

CIT General Assembly
Bern, 16 November 2017
Appendix 8 to the minutes

Item 1.7: use of railway infrastructure

CIT General Assembly 2017

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Summary



- **Documents in the area of infrastructure use:
Too complex – too much paperwork**

- **Evolution of European and international law
Need for action for legal harmonisation**

- **CIT's activities**

Documents in the area of infrastructure use

Too complex – too much paperwork

Rail Freight Corridors Documents

Network Statements

General Terms and Conditions

Track Access Agreement

Contract of use

Access to service

...

Fahrt durch vier Länder – 1000 Seiten Verträge
 Infrastrukturfirmen ärgern Bahnen / Harmonisierte Geschäftsbedingungen sollen helfen

Mark & K
 BRANCHEN WELT

Freitag, 24. Februar 2007
 DVZ, Nr. 16

Straße ist Profiteur des Jahres
 Quartalscheck Landverkehr: Zwar wurden auf Deutschlands Straßen erstmals wieder mehr Güter befördert als vor der Finanzkrise, doch die Frachtraten bleiben niedrig



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Compared to other modes of transport: too complex and too much paperwork



Railway

- Complex concept of infrastructure use (multi-shop-model):
 - access to infrastructure is concluded nationally
 - RUs offering international services have to conclude numerous contracts with every IM
 - the conditions of use are different for each network
- Lack of practical and legal coordination
- Increasing regulation

Increasing
complexity and
costs



Road

- Easy use of infrastructure (one-stop-shop):
 - has been initiated with electronic road pricing: European Electronic Toll Service
- Usually one transport/ one truck/ one contract
- Customer friendly due to flexible availability
- Less regulation

Decreasing
complexity and
costs



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Evolution of European and international law

Need for action for legal harmonisation

Revision of the CUI

- Article 1: Scope of application
- Article 3: Definitions
- Article 8: Recourse against the IM

Developments with EU law

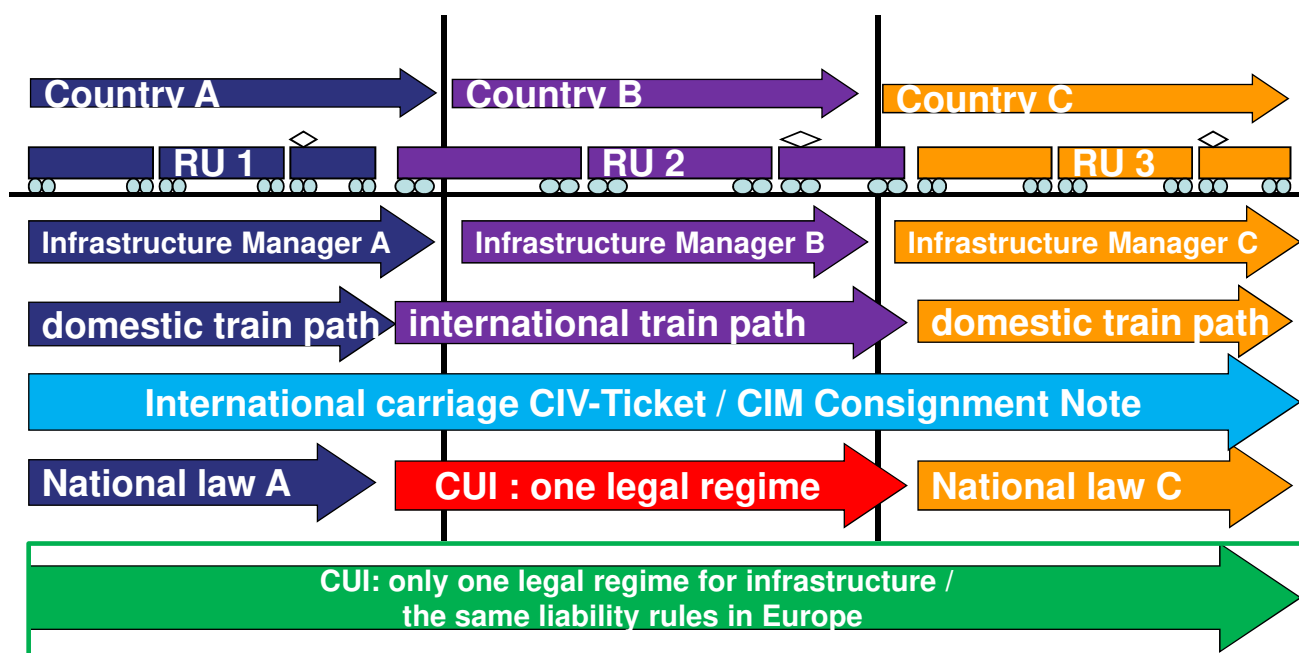
- Implementing act on Service facilities – approved by SERAC
- Work on Delegated Decision on Timetabling – final text
- Revision of Regulation 913/2010 (RFC) – postponed
- Work on Implementing Regulation on the Economic Equilibrium Test



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Revision CUI – no satisfactory legal harmonisation

CIT position



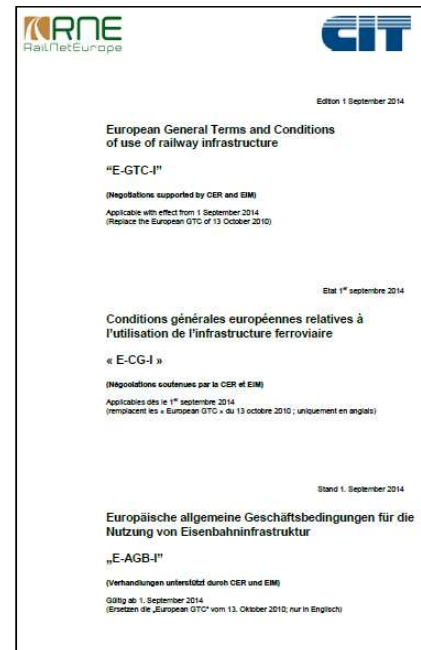
European General Terms and Conditions for the Use of Railway Infrastructure (E-GTC-I)

A solution to reduce complexity

- negotiated together with RNE
- published in September 2014
- standardised terms and conditions
- general legal, administrative, technical and financial conditions of use

Benefits

- harmonisation
- non discrimination
- balanced
- flexible
- less costs



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Let's use the E-GTC-I

Implementation is currently not satisfactory

- Used by very few IMs and RUs (e.g. in the Netherlands)
- Benefit of the E-GTC-I cannot be reached
 - reduction of complexity of infrastructure use
 - more legal coordination and transparency
 - harmonisation: same conditions for the use of each network

Pushing for implementation

- Project 3 in the CER and UIC's "CEO work plan Rail Freight in the 21st Century"
- Presentation at the CER Assistants Meeting
- Other international projects (ECCO, RU-Dialogue, Sector Statement Projects...)



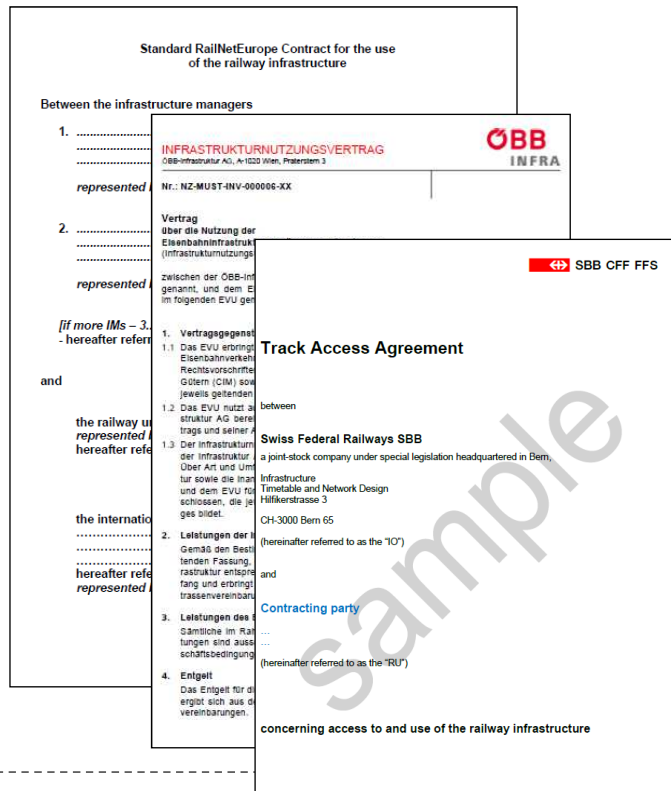
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European Standard Contract of Use (E-SCU-I)

Diversity of solutions

- one/several contracts
- duration
- hierarchy
- amendments
- termination

non discrimination



E-SCU-I: next steps

RNE project for freight corridor no. 3

- RNE lawyers compare national contracts
- new document for corridor no. 3 using the "common denominators"
- CIT will be informed - active involvement of RU in the comparative analysis is needed

CIT analysis

- analysing existing use of infrastructure contracts
- step-by-step elaboration
- counter proposals to RNE
- harmonised and negotiated solution with RNE in 2018



International Rail Transport Committee
Comité international des transports ferroviaires
Internationales Eisenbahntransportkomitee

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