



**Economic and Social
Council**

Distr.
GENERAL

TRANS/SC.2/2000/2/Add.5
15 September 2000

ENGLISH ONLY

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 5

Transmitted by the Governments of Estonia, Norway and Turkey

During its fifty-third session (6-8 October 1999), the Working Party on Rail Transport invited 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) Description of the existing/envisaged infrastructure charging schemes: charging principles and rules.
- (c) Special charging regimes.
- (d) Principles for capacity allocation
- (e) Principles for the identification of sections with capacity constraints. Priority criteria for these sections.
- (f) Co-operation with neighboring network infrastructure managers for the allocation of capacity at the international level.

The information submitted by Governments is reproduced below.

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1. ESTONIA

- (a) Legal status (existing or foreseen) for railway infrastructure managers, railway operators and the national regulatory body.
According to the Railways Act.
- (b) Principles for capacity allocation.
Legislation is under construction.
- (c) Principles for the identification of sections with capacity constraints.
According to the Estonian legislation.
- (d) Cooperation with neighbouring network infrastructure managers for the allocation of capacity at the international level.
Bilateral and international agreements. Transmissivity adjustment.
- (e) Description of the existing/envisaged infrastructure charging schemes: charging principles and rules.
Estonian Railway Administration Director General's decree: "The charging methodology of the infrastructure users".
- (f) Special charging regimes.

Russian single actions of boulding (*sic*) for rail traffic directions (for certain goods) are in operation. Special charging regimes are regulated according to the results of Estonian-Russian and Estonian-Latvian (border crossing) negotiations.

2. NORWAY

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

The infrastructure manager (JBV) and the state owned railway (NSB BA) companies are formally separated from each other.

JBV manages the railway infrastructure on behalf of the Norwegian State and reports to the Ministry of Transport and Communication (MiT). JBV is responsible for management and development of the national rail network, including management/ maintenance /investment in infrastructure, traffic control, train-path allocation as well as for giving access authority to RUs.

NSB BA is a public limited company, owned by the State.

On behalf of the Norwegian State, the Norwegian Railway Inspectorate inspects that the public's interests in relation to safety for the travellers and railways personnel are fulfilled. In addition, the Inspectorate pays attention to the railway units (RU, IMs etc), and controls that they fulfil the demands laid down in the railway law. The Inspectorate also treats applications for permission to start railway business.

(b)+ (c) Principle for capacity allocation and identification of sections with capacity constraints.

The Council Directive 95/19/EC of June 1995 is implemented into the national legislation (see article 3 and 4).

The allocation priorities are made after the following practice:

- Commuter traffic around the big cities is given highest priority,
- The remaining traffic is allocated according to "grandfather rights system".

During operational traffic allocation, trains on time are prioritised.

(d) Co-operation with neighbouring network IMs for allocation of capacity.

JBV co-operates within Nordic Infrastructure Management (NIM) as well as bilaterally with Sweden. In addition, JBV is a member of Forum Train Europe (FTE).

(e) Charging principles and rules.

The calculation procedure is based on the principle of marginal costs. The calculation of the access fee includes user dependent infrastructure costs, environmental cost and accidental costs as well as a cost covering side that includes the actual user dependent fees that road and rail transport are charged. The last imply that if trucks e.g. only pay 1/3 of their actual marginal costs, rail should not be charged for more than 1/3 of its actual marginal costs.

Only conventional freight traffic is charged to pay an access fee. Passenger- and combined traffic is not charged due to the cost covering principle.

(f) Special charging regimes.

No special charging regimes.

3. TURKEY

In parallel with the developments in European countries, TCDD has also started restructuring studies in the last quarter of 1995. Within this study, core and non-core businesses have been identified. The separation of infrastructure and operations on an accountancy basis according to 91/440 has been started. It is aimed to reduce the costs and increase revenues and to increase the market share and improve the financial structured of railways by restructuring TCDD. However, till today no concrete development for the separation of infrastructure and operations, thus determination of railway infrastructure capacity and fees for the use of the infrastructure has been achieved.
