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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

**Working Party on Rail Transport**

(Fifty-seventh session, 21-23 October 2003,  
agenda item 6)

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

Progress with the implementation of the Directive 2001/14/EC on the allocation of railway  
infrastructure capacity and the levying of charges for the use of railway infrastructure

Transmitted by the European Commission, Directorate-General for Energy and Transport

Directive 2001/14/EC of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification was published in the Official Journal of the European Communities on 15 March 2001. Member States had two years to transpose this Directive together with the other Directives of the Rail Infrastructure Package (2001/12/EC and 2001/13/EC) by 15 March 2003.

The major features of Directive 2001/14/EC are:

- the obligation for rail infrastructure managers to publish a network statement providing all essential information on the infrastructure and the conditions of its use;
- the definition of the basic rail infrastructure charging principles;
- the definition of the procedures and principles of the allocation of infrastructure capacity to the applicants for train paths;

- the obligation for Member States to set up an independent regulatory body, and
- the basic principles of safety certification in view of the use of rail infrastructure.

During the two year implementation period the regulatory committee (“Developing European Railways Committee”) accompanying the implementation of Directive 2001/14/EC has been the platform for an exchange of reflections on and experience with the implementation of this Directive in order to assist Member States in the preparation of the appropriate implementation legislation including establishing the necessary institutions and procedures. In particular, between December 2001 and April 2002 a task force composed of experts from Austria, Finland, France, Germany, Italy, Portugal, Sweden and the United Kingdom. This group attempted to identify the best practice concerning the implementation of the provisions on infrastructure charging that other Member States yet to implement the Directive could follow.

So far Belgium, Denmark, Finland, France and Luxembourg have notified the transposition of Directive 2001/14/EC to the Commission. The Commission is currently assessing the conformity of the legal texts with the provisions of the Directive. In April 2003, The European Commission had launched an infringement procedure for non-communication of a legal implementation measure against the remaining Member States.

Ensuring the independence (from the provision of rail transport services) of functions that are essential for a non-discriminatory access to the networks such as the definition of track access charges and the allocation of train paths, as well as a transparent system of infrastructure charging based on marginal cost pricing are the most important features of the implementation measures. As far as the Commission can judge to date the approaches proposed by Member States on ensuring the independence of functions vary. In some Member States independent infrastructure managers are or will be responsible for the above-mentioned functions; other Member States have set up independent bodies outside integrated railway undertakings that will execute these functions. Some Member States have not yet decided on the appropriate structure to ensure the independence and, thus, should speed up their legislative process.

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