

# The First EU Railway Package

A joint review of EIM, ERFA, ERFCP



Brussels, January 2006

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## Executive Summary

The release of the First Railway Package in 2001 was a major attempt to reform the railway sector. The main objectives were:

- To improve competition.
- To create more and better international freight rail services.
- To improve the efficient use of infrastructure capacity.

Five years later, it is now time to take stock of these aspirations, especially as all three directives of the Package should have been implemented in Member-States' legislation by March 2003 at the latest.

The signing organisations believe that the First Railway Package has not realised its full potential. Looking at the situation in the freight sector, it is obvious that:

- Although there is consensus on the benefits derived from real competition in rail freight services, competition is still not in place in most EU countries and there is no time schedule for future implementation nor for the removal of barriers to entry.
- There remains room for improvement in the efficient use of infrastructure. This is largely due to the inadequacies of the procedures used to optimise it.

These improvements will only come if Member States act with more conviction when they implement European Rail legislation.

As well as implementing the legislation, the previously dominant rail operators need to change their culture in order to become more business oriented organisations. This cultural change will come only with *intra*-modal competition which, in the long term, will help to increase rail market-share. Some actors of the freight market have understood this, "*Politicians in the EU are willing to invest in railroad freight traffic and the inter-modal transportation that sophisticated railroad logistics often require. When we stop blaming others and do our own homework, they will get the message they need to invest in new infrastructure and provide us with a chance to expand the lines*". (Jan Sundling, Green Cargo)

The European Commission must also take a more proactive role in enforcing the legislation. It does not necessarily need to issue new hard law. It should publish guidelines on the application of the current legal framework, and should act on the recommendations contained in this document.

The signing organisations to this paper have made short term and concrete proposals to turn the First Railway Package objectives into reality. We believe this can be achieved by implementing the legislation in a more business oriented manner, and not by modifying current in-force legislation nor by requiring major expenditure.

## Foreword

"Transport is a key factor in modern economies."<sup>1</sup> This core statement in the EU White Paper on transport policy for 2010 underscores the vital importance of transport to the European economy.

This statement has been the key catalyst of the European Commission's rail reform policies. Since then, the European railway industry has undergone unequalled changes both profound and far reaching.

The gradual liberalisation of the European rail freight sector from the end of the 1990's has led to a new generation of independent and private railway operators. This has had some impact on the market and, of course, has enlarged the choice of rail customers and freight forwarders.

The aim of this report is to make an active contribution to the EU DG TREN's report on the impact of its First Railway Package scheduled to be published by the end of January 2006. In line with the key message stated in the beginning, the signing organisations opted to conduct their sector-related review from a commercial and operational perspective, and less from an academic one.

The document is divided into inter-related sections. Firstly, it defines the issues that remain despite the implementation of the First Railway Package, and proposes appropriate solutions. It then provides a brief summary of the outlook at the time of writing, and concludes with recommendations for further action.

The document also lists in Annex 1 important aspects of implementation in all Member States.



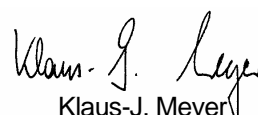
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<sup>1</sup> White Paper of the European Commission on European transport policy for 2010, COM(2001)370 of 12 September 2001, Foreword.

## Signing Organisations

<b>EIM</b>	European Rail Infrastructure Managers	<p>EIM's role is to promote the interests of rail infrastructure managers by delivering an efficient contribution to the European debate on rail transport. The eleven current members are rail infrastructure managers coming from nine EU countries and one European Free Trade Association country. They all share the ambition to improve the quality and efficiency of their networks as well as their affordability. EIM members provide direct employment to over 155,000 people and their networks cover 93,000 km of lines, i.e. 50% of the EU25. In 2004, they transported 3.15 billion passengers (50% of the EU 25) and 350 million freight tones (30% of the EU 25).</p>
<b>ERFA</b>	European Rail Freight Association	<p>ERFA's role is to eliminate obstacles (legal, technical, operational and administrative) that impact on the operations of open access railways that need to run seamlessly across Europe, from point of origin to destination.</p> <p>This can only be achieved if the market is totally liberalised, and a level playing field ensured for all players, regardless of their size or how long they have been in business. One essential pillar in this relationship is a clear separation between operations and infrastructure.</p> <p>ERFA counts 26 independent / private rail freight operators in some 13 countries totaling some 5,000 staff and offering services on all major corridors within Europe.</p>
<b>ERFCP</b>	European Rail Freight Customers Platform	<p>ERFCP strives for a reliable, cost effective and efficient European rail transport system for freight, available to meet customers' requirements. It must be integrated in the network of world wide supply chains.</p> <p>The most appropriate tools to reach this are; competition between rail operators, and the emergence of private companies. ERFCP supports all legislative initiatives that ensure full liberalisation of national, as well as international, rail freight markets.</p> <p>ERFCP wants to increase public awareness of the role of rail freight transport for the economy and society and of the current problems surrounding it.</p>

The goals for 2010 rail freight transport can be listed as follows:

1. Full liberalisation has been achieved in all EU 28 (EU25 + Romania, Bulgaria and Croatia).
2. The legal and administrative barriers have been abolished and where possible or economically justifiable the technical barriers also (or are being: e.g. ERTMS implementation on major corridors).
3. Infrastructure management (capacity allocation, network access, charging) is fair, transparent, non discriminatory, and fully separated from trains services in all EU countries (with possible exception of Ireland). This contributes to improved capacity allocation in freight which also has also a positive effect on passenger traffic.
4. Public Authorities finance the maintenance and development of the network on a multiyear basis, in coherency with the TENs priority projects, the Lisbon strategy and the sustainable development of the EU.
5. There is a dedicated European freight network which may consist of new lines, tracks, sections or loops in construction, or of a stronger priority for freight in the capacity allocation process (on some sections, at certain period of the day/week/year).
6. The framework for a European transport pricing system is complete and coherent. All transport modes must pay infrastructure charges in a comprehensive way, i.e. on the entire network and for both passenger and freight transport. The Eurovignette Directive is implemented as well as Article 10§1 of Directive 2001/14/EC allowing Member States to put in place a time-limited compensation scheme for the use of railway infrastructure for the demonstrably unpaid environmental, accident and infrastructure costs of competing transport modes in so far as these costs exceed the equivalent costs of rail. Therefore, there is a level playing field between modes (freight road transport supports marginal social cost and external costs).
7. EU ensures the proper functioning of competition and prevents oligopolies.
8. Dysfunctions in the market are quickly and fairly removed by effective regulatory bodies.
9. Intra-modal competition is developing freely and has improved inter-modal *competition*.
10. Intra-modal competition has improved inter-modal *cooperation*.
11. Incumbent RUs are in competition among themselves but also with important private railways.
12. Small specialised suppliers and regional companies exist.
13. There is an EU-wide recognition of qualifications for staff, vehicles (with few exceptions, e.g. EMC on legacy signalling systems) and companies.

## Statement of Problems and Proposed Solutions

The following table lists the legal and technical obstacles that we believe have not been resolved by the current implementation of the First Railway Package and actions we propose to correct the situation.

Topic	Problem(s)	Best practices / Recommendations
<b>Licence</b>	<ul style="list-style-type: none"> <li>▪ Although a transparent licensing regime was in place in the UK, it did not specify the arrangements for railway undertakings to obtain licenses to run rail freight services over the TERFN (as required by Directive 2001/13/EC). This situation changed only at the end of 2005.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A transparent system for application and delivery of licence.</li> </ul>
<b>Safety certificate</b>	<ul style="list-style-type: none"> <li>▪ No harmonised and transparent methods of delivery in order to avoid arbitrary decisions, lengthy procedures and discrimination.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The UK has a transparent system for application and delivery of safety certificates.</li> <li>▪ Political pressure has proved to be useful for a late kick-off in Belgium (SNCF freight, and soon Railion and Rail4Chem).</li> <li>▪ Necessary setting up of single point of contact and transparent procedures to get safety certificates.</li> </ul>
<b>Homologation process</b>	<ul style="list-style-type: none"> <li>▪ Arbitrary decisions and discrimination due to lack of harmonised and transparent methods of delivery.</li> </ul>	<ul style="list-style-type: none"> <li>▪ De jure and de facto independence of homologation body.</li> </ul>
<b>Real market opening</b>	<ul style="list-style-type: none"> <li>▪ Where competition has not started or begun, even if the railway reform has been achieved respecting the spirit of the First Railway Package (IM totally independent from any RU), the rail market share is still decreasing: (France, Czech Republic).</li> </ul>	<ul style="list-style-type: none"> <li>▪ The UK is one of the few examples of intra-modal competition.</li> <li>▪ 10% to 12% of the German rail freight market is in private hands. It is a good start.</li> <li>▪ In the Netherlands, there is a special office dealing with all demands related to market access.</li> <li>▪ Independent consultants within the transport ministry could help the first applicants with the various legal and technical obstacles. The consultant would report on a regular basis on the changes that are deemed necessary to enforce fair competition.</li> </ul>

Topic	Problem(s)	Best practices / Recommendations
<b>Inter-modal competition</b>	<ul style="list-style-type: none"> <li>▪ According to a recent study, many freight companies operate on the Rotterdam-Genoa corridor and freight prices have decreased. But rail market share has not improved compared to the road haulage because the productivity of the latter is faster.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Productivity always needs to be improved. The adoption of the Eurovignette Directive and the internalisation of external costs are a step in getting “prices right” (best practice in Switzerland).</li> </ul>
<b>Path allocation</b>	<ul style="list-style-type: none"> <li>▪ Applications for rail infrastructure capacity can only be made by railway undertakings. No real-time information flow.</li> </ul>	<ul style="list-style-type: none"> <li>▪ In Sweden, UK, Portugal and Spain, national legislation allows a group of “authorised applicants”.</li> <li>▪ Need to strengthen the role of customers, vis-à-vis railway undertakings, by giving them the mandatory opportunity to have a more direct influence on the choice of the train path. Ultimately, customer ownership of path allocation should be possible as foreseen by article 13§1 combined with the definition of “applicants” in article 2 of Directive 2001/14/EC.</li> </ul>
<b>Charging rules</b>	<ul style="list-style-type: none"> <li>▪ The implementation of infrastructure charging rules have led to very diverse charging structures in Member States. This has an adverse effect on the competitiveness and the organisation of international rail freight services.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Further harmonisation on the level and structure of charges for freight traffic, as well as on the methodologies used for calculating infrastructure cost elements, are thus desirable.</li> </ul>
<b>Pricing</b>	<ul style="list-style-type: none"> <li>▪ Two-part charging systems can be discriminatory when the fixed element of the tariff represents an access charge that is not related to planned use, or which varies with planned use in a way that gives large discounts for bulk purchase. They are a real disincentive to small entrants and particularly to international operators facing such fixed charges in more than one country.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Member States should prohibit price discrimination.</li> </ul>
<b>Infrastructure manager</b>	<ul style="list-style-type: none"> <li>▪ Independence is not guaranteed even when accounts or legal entities are separated from railway undertakings.</li> <li>▪ Private operators have in many cases to negotiate access to the infrastructure and the timetable with their major competitor. The Czech Railway Act relegates non-State operators to a subordinate position when prompting them to negotiate the access to the infrastructure with their major competitor (e.g. the timetable and transport operation control with the Incumbent’s Freight Transport Section</li> </ul>	<ul style="list-style-type: none"> <li>▪ Network Rail is truly independent from the various RU’s operating in the UK. The same applies to Banverket in Sweden and both countries have very good performances in rail freight.</li> <li>▪ Separation brings efficiency because each function can concentrate on its core activity, transparency as IMs set out their “wares” in a manner that is clear and obvious to all users, neutrality as IMs do not operate trains in competition with existing users of their tracks. This provides conditions</li> </ul>

Topic	Problem(s)	Best practices / Recommendations
	<p>where the respective Track Operation Dept. was recently located).</p> <ul style="list-style-type: none"> <li>▪ Even where competition has really started and the railway reform has been achieved, but is not respecting the spirit of the First Railway Package (IM not totally independent from any RU), then rail freight market share does not increase or increases very slowly like in Germany, or on the Rotterdam-Genoa corridor.</li> </ul>	<p>in which competition can bring new dynamism to the market.</p>
<b>Regulatory body</b>	<ul style="list-style-type: none"> <li>▪ Lack of easy access to the regulatory body</li> <li>▪ Regulatory bodies themselves lack independence, financial or operational means. This leads to difficulties in expressing strong views or enforcing decisions.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A strong and independent regulator was set up in the UK (ORR) and in Portugal (INTF).</li> <li>▪ Formalisation of exchanges between regulatory bodies should be thoroughly examined by the European Rail Agency.</li> </ul>
<b>Insurance</b>	<ul style="list-style-type: none"> <li>▪ Higher premium for new entrants.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The UK has a rail industry insurance scheme run by an independent body</li> </ul>
<b>Track Access agreement</b>	<ul style="list-style-type: none"> <li>▪ Different Track Access Agreements in each country means that putting together an international access agreement can be time consuming.</li> <li>▪ The framework is difficult to discover and understand for non-nationals and new entrants.</li> </ul>	<ul style="list-style-type: none"> <li>▪ RNE publishes an international Track Access Agreement, the existence of which should be better publicised.</li> <li>▪ UK network code is a best practice already.</li> </ul>
<b>Network statement</b>	<ul style="list-style-type: none"> <li>▪ In some countries, the equation for the calculations of charges is very complicated.</li> <li>▪ No single point of contact to facilitate all applications for slots.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Network Statement should detail clearly all the steps in order to get path allocation.</li> <li>▪ An effort should be made to harmonise the content of the various NS's. This should have a consequence on the IMs practices and organisational structure.</li> <li>▪ In the Netherlands, there is a special office dealing with all demands related to market access.</li> </ul>
<b>Performance schemes</b>	<ul style="list-style-type: none"> <li>▪ No implementation of article 11 of Directive 2001/14/EC on performance schemes. This lack leads to weaker incentives for quality improvement.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The UK has implemented performance regimes and operators are being financially compensated for delays. This has led to improved performance.</li> </ul>
<b>Locos availability</b>	<ul style="list-style-type: none"> <li>▪ No proper second hand market (in some countries incumbents are destroying locomotives paid with public money just because <i>they</i> do not use them anymore).</li> </ul>	<ul style="list-style-type: none"> <li>▪ A legal incentive is needed to oblige incumbents to sell off the locomotives that they are not using anymore.</li> </ul>

Topic	Problem(s)	Best practices / Recommendations
<b>Training for Train crew</b>	<ul style="list-style-type: none"> <li>▪ Obstacles to free movement of train drivers at a time when there is a shortage of skilled labour force.</li> </ul>	<ul style="list-style-type: none"> <li>▪ In Italy, FS retired drivers may work for new entrants.</li> <li>▪ Infrastructure Managers of Scandinavian countries and Spain have their own driving schools.</li> <li>▪ The rapid adoption of the certification of train crews Directive (3rd Railway Package) would be very useful in this respect.</li> </ul>
<b>Dedicated freight network</b>	<ul style="list-style-type: none"> <li>▪ Capacity scarcity exists in big urban areas like in Great London, Ruhr Gebiet and the Rand.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Trans-European Network will relieve some areas, but creation of specific by-pass routes in some areas may prove to be necessary.</li> <li>▪ The Commission Communication of 2006 on the implementation of a dedicated European rail freight network should not be delayed.</li> <li>▪ In the meantime, article 22 of Directive 2001/14/EC on congested infrastructure should be used.</li> </ul>
<b>Facilities of Annex II of Directive 2001/14/EC</b>	<ul style="list-style-type: none"> <li>▪ Discriminatory access by RU's which control these facilities (fuelling, marshalling yards...).</li> <li>▪ ERFA member in the Czech Republic notes that <i>sometimes the Czech incumbent staff refused to comply with its fuelling obligations, allegedly for regulations prohibiting them to do so; in other cases an agreement was reached for regular prices. Also in this case a clearer generally binding regulation would be helpful.</i></li> <li>▪ In Brenner and Geislinger Steige, a supplementary locomotive is needed to help the train driving on steep slopes. At the moment, only ÖBB provides this service of an added locomotive.</li> </ul>	<ul style="list-style-type: none"> <li>▪ IMs should provide this service in a neutral and non-discriminatory way.</li> <li>▪ Buchanan report recommends that the Commission clarifies that the obligation of article 5 of Directive 2001/14/EC to make facilities available applies to RUs when they control the facilities in question.</li> </ul>
<b>Energy supply</b>	<ul style="list-style-type: none"> <li>▪ In Germany, RAIL4CHEM had to go to court to get non-discriminatory supply of energy.</li> </ul>	<ul style="list-style-type: none"> <li>▪ In the UK, Network Rail buys energy for the whole network (economy of scales) and sells it at one price to all rail companies. If a rail company is refused access to diesel supply points, it can refer the matter to the regulatory body.</li> </ul>

Topic	Problem(s)	Best practices / Recommendations
<b>Rescue / incidents</b>	<ul style="list-style-type: none"> <li>▪ Discriminatory access to rescue facilities</li> </ul>	<ul style="list-style-type: none"> <li>▪ In the UK, rescue locos and crews are placed along the network to help any failed train.</li> </ul>
<b>Rule Book and safety regulation (braking sheet, composition sheet)</b>	<ul style="list-style-type: none"> <li>▪ No, or not enough, harmonisation for cross-border trains. When improvements have been reached it is often between state-owned integrated railways and not public (SNCF-DB, SNCF-CFL-SNCB, DB-OBB).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Create a public OSS (depending on the regulator?) for new entrants (new companies in a country or operators entering a country) where all information and in particular those facilitating cross-border traffic can be found.</li> </ul>
<b>Maintenance</b>	<ul style="list-style-type: none"> <li>▪ Lack of flexibility in some countries in terms of reviewing times and methods of carrying out work means that the customer is not able to make the best use of total capacity over a route.</li> <li>▪ When maintenance and works slots are aligned at borders it is by chance, thus losing capacity for the traffic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Regular discussions with all operators over a route on planned engineering work shut downs with the RU having a right of appeal to the Regulator.</li> <li>▪ RNE should start optimising capacity available for traffic along the main freight corridors, in particular by aligning maintenance and works slots.</li> </ul>
<b>Administrative (dangerous goods, phytosanitary rules)</b>	<ul style="list-style-type: none"> <li>▪ Rules tailor-made for incumbents or national practices not coherent with the neighbours and may discriminate against new entrants and inhibit new ways of working.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensure that the Regulatory/Safety body is able to challenge these issues.</li> <li>▪ Create a public OSS (depending on the regulator?) for new entrants (new companies in a country or operators entering a country) where all information and in particular those facilitating cross-border traffic can be found.</li> </ul>
<b>Cross acceptance of a train and its load (mutual trust inspection system)</b>	<ul style="list-style-type: none"> <li>▪ When a train and its load have been accepted on a network, they have to be accepted again at each border and sometimes controlled again, when state-owned integrated railways often continue with their previous agreements, not open to others (mutual trust inspection system).</li> </ul>	<ul style="list-style-type: none"> <li>▪ In the long run, the TSI traffic management and operations and the common safety regulations will harmonise. But in the short run, the cross-border agreements between state-owned RUs should be extended to all RUs operating between two countries. The OSS quoted above should permit that.</li> </ul>
<b>Competition</b>	<ul style="list-style-type: none"> <li>▪ Indirect State aid: good finance rates may be obtained thanks to state guarantees. The consequences being cheaper borrowing rates in the financial markets and subsequently larger purchasing power.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Better scrutiny of State aid and the potential market distortions that may follow. The examination of the real state of competition and non-discrimination in the European rail market should be continuous, and be carried out also by DG COMP.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Abuse of dominant position. For instance, Slovakian rail asked for 20% higher prices if shipper would not give them 100% of their volume. The case is currently being examined by DG COMP (Holcim case).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strong and independent regulatory body needed (see above).</li> <li>▪ Take fast and firm actions in cases of distortion of competition</li> </ul>

Topic	Problem(s)	Best practices / Recommendations
	<ul style="list-style-type: none"> <li>▪ In general, incumbents put pressure on new entrants which do not dare to complain.</li> </ul>	
<b>Clients</b>	<ul style="list-style-type: none"> <li>▪ Predatory pricing and dumping.</li> <li>▪ Clients are hostages of incumbent RUs. Some rail freight clients are bargaining down with incumbents by providing them with the prices of private railway companies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Transparent pricing and stronger regulation.</li> <li>▪ Responsibility of clients to help new companies in expanding their business. Clients should get incentives to encourage new entrants that will eventually contribute to productivity increase and price decrease (example of Rotterdam-Genoa corridor).</li> </ul>
<b>Social Dialogue</b>	<ul style="list-style-type: none"> <li>▪ ERFA has not been recognized as a member of the Social Dialogue Committee.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Access to social dialogue committee for all employers on equal terms.</li> </ul>

## Outlook

In summary, the table shows that private rail freight operators are too often discriminated against. One cannot expect the private rail freight operators to fully exploit the business opportunities offered by rail as long as Member States are not convinced themselves of the benefits of real market opening and are not acting to promote opening through effective implementation of the First Railway Package.

The tools to ensure transparent and non-discriminatory access to the market for all actors already exists, but they have to be used in the genuine spirit of the First Railway Package. It is the same spirit that led to major benefits for clients in the aviation, energy, and telecommunications sectors.

However, if the recommendations made by the signing organisations are not taken into consideration and national rail companies are not ready to “do their homework” and restructure themselves, rail freight faces the risk of simply disappearing. The recent example of the French SNCF (Société Nationale Maritime Corse-Méditerranée) in the maritime transport is an ominous development for the railways.

## Conclusion

From the details included in this paper, the writers conclude that:

- The First Railway Package has not been implemented all Member States. Many countries that have implemented the First Railway Package have done so only in principle, and not in spirit. As such, the outcomes expected as a result of implementation have not been achieved.
- The success of the following Second and Third Packages is, and will be, compromised by the current situation with the First Railway Package.

## Overall Recommendations

The writers of this document recommend that:

- The European Commission should rigorously enforce implementation of the legislation where this has not been done.
- The European Commission should publish guidelines for Member States on how to implement and apply the First Railway Package.
- The European Commission should review the contents of this document, and strongly consider applying the solutions proposed.

## Annex 1: Implementation of the 1st Railway Package

The table below details the degree of implementation by Member States of the First Railway Package.

### IM functions

They are defined by Directive 2001/14/EC and can be summarised by the 6 following items.

1. Charging for the use of infrastructure.
2. Capacity allocation.
3. Publication of the network statement.
4. Traffic management.
5. Defining capacity enhancement plans.
6. Providing mandatory services quoted in Annex II.

Country	IM functions	Monitored/ performed by	Independent IM	Appeals Regulatory Body
Austria	1 to 6	ÖBB	No	Schiene-Control Kommission
Belgium	1, 2, 3,4, 5, partly 6	INFRABEL	Yes	General Appeal Board. Should change in the future legislation
	Partly 6	SNCB		
Denmark	1 to 6	BD	Yes	Railways appeals board
Finland	1, 2 <sup>1</sup> , 3, 4, 5	RHK	Yes	Ministry of Transport
	6	VR		
France	1, 2 <sup>1</sup> , 3, 5	RFF	Yes	Ministry of Transport: Mission de contrôle des activités ferroviaires
	4, 6	SNCF		
Germany	1 to 6	DB	No	Other regulatory body (EBA)
Greece	1, 2, 4, 5, 6	OSE	? New structure from Jan 1st	Ministry of Transport
Ireland	1 to 6	CIE	No	Appeal board
Italy	1 to 6	FS	No	Ministry of transport
Luxemburg	1 to 6	CFL	No	Ministry of Transport
Portugal	1 to 6	REFER	Yes	Railway regulator
Spain	1 to 6	ADIF	Yes	Rail Regul. committee
Sweden	1 to 6	BV	Yes	Swedish Rail Agency
The Netherlands	1, 2 <sup>1</sup> , 3, 4, 5	PRORAIL	Yes	Transport appeal board NMa
	6	NS		
United Kingdom	1 to 6	NETWORK RAIL	Yes	ORR
Czech rep	1,2, 3, 4, 5?,	SZDC	Yes	Ministry of Transport
	3, 4?, 5, 6	CD	No	
Estonia	1 to 6	EVR	No	Other reg body
Hungary	1, 2 <sup>1</sup> , 3	VPE	Yes	Transport appeal board

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1: Some of the production tasks are performed by other bodies on behalf of

Country	IM functions	Monitored/ performed by	Independent IM	Appeals Regulatory Body
	4, 5, 6	MAV		
Latvia	1 to 6	LDZ	No	Other reg body
Lithuania	1 to 6	LG	No	Min. transport / State Rail Inspect.
Slovakia	1 to 6	ZSR	Yes	Other regulatory body
Slovenia	1, 2 <sup>1</sup> , 3, 5	AZP	Yes	Ministry of transport
	4, 6	SZ		
Norway	1 to 6	JBV	Yes	Norwegian Rail inspectorate Statens Jernbanetilsyn
Switzerland	1 to 6	CFL/SBB	No	Commission d'arbitrage
	1 to 6	BLS	No	
	2	From April 1 <sup>st</sup> 2006: Service indépendant d'attribution des sillons SA	Participations from CFF, BLS et SOB	
Bosnie Herzegovina	1 to 6	ZFBH/ZRS	Not really clear	
Bulgaria	3 in process, 4,	NRIC	Yes	Executive Agency rail administration
	1, 2, 5	BDZ	No	
Croatia	1 to 6	HZ	No?	
Romania	1,2,3	CFR Infra state owned managed by CFR SA	?	Ministry of Transport
	1 to 6	CFR SA	New structure from Jan 1 <sup>st</sup> 2006	
Montenegro			Yes	
Serbia	1 to 6	GZ-ZS	No	
Turkey	1 to 6	TCDD	No	

Sources: DG TREN website, ERAIL report

<sup>1</sup> Some of the production tasks are performed by other bodies on their behalf

## References

On the bibliographical sources aspects, the signing organization acknowledge the work undertaken by Eurostat and the European Commission in the framework of RMMS but they would also like to support ERAIL research beyond 2005 for the implementation of the 2nd and 3rd Railway Packages.

Besides, they agree with the Buchanan Report stating that the Commission should invite stakeholders (at least EIM, ERFA, CER, CIT, RNE and UIC) to propose agreed solutions for the ownership, the supply and updating of industry data which are suitable for liberalised circumstances.

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