



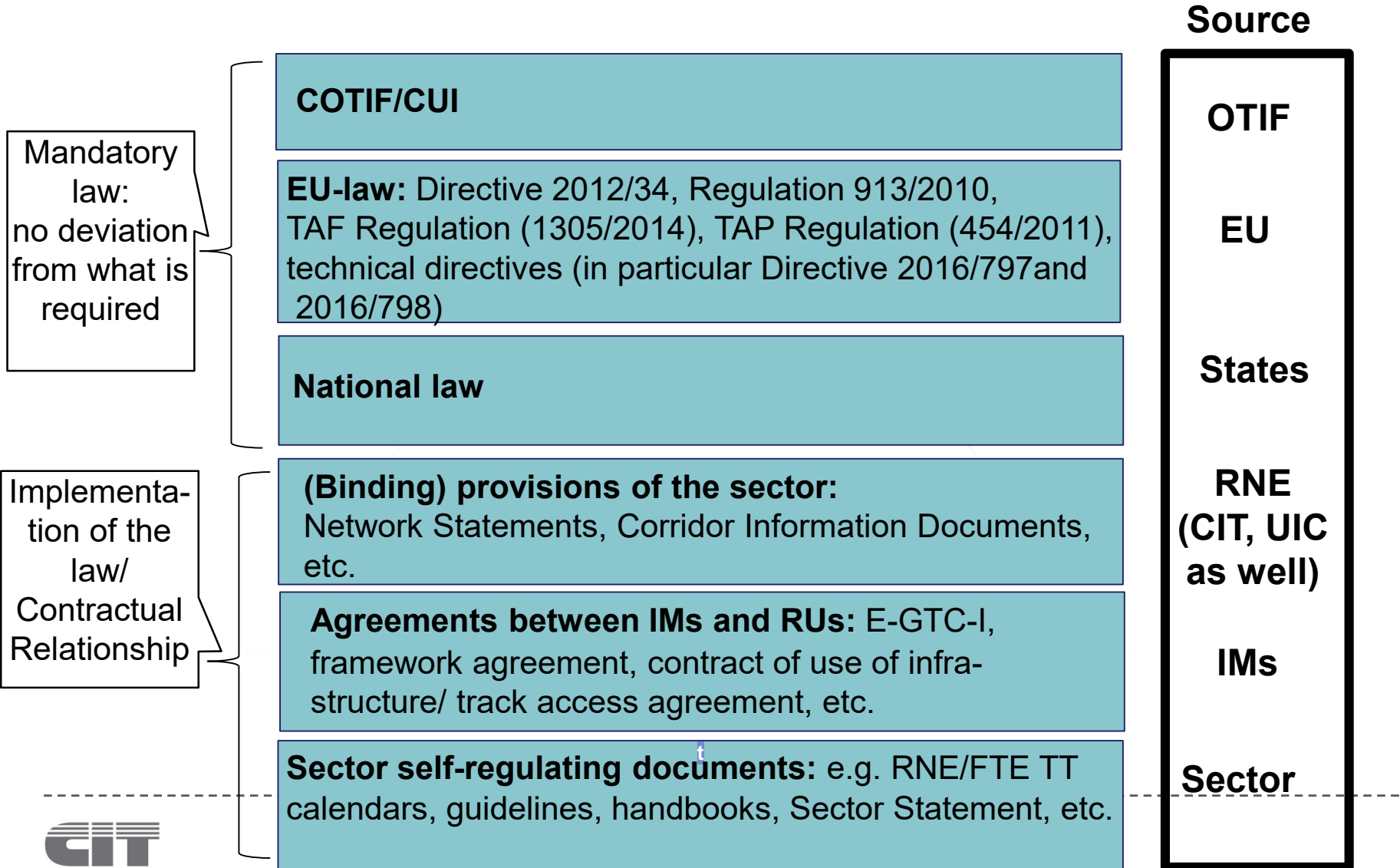
International Rail Transport Committee
Comité international des transports ferroviaires
Internationales Eisenbahntransportkomitee

Infrastructure use

Mapping of current legal framework

September 2019

Overview: Legal norms for the use of railway infrastructure – (from the basic international to the more specific contractual provisions)



International Regulation – the CUI Uniform Rules

Subject and aim

Subject of the CUI Uniform Rules:

- The contract of use between the IM and the RU (Article 28 of Directive 2012/34/EU)
- The European law (until now) regulates only very few elements of these contracts

Aim of the CUI Uniform Rules:

- Facilitate international carriage by harmonising the Rules of the contract of use
- Grant a liability system that is consistent with the other appendices of the COTIF

Important European legislation – Subject and aim (1/5)

Directive 2012/34/EU

- to ensure non-discriminatory access to railway infrastructure in European railway law
- market and technical “pillars”
- basis for different legal acts (Implementing Regulations and Delegated Decisions)

Implementing Regulation on access to service facilities & rail-related services

- basis: Article 13 of Directive 2012/34/EU
- lays down the details of the procedure and criteria to be followed for access to the services to be supplied in the service facilities listed in points 2, 3 and 4 of Annex II to Directive 2012/34/EU

Important European legislation - Subject and aim (2/5)

Delegated Decision schedule for the allocation process

- Annex VII of Directive 2012/34/EU
- regulates deadlines and procedure regarding the establishment of the working timetable
- coordination and publication obligations of temporary restrictions of the capacity of railway lines

Implementing Act on Framework Agreements

- basis: Article 42 of Directive 2012/34/EU
- procedures and criteria concerning framework agreements for the allocation of multi-annual rail infrastructure capacity
- due to the complicated criteria stipulated in this Implementing Act, some Infrastructure Managers decided to not offer framework agreements anymore

Important other “technical” EU-Legislation – Subject and aim (4/5)

Directive 2016/798 of 11 May 2016 on railway safety

- to ensure the development and improvement of the safety of the rail system
- defining responsibilities between the actors in the EU rail system

Directive 2016/797 of 11 May 2016 on interoperability

- to establish the conditions to achieve interoperability
- compatible with the provisions of Directive 2016/798
- concerns the design, construction, placing in service, upgrading, renewal, operation and maintenance of rail system as well as qualifications, health, safety conditions of the staff
- definition of a level of technical harmonisation and make it possible to facilitate international rail transport services within the EU and third countries
- Basis of TSI (Technical Specification for Interoperability)

Important other “technical” EU-Legislation – Subject and aim (5/5)

TAF Regulation (1305/2014) / TAP Regulation (454/2011)

- “Technical Specification for Interoperability relating to Telematics Applications for Freight/Passenger Services”
- to define the data exchange between IMs as well as between IMs and RUs
- TSI functions define data processing regarding different variables: when (at which point in time); what (which kind of information and content) has to be sent to whom (partner or partners) and how (in which format) the data must be exchanged.