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INLAND TRANSPORT COMMITTEE

Working Party on Rail Transport
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**DETERMINATION OF RAILWAY INFRASTRUCTURE CAPACITY INCLUDING
ASPECTS RELATED TO THE FEE FOR THE USE OF THE INFRASTRUCTURE**

Note by the secretariat

1. BACKGROUND

This note summarizes the information transmitted by Governments, which is reproduced in TRANS/SC.2/2000/2/Add.1-3, and identifies certain areas for the follow-up of the Working Party in this particular question. In particular, the Working Party may wish to consider whether some recommendations could be developed in order to facilitate the allocation of capacity for international rail services in the future.

2. LEGAL STATUS FOR RAILWAY INFRASTRUCTURE MANAGERS, RAILWAY OPERATORS AND THE NATIONAL REGULATORY BODY

Railway reform is making progress at quite different speeds throughout Europe. Some countries have not changed the traditional legal framework at all or have only made very modest steps (such as separating accounting for infrastructure management and operation of services). Those countries, which have implemented further reforms, proposed different models: the infrastructure manager may be the dominant operator, a different company (public or private) or the State itself. National regulatory bodies have not been set up in all cases: sometimes, the Ministry of Transport is carrying out these responsibilities, while in other cases autonomous bodies have been established. One interesting question is raised by the British experience: Under the new environment, how can a strategic vision of the railway sector be developed and implemented and how can infrastructure and rolling stock investment be encouraged?

3. PRINCIPLES FOR CAPACITY ALLOCATION

The principle of equal right of access is widely mentioned by all Governments. Only some of them add to this principle the need to attract new operators and to foster competition on the tracks. In any case, it seems obvious that entry of new operators is progressing quite slowly. There might be some contradiction between the need for some flexibility, in order to give a quick answer to emerging market opportunities and to encourage technical development and innovation and the current dominance of systems that focus on long-term commitments and “grandfather’s rights”. Passenger public services usually get top priority, and international freight services usually do not receive particular priority compared to other services.

4. PRINCIPLES FOR THE IDENTIFICATION OF SECTIONS WITH CAPACITY CONSTRAINTS

Capacity constraints do not seem to be a problem in most European networks. It is probably worth considering the intention of linking capacity allocation in these cases to investment commitments from the operators, as a way of fostering an efficient use of scarce capacity and to finance needed investments.

5. CO-OPERATION WITH NEIGHBOURING NETWORK INFRASTRUCTURE MANAGERS FOR THE ALLOCATION OF CAPACITY AT THE INTERNATIONAL LEVEL

Forum Train Europe is currently the main organism to co-ordinate path allocation for international services, but is facing major problems, in particular due to the lack of homogeneity in path allocation at the national level (paths are allocated for broadly different periods in the different countries and applications are also made at different times). The “freight freeways” initiative has proved that it is possible to establish more convenient paths for international freight trains, although much more needs to be done in order to reap full benefit from the development potential of international freight transport by rail.

6. DESCRIPTION OF THE EXISTING/ENVISAGED INFRASTRUCTURE CHARGING SCHEMES AND SPECIAL CHARGING REGIMES

The principle of charging based on marginal-costs rather than full-cost coverage is mentioned by most countries. Some of them intend to develop quite complicated charging regimes, while others (in particular some of those with longer experience in the reform process) are evolving towards simple, two-part formulae, based in train-km. A number of schemes have been developed in order to promote long-term commitments, environmentally friendly services and particular traffics. In some cases, some countries develop extremely detailed regimes, while others prefer quite simple ones. Full coverage has been forgotten. Promotion of certain services is intended.

7. RECOMMENDATIONS TO THE WORKING PARTY

The Working Party may wish to examine the items highlighted in this note and to discuss the possibility of establishing a recommendation, to be submitted to the Inland Transport Committee for approval, addressing those questions that might favour the development of efficient international freight rail services in the future, particularly the development of regulatory frameworks that:

- Encourage a long-term vision of the European rail system.
 - Favour the entry of new operators, particularly for international services.
 - Make it possible to offer competitive international freight transport services, particularly by a coherent system for the allocation of capacity at the international level.
 - Establish simple, fair and non-discriminatory charging regimes, including mechanism for the promotion of international freight rail services.
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