC).

At present there is only one railway undertaking in Finland, VR Limited. It has licence and right to use and operate on the state owned railway network (according to the capacity allocation decision by RHK).

The licensing authority is the Ministry of Transport and Communications, which issues licences according to the Railway Network Act (including 95/18/EC implementation). The right to operate can be given also to other companies (only) in international traffic in the meaning of directive 91/440/EEC.

(b) Principles for capacity allocation.

There is no reason for specific capacity allocation rules for a single operator. VR Limited plans timetables itself and RHK accepts them.

- (c) Principles for the identification of sections with capacity constraints. Priority criteria for these sections.

RHK is using a calculation application in order to evaluate capacity constraints. The results from the application form one ground for investment decisions.

- (d) Co-operation with neighbouring network infrastructure managers for the allocation of capacity at the international level.

The Republic of Finland and Russian Federation have a regular border traffic committee. The border traffic is based on the border traffic treaty.

Finland has a border traffic treaty also with Sweden.

In both cases the staff in the border stations arranges the practical traffic management.

- (e) Description of the existing /envisaged infrastructure charging schemes: charging principles and rules.

Infrastructure charges are collected by RHK. Charges are based on marginal cost. A two part charge is used for freight traffic and a variable charge for passenger traffic.

- (f) Special charging regimes.

There are no other charge basis or procedures.

6. GERMANY

- (a) Legal status for infrastructure managers, railway operators and the national regulatory body.

In the Federal Republic of Germany, there is a total of 244 railway infrastructure management companies and railway undertakings admitted to public transport (23 federal and 221 non-federal railways).

Authorized for infrastructure management are:

- three federal railways and
- 137 non-federal railways, including 30 undertakings operating exclusively museum railway and tourist traffic.

Authorized for rail transport are the operators of:

- 21 federal railways and
- 207 non-federal railways, including 55 undertakings operating exclusively museum railway and tourist traffic.

The national regulatory body for federal railways as well as for the operation in Germany of non-federal railways having their headquarters abroad is the Federal Railway Office. The federal states have their own regulatory bodies for non-federal railways.

(b) Principles for capacity allocation

The principles of capacity allocation have been established in analogy with the requirement of non-discrimination laid down in international and national regulations.

For the implementation of these regulations, structural priorities have been laid down in the general conditions of business as a basis for capacity allocation.

With the objective of optimizing its railway infrastructure, DB Netz AG (German Railways Network Corp.) handles applications for train paths and thus capacity allocation according to the following principles:

- priority of applications filed in time over those not filed in time,
- priority for contractually stipulated train paths over new applications,
- priority of applications which — if required — comply with the conditions for certain lines according to the ‘infrastructure quality specifications’ over derogating applications,
- priority of applications for transport services which, owing to regular operation, permit a better utilization of infrastructure capacity within the timetable period over applications for non-regular or occasional transport services,
- priority of applications for transport services operated for several timetable periods over applications for services operated for only one timetable period or less.

(c) Principles for the identification of sections with capacity constraints. Priority criteria for these sections.

Lines with capacity constraints are ascertained by DB Netz AG according to established rules by comparing the route capacity with the actual or planned provision of train paths. Train paths on sections with capacity constraints are also allocated according to the principle of non-discriminatory network access.

(d) Co-operation with neighbouring network infrastructure managers

The Forum Train Europe (FTE) is the body of co-operation of infrastructure managers for capacity allocation at international level. The recently created FTE global meeting C is the body for harmonizing international timetables and the allocation of capacity by infrastructure managers to railway operators.

Problems are still caused by the fact that the closing dates for train path applications and tendering are strongly differing by member railways. That is why the Forum Train Europe with its global meetings A and B cannot act as an international application and tendering conference.

The dosing dates for train path application and allocation are therefore subject to the respective national procedures.

Infrastructure managers also co-operate closely within the framework of the so-called freight freeways. DB Netz AG participates in the North-South and East-West Freightway by contract. On selected international corridors, train paths for freight traffic with a comparatively high average speed have been determined in advance without concrete customers' orders, which may be made available to interested customers quickly via the so-called one-stop-shop, the common sales organization of the infrastructure managers involved.

(e) (f) Description of the existing/ envisaged infrastructure charging schemes: charging principles and rules. Special charging systems.

With the change of timetable in May 1998 (24 May 1998) Deutsche Bahn AG introduced a new train path charging system.

This system is characterized by the charge of a two-part rate. The train path rate thus consists of two components, namely

- A fixed rate independent of the actual use of service- the InfraCard.
- A variable train path rate for the actual use of the infrastructure.

The essential advantage of this system is that after payment of the Infracard there is only a low variable train path rate left to be paid by the railway operators. This is a considerable incentive for more transport by rail.

The pricing factors for InfraCards are

- the scope (route length) of the network used,
- the quality —above all speed profiles — of the lines used (six categories), the type of transport (long-distance and Focal passenger transport and freight traffic) and
- the contractual period (discounts for Longer-term commitments).

The variable price for customers holding an InfraCard is assessed according to

- the capacity utilization of a line (sub-division of the network into four different categories of traffic volume),
- the scope left to PB Netz AG by a customer for arranging the timetable (timetable flexibility),
- supplementary charges and deductions, the latter for instance in the case of especially environmentally friendly or innovative trains.

In order to enable customers to whom the purchase of an Infracard is not economical (above all if comparatively few transport operations are carried out on the lines used) to access the network nevertheless at attractive prices, DB Netz AG offers the VanePrice as an alternative to the two-part rate with Variocard, which is a rate exclusively dependent on the total of

purchased train-kilometres. This is to prevent the Infracard from having the effect of an artificial barrier to market access. As in the case of the two-part rate, VarioPrice is influenced by the line categories, categories of traffic volume, timetable flexibility as well as supplementary charges and deductions.

Pricing system for PB AG facilities

DB Netz AG lets railway tracks for train formation, placing at disposal of coaches/wagons and trains as well as the parking of vehicles.

These prices, too, are calculated on the basis of a fixed and variable amount. In addition, other facilities are also let (e.g. preheating equipment for trains, interior cleaning equipment, rail brakes, rolling stock weighbridges and the like).

Pricing system for DB AG stations

For the use of passenger stations by the railway operators, DB Station&Service AG charges a station price. The prices relate to the stop of a train in a passenger station. Criteria for pricing are the station category and train price bracket.

Non-federal railways apply their own infrastructure charging systems on the basis of relevant legal provisions. Prices are in principle calculated on the basis of infrastructure costs. Here, too, there is trend towards a two-part system which distinguishes between fixed (route-related) and variable (train-related) price components. Price-determining factors are the route category, type of transport and timetable flexibility.

7. HUNGARY

(a)

In the course of legal harmonization, the legislation on setting up the organization to manage infrastructure and the national railway authority is under preparation, set on the timetable undertaken at the negotiations with EU. In year 2000 Railway Act will be amended as to regulate the status of the organization for infrastructure management. Also the authority for administrative issues (licensing the access, allocating paths etc.) is due to be set up this year.

(b)

In the legislation under preparation on the provisions for the allocation of track capacities, the goal is to meet all relevant requirements in EU. Their coming into force, however, will follow the actual accession of the country.

(c)

Not limitation is considered for the public use of the national railway network. Free accession, however, evidently will not be permitted to urban and suburban mass transportation following recent provisions of EU.

(d)

No co-operation has been developed with neighbouring countries until now.

(e)

A single theoretical fee exists recently, covering the depreciation and the maintenance. EU conform regulation will be put in force in 2001. Fees, as proposed, would differ by the importance of the trains, the parts of the day and the speed and axle load of the trains.

(f)

It is not planned to introduce a system of special fees for the time being.

8. LATVIA

- (a) Legal status (existing or foreseen) for railway infrastructure managers, railway operators and the national regulatory body.

The state corporation "Latvian Railway", national railway company is the railway infrastructure manager, which is a carrier at the same time. The maintenance of the railway infrastructure and activity of the railway carrier has a separated accounting system. Two private railway companies have received carrier licences to engage in manoeuvre works for the time being.

Functions of Regulator are fulfilled by the Railway Administration, like issuing carrier licences, following the allocation of infrastructure capacity, determining the method for calculating the cost of utilising the railway infrastructure.

- (b) Principles for capacity allocation.

The railway infrastructure capacity shall be allocated so that the principle of equality is observed regarding carriers in accordance with requirements of EU Directive 96/19 EC.

- (c) Principles for the identification of sections with capacity constraints. Priority criteria for these sections.

The railway infrastructure capacity has no limits in Latvia. If there would arise any, it would be precluded improving the trains movement operation. The priority has conferred to passenger carriages, Schedules of freight carriages has to be co-ordinate with schedules of passenger carriages.

- (d) Co-operation with neighbouring network infrastructure managers for the allocation of capacity at the international level.

The co-operation contracts have been signed between railways of neighbour states to ensure the undisturbed admission of rolling stocks in each country. Rolling stocks are devolved to carriers of neighbour states in the transference stations.

- (e) Description of the existing/envisaged infrastructure charging schemes: charging principles and rules.

The public-use railway infrastructure user fees are determined by the Regulations of the Ministry of Transport "Methods for calculation of the infrastructure fees" accepted before the Railway Administration was established. In future methods will be accepted by the Railway Administration.

- (f) Special charging regimes.

The passenger carriers, which also are the institutions of the Latvian Railway, pay just symbolical infrastructure fees.

9. LITHUANIA

A project for the Restructuring of the Lithuanian Railways has been drafted. It envisages separation of the infrastructure from operations into a separate enterprise. It has been decided that development and upgrading of the infrastructure has to be financed mainly from the state resources. The maintenance and operation of the infrastructure is to be financed from the fees for the use of the infrastructure. 3 methodologies for the calculation of the infrastructure fee have been proposed.

- a) Legal status (existing or foreseen) for railway infrastructure managers, railway operators and the national regulatory body.

During the process of restructuring of the Lithuanian Railways (LG) separate enterprises for infrastructure and operations (freight carriage, passenger carriage, rolling stock service, construction and maintenance) will be established. These enterprises will be parts of a holding company. According to the project of restructuring of LG, a national regulatory body is to be established for the regulation of the relations between different railway companies (national company and newly established private companies); the regulatory functions can also be charged to the Railway Department at the Ministry of Transport and Communications.

- b) Principles for capacity allocation.

Up till now the principles for capacity allocation have not been applied, because only the Lithuanian Railways (LG) used the railway infrastructure. Now the new private railway companies have been established and the regulations for the allocation of infrastructure capacities to them are being drafted according to the EU Directive 95/19/EC.

- c) Principles for the identification of sections with capacity constraints. Priority criteria for these sections.

These principles are not being applied in Lithuania.

- d) Co-operation with neighbouring networks infrastructure managers for the allocation of capacity at the international level.

Lithuanian railways co-operate with Latvian, Belorussian, Polish railways and with the Kaliningrad region.

- e) Description of the existing/envisaged infrastructure charging schemes: charging principles and rules.

The infrastructure charging schemes are under preparation.

- f) Special charging regimes.

The system of coefficients will be applied according to the transportation volumes, time of a day and the intensity of traffic in the section.

10. MACEDONIA

- a)

There is Act on the Macedonian Railways, and Article 2 reads: " The railway transport, the construction, reconstruction, overhaul, maintenance and the securing of the railway infrastructure as activity of public interest, are carried out by the public enterprise Macedonian Railways (hereinafter called: Macedonian Railways).

The railway infrastructure can be used by other legal and natural entities under conditions and in a way as determined by this Act and by international agreements."

- c)

The capacities for the passengers transports are insufficient. There are no line sections with capacity constraints.

- d)

The cooperation with the neighbouring administration is regulated by:

- Annual agreement for traction sections and traction expenditures between MZ and JZ:
- Agreement on transport operations for the purposes of KFOR (NATO).

11. NETHERLANDS

Recently in the Netherlands was a discussion about a possible problem with the choice of legal instruments for the public allocation of capacity and infrastructure charging, currently envisaged by the Dutch government.

Under current legislation as well as under legislation envisaged for the future the obligation to pay for the use of infrastructure does not derive from a (voluntarily) agreed contract, but is similarly to tax based directly on law. As law and agreement are the only possible sources of legal obligation, the infrastructure charge will have to be either one of them. In the same manner the allocation of capacity must either be determined by agreement or by law.

The Dutch government chose law based charging and allocation in order to ensure non-discrimination and transparency. Besides that, it is envisaged that the government itself will formally act as infrastructure manager. According to our legal system this acting has to be based on public law.

Since there is a fundamental difference between voluntarily agreed obligations and law based obligations, the legal regime that covers these obligations differs accordingly in terms of legal consequences, competent judges, means of appeal, publishing, handling of disputes, additional rights and duties and so on.

As far as allocation of capacity is concerned many semi-consensual elements can be build in, such as decisions to allocate and changing of those decisions on request only.

Exact rates are included of the following table:

Fixed annual charge	Charge/000 train km	Other charges	Cost coverage
no fixed charge	tariff per train km in Dutch Guilders for Freight (F) / Passengers (P) (estimation based on price-level 1999 and on total amount train km 1999)	freight: no other charges passengers: charge per station-stop, two categories of stations (P1/P2)	Marginal cost coverage
	F P	P1 P2	
	2000: 0,10 / 0,30	2000: 0,98 / 0,23	
	2001: 0,25 / 0,61	2001: 1,95 / 0,45	
	2002: 0,46 / 0,92	2002: 2,92 / 0,68	
	2003: 0,74 / 1,23	2003: 3,90 / 0,91	
	2004: 1,15 / 1,64	2004: 5,20 / 1,21	
	2005: 1,64 / 2,05	2005: 6,50 / 1,51	
	2006: 1,85 / 2,05	2006: 6,50 / 1,51	
	2007: 2,05 / 2,05	2007: 6,50 / 1,51	

12. SLOVAKIA

- a) Legal status for railway infrastructure managers, railway operators and the national regulatory body.

Railways of the Slovak Republic (further SR) are obliged, pursuant to § 20 of the National Council of the Slovak Republic Act no. 164/96 Coll. on communications and § 19 section 1 of the National Council of the Slovak Republic Act no. 258/93 Coll. on Railways of the Slovak Republic as amended by later regulations, to enable the use of railway communication to a forwarder who is licensed to operate transport on communication administered by the Slovak Railroads.

Transport on a communication under administration of the Slovak Railways can be operated by a foreign forwarder on the basis of an issued licence on transport operation on a communication administered by the Slovak Railways and a signed contract on operating transport on a communication administered by the Slovak Railway

The Slovak Railways issued an internal regulation D2/9 on Use of communication of the Slovak Republic by foreign forwarders.

This regulation specifies:

- entry conditions for foreign forwarders to a communication administered by the Slovak Republic.
- Prices for use of communication
- Draft contract on transport operation on a communication administered by the Slovak Railways.
- Contracting procedures.
- Recording of performance and circulation of documents.
- Reimbursement method.

Conditions for entry, exit, shifting operations and tarry of a foreign forwarder on a communication administered by the Slovak Railways are determined by train schedule of the relevant railway station.

Regulation of the Slovak Railways comprises also a list of maximum prices for using a railway communication in inland freight service and transport of persons. Price of international and transit transport is set upon an agreement.

Prices include gross mass of train in tons as well as the increased transport costs of trains with exceeded loading rate and of trains transporting dangerous goods.

- b) Principles for capacity allocation

A railway communication is a communication in the sense of the National Council of the Slovak Republic Act no. 258/93 on Slovak Railways.

The Slovak Railways conclude, with an authorised forwarder, a contract on transport operation on a railway communication. An authorised forwarder is understood a forwarder, who, pursuant to Act no. 164/1996 Coll., on communications, will prove professional and health

competence of participating personnel and technical capacity of used transport means for ensuring safe and smooth railway traffic.

The Slovak Railways are obliged to provide an authorised forwarder a list of railroads and the length (in kilometres) of relevant train sections.

- c) Principles for the identification of sections with capacity constraints. Priority criteria of these sections.

The Slovak Railways classes train sections into three categories specified in their internal regulation.

In specification the use of railway communication internal freight service and transport of persons. is most decisive the type of train, category of railroad, length of train sections, at which transport is operated and gross mass of train.

- d) Description of existing/envisaged infrastructure charging schemes: principles and rules of payment

The fundamental part of a charge depends on:

- train kilometres in transport of persons, defined for each realised train kilometre (SKK/tkm)
- gross tons (gross mass of train) in freight service, defined for each thousand gross tons of train (SKK/thousand gtt)

Supplementary part of a charge depends on:

- gross ton kilometres (SKK/thousand gtkm)
- train kilometres in freight service, defined for each realised train kilometre (SKK/tkm).

We prepare a broader application of the coefficient taking into consideration the increased costs of the Slovak Railways also for another kind of transport and types of used railway vehicles. Current valid coefficients:

- transport of trains with exceeded loading rate – 1.5
- transport of trains with dangerous goods – 1.5.

- e) Special charging regimes.

The special charging regimes comprise costs of traction energy and fuel and special requirements of a forwarder, e.g. rent for using buildings and facilities of Slovak Railways, convoy for trains – pilot, train personal, requirements of a forwarder for washing, cleaning, pre-heating of wagons, as well as increased costs of train journeys which require special measures (transport of trains with exceeded loading rate and transport of trains with dangerous goods).

13. SLOVENIA

The Slovenian Railways keep separate records for the public railway infrastructure and for provision of the transport services. The public railway infrastructure includes land, tracks, installations and signalling and telecommunication equipment. The State provides budget funding for the maintenance and development of the infrastructure and to cover the difference between costs and revenues in the passenger and the combined transport. The Government sets the prices of passenger tickets, while transport prices for cargo are not controlled.

As parts of Slovenia's activities aimed at achieving the membership in the European Union, the legislation relating to rail transport safety, rail transportation contracts and a proposal to amend the national programme for the development of the railway infrastructure have been drawn up and submitted to the National Assembly for second reading. At the end of 1999, Slovenia's National Assembly adopted a Rail Transport Act. The enactment of this legislation provided the foundation for the setting up of the Rail Transport Directorate, which is located in Maribor. Once the aforementioned legislation comes into force, which is expected to happen in year 2000, the Slovenian legislation in this field will be fully in line with European legislation.

The Republic of Slovenia will enact administrative acts for the implementation of the above mentioned acts at the latest by 31.12.2001. Law order in this filed will be implemented at the latest till 31.12.2001, with specific exceptions, which are: provision of Council Directive no. 440/91/EEC and Council Directive 95/18/EC, which are related to the accessibility and transit rights and to the validity of the licences in the region of the European Union. The will be put into force with the moment of actual accession of Slovenia to the European Union.

Law order of the Republic of Slovenia in the department of rail transport is only partly adjusted with the order of the E.U. Management of the accounting certificates and the implementation of free access to rail infrastructure has been already adjusted with the Council Directive 91/440/EC. But there are still some fields where adjustment has not been made yet:

- Development of the railways in the Union (Council Directive 91/440/EEC).
- Licences of the rail companies (Council Directive 95/18/EC).
- Principles for capacity allocation in the rail infrastructure and charging the fees for the rail infrastructure (Council Directive 95/19/EC).
- Determination of prices for international rail transport of goods (Council Directive 82/529/EEC).
- Business independence of railways in performing their international transport of goods and persons (Council Directive 83/418/EEC).
- High Speed in railway systems (Council Directive 96/48/EC).
- Unified principles for the calculation of services made by railway companies (Council Directive 2183/78/EEC), and few others of minor importance.

Concerning charging schemes, the Ministry of Transport and Communications has not confirmed yet the proposed scheme, made by the Traffic Institute. This scheme separates the basic package, the additional package of services and the electrical energy costs.

14. SWEDEN

- (a) Determination of railway infrastructure capacity and fees for the use of the infrastructure

In 1988 the Swedish Parliament decided that railway infrastructure management was to be separated from traffic operations. The infrastructure manager is, since then, independent from the railway operators.

The infrastructure manager, Banverket, operates under the Ministry as a public authority.

There is no national regulatory body, but decisions taken by the Rail Traffic Administration may be appealed to the General Administrative Court.

- (b) Principles for capacity allocation

Capacity on the State railway infrastructure is allocated in accordance with administrative rules. These rules state that allocation should be made in a competitively neutral and non-discriminatory manner. Priority to train paths may be given to passenger traffic services procured by the State, services which allow financing of new infrastructure, and services which use a train path which has been allocated and used during the previous timetable period.

- (c) Principles for the identification of sections with capacity constraints. Priority criteria for these sections.

Capacity allocated from an socio-economic point of view present an efficient use of the infrastructure capacity.

- (d) Co-operation with neighbouring network infrastructure managers for the allocation of capacity at the international level.

The Forum Train Europe Organisation co-ordinates capacity allocation at international border crossing. Also, the Nordic countries co-operate regarding short distance train path.

15. UNITED KINGDOM

- a) Legal status for railway infrastructure managers, railway operators and the national regulatory body.

The Railways Act 1992, which received Royal Assent in November 1993, provided the legislative framework for the privatisation of the rail industry in Great Britain. It provided for the new regulatory regime - including operating licences and access agreements under the Office of the Rail Regulator and the franchising of passenger services by the Franchising Director. It also included provisions relating to closures and insolvency and powers, which enabled the restructuring of the rail industry to take place.

Train Operating Companies (TOCs) are the 25 franchised companies which operate most of the domestic passenger rail services in Great Britain. TOCs operate stations and light maintenance depots under leases from Railtrack. A TOC gains access to track and to stations (including the major stations) and depots where it is not the operator under the terms of access

agreements for which it pays access charges. Tees lease their rolling stock generally from Rolling Stock Companies (ROSCOs), although a leasing market is emerging involving manufacturers themselves as well as the ROSCOs. Most TOCs receive public subsidy through the Franchising Director because their services would otherwise be loss-making, others pay him a premium for the right to operate services. The existing franchises were all awarded via a competition.

Railtrack is the public Limited company, which owns the vast majority of the rail network in Great Britain including stations, passenger light maintenance depots and most freight terminals, yards and sidings. (The main exceptions being the London Underground network and the to be constructed Channel Tunnel Rail Link). Railtrack operates and maintains the track, signalling and associated infrastructure and 14 major stations. It leases its other 2500 stations and light maintenance depots to TOCs and its freight terminals, yards and sidings to freight operators. It sells access to its track and the major stations to TOCs and freight operators under the terms of access agreements for which it receives access charges. It controls the movement of trains on its network, produces the working timetable in conjunction with train operators, publishes the passenger railway timetable and has an important role in railway safety. It receives no direct subsidy but relies on income from customers, principally TOCs. Its activities are subject to a high degree of regulation.

The Rail Regulator is appointed by the Secretary of State but is independent. He heads the Office of the Rail Regulator (ORR), a non-Ministerial Government Department. His regulatory functions include the granting of operator licences and licence exemptions; enforcing licence conditions; supervising the granting of access to track, stations and depots including approval of the terms of, and access charges to be paid under, access agreements; undertaking certain responsibilities under competition legislation; making decisions on proposals for closures; and acting as the guardian of rail users' interests. He exercises his functions in accordance with statutory duties which include protecting the interest of rail users, promoting the use and development of the railway, and promoting efficiency, economy and competition. He has published a number of policy and consultation documents e.g. on access charges and investment.

The Shadow Strategic Rail Authority (sSRA) has existed since July 1999~ it operates in shadow form pending legislation to constitute the SRA, which was introduced to Parliament in November 1999. It was set up by Government to provide a focus and strategic direction for Britain's railways, to encourage investment and manage the passenger rail franchises. The franchise agreements specify minimum service levels and subsidy (or payments), define performance standards for incentive regimes and enforcement purposes, and regulate the price of certain fares. Each one has commitments in the form of a franchise plan. Where operators do not meet their obligations, the 1993 Railways Act allows the Franchising Director to issue formal orders requiring them to comply and to impose financial penalties if they do not. Currently the sSRA is engaged in a process of replacing franchises, with the aim of increasing capacity and improving the overall service to the customer: it has pledged to introduce longer franchises in which there will be value for the franchise owner, derived from longer terms and modified subsidy, in return for commitments to high levels of investment and service.

b) Principles for capacity allocation

Capacity allocation is subject to the approval of the Rail Regulator. The 1993 Railways Act lays down the broad principles to which the Regulator will have regard, and he oversees the

application of these principles in approving individual access agreements, which incorporate rights to use the network. These rights specify such matters as routes, frequency, stopping patterns and maximum journey times.

in order to ensure that network capacity can be managed effectively the Regulator seeks to ensure that the access rights he approves allow certain flexibility. This means that the annual timetable for rail services, put together by Railtrack and the train operators, can flex from year to year to take account of changing market opportunities, improvements to infrastructure and rolling stock and changes in infrastructure maintenance requirements. Disputes over the annual timetable are ultimately subject to appeal by the Rail Regulator, though in practice almost all are settled by an industry-wide Disputes Committee.

- c) Principles for the identification of sections with capacity constraints; priority criteria for those sections

The sSRA is currently seeking proposals for the renewal of franchises, and this is likely to involve franchises in commitment - to major investment, including in the infrastructure. Currently proposals have been received for a major upgrade of the East Coast Main Line linking London, Yorkshire, the North East and Scotland. These proposals would involve significant reductions in journey time. Other proposals focus on adding to capacity.

Several projects are at various stages of development to address capacity issues in the London area. The Thameslink 2000 project has been overseen by the sSRA and will bring increased capacity to the North-South link through London when it is completed in 2006, as well as linking a wider range of routes north and south of the river, offering an alternative to the M25. The sSRA is currently examining the prospects for further schemes to provide new services across London, along both the north-south and east-west axes. Across the country, the sSRA is taking forward various projects, such as the capacity review in the West Midlands, a region of vital strategic importance in Britain's railway network.
