Project N°: TREN-05-FP6TR-S07.43661-513504

TREND

Towards new Rail freight quality and concepts in the European Network in respect to market Demand

Instrument: CO-ORDINATION ACTION

Thematic Priority: Sustainable Surface Transport

Deliverable A3 – Final Report for Part A with conclusions and recommendations

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<th>RE Restricted to a group specified by the consortium (including the Commission Services)</th>
<th>CO Confidential, only for members of the consortium (including the Commission Services)</th>
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1 Background

Over the past two decades, one of the priorities of the European Union’s Common Transport Policy (CTP) has been the creation of a single European market for rail freight services. At the outset, most Member States maintained monopolistic rail transport organisations in the form of public administrations or state-owned enterprises. Railways were vertically integrated, meaning that the provision of transport services was combined with the provision of the infrastructure network. The existence of many technical systems of power supply, signalling and track gauge made international rail operations difficult and slow. Under such circumstances, the advantages of road freight transport were overwhelming with the result that rail freight not only lost market share in a rapidly expanding freight market but even part of the traditional rail freight market drifted away. However, facing fast growing problems of road congestion and pollution by road vehicles, the European continent could not afford abandoning railway transport altogether. The European Union faced the challenge of revitalization of railways.

The European Commission has outlined its policy considerations and implementation measures in two White Papers, the first one on all aspects of transport policies (White paper: European Transport Policy for 2010: Time to decide, 2001), the second one specifically addressing the railway issue (Revitalizing the Community’s Railways, 2003).

Liberalisation of rail freight markets, harmonisation of rules, interoperability of technical systems, establishment of fair pricing between modes and infrastructure investments were the keys to revitalisation. This could, however, not be implemented at once but only step by step, overcoming slowly the inertia of existing organisations and national administrations. The main steps of this process were:

- Council Directive 91/440/EEC providing the legal framework for abolishing cross-subsidisation between railway operators and infrastructure managers and introducing the principle of track charging, made possible through the separation of accounts of infrastructure operations from train operations in integrated railway organisations;

- Council Directives 1995/18/EC and 1995/19/EC
  - Directive 1995/18/EC provides the legal framework for licensing railway undertakings established or to be established in the Community
  - Directive 1995/19/EC took the principle of financial independence of infrastructure managers further by establishing the rules for discrimination-free access to the rail network and the charging regime.

- The First Railway package with Directives 2001/12/EC, 2001/13/EC and 2001/14/EC
  - Directive 2001/12/EC (amending 91/440/EEC) widens the separation between the provision of transport services and the management of railway infrastructure; it extends the right of access for railway undertakings for all modes of operation to the TERFN and as from 15 March 2008 to the entire rail network.
  - Directive 2001/13/EC (amending 95/18/EC) specifies that a licence shall be valid throughout the territory of the Community and extends the requirements a railway undertaking must comply with when applying for a licence.
  - Directive 2001/14/EC provides the legal framework for the allocation of railway infrastructure capacity (e.g. defining capacity rights, capacity allocation rules and schedules, applicants, framework agreements, capacity analysis and enhancement planning), the levying of charges for the use of railway infrastructure (establishing, determining and collecting the charges), for safety certification and defines the role and the tasks of a regulatory body to be established in each Member State.
The Second Railway Package consisting of Directives 2004/49/EC and 2004/51/EC
Directive 2004/49/EC (amending 95/18/EC and 2001/14/EC) focuses on the development and improvement of safety on the Community’s railways by defining common safety indicators (CSIs), common safety methods (CSMs) and common safety targets (CSTs); specifies the safety certification and authorisation procedure; lays down the establishment of a safety authority and the obligations to investigate accidents and incidents.


A Third Railway Package has been submitted by the Commission in 2005 to the Council and Parliament. It relates mainly to rail passenger transport and is therefore not of interest for the TREND project.

The European Commission, as promoter of the CTP, sees its role in the management of change from a nationally based system towards a truly interoperable and integrated pan-European rail freight system and the creation of a European Railway Area (ERA). The concept of the ERA was presented by the Commission in 2002 in a formal Communication titled “Towards an Integrated European Railway Area”1. The European Railway Agency has meanwhile been created but is not yet fully operational. In parallel, the subject was included in the Commission’s 6th RTD Framework Programme and published in the 1st Call in June 2003 under the heading “Sustainable land transport”.

In the Request for Proposals, the Commission fixed the objective of the research work as follows:

**“Objective:** There is lack of true European interoperability in the rail sector. To overcome this – and to make the railway systems open for seamless transport services – is the objective of this work. Due to the size and scope of the work a Co-ordinated Action (CA) is deemed suitable. By gathering all the best expertise in all segments of the rail sector the activity should pave the way for an Integrated Project on new concepts for Trans-European rail freight services.”

The Commission split the scope of the research work into three parts:

**“Part A** should gather the necessary information to assess general progress in the establishment of a European Railway Area. In this context, the research should address the analysis and prospective work that enables the creation of a knowledge base for decision support in legislative and management issues. Particular emphasis should be given to aspects relating to the management of change (from a nationally based system towards a truly interoperable and integrated pan-European system). It is particularly important to assess the reasons for the differences in progress between Member States particularly concerning rail freight and to identify the links between various organisational developments and progress in the rail sector.”

**“Part B** should analyse the prerequisites for innovative and new concepts for Trans-European rail freight services and more in detail pave the way for the IP on New concepts for Trans-European rail freight services. It should, e.g.,

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- Analyse the business case for international freight services on up to ten possible Trans-European corridors, recommend suitable corridors for implementation and the type of service to be targeted.
- Identify and suggest ways to overcome administrative, legal, cultural and technological barriers for the implementation of the selected freight services in the corridors.
- Suggest suitable quality standards for the services, taking into account for instance the aspects dealt with in the Commission Communication 23.1.2002 COM (2002) 18 “Towards an integrated European railway area”.
- Suggest and implement schemes for evaluation.

“Part C should build on parts A and B and define a dedicated rail freight network on a European level. It should build on the Network Statements and the Register of Infrastructure. It should:

- Take into account major constraints and obstacles and suggest solutions in a short, medium and long-term perspective.
- Define the tools for the monitoring of services (e.g. by GIS) on the network.”

The TREND consortium presented a successful proposal integrating Parts A and B of the above-mentioned call. Part A, consisting of Work Packages A1 (Information gathering), A2 (Analysis and Evaluation) and A3 (Conclusions and Recommendations), was carried out by transport consultants CDV of Czech Republic, Gruppo CLAS of Italy, ProgTrans of Switzerland (Co-ordinator) and TRANSMAN of Hungary, with Vienna Consult of Austria as a sub-contractor to TRANSMAN, between February 2005 and February 2006. CER, UIC and UIRR participated in the data gathering and information compilation for the Knowledge Base. Sub-contractors mainly contributed to the knowledge base and to the evaluation exercise.

In order to share Part A work with the REORIENT project that had been contracted in parallel to TREND, 13 countries were included in the TREND Knowledge Base (see Figure 1).

Figure 1: Map of countries included in the TREND Knowledge Base
Within Part A of TREND, the following deliverables were due:

DA 1: A fact sheet document containing the summaries of the 13 individual country reports
DA 2: Knowledge base, consisting of 13 detailed country reports
DA 3: Concise final report for Part A with conclusions and recommendations.

The present report constitutes Deliverable DA 3. It is structured according to the process of work: Chapter 2 summarises the general methodology of Part A. The information gathering procedure is described in detail in Chapter 3; the country fact sheets are included as the main result and its present status. The evaluation procedure is described in Chapter 4: a scoreboard system with almost 100 criteria was developed and applied to each of the 13 countries. The results at country level were horizontally compared and best practices were filtered out. Conclusions were drawn from the country reports and the results of the scoring exercise (Chapter 5). These are complemented by recommendations (Chapter 6) as required by the Terms of Reference.
2 Scope of work and general methodology of Part A

2.1 Scope of work

Part A of the TREND project is to be seen as a complement of and support to the work on pilot rail freight corridors in Part B. The scope of work quoted in Chapter 1 presented several challenges:

- The first challenge was to focus on areas that we were able to deal with, without venturing into terrain covered by other organisations more competent in the specific field. One of these areas is interoperability, a very complex technical domain where much research and development work is going on. The relevant issues of interoperability would be taken up in Part B insofar as the development of pilot rail freight corridors is concerned. Part A would focus on the impact on the market, primarily on the delay at border stations due to lacking interoperability.

- The next challenge was to develop a knowledge base in a sector that is fast developing. Everyday we hear and read about legal and institutional changes, policy shifts, new market players in the rail sector in general and in rail freight specifically, in one or several of the EU Member States and Accession Countries. A knowledge base provides a picture of the moment. Even within the timeframe of around six to nine months between data collection and reporting, some details may already be outdated. A knowledge base must allow sporadic or regular updates and expansion to other countries, preferably to all EU Member States as well as all accession and candidate countries. Consequently, we have designed the knowledge base as a handbook where individual sheets of the various countries can be updated or rewritten.

- The most important challenge is of course the evaluation of the present situation in the rail freight sector on its way towards a truly European railway area or a single European rail freight market. The judgements to be made depend largely on the evaluator's own function, whether she or he is an independent observer, a policy maker, a regulator, a competition authority, an incumbent stakeholder, a new entrant or a shipper. We have decided that the team of consultants working on Part A would evaluate the status according to the objectives of the European Union. However, we found it suitable to extend the group of evaluators to representatives of main railway undertakings and of their competitors as well as a number of independent experts. This procedure allows us to put the different stakeholders in contrast to independent evaluators.

- Since we assessed the situation in the different countries by mid-2005, it is impossible to measure progress over time, not having a comparable reference situation in the past. Progress must therefore be assessed on the basis of expert knowledge.

It was well understood that data collection for TREND should not duplicate work done otherwise on behalf of the European Commission. Specifically, the following studies had been carried out:

- Study on EU passenger rail liberalisation
- Study on safety certification

While the final reports on the first three studies had already been approved by the Commission prior to the start of the TREND inquiry, the (draft) final reports of the two others were submitted in April and August 2005 respectively. The Commission granted access to the full reports but did not authorise the TREND team to quote from them.

2.2 General Methodology
The work process of Part A was divided in three work packages:
- WP A1 Knowledge base
- WP A2 Evaluation
- WP A3 Conclusions and recommendations

Work Package A1: Knowledge Base (February to November 2005)
The objective of the first work package was to establish a knowledge base of the current situation and prospects for the forthcoming changes in the railway business in selected EU Member States and accession countries.

In a first work step, the participating consultants, with the support of CER, UIC and UIRR, designed a concept defining the topics to be investigated and later to be evaluated (WP A2). The information gathering process, consisting of internet research and direct interviews, was to include all relevant stakeholders including national ministries, regulators, safety authorities, infrastructure managers, main railway undertakings (incumbents) as well as their competitors including new entrants.

Six main topics were retained:
1. Rail freight market
2. Institutional set-up
3. Access to the market
4. User rights
5. Cross border traffic
6. Facts on discriminatory practices and competitive distortions in the rail freight sector

The concept was submitted to DG TREN at the end of March 2005 for endorsement.

5 Colin Buchanan and Partner et al.: Compliance of rail border agreements with EU rail and competition legislation
The consultants elaborated a detailed manual for the information gathering exercise and guidelines for direct interviews with concerned parties. The information gathering process lasted from May to October 2005, one month longer than originally anticipated because of the summer vacation period. The final product of WP A1 was the knowledge base in the form a handbook for each country. Essential features of these country reports were:

- a replaceable section for each sub-topic containing:
  - Description of the actual situation (with date)
  - Highlights of past development
  - Outlook at forthcoming changes if already decided
  - Sources of information
  - Cross-references to other sections
  - Responsible consultant
- a detailed inventory of sources with internet addresses and bibliographic details.

The knowledge base, including the detailed country reports as well as summaries in the form of fact sheets, was submitted to DG TREN in December 2005. The fact sheets were submitted separately; they are to be made available on the TREND website upon approval by the Commission.

The knowledge base is intended to serve various purposes of the Commission and the European Railway Agency in the framework of policy and legislative monitoring and initiatives. It also facilitates the work in the TREND project developing pan-European rail freight corridors (Part B) as well as in the NEWOPERA project. Other parties such as national governments with their specialised agencies, the rail industry and also the rail equipment industry are expected to make use of the information.

**Work Package A2: Evaluation of Achievements**

The main objective of WP A2 was the assessment of the present situation and the prospects for further progress towards a European railway area, comparing the achievements in the investigated countries, identifying best practices as well as reasons why individual countries would be lagging behind in certain aspects of the liberalisation and harmonisation process.

A rather complex evaluation scheme was developed as described in detail in Chapter 4 of this report. In a first step, the A2 team evaluated the current situation in each investigated country with the help of 62 scoreboards as well as a weighting procedure allowing the combination of certain aspects. The result of this process was a (graphically illustrated) scoreboard for each country showing its situation on each of the subtopics against average as well as minimum and best achievements in the EU. In a second step, stakeholders and independent experts were invited to:

- verify the scoring of the Consultants’ team and mark alternative scores together with appropriate justification,
- fill in the weighting scheme, and
- assess discriminatory practices and competitive distortions
- evaluate the management of change by the governmental and industry organisations concerned
Extending the evaluation to stakeholders in the rail freight industry and independent experts would show how the main railway undertakings, their competitors and independent experts differ in their appreciation of facts and achievements. Albeit not representative, these results would provide useful complements to the assessment of the research team, but would leave the assessment of progress to others.

An additional outcome was a Best Practice Catalogue.

Work Package A3: Summary Report with Conclusions and Recommendations

The outcome of the final Part A work package is a summary report with the results of all steps in the research process. Besides the presentation of the work of WP A1 and WP A2 which draws a comprehensive picture of the current status in the European Railway Area, conclusions are drawn with regard to progress made and with regard to the reasons for unaccomplished aspects. These conclusions lead to

- recommendations for policy support at national and EU level,
- business-oriented intra-industry support for know-how transfer and best practice applications and with regard to barriers and opportunities which are important for the establishment of pan-European freight corridors.

In this way, both political and economic stakeholders can benefit from the knowledge-base created in the TREND Project.
3 Knowledge Base

3.1 Concept

The WP A1 team has developed a concept for decision support in legislative and management issues regarding progress in the establishment of a European Railway Area. The concept defines the topics, sub-topics and aspects which had to be investigated, presented in the Knowledge Bases and later evaluated by the consultants. The following topics were analysed:

1. Rail freight market
2. Institutional set-up
3. Access to the market
4. User rights
5. Cross border traffic
6. Facts on discriminatory practices and competitive distortions in the rail freight sector

Furthermore, two topics had to be evaluated by stakeholders, experts and academics:

7. Assessment of discriminatory practices and competitive distortions
8. Evaluation of the management of change (from a nationally based system towards a truly interoperable and integrated pan-European system)

During the data and information gathering the initial concept had to be adjusted. Below, the final concept of all topics, sub-topics and aspects is presented. For each sub-topic and aspect, the main source(s) of information were identified whilst appropriate adjustments had to be made to cater for the different situations in the countries.

Table 1: Concept for data and information gathering

<table>
<thead>
<tr>
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<th>Sub-Topic</th>
<th>Aspects</th>
<th>Main source(s) of information</th>
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<td>Rail freight market</td>
<td>1.1 Total freight market</td>
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<td>Ministry</td>
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<td>(territorial principle) and railway share</td>
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<td>Regulator</td>
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<td>1.2 Inventory of railway undertakings</td>
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<td>Safety auth.</td>
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<td>Main IM</td>
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<td>Main RU</td>
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<td>Other RUs</td>
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<td>New applicants</td>
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<td>Shippers/freight forwarders</td>
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<td>Experts (sub-contractors)</td>
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<td>Others</td>
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<td>Other documentations</td>
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Table 1: Concept for data and information gathering (continued)

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<td>2.2 Regulatory body</td>
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<td>2.3 Safety authority</td>
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<td>2.4 Competition authority</td>
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<td>2.5 Infrastructure Manager(s)</td>
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<td>2.6 Capacity allocation body</td>
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<td>2.7 Charging body</td>
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<td>2.8 Notified body/bodies for interoperability</td>
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<td>3. Access to the market</td>
<td>3.1 Licencing of railway undertakings and infrastructure managers</td>
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<td>3.2 Safety certification of railway undertakings</td>
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<td>3.3 Access to the network</td>
<td>3.3.1 Right of access</td>
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<td>3.3.2 Framework agreements</td>
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<td>3.3.3 Network statements</td>
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<td>3.3.4 Allocation procedure for train paths</td>
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<td>3.3.5 Allocation procedure for capacity of terminals, marshalling yards etc.</td>
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<td>3.3.6 Track charges</td>
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<td>3.3.7 Online information accessible by railway undertakings</td>
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<td>3.3.8 Obligations of RUs and penalties</td>
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<td>3.4 Access to energy supply</td>
<td>3.4.1 Access to electricity</td>
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<td>3.4.2 Access to diesel</td>
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<td>3.5 Approval and safety authorisation of rolling stock</td>
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<td>3.6 Availability of locomotive drivers for international operations</td>
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<td>3.7 Access to ancillary services/service facilities</td>
<td>3.7.1 Access to ancillary services - inspection</td>
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<td>3.7.2 Access to ancillary service facilities - maintenance</td>
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<td>3.7.3 Access to ancillary service facilities - communication network</td>
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<td>3.8 Liability insurance coverage</td>
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<td>4. User rights</td>
<td>4.1 User rights of railway undertakings</td>
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<td>4.2 User rights of shippers/freight forwarders</td>
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<td>Topic</td>
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<td>5. Cross border traffic</td>
<td>5.1 Bilateral intergovernmental agreements with neighbouring countries</td>
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<td>5.2 Barriers to technical interoperability</td>
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<td>5.3 One-stop-shop for international train operations</td>
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<td>5.4 International cooperation between railway undertakings</td>
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<td>6. Facts on discriminatory practices and competitive distortions in</td>
<td>6.1 Court cases and rulings</td>
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<td>6.2 Cases and rulings of competition authority</td>
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<td>6.3 Cases and rulings of regulatory body</td>
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<td>7. Assessment of discriminatory practices and competitive distortions</td>
<td>7.1 Safety certification</td>
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<td>7.2 Access to the network</td>
<td>7.2.1 Access to the tracks</td>
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<td>7.2.2 Track charging</td>
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<td>7.2.3 Access to terminals, marshalling yards</td>
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<td>7.3 Energy supply</td>
<td>7.3.1 Choice of electricity provider and price of electricity</td>
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<td>7.3.2 Choice of diesel fuel provider and price of diesel</td>
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<td>7.4 Access of rolling stock to the network (approval/safety authorisation of rolling stock)</td>
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<td>7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)</td>
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<td>8. Evaluation of management of change (from a nationally based system towards a truly interoperable and integrated pan-European system)</td>
<td>8.1 Government</td>
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<td>8.2 Infrastructure Manager(s)</td>
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<td>8.4 Foreign Railway Undertaking(s)</td>
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Based on the concept (1. to 6.), guidelines for interviews with the parties concerned (ministries, regulatory body, competition authority, safety authority, RUs, IMs, etc.) and other experts were developed. Based on the interview guidelines, each consultant set up the questionnaires for the stakeholders interviewed, depending on the varied situation in each country.

The description of the concept and the information to be gathered or the questions to be asked have been summarised in a Data collection guideline. This manual should ensure that all consultants had a common understanding of the concept and definitions.

3.2 Procedure

After development of the concept and the interview guidelines, the information and data gathering by the consultants started. The information and data gathering was carried out in two steps: firstly by desk research and secondly by interviews.

The investigations were based upon the following principles:

- No duplication of work,
- Unbiased neutrality,
- Contribute to transparency,
- Focus on international freight transport,
- Provide up-to-date information and an outlook on upcoming changes,
- Keep requests for information from stakeholders to a minimum,
- Obtain a maximum of insight from associated experts,
- Identify sources of information while observing confidentiality limitations.

The desk research was carried out after development of the concept from March to August 2005. Some topics, sub-topics or aspects were updated after August 2005 when changes had to be allowed for.

The desk research was focused on:

- EU website, EU studies and reports,
- national legislation,
- websites and published documents by ministries, regulatory bodies, safety authorities (if applicable), competition authorities, notified body/bodies for interoperability, infrastructure managers, railway undertakings and
- further documentations (studies, articles, books, etc.).

Interviews with stakeholders (in particular with ministries, regulatory bodies, competition authorities, safety authorities, RUs, IMs, etc.) and further experts were carried out from August to October 2005. Note that even though in some Member States shippers, freight forwarders and combined transport operators may get access to infrastructure capacity, this study focused on licensed railway undertakings and international groupings of railway undertakings.

The TREND consortium subcontracted stakeholders of the rail sector for the TREND project. HaCon provided ProgTrans with contact details and the subcontractors were then contacted by ProgTrans as work package Leader of Part A. They were informed about WP A1 of the TREND project and the name of the consultant who would be carrying out the interview. Afterwards, each consultant contacted these subcontractors as well as further stakeholders.
The interviews were carried out personally, by telephone or in written form depending on the availability of the interviewing partner. The list of organisations or rather persons interviewed is included in the bibliography of the Knowledge base and attached to this report as Annex I – Interviews.

### 3.3 Results

In the following, the results for each country are presented. The chapters are based on the country fact sheets. The summaries do not replace the Knowledge bases where each topic, sub-topic or aspect is described in more detail. The data and information gathering was carried out from March to September 2005. Meanwhile the data or situation in some countries presented below may have changed.

Below, an overview of rail share and rail transport performance for each country is presented.

<table>
<thead>
<tr>
<th>Country</th>
<th>Rail share (tkm) in %</th>
<th>Rail transport performance in bn tkm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>37</td>
<td>38</td>
</tr>
<tr>
<td>Bulgaria¹</td>
<td>n.a.</td>
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<tr>
<td>Czech Republic</td>
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<td>Germany</td>
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<td>Slovenia</td>
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<td>35</td>
</tr>
<tr>
<td>Switzerland</td>
<td>35</td>
<td>36</td>
</tr>
</tbody>
</table>

¹ No data available in 1995. No data available for inland waterways in 2003, so that modal share is based upon road and rail only.

² Modal shares based upon road and rail only.

³ No data available in 1995. Furthermore, there are no data available for inland waterways in 2003. Modal shares bases upon transport performance in road and rail only.

³ No data available for inland waterways in 2003, so that modal share is based upon road and rail only.
3.3.1 Austria

Implementation of 1st and 2nd railway packages

The 1st EU railway package has been fully transposed into Austrian law by amending the Railway Act in 2004 but this implementation did not take place by the laid down date. Implementation of EU Directive 2004/49/EC (2nd railway package) is under preparation.

Rail freight market

Austria has the highest rail share in total territorial freight transport performance in western Europe: 37% of a total of 46 bn tkm in 2003. 12 railway undertakings are licensed for freight operations in accordance with EU Directives; one RU has not yet started operations. Rail Cargo Austria AG is the RU licensed for freight operations within ÖBB-Holding AG and is the biggest market player. Several RUs are majority owned by the federal, regional and local authorities. Two RUs are former industrial railways. Two RUs licensed in another EU Member State hold a safety certificate for the ÖBB railway network.

Institutional overview

The Ministry of Transport, Innovation and Technology (Bundesministerium für Verkehr, Innovation und Technologie, BMVIT) is responsible for administering the rail sector. Schienen-Control GmbH, the regulatory body under the Ministry, is independent in its decision making. It in turn manages the Schienen-Control Commission, an independent administrative court. It also co-operates with the Federal Competition Authority (Bundeswettbewerbsbehörde, BWB) which ex officio monitors competition in general. Several infrastructure managers exist in Austria, but capacity will be allocated by the ÖBB Infrastructure Operating AG and the Rail Infrastructure Services Company (100% Federal State). The former is at the same time responsible for operating the main (ÖBB) Austrian railway network owned by the ÖBB Infrastructure Constructing AG. The Austrian Research and Testing Centre Arsenal Ges.mBH is the body for interoperability notified to the European Commission.

Licensing of RUs

Licensing of RUs is the task of the Ministry which also issues concessions to infrastructure managers. Requirements for obtaining a license are in accordance with EU Directive 95/18/EC (amended by 2001/13/EC). The legally prescribed time period from application to issuing of a license (with all documents required) is 3 months. No problems were reported by the RUs concerning the procedure, criteria and time period for issuing a license.

Safety certification and approval/safety authorisation of rolling stock

Infrastructure managers are responsible for the safety certification of RUs wishing to operate on their network, the criteria being in line with EU Directive 2001/14/EC. The process of certification was reported to take about 2 weeks after submission of all documents to the IM. For example, the RUs must prove that the rolling stock is certified and in good operating condition. The BMVIT which is responsible for the approval of rolling stock, involves the ÖBB Infrastructure Operating AG for the approval. In practice, the approval and safety authorisation of rolling stock is a time-consuming parallel process.

Access to the network

Access to the public railway infrastructure, most of which is the ÖBB network, requires a license according to EU Directives, a safety certificate and coverage of third party liability (10 Million € per occurrence for at least two occurrences per year). Network statements and information on network performance are published in the Internet. Though required by law, not all IMs publish a network statement at present. The allocation procedure of train paths is in accordance with EU Directives. Whilst no formal complaints were reported, the level of track charges was said to be too high.
Access to marshalling yard capacity is not provided by the IMs; instead, they offer shunting services. Whilst in principle access to capacity of terminals is not problematic, discriminations have been alleged by RUs in accessing feeder lines within terminals; formal complaints are being examined by the regulatory body.

**Access to further services/service facilities**

Traction current is provided by the ÖBB Infrastructure Constructing AG’s Power Plant unit which publishes the prices for current on the internet: At present most of the RUs benefit from the quantity discounts offered but their level has been reduced. ÖBB Traction GmbH provides diesel fuel for ÖBB locomotives and other RUs; there have been no complaints by RUs. Access to inspection and maintenance services is possible in principle; depending on offers of ÖBB Technical Services GmbH to other RUs.

**Cross border traffic**

Bilateral intergovernmental agreements exist as well as agreements between RUs and IMs. Intergovernmental agreements regulate the infrastructure connection between two railway networks. The ÖBB network has the same voltage as in Germany and Switzerland. Austria and Germany also have the same safety systems, so that trains running between Germany and Austria do not need to stop at the border. Border stops on crossings to other countries are still necessary.

Rail Cargo Austria AG traditionally co-operates with the (former) state railways in the neighbouring countries. RUs licensed in Austria also co-operate with parent companies, subsidiaries or affiliates licensed in Germany, Switzerland, Czech Republic and Slovakia. Further agreements exist between private RUs in Germany and Austria.

**Cases and rulings concerning discriminatory practices and competitive distortions**

Since 2000, Schienen-Control Commission has ruled on 6 cases of alleged discriminatory practices and competitive distortions of which 4 were rejected. The two remaining cases involved the use of feeder lines. None of the cases since 2000 actually went to Court.

### 3.3.2 Bulgaria

**Implementation of 1st and 2nd railway packages**

The 1st EU railway package has been fully transposed into Bulgarian law. The Ministry of Transport intends to install the 2nd railway package by the end of 2005.

**Rail freight market**

The rail freight share in total territorial freight transport performance was about 33% in 2002, with a sharply declining tendency. One state and two private RUs operate on the network.

**Institutional overview**

Bulgaria has established several institutions in accordance with EU law: The Ministry of Transport and Communication (MoTC) is the central single entity of the executive power to enforce the State policy in the field of transport and communications. The Executive Agency Railway Administration (EA RA) is directly subordinated to the MoTC. EA RA is the body of the executive power and performs regulatory and control functions. The competition authority (CPC) enforcing the Law on competition protection and the State Aid Act. It is an independent specialised State authority financed by the State budget. The CPC’s main aim is to protect free economic enterprise and normal market relations. The national railway infrastructure company (NRIC) is established as a legal entity with the status of a State-owned enterprise and is separated from the state railway operator BDZ EAD. Until now the MoTC has not notified a body for interoperability.
Licensing of RUs

Licensing of RUs is the task of EA RA. The requirements in order to get a license are in accordance with EU Directive 95/18/EC (amended by 2001/13/EC). The licensing procedure for the three existing RUs was straight forward. The process lasted between two and three months. The applicants received detailed information.

Safety certification and approval/safety authorisation of rolling stock

The Directorate General Railway Inspectorate at the EA RA is responsible to issue the certificate of safety of the railway undertakings, through the State Railway Inspection, after the assessment of all the required conditions by the private Railway Transport Technological Institute (NIIT) which is the body licensed to issue the certificates of safety of the rolling stock. Safety certificates have been issued without any major problems reported. The safety criteria and regulations of the former State railway BDZ are gradually being replaced by new safety criteria.

Access to the network

Regarding Access to the network, no problems and discrimination have been reported. There is a strict control of the applicants. So far no foreign RU has applied for access. A new Serbian/Bulgarian border-crossing agreement renders the entry into the Bulgarian network from Serbia possible. Due to the relatively low line capacity utilisation there is no problem in receiving path allocations in time. There is a concern among the RUs that the infrastructure charges do not allow for the commercial risk concerning competition with road transit and the rising Danube traffic. According to EU and national regulation, in particular concerning 3rd party civil liability, the insurance requirements for access to the network are known and clear. There is an open market for making out rail insurance.

Access to further services/service facilities

BDZ EAD (State Railway Company) receives the electricity for traction from the NRIC. BDZ EAD is the only customer since it is, at present, the only operator of electric traction. It pays for its own consumption to NRIC. The private RUs have their own Diesel energy supply. The private operators use certified and specialised companies for current repairs of locomotives and rolling stock. Technical inspections are carried out by the regional inspectorate. In case of new construction or repair, the inspectors already certify the material and the manufacturer plans in the repair depot. Individual agreements are concluded with the infrastructure manager for each station and terminal, the RU wishes to serve, which detail the working time of the RU in the facilities and the type of personal used for the services. It is signed by the regional infrastructure manager, the local inspector of the EA RA and the RU.

Cross border traffic

With the exception of the Serbian – Bulgarian border crossing agreement, border crossing is limited to the classical international freight traffic between State railways. Private RUs use the services of State Railways for border crossing. A new border agreement between Bulgaria and Romania is under negotiation and should be concluded by the end of 2006, thus opening international traffic to, from and through Bulgaria to RUs other than the State railways. The private Bulgarian RUs dispose of train drivers with a permission to enter into the Romanian network. However, due to the existing border crossing agreements, they cannot enter yet. The private RUs have been involved in the formulation of the new border-crossing agreement between Romania and Bulgaria. Technical barriers (interoperability) are not of major importance. The main reason for border delays is the insufficient communication between the infrastructure managers.

Cases and rulings concerning discriminatory practices and competitive distortions
No cases and rulings concerning discriminatory practices and competitive distortions are known.

### 3.3.3 Czech Republic

**Implementation of 1st and 2nd railway packages**


**Rail freight market**

The share of rail freight in total territorial freight transport performance was 25% in 2004. The share has been constantly declining over the last 15 years. 13 railway undertakings were licensed for public freight operations according to EU Directives in June 2005; České dráhy, a.s. (ČD, Czech Railways) is the main RU licensed for freight operations. Most of the other RUs are former industrial railways. International operations of the new Czech RUs started in 2004 and have gained momentum in 2005.

**Institutional overview**

The Ministry of Transport (Ministerstvo dopravy) is responsible for the rail sector administration. Drážní úřad (DÚ) is the State regulatory body. Competition Authority (Úřad pro ochranu hospodářské soutěže – ÚOHS) supervises the competition ex officio. In the Czech Republic there is only one manager of the State-owned infrastructure – Správa železniční dopravní cesty (SŽDC), whereas ČD executes operation and operability of the infrastructure. Capacity allocation body is SŽDC. Besides SŽDC network, there exist two regional railways. No body for interoperability has yet been notified.

**Licensing of RUs**

Licensing of RUs is the task of the regulatory body – DÚ, which is also responsible for issuing official permits for the infrastructure managers. The requirements for granting a license are in accordance with EU Directive 95/18/EC (amended by 2001/13/EC). The time period from application to issuing of a license (with all documents required) is regulated by law (60 days). No significant problems were reported by the RUs concerning the procedure, criteria and time period for issuing a license.

**Safety certification and approval/safety authorisation of rolling stock**

DÚ is responsible for the safety certification of RUs wishing to operate on the SŽDC and other railway network. The criteria to obtain a safety certificate will be in accordance of EU Directive 2001/14/EC as of April 2006. It was reported that the whole process of certification takes about 30 days if all documents required are submitted to the IM. DÚ is responsible for approval and safety certification of the rolling stock. Some stakeholders consider the approval and safety certification of the rolling stock to be a time-consuming (in some cases the process takes several years) and expensive process due to complicated and rather unclear technical standards and to interoperability problems regarding the safety system in the Czech network.

**Access to the network**

A license compliant with EU Directives, a safety certificate and coverage of third party liabilities are needed to get access to the railway infrastructure, the major part of which is the SŽDC network. The network statement and further online information on network performance are published on the internet. At present, only two IMs (SŽDC, JHMD) have published the network statement as required by law. The allocation procedure of train paths is in accordance
with EU Directives: no complaints were reported. Nevertheless, the level of track charges is considered by stakeholders to be too high.

Access to marshalling yards is provided by the IMs. So far, only ČD has used the facilities. Access to terminal facilities in principle is unproblematic. The necessity to obtain a separate license for feeder lines within a terminal, while ČD own a universal license for every sidings in the Czech Republic is considered a disadvantage by concerned operators.

Access to further services/service facilities

Traction current is provided by ČD. The conditions are given in the agreement between RU and ČD as a supplier of electricity. The prices are not published. As to the access to diesel fuel, each RU can use its own fixed or movable refuelling facilities, or, based on agreement, facilities of a third party. Access to inspection and maintenance services of ČD or other providers is in principle possible.

Cross border traffic

Bilateral intergovernmental agreements with all neighbouring countries are in place. Further agreements between RUs and IMs are operational. Intergovernmental agreements regulate the connection between infrastructures of two neighbouring railway networks. The network of SŽDC has two voltage systems, different from those in Germany and Austria. Furthermore, Slovakia has the same safety system as the Czech Republic.

Cases and rulings concerning discriminatory practices and competitive distortions

Regarding discriminatory practices and competitive distortions only one court case relating to it was detected since 2000. The matter of the case is compensation of damage to an RU caused by ČD refusing access to the network. The case has not been ruled yet.

3.3.4 France

Implementation of 1st and 2nd railway packages

The 1st EU railway package was fully transposed into French law ahead of schedule. Implementation of EU Directive 2004/49/EC (2nd railway package) is expected to be completed in March 2006.

Rail freight market

France has a share of rail freight in total territorial freight transport performance of 14.7% of a total of 336 bn tkm in 2003. 3 railway undertakings are licensed (2 operating) for freight operations according to EU Directives. The dominant market player is SNCF Frêt with almost 100% of the market. The other operating RU, CFTA Cargo (Subsidiary of Connex) started as a subcontractor of SNCF, and now operates independently between Lorraine (France) and Saar (Germany). No competition has so far emerged in the domestic rail freight market.

Institutional overview

The Ministry of Infrastructure, Transport, and Tourism is responsible for rail sector administration. The “Mission de contrôle des activités ferroviaires” is the regulatory body, issued as an office attached to the Ministry. The members are appointed by “Conseil d’Etat”, “Cour des Comptes” and “Conseil général des Ponts et Chaussées”. Within the Ministry, the Terrestrial transport Division, through it’s Department for national rail security (TF4), is now in charge as a Safety Authority. The French Railway Safety Agency will be established by 1st January 2006. The role of Competition Authority is shared among the “Conseil de la Concurrence”, the “Mission de contrôle des activités ferroviaires” and the “Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes” (DGCCRF). “Réseau Ferré de France” (RFF) owns the most part of the network, and acts as capacity allocation body. The access
charge framework is prepared by RFF, and approved by the Ministry. “Agence de Certification Ferroviaire” (CERTIFER) is the notified body for interoperability according to EU Directives.

**Licensing of RUs**

Licensing of RUs is the task of the Ministry. The requirements in order to get a license are in accordance with EU Directive 95/18/EC (amended by 2001/13/EC). The time period from application to issuing of a license (with all documents required) is regulated by law (3 months). The licence must be re-examined every four years.

**Safety certification and approval/safety authorisation of rolling stock**

The criteria to obtain a safety certificate are according to EU Directive 2001/14/EC. The transposition of the safety EU Directive 2004/49 and the constitution of the French Railway Safety Agency will be completed by 1st January 2006. The Ministry is responsible for issuing, and RFF has the duty of expressing an opinion on technical dossiers (on which the Ministry judgement is based). The time frame for issuing a safety certificate is now 2 months, and will become 4 months when the French Railway Agency will be established.

Concerning the authorisation of rolling stock, it is issued on the basis of known required standards. It can happen that some technical modifications to the rolling stock are required. Stakeholders report an effective barrier in rolling stock homologation procedure, consisting in the requirement of crash tests even for locomotives running on other Member States networks (e.g. Class 66 General Motors locos).

**Access to the network**

A license according to EU Directives, a safety certificate and adequate coverage of third party liabilities have to be produced in order to get access to the RFF railway infrastructure. The network statement and further online information on network performance are published on the internet. The allocation procedure of train paths is according to EU Directives: no complaints were reported. Access to capacity of marshalling yards is now experienced only by SNCF (or its subsidiaries). No information on discriminations of RUs has been collected.

**Access to further services/ service facilities**

Traction current is provided by RFF, and charges are calculated for a) power transmission, b) traction current. It is possible to choose a different provider than RFF for traction current. Diesel supply is at the moment available only through SNCF, which is required to provide it also to other RUs. Access to inspection and maintenance services are in principle possible, but additional information on subcontracts must be provided in the safety certificate dossier. Locomotive drivers are available when working under the French law, and trained by SNCF, which has an obligation to provide training facilities on a fair and non discriminatory level to all RU’s as long as these training services are provided only by SNCF.

**Cross border traffic**

Bilateral intergovernmental agreements exist. Intergovernmental agreements regulate the infrastructure connection between two railway networks. The network have different voltage and signalling compared to the neighbouring countries for several border-crossings. International co-operations have been implemented in order to overcome interoperability problems at certain border crossings (see for example RailEuroConcept (REC) – Woippy/Mannheim, between France and Germany)

**Cases and rulings concerning discriminatory practices and competitive distortions**

Regarding discriminatory practices and competitive distortions, no cases and rulings were found.
3.3.5 Germany

Implementation of 1st and 2nd railway packages

The 1st EU railway package has been transposed into national law (mid 2005); two years late. The transposition of the 2nd railway package is under way.

Rail freight market

Rail freight had a share in total territorial freight transport performance of about 16% in 2003, or about the same as the weighted average of the rail freight share of the 25 EU Member States. In Germany, 273 railway undertakings are licensed for freight operations. In addition to the former Cargo Department of DB AG – Railion Deutschland AG – the more important long-distance players are Rail4chem Eisenbahnverkehrsgesellschaft mbH, TX Logistik AG and SBB Cargo GmbH.

Institutional overview

The Ministry of Transport, Building and Housing (BMVBW) defines and implements railway policies and represents the interests of the Federal Government as owner of the German Railways. The rail sector is in principle administered by the Transport Ministries of the Federal States (Bundesländer) and by the Federal Railway Authority (EBA); 13 of the 16 States have handed over their tasks as authorising body to the EBA functioning under the BMVBW. The body notified to the EU for Interoperability is the Eisenbahn-Cert which in turn is integrated into EBA. Until the end of 2005 EBA is both the authorising and the regulatory body. From the beginning of 2006 the Federal Network Agency (Bundesnetzagentur) will be the new regulatory body in the rail sector. The Federal Cartel Office (BKartA) and the EBA have complementary competences with regard to competition in the rail sector, with EBA focussing on technical issues and the administration of public financial aid. Whilst BKartA is responsible for general competition issues. DB Netz AG is the main infrastructure manager and is in charge of capacity allocation and track charging.

Licensing of RUs

Either EBA or the Transport Ministry of the Federal State is responsible for licensing RUs, but licences are also necessary for IMs. At present 273 RUs hold a license for freight operations. The requirements to obtain a license are in accordance with EU Directive 95/18/EC (amended by 2001/13/EC). Legislation does not determine the time period from application to issuing a license. It was reported by EBA that licensing of federal RUs and RUs owned by the majority of regional authorities takes less time than for other RUs.

Safety certification and approval/safety authorisation of rolling stock

Until now safety regulations were part of the contract between the IM and the RU. Safety certification was introduced in April 2005, but no safety certificates have yet been issued.

Access to the network

A license according to EU Directives, in future a safety certificate and the coverage of third party liability (10 Mio. € per occurrence for at least two occurrences per year) are required to obtain access to the DB Netz AG rail infrastructure. The DB Netz network statement and further online information on network performance have been published in the Internet. The allocation procedure for train paths is regulated by the Railway Utilisation Regulation which was amended in June 2005 and came into force on 1st August 2005. The new procedure will be applied for the first time for the time table period 2006/2007. According to the amendment, the time limits for train path requests will be fixed: in particular the limit for requests for non-scheduled services will be 4 weeks. RUs have complained about the time limits for non-scheduled services (30 working days) and for short-term allocation of single train paths (73 hours) currently fixed by DB Netz.
Most of the rail freight terminals are operated by Deutsche Umschlaggesellschaft Strasse-Schiene (DUSS) mbH, 75% owned by DB Netz AG; other terminals are operated by private companies. Marshalling yards belong to and are used only by Railion Deutschland AG because the single wagon system is only operated by Railion. Conditions and charges for the use of facilities offered by DB Netz, are part of its network statement. RUs have reported problems regarding shunting tracks which are hired out by Railion.

Access to further services/ service facilities
DB Energie GmbH offers a complete supply of traction current as well as access to the traction current network in order to obtain electricity from another electricity provider. One party concerned considers the charges for obtaining such electricity to be excessive. Diesel fuel must also be obtained from DB Energie GmbH. Inspection and maintenance services are offered by DB Vehicle Maintenance (DB Fahrzeuginstandhaltung GmbH) and other private RUs. Regarding inspection and maintenance, no formal complaints are reported by RUs, but they tend to avoid using DB facilities. It is possible to obtain access to the communication networks and contract services of DB Telematik GmbH, a DB subsidiary, but the charges for using such services are reported to be very high.

Cross border traffic
Bilateral intergovernmental agreements exist. Trains running between Germany and Austria do not require border stops, whilst those between Germany and Switzerland do not stop if equipped with a multi-system locomotive. Under the DB umbrella, Railion Deutschland AG is closely linked to Railion Danmark, Railion Nederland and Railion Italia. Railion Deutschland AG has additional associated companies and co-operates with (former) state railways of neighbouring countries and other private RUs. Rail4chem, TX Logistik AG and SBB Cargo GmbH co-operate both with their subsidiaries/parent companies and other RUs. Many private RUs are organised in associations.

Cases and rulings concerning discriminatory practices and competitive distortions
Discriminatory practices have been found to exist in several court rulings, particularly in the areas of quantity discounts on traction current, allocation of train paths and access to the port of Fürth. Altogether, the Federal Cartel Office (BKartA) has ruled on 22 cases since 2000: 18 regarding merger control, 2 regarding anticompetitive agreements and 2 regarding abuse of market dominant position. In 2003 and 2004 EBA initiated about 150 actions against IMs as regarding the train path price system and allocation of train paths.

3.3.6 Greece
Implementation of 1st and 2nd railway packages
1st EU railway package has been partially implemented. The Presidential Decree 41/2005 implemented EU Directives 2001/12/EC, 2001/13/EC, and 2001/14/EC. On some issues related to the 1st EU railway package, Greece has obtained a derogation of five years (starting from March 2003) due to the fact that the national railway network does not have any direct link with other Member States.

Rail freight market
Greece has a share of rail freight in total territorial freight transport performance of 1.59% on a total of 21,65 bn tkm in 2003. OSE SA - Hellenic Railway Organisation is the only RU that operates freight trains in Greece.

Institutional overview
The Hellenic Ministry of Transportation and Communications is responsible for the rail sector administration. OSE SA is also the national infrastructure manager and acts as regulatory body and safety authority. However, the Presidential Decree 41/2005 envisages the separation between infrastructure management and railway operations. The Greek railway system is being reorganised according the prescriptions of the Decree.

**Licensing of RUs**

The Presidential Decree 41/2005 implements the EU Directive 2001/13 on licensing of railway undertakings’ providing a framework for regulation. According to this, licences are issued by the Ministry of Transportation and Communications, and the time period from application to issuing of a license (with all documents required) is 3 months. At the moment, no RUs other than OSE have entered the market, and no licenses have been issued.

**Safety certification and approval/safety authorisation of rolling stock**

OSE is responsible for safety authorisation of rolling stock. Criteria and procedures are defined according to the information provided by the relevant fiches and documents of UIC, COTIF and internal regulations of OSE.

**Access to the network**

OSE is in charge for train path allocation, but so far it has not received any application from other RUs. According with the prescriptions of the Presidential Decree 41/2005, this issue will be carried out by the IM. No information on requirements, procedures and criteria, also for allocation of capacity of terminals and marshalling yards.

**Access to further services/service facilities**

Regarding access to further services and service facilities, no information was provided.

**Cross border traffic**

The Greek railway network has no cross border traffic with Member States.

**Cases and rulings concerning discriminatory practices and competitive distortions**

Regarding discriminatory practices and competitive distortions no court cases were reported.

### 3.3.7 Hungary

**Implementation of 1st and 2nd railway packages**

The 1st railway packages is fully implemented, the EU Directive 2004/49/EC (2nd railway package) is under preparation.

**Rail freight market**

MAV and GySEV are the main freight railway undertakings in Hungary. In addition, four new entrants provide freight operations: MMV, Floyd, CER and MÁV Hajdu Vasutepito Ltd. GySEV market share is 10% of total freight ton kilometres. It mainly transports cross-border traffic to Austria and is owned 31% by the Austrian State and 69% by the Hungarian State. CER, which is owned by MAV and private investors, is currently carrying 600,000 tons of coal p.a. This transportation was previously provided by MAV. Floyd carries freight operations between Austria and Romania. It transports goods for GySEV, Wiener Lokalbahnen (Austria) and several private companies. MMV has been recently sold to Petrolschped.

**Institutional overview**

The Ministry of Economy and Transport is responsible for developing and overseeing the implementation of railway policy for Hungary. A Regulatory Body defined by the Directive 2001/12/EC and Directive 2001/14/EC is under preparation, called Hungarian Rail Office
(Magyar Vasúti Hivatal) and shall start its activities on the 1st January 2006. Currently the activities are undertaken by the PHT (Pályahasználati Testület) from the 25th August 2005, although the scope of the temporary entity is more limited than the Regulatory office.

At this time regarding the remaining tasks as licensing, safety certification and the competition the following organisations are responsible: the Railway Inspectorate of the Central Inspectorate for Transport and the Hungarian Competition Authority.

**Licensing of RUs**

The Central Inspectorate for Transport has given licences to railway undertakings to allow them to operate on the national network. The law that underpins the licensing regime is that included in Decree 15/2002 which states that the proceedings for the licensing of railway undertakings should take no longer than 90 days from receipts of the application to award. There are six operators currently operating on the Hungarian rail network.

**Safety certification and approval/safety authorisation of rolling stock**

The Central Inspectorate for Transport (Railway Inspectorate) provides railway undertakings with safety certificate and infrastructure managers with safety authorisation based on their application and attached documents according to the Decree 51/2004 of Minister of Economy and Transport. When necessary (but at least once in five years time), the authority checks whether the company having the certificate still meets the relevant requirements.

There is currently no safety certificate requirement in Hungary, although new legislation is expected to be introduced in January 2006.

**Access to the network**

Capacity allocation on the Hungarian rail network is undertaken by Railway Capacity Allocation Office (Vasúti Pályakapacitás-elosztó Kft – VPE), established in 2004. It is responsible for setting the principles for capacity allocation and applying them, and the preparation of a timetable. However, VPE does not allocate capacity on the entire Hungarian rail network. Some industrial rail infrastructure which connect industrial areas to the main infrastructure network, are not owned by the State and thus VPE cannot allocate capacity. These network infrastructure are either owned by the Infrastructure division of MAV or by private investors which have granted MAV Cargo exclusive rights for use. In addition, VPE does not allocate capacity at some main station facilities, such as the BILK station, located in the suburbs of Budapest, and the Zahony station.

**Access to further services/service facilities**

The business unit of MAV that manages the infrastructure (the Traction Department) is separated from the business units that operate passenger and freight services. There are plans to turn the business units into actual companies.

**Cross border traffic**

Hungary has intergovernmental agreements with all of it’s neighbouring countries. There are no technical differences between the MAV and GySEV networks, they are fully compatible. The following barriers to technical interoperability exist: different electricity voltage standards as compared to the Austrian and Slovakian borders; gauge changes with Ukraine; some freight containers and trailers are incompatible with the freight terminals; an obligation for operators to have an thorough knowledge of the railway network; knowledge of Hungarian is required to operate on the stations and network infrastructure.

**Cases and rulings concerning discriminatory practices and competitive distortions**

The Hungarian competition authority has so far investigated two cases relating to the railway sector. The first case involved the granting of access conditions parts of the industrial rail network owned by MAV. The second case, involves the design and content of an access contract
that operators need to enter into with the infrastructure manager. In this case the case was in relation to the amount of insurance that operators need to provide to operate trains on the Hungarian rail network which it was alleged would be disadvantageous to new entrants. In both of these cases the competition authority has not yet made its judgement.

3.3.8 Italy

Implementation of 1st and 2nd railway packages

The 1st EU railway package is fully transposed into Italian law. The implementation was completed in July 2003. Implementation of EU Directive 2004/49/EC (2nd railway package) is partially under preparation.

Rail freight market

Italy has a share of rail freight in total territorial freight transport performance of 8.8% on a total of 266.6 bn tkm in 2003. 39 railway undertakings are licensed for freight operations according to EU Directives. The biggest market player is Trenitalia with 96% of the market. RUs licensed in other EU Member States have subsidiaries (SBB Cargo, Railion) in Italy or hold participations in other companies (Railion in RTC), but no RU of other EU Member State directly holds a safety certificate in order to operate in its own right.

Institutional overview

The Ministry of Infrastructure and Transport (MIT), Department 4 – Land transport is responsible for the rail sector administration. The Ministry is also in charge as regulatory body, through its Office for Regulations of railway services. AGCM (Autorità Garante della Concorrenza e del Mercato) is the independent competition authority, whose members are appointed by the presidents of the two houses of Parliament. In Italy there are several infrastructure managers whereas the “Rete ferroviaria Italiana” (RFI) owns most parts of the network, and acts as capacity allocation body. The access charge framework is generated by the Ministry of Infrastructure and Transport (now defined by the Ministerial Decree 43 T of March 21/2000), and must be approved by the Interdepartmental Committee of Economic Planning (C.I.P.E.). Consorzio SCIROTUV and RINA SpA are the notified bodies for interoperability according to EU Directives.

Licensing of RUs

Licensing of RUs is the task of the Ministry of Infrastructure and Transport. The requirements for obtaining a license are in accordance with EU Directives 95/18/EC and 95/19/EC). The time period from application to issuing of a license (with all documents required) is regulated by law (3 months). In one of the investigated cases the time for issuing the licence was 4 months. No problems were reported by the RUs concerning the procedure and criteria for issuing a license.

Safety certification and approval/safety authorisation of rolling stock

The criteria to obtain a safety certificate are according to EU Directive 2001/14/EC. The transposition of the safety EU Directive 2004/49 is under preparation. The safety authority functions are by now exploited by CESIFER, which is a technical directorate of RFI (main Infrastructure Manager), operating according to the safety standards set out by the Ministry. The time frame for issuing a safety certificate is now 3 months. Concerning the authorisation of rolling stock, it is issued on the basis of known required standards. It has been reported that delays in the procedure (especially for second hand rolling stock) are due to the fact that the homologation process has a national validity, with specific requirements that may not be needed in other countries.

Access to the network
A license according to EU Directives, a safety certificate and coverage of third party liabilities (civil liability: 50 Million € per event; carrier liability: 5 Million € per event per year) have to be produced in order to get access to the railway infrastructure, the major part of which is the RFI network. The network statement and further online information on network performance are published in the internet (the complete version of the network statement is available on a CD-rom). The allocation procedure of train paths is according to EU Directives: no complaints were reported. Access to capacity of terminals and marshalling yards are provided by RFI. Discriminations have not been experienced by RUs.

Access to further services/ service facilities
Use of electrical power supply is provided by RFI, and prices are established by Ministerial Decree. Diesel supply is provided by RFI. No information on access to inspection and maintenance services has been provided.

Cross border traffic
Three bilateral intergovernmental agreements exist (with France – development of a new basis tunnel between Torino and Lyon, and for the development of a Rolling Motorway service between Aiton and Orbassano, Switzerland – transit through Simplon tunnel, and Austria). Intergovernmental agreements regulate the infrastructure connection between two railway networks. International cooperations have been implemented in order to overcome interoperability problems through certain border-crossings (see for example BRC – Brenner Rail Cargo, with RCA and Railion Deutschland).

Cases and rulings concerning discriminatory practices and competitive distortions
Since 2000, regarding discriminatory practices and competitive distortions, two cases dealing with concentration (both rejected), and one dealing with abuse of market dominating position (ruled) were reported.

3.3.9 Poland

Implementation of 1st and 2nd railway packages
The 1st EU railway package has been fully transposed into Polish law. The 2nd railway package is under preparation.

Rail freight market
The rail freight share in total territorial freight transport performance is about 38 % in 2003, down from 57% in 1995. Poland has more than 50 registered RUs.

Institutional overview
The Ministry of Transport and Construction (MoT) [before 31.10.2005 Ministry of Infrastructure] is responsible for the rail sector administration. The Railway Transport Office (UTK) is the regulatory body under the MoT and is not independent. The UTK acts within the legal framework prepared by the MoT and the Polish Parliament. It has no right to initiate changes to this framework. The Office for Competition and Consumer Protection (OCCP) deals with matters resulting from the Antimonopoly Act in the field of industries operating under conditions of network monopoly (rail transport). The OCCP is an independent authority in Poland. The OCCP has lost its main legal power over the regulation of competition in Polish Railways after the establishment of the UTK in 2003. The Polish railway network is administrated by 13 IMs, which are companies of the PKP SA. Group. The two major ones are PKP PLK S.A. and PKP LHS Ltd. The others are mainly small networks of manufacturers or dedicated lines e.g. between coal mines and power stations. The infrastructure company (PKP SA-group) is jointly owned by PKP Holding and the Ministry of Finance.
Licensing of RUs
The President of UTK is responsible for the licensing of railway undertakings (relevant body to grant, change and withdraw licences). The requirements in order to get a license are in accordance with EU Directive 95/18/EC (amended by 2001/13/EC). The licensing process can be described as difficult and cost intensive. The non-State RUs have not reported any problems in the licensing procedure.

Safety certification and approval/safety authorisation of rolling stock
The President of the UTK issues safety certificates for the rolling stock, traction and RUs as a whole. The non-State RUs have not reported any serious problems in obtaining safety certification. Some consider, nevertheless, that fact that the existing rolling stock of PKP Cargo does not need to be licensed is discriminatory.

Access to the network
The Network Statement and its eight appendices are very comprehensive and set out in detail the rules for obtaining access to train paths. Application forms and respective instructions are also available in English. The track access to foreign operators is limited at present (only 20% of track capacity is available to foreign providers). After 2006, there will be free entry on the whole network. Infrastructure charges are considered to be high but PKP PLK intends to reduce the charges to increase the competitiveness with the road. In the Railway Transport Act of 28 March 2003, Poland also allows alternatives to insurance solutions like bank guarantee or bank deposit as alternatives to insurance. The Polish authorities do not specify a minimum level of required cover but consider each licence application on its own merits. The Polish authorities require applicants to certify that they have sufficient cover in place to meet any liabilities that may arise.

Access to further services/service facilities
The inspections and maintenance are carried out according to the rules of the competent authorities. No particular events have been reported. Conditions on supplying and consuming electrical energy for the purposes of traffic operations are regulated by the PKP Energetyka. PKP Energetyka sells electrical energy based on an agreement signed with the RU. All RUs have their own supply of diesel. Private RUs supply each other with diesel whenever they use the respective supply points.

Cross border traffic
Border-crossing is so far limited to the international freight traffic (on the TERFN) with the exception of Polish-German border-crossings. In practice, non-State RUs have to involve PKP Cargo.

Cases and rulings concerning discriminatory practices and competitive distortions
The three major cases reported deal with unfair competition of the incumbent PKP Cargo against other RUs.

Outlook
It is expected that the new Government will reorganize and restructure the present rail freight market by restructuring most of the institutions and solving the financial problems of PKP.

3.3.10 Romania

Implementation of 1st and 2nd railway packages
The 1st EU railway package has been fully transposed into Romanian law. The 2nd railway package will come into force on 1.1.2007.
Rail freight market
The rail freight share in total territorial freight transport performance was about 34% in 2002, with a sharply declining tendency. Romania has more than 30 registered RUs. The market share of private RUs in total rail freight transport performance is estimated to be within a range between 15 and 25%.

Institutional overview
The Ministry of Transport, Construction and Tourism (MTCT) is responsible for the rail sector administration. Romania has not established an independent regulatory body. At present, it is the MTCT with its Directorate General for the railway sector that can be considered as the regulator. The Competition Council is the Romanian autonomous administrative authority. The role of the Competition Council has two aspects: one aspect is corrective relating to its interventions to restore and maintain normal, competitive environments, and a second, preventive aspect, related to its interventions that significantly prevent unfair competition in the market. AFER (Romanian Railway Authority) has to ensure the absolute safety of the rolling stock and supervises the RUs and IMs, furthermore all safety aspects. CFR S.A. (infrastructure manager) is responsible for management of the railway infrastructure and its availability for railway operators, development and modernisation of the Romanian railway infrastructure, organisation, planning, coordination and control of administration, exploitation, maintenance and repairs on the railway infrastructure, according to the law and European standards. Until now the MTCT has not notified a body for interoperability.

Licensing of RUs
Licensing of RUs is the task of AFER. The requirements in order to get a license are in accordance with EU Directive 95/18/EC (amended by 2001/13/EC). According to the decision OM 343/2003, the licensing and safety certification procedure has to be repeated every year. AFER, however, intends to modify this procedure.

Safety certification and approval/safety authorisation of rolling stock
Safety certification is under the authority of AFER. The national legislation follows in general the requirements of the EU directives 2001/14/EC and 2004/49/EC. The guidelines for safety authorisation are clearly indicated (including justifications for refusals). The Safety Certificate procedures formally needs 1 month; in practise AFER issue the certificate in less then one month if the guidelines are followed.

Access to the network
In the judgment of many RUs, the procedure to obtain the safety authorisation for rolling stock (including traction) is very lengthy. Every wagon (and not every type of wagon!) is inspected, be it under repair in depots or in private repair firms. Every repair modification necessitates a certificate by the regional inspector of AFER and the safety authorisation by the headquarters of AFER. This might lead to a standstill of rolling stock for at least 1 week. RUs have to stop 40 to 50 wagons per inspection lot to speed up inspection. CFR Marfa with approximately 54,000 wagons, has not yet been inspected. Access of foreign RUs is not possible, neither is cabotage. Inspection and Maintenance is a public service allowed to be provided on commercial contract basis. The rules and regulations for inspection as well as the prices for the services are established in the national legislation and implemented without any apparent discrimination. All RUs have contracts with CFR S.A. to use its communication system. Only wagons and locomotives belonging to private RUs are ensured against civil liability. CFR Marfa is “self-insured”, i.e. it has to pay the damage by its own financial means. Due to the high number of RUs in Romania, there is a competitive market for civil liability insurance with domestic and foreign insurance companies. Some RUs complain about a certain lack of transparency in path allocation, track charging and calculation of infrastructure charges.
Access to further services/service facilities

Electricity is only supplied by CFR S.A. which has a monopoly. There is no possibility of freely contracting electricity from other suppliers. Every RU has free access to the diesel supply market. Some difficulties have been reported in the allocation procedure of capacity in terminals and marshalling yards where the State RU dominates.

Cross border traffic

With the exception of the Romanian – Hungarian border crossing agreement of July 2005, border crossing is limited to the classical international freight traffic between State railways. Private RUs have so far not crossed the border without using the services of the State railway. In all likelihood, new border agreements with Bulgaria will be concluded by the end of 2006, thus opening international traffic to, from and through Romania to RUs other than the State railways. The private RUs are waiting for actively participating in the formulation of the new border-crossing agreements and its rapid introduction. Technical barriers (interoperability) are not of major importance. The main reason for border delays is the insufficient communication between the infrastructure managers.

Cases and rulings concerning discriminatory practices and competitive distortions

One court case concerning discriminatory practices and competitive distortions is pending dealing with discrimination against private RUs by CFR Marfa.

3.3.11 Slovakia

Implementation of 1st and 2nd railway packages

The 1st EU railway package is fully transposed into the Slovak legislation through an amendment to the Railway Act, but some regulations have still not been put in force (e.g., establishment of a regulatory body, and licensing). Implementation of EU Directive 2004/49/EC (2nd railway package) is expected in April 2006.

Rail freight market

Slovakia had a share of rail freight within its total territorial freight transport performance of 27% in 2003. Due to the increase in road transportation, its share has declined constantly over the last 15 years. By June 2005, 30 railway undertakings were licensed for rail operations on the State-owned infrastructure; ZSSK Cargo, a.s. is the State-owned RU licensed for freight operations. Several other RUs are subsidiaries of Czech RUs, one is a subsidiary of Austrian RU LTE. International operations of the new Slovak RUs started in 2004 and even faster development in the sector has been recorded in 2005, mainly in traffic to and from the Czech Republic.

Institutional overview

The Ministry of Transport, Posts and Telecommunications (MDPT) is responsible for rail sector administration. No regulatory body pursuant to Directive 2004/49 /EC has yet been established. The competencies are split among Štátny dráhový úrad (ŠDÚ), MDPT and the Ministry of Finance. Štátny dráhový úrad (ŠDÚ) assumes some competencies of a State regulatory body.* Competition Authority (Protimonopolný úrad Slovenskej republiky – PMO SR) supervises the competition ex officio. In the Slovak Republic there is only one infrastructure manager of public railway infrastructure – (Železnice Slovenskej republiky - ŽSR). Capacity allocation functions rest also with ŽSR. A body for interoperability has not yet been notified.

Licensing of RUs

Licensing of RUs is the task of ŠDÚ. ŠDÚ is not a regulatory body; it assumes the function of a regulatory authority, but is does not comply with the provisions of Directive 2001/14/EC.
ŠDÚ is also responsible for issuing official permits for the infrastructure managers. It is foreseen that the requirements for granting a license in accordance with EU Directive 95/18/EC (amended by 2001/13/EC) will be met by January 1st, 2006. The time period from application to issuing of a license (with all documents required) is regulated by law (60 days). No significant problems were reported by the RUs concerning the procedure, criteria and time period for issuing a license.

**Safety certification and approval/safety authorisation of rolling stock**

ŠDÚ is responsible for the safety certification of RUs wishing to operate on the ŽSR network. In the current legislation, a time period from application to the issuance of a safety certificate is not specified. ŠDÚ is responsible for the approval and safety certification of rolling stock of Slovak RUs. In practice, the approval and safety certification of rolling stock is considered by stakeholders to be a time-consuming and expensive process due to complicated and rather unclear technical standards, and to interoperability problems regarding the safety system in the Slovak network. Nevertheless, the process is simpler for the rolling stock of foreign RUs. In this case, the responsible body is ŽSR.

**Access to the network**

A license, a safety certificate issued by ŠDÚ, and coverage of third party liabilities are needed to get access to the ŽSR railway infrastructure. The network statement and additional online information about the network performance are published on the internet. The train paths allocation procedure is in accordance with EU Directives; no complaints were reported. Nevertheless, various stakeholders consider the level of track charges to be too high. Access to marshalling yards is provided by the ŽSR. So far, only ZSSK Cargo has used these facilities. Access to terminal facilities is, in principle, unproblematic.

**Access to further services/service facilities**

Traction current is provided by ŽSR. The conditions are given in the agreement between RU and ŽSR as a supplier of electricity. The prices are not published. As to the access to diesel fuel, each RU can use its own fixed or movable refuelling facilities, or, based on agreement, facilities of a third party. Access to inspection services of ŽSR or other providers is, in principle, possible.

**Cross border traffic**

Bilateral intergovernmental agreements with neighbouring countries are in place. Further agreements between RUs and IMs are also in place or expected. Intergovernmental agreements regulate the connection between infrastructures of two neighboring railway networks. The network of ŽSR has two voltage systems, different from those in Austria. The Czech Republic has the same safety system.

**Cases and rulings concerning discriminatory practices and competitive distortions**

To discriminatory practices and competitive distortions, there have been no court cases since 2000. The Antimonopoly Office is dealing with one case regarding abuse of a dominant position of the ZSSK Cargo against another RU (no ruling yet).

### 3.3.12 Slovenia

**Implementation of 1st and 2nd railway packages**

1st EU railway package has been partially implemented. The Railway Transportation Act (ZzeIP) of 1999 and its further amendments implemented EU Directives 2001/12/EC, 2001/13/EC, and 2001/14/EC.

**Rail freight market**
Slovenia has a share of railfreight in total territorial freight transport performance of 41% on a total of 7.98 bn tkm in 2003. The Holding Slovenske železnice d.o.o. – SŽ is the only RU that operates freight trains in Slovenia, as well as the only licensed company.

**Institutional overview**

The Ministry of Transport (Ministrstvo Za Promet) is responsible for the rail sector administration. The Public Agency for Rail Transport of Republic Slovenia (AŽP) is the regulatory body. The AŽP was created in the first half of 2002, after the coming in force of the Amendment to the Railway Transportation Act (ZzeIP), replacing the former Railway Transport Directorate. AŽP is the national infrastructure manager, and is in charge also as a safety authority. The Competition Protection Office (Urad RS Za varstvo konkurecne) is the competition authority.

**Licensing of RUs**

AŽP is responsible for issuing the licences. The EU Directive 2001/13 on licensing of railway undertakings is implemented by the ZzeIP and its amendments. At the moment, the only licensed operator is the main railway undertaking SŽ, and no other RUs have applied for a license yet.

**Safety certification and approval/safety authorisation of rolling stock**

AŽP is responsible for safety authorisation of rolling stock, within the duties related to the issuing of safety certificates. No specific further information was available on procedures and criteria.

**Access to the network**

National, international, and international transit train paths are available for applicants registered in Slovenia, and for international groupings with one member registered in Slovenia. International train paths are also available for applicants not registered in Slovenia but a) with the intention of running intermodal operations, b) operating on the TERFN network. International transit is allowed also for international groupings without any member registered in Slovenia, for transportation between Member States.

Access to capacity of marshalling yards and terminals are generally included in the train allocation process, but can also be provided on specific requests.

**Access to further services/service facilities**

Energy is purchased by the RU directly from energy suppliers. AŽP provides and charges only the use of supply stations. Inspection and maintenance facilities are not provided by AŽP.

**Cross border traffic**

Bilateral intergovernmental agreements exist with Hungary, Italy, Croatia and Austria. Further agreements between RUs and IMs. Business development and cooperation projects are running in the fields of operations, Information Technology and marketing activities with Trenitalia, Rail Cargo Austria, and MAV.

**Cases and rulings concerning discriminatory practices and competitive distortions**

Regarding discriminatory practices and competitive distortions no court cases were reported.

### 3.3.13 Switzerland

**Implementation of 1st and 2nd railway packages**

The Swiss Confederation is not a Member of the European Union. Nevertheless, the land transport agreement between Switzerland and the European Union regulates – amongst other things – the cross border rail transport between the EU and Switzerland. Directives
91/440/EEC, 95/18/EC and 95/19/EC have therefore been transposed into national law in Switzerland. The implementation of the 1st and 2nd railway package is planned; the amendment of the Railway Act has already been drafted.

Rail freight market

In 2003 Switzerland had a 35% rail share in total territorial freight transport performance and thereof one of the highest in Europe. The rail freight transport performance was provided in particular by three RUs: Swiss Federal Railways (SBB AG), BLS Cargo AG und RM Regionalverkehr Mittelland AG. Since 2004 there are two new RUs: TX Logistik GmbH and Rail4chem Transalpin AG. Only Railion Deutschland AG licensed in Germany holds a safety certificate in Switzerland.

Institutional overview

The Federal Office of Transport (BAV) within the Federal Department of Environment, Transport, Energy and Communication (UVEK) is responsible for rail sector administration. The Authority for Accident Investigation of Railways and Ships is a independent body also subordinated to the UVEK. The regulatory body – the Railway Arbitration Commission (SKE) – is mandated to the BAV but independent in its decisions and guarantees non-discriminatory access to the Swiss rail network. As regards competition, the independent authority for executing the Cartels Act is the Federal Competition Commission (Weko). Its Secretary is responsible for examining suspected cartels and prepares the Weko decisions.

In Switzerland there are three important infrastructure managers: SBB AG, BLS Lötschbergbahn AG and RM AG. They allocate the train paths via a one-stop-shop associated to SBB AG. After the planned amendment of the Railway Act (railway reform 2) an independent capacity allocation and charging body will be established as an incorporated institution governed by public law.

Licensing of RUs

Since Directive 91/440/EEC is implemented in national law, licensing is necessary to operate goods transport in Switzerland. It should be noted that IMs who hold a concession do not need a license when operating on their own rail infrastructure. Furthermore, RUs operating by order of the IM do not need a license either. Issuing a license (as well as safety certificates, see below) is the task of BAV who have published a guideline on licensing and safety certification. The requirements for a license are specified by law, though the time period from application to issuing a license is not specified. It is understood that on average this takes 3 months. There have been no complaints by RUs about licensing procedure, criteria and time period for issue.

Safety certification and approval/safety authorisation of rolling stock

As mentioned above safety certification, including the approval and safety authorisation of rolling stock, is the task of BAV. The requirements for a certificate are regulated by law and are very extensive, including, for example, a complete list of personnel employed in functions relevant for safety, their training and qualification. When all documents required have been submitted to BAV, it takes about a month to issue a certificate; no complaints have been made in this regard by RUs.

Before certification, rolling stock has to be approved and authorised by BAV who have, also published a guideline on rolling stock approval. The procedure and time period may vary and in particular be shorter if rolling stock has already been approved and authorised in another country. An impression that approval and authorisation of SBB rolling stock takes less time than that of other RUs has been reported.

Access to the network
To obtain access to the network evidence on the license, the safety certificate and coverage of liabilities (about 64 Mio. € per damaging event) has to be provided. Since SBB, BLS and RM have a joint one-stop-shop and the SKE monitors the train path allocation, the train path allocation procedure works very satisfactorily. Ad-hoc requests are promptly processed. In contrast, as reported by RUs information on infrastructure is insufficient. The level of track charges is determined by BAV; the minimum price also includes the purchase of energy (see below).

Access to marshalling yards, shunting services and the use of sidings are offered in the OSS SBB/BLS/RM network statement. They have to be requested along with the train path request. It was reported that access to marshalling yards had been refused and justified by shortage of capacity, even though capacity had appeared sufficient. SBB terminals are operated by Hupac Intermodal AG; access to terminals has to be requested to the operator.

Access to further services/ service facilities
Access to diesel fuel has limited relevance for RUs in Switzerland because e.g. diesel locomotives are not allowed to be used in tunnels over 3 km length. The charge for traction current is part of the overall track charges: it is not based on actual consumption and does not take energetic recovery into account. A charge is also levied on trains powered with thermal energy running on electrified lines.

Access to ancillary services and service facilities is possible. Locomotive driver training is offered on the SBB, BLS and RM networks as part of the network statement. Rolling stock maintenance services can be contracted from SBB Cargo and BLS; indeed it was reported that there is excess capacity in such facilities. GSM-R is to be introduced on newly constructed lines. Access difficulties were reported by one RU regarding the locomotive driver electronic assistant system (LEA).

Cross border traffic
Most important for cross border traffic is the land transport agreement between the Swiss Confederation and the European Union; further bilateral agreements between Switzerland and neighbouring countries exist. Unless multi-system locomotives are used, stops at border crossings to all neighbouring countries are necessary. Multi-system locomotives are used by SBB Cargo AG, in particular because of its German and Italian subsidiaries who act as its subcontractors. There are other types of co-operation between SBB Cargo AG and foreign RUs. BLS, being 20% owned by Railion Deutschland AG, co-operates particularly with that German RU, whilst the two new entrants mentioned above co-operate with their parent companies.

Cases and rulings concerning discriminatory practices and competitive distortions
No court cases or rulings concerning discriminatory practices and competitive distortions were found. Since 2000 the Federal Competition Commission has not ruled on any cases. Only one case was enquired by the Weko but was closed before a ruling by the Commission. The regulatory body rejected one case in 2002; in 2003 a lawsuit was filed by a RU but the two parties settled the case in the presence of the SKE.
4 Evaluation of progress

4.1 Concept

Part A of the project has gathered the necessary information to assess general progress in the establishment of a European Railway Area. In this context, the research should address the analysis and prospective work that enables the creation of a knowledge base for decision support in legislative and management issues. Particular emphasis should be given to aspects relating to the management of change (from a nationally based system towards a truly interoperable and integrated pan-European system). It is very important to assess the reasons for the differences in progress between Member States particularly concerning rail freight and to identify the links between various organisational developments and progress in the rail sector.

In Work Package A1 detailed information on the rail freight sector in 13 selected countries (EU Member States, Accession Countries and Switzerland) has been gathered. The main task of Work Package A2 is to reconcile all country information in order to analyse and evaluate the results which in turn will lead to an assessment of the present situation and the prospects for a speedy and sustainable integration process.

The evaluation concept is aimed at gathering indications on the present situation and of the progress made towards integration of rail freight markets and operations of each of 13 Countries.

According to the knowledge base concept developed in WP A1 and described above, an evaluation template has been set, based on:
- 8 “Topics”, broken down into
- 45 “Aspects”

Since the situation of a country’s rail freight market cannot be assessed by an aggregate evaluation indicator for each “aspect”, some “criteria” have been embedded in the aspect, in order to enhance the clarity of the evaluation, and thus facilitate the expression of aggregate judgements by evaluators. An example from the table listing aspects, topics, and criteria is shown in the following table.

Table 3: Example of breaking down aspects into criteria

<table>
<thead>
<tr>
<th>No:</th>
<th>2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topic</td>
<td>Institutional set-up</td>
</tr>
<tr>
<td>Aspect</td>
<td>Main infrastructure manager</td>
</tr>
</tbody>
</table>
| Criteria| (a) Legal separation of IM from main RU  
          | (b) Managerial separation of IM from main RU  
          | (c) Operational separation of IM from main RU |

Following the concept, each criterion is to be rated by evaluators from level 1 to 5 for each country; levels have been described for each criterion (see below, the complete table for topics, aspects, criteria and levels).
### Table 4: Score boards

#### TREND A2 Score Board

<table>
<thead>
<tr>
<th>N°</th>
<th>Topic/Subtopic: <strong>Institutional set-up</strong></th>
<th>Aspect: Commitment of national policies to EU policy for market opening and fair competition</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Coherence of national railway policy</td>
<td>Criteria</td>
<td>1</td>
</tr>
<tr>
<td>No evident policy commitment</td>
<td>Policy commitment incoherent with uncoordinated measures</td>
<td>Reasonable policy commitment and implementation strategy</td>
</tr>
<tr>
<td>(b) Transposal of EU legislation</td>
<td>Implementation of 1st railway package not yet in sight</td>
<td>Implementation of 1st railway package expected in near future</td>
</tr>
<tr>
<td>(c) Competition and court cases</td>
<td>Competition, court rulings neglected</td>
<td>Competition, court rulings not followed up seriously</td>
</tr>
</tbody>
</table>

#### TREND A2 Score Board

<table>
<thead>
<tr>
<th>N°</th>
<th>Topic/Subtopic: <strong>Institutional set-up</strong></th>
<th>Aspect: <strong>Regulatory body</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Performance</td>
<td>Criteria</td>
<td>1</td>
</tr>
<tr>
<td>Very weak performance</td>
<td>Weak performance</td>
<td>Satisfactory performance</td>
</tr>
<tr>
<td>(b) Transparency</td>
<td>Very little information available</td>
<td>Insufficient information available</td>
</tr>
<tr>
<td>(c) Impartiality</td>
<td>Impartiality very questionable</td>
<td>Impartiality questionable</td>
</tr>
<tr>
<td>(d) Independence from main RU/IM</td>
<td>Recruitment of most key staff from main RU/IM</td>
<td>Recruitment of key staff mainly from main RU/IM</td>
</tr>
<tr>
<td>(e) Independence from government interference</td>
<td>Recruitment of most key staff through supervising ministry, very strong interference in decision making</td>
<td>Recruitment of key staff through supervising ministry, strong interference in decision making</td>
</tr>
</tbody>
</table>


### TREND A2 Score Board

#### N° 2.3
**Topic/Subtopic:** Institutional set-up  
**Aspect:** Safety authority (body responsible for safety issues)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Transparency</td>
<td>Very little information available</td>
<td>Insufficient information available</td>
<td>Adequate information available to all</td>
<td>Most relevant information publicly available</td>
<td>All relevant information per internet available</td>
</tr>
<tr>
<td>(b) Impartiality</td>
<td>Impartiality very questionable</td>
<td>Impartiality questionable</td>
<td>Apparent impartiality</td>
<td>Good track record of impartiality</td>
<td>Best track record of impartiality</td>
</tr>
<tr>
<td>(c) Independence from main RU/IM</td>
<td>Full dependence on know-how and staff of main RU/IM</td>
<td>Dependence on know-how and staff of main RU/IM</td>
<td>Partly dependence on know-how and staff of main RU/IM</td>
<td>Little dependence on know-how and staff of main RU/IM</td>
<td>Proven independence from know-how and staff of main RU/IM</td>
</tr>
<tr>
<td>(d) Efficiency/speed of decision making</td>
<td>Very slow decision process</td>
<td>Slow decision process</td>
<td>Normal speed of decision process</td>
<td>Fast decision process</td>
<td>Very fast decision process</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

#### N° 2.5
**Topic/Subtopic:** Institutional set-up  
**Aspect:** Main infrastructure manager

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Legal separation of IM from main RU</td>
<td>Fully integrated IM/RU organisation</td>
<td>Separation in accordance with Directive 91/440</td>
<td>Both organisations different legal entities, but with same ownership</td>
<td>Legal separation, but partly same ownership</td>
<td>Full legal and ownership separation from main RU</td>
</tr>
<tr>
<td>(b) Managerial separation of IM from main RU</td>
<td>Same management for both entities</td>
<td>IM legally separated from RU, but interwoven management; no Chinese wall</td>
<td>Directors of one organisation on the supervisory board of the other; both organisations managed by the same group management</td>
<td>Managerial and operational separation from main RU through effective Chinese wall</td>
<td>No linkages between management of the two organisations</td>
</tr>
<tr>
<td>(c) Operational separation of IM from main RU</td>
<td>Full operational integration of IM and RU</td>
<td>Staff moving horizontally between the two entities; no Chinese walls</td>
<td>Both entities operating under same group umbrella; IM operations separated from RU formally by Chinese walls</td>
<td>Both entities operating under same group umbrella; operational separation from main RU through effective Chinese wall</td>
<td>Full operational separation from main RU</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

#### N° 2.6
**Topic/Subtopic:** Institutional set-up  
**Aspect:** Capacity allocation body(ies)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Transparency</td>
<td>Very little information available</td>
<td>Insufficient information available</td>
<td>Adequate information available to all</td>
<td>Most relevant information publicly available</td>
<td>All relevant information per internet available</td>
</tr>
</tbody>
</table>
### TREND A2 Score Board

**N°:** 2.7  
**Topic/Subtopic:** Institutional set-up  
**Aspect:** Charging body

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Application of EU legislation and government policy</td>
<td>No application of EU legislation and government policy</td>
<td>Unsatisfactory application of EU legislation and government policy</td>
<td>Application of EU legislation and government policy</td>
<td>Sound application of EU legislation and government policy</td>
<td>Strict application of EU legislation and government policy</td>
</tr>
<tr>
<td>(b) Independence of charges from main RU's commercial interests</td>
<td>Charges with significant built-in advantages of large RUs</td>
<td>Charges with slight built-in advantages of large RUs</td>
<td>Charges neutral with regard to size of RUs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Reflection of network cost and capacity situation in charge system</td>
<td>Network costs and capacities not reflected in charge level (same charges in whole network)</td>
<td>Network costs reflected to some degree in charge levels</td>
<td>Charges little responsive to costs and capacity situation in individual sections and nodes</td>
<td>Charges to some degree responsive to costs and capacity situation in individual sections and nodes</td>
<td>Charges highly responsive to costs and capacity situation in individual sections and nodes</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

**N°:** 2.8  
**Topic/Subtopic:** Institutional set-up  
**Aspect:** Notified body(ies) for interoperability

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical competence of notified body(ies)</td>
<td>No notified body</td>
<td>Low technical competence of notified body(ies)</td>
<td>Adequate technical competence of notified body(ies)</td>
<td>Proven technical competence of notified body(ies)</td>
<td>Outstanding technical competence of notified body(ies)</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

**N°:** 3.1  
**Topic/Subtopic:** Access to the market  
**Aspect:** Licensing of RUs and IMs

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Time period for issuing</td>
<td>Very long period for obtaining a licence</td>
<td>Long period for obtaining a licence</td>
<td>Reasonable period for obtaining a licence</td>
<td>Short period for obtaining a licence</td>
<td>Very short period for obtaining a licence</td>
</tr>
<tr>
<td>(b) Delays in issuing</td>
<td>Structural long delays</td>
<td>Occasional long delays</td>
<td>Structural short delays</td>
<td>Occasional and short delays</td>
<td>No delays</td>
</tr>
<tr>
<td>(c) Clarity of procedures and criteria</td>
<td>Procedures and criteria not known</td>
<td>Structural lack of clarity and information reported</td>
<td>Lack of clarity reported</td>
<td>Clear procedures with lack of communication</td>
<td>Very clear and clearly shown procedures and criteria</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>----------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>(d) Justification for refusal</td>
<td>Justification for refusal not given</td>
<td>Justification for refusal unclear, delays reported</td>
<td>Justification for refusal summarised, delays reported</td>
<td>Justification for refusal summarised, in a short time frame</td>
<td>Justification for refusal clearly and completely indicated in a short time frame</td>
</tr>
</tbody>
</table>

**TREND A2 Score Board**

<table>
<thead>
<tr>
<th>N°: 3.2</th>
<th>Topic/Subtopic: Access to the market</th>
<th>Aspect: Safety certification of RUs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criteria</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>(a) Time period for issuing</td>
<td>Very long period for obtaining a certificate</td>
<td>Long period for obtaining a certificate</td>
</tr>
<tr>
<td>(b) Delays in issuing</td>
<td>Structural long delays</td>
<td>Occasional long delays</td>
</tr>
<tr>
<td>(c) Clarity of procedures and criteria</td>
<td>Procedures and criteria not known</td>
<td>Structural lack of clarity and information reported</td>
</tr>
<tr>
<td>(d) Justification for refusal</td>
<td>Justification for refusal not given</td>
<td>Justification for refusal unclear, delays reported</td>
</tr>
</tbody>
</table>

**TREND A2 Score Board**

<table>
<thead>
<tr>
<th>N°: 3.3.1</th>
<th>Topic/Subtopic: Access to the market</th>
<th>Aspect: Right of access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criteria</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Right of access</td>
<td>Right of access not given to foreign RUs and international JVs</td>
<td>Right of access given to international JVs including a domestic RU, for transit only</td>
</tr>
</tbody>
</table>

**TREND A2 Score Board**

<table>
<thead>
<tr>
<th>N°: 3.3.2</th>
<th>Topic/Subtopic: Access to the market</th>
<th>Aspect: Track charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criteria</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Charging system</td>
<td>Charging structure unclear and relevant level of volume discounts</td>
<td>High number of parameters for charging, volume discounts reported factor of discrimination</td>
</tr>
</tbody>
</table>
## TREND A2 Score Board

### N° 3.3.3  
**Topic/Subtopic:** Access to the market  
**Aspect:** Network information

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Network statement availability</td>
<td>Network state-ment published more than 2 years ago in the domestic language(s) only</td>
<td>Network state-ment published irregularly and in the domestic language(s) only</td>
<td>Network state-ment published bi-annually in two languages of which one foreign language, not available online</td>
<td>Network state-ment published annually in at least 1 foreign language, but not available online</td>
<td>Network state-ment published annually in at least 1 foreign language and available online</td>
</tr>
<tr>
<td>(b) Online information on performance</td>
<td>Network performance not available</td>
<td>Not sufficient information on network conditions, few information on network performance not recently updated</td>
<td>Few but up-to-date information on network performance</td>
<td>Information considered not sufficient, complete information on network performance not recently updated</td>
<td>Complete and up-to-date information on network performance</td>
</tr>
</tbody>
</table>

## TREND A2 Score Board

### N° 3.3.4  
**Topic/Subtopic:** Access to the market  
**Aspect:** Framework agreements

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existence and implementation of framework agreements</td>
<td>Framework agreement concept not existing in legislation</td>
<td>Framework agreement procedure not yet implemented in the Network Statement</td>
<td>Framework agreement procedure implemented, allowed duration affecting the free access to the network</td>
<td>Framework agreement required and existing between IM and incumbent RU only</td>
<td>Framework agreement widely implemented, also with non-RU authorised applicants</td>
</tr>
</tbody>
</table>

## TREND A2 Score Board

### N° 3.3.5  
**Topic/Subtopic:** Access to the market  
**Aspect:** Allocation procedure of train paths

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Time period for allocation</td>
<td>Very long period for approval</td>
<td>Long period for approval</td>
<td>Reasonable period for approval</td>
<td>Short period for approval</td>
<td>Very short period for approval</td>
</tr>
<tr>
<td>(b) Delays in allocation</td>
<td>Structural long delays</td>
<td>Occasional long delays</td>
<td>Structural short delays</td>
<td>Occasional and short delays</td>
<td>No delays</td>
</tr>
<tr>
<td>(c) Clarity of justification for refusal</td>
<td>Justification for refusal/change not given</td>
<td>Justification for refusal/change unclear, delays reported</td>
<td>Justification for refusal/change summarised, delays reported</td>
<td>Justification for refusal/change summarised, in a short time frame</td>
<td>Justification for refusal/change clearly and completely indicated in a short time frame</td>
</tr>
</tbody>
</table>
## TREND A2 Score Board

### N°: 3.3.6  
**Topic/Subtopic:** Access to the market  
**Aspect:** Allocation procedure of capacity of terminals/marshalling yards

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Time period for allocation</td>
<td>Very long period for approval</td>
<td>Long period for approval</td>
<td>Reasonable period for approval</td>
<td>Short period for approval</td>
<td>Very short period for approval</td>
</tr>
<tr>
<td>(b) Delays in allocation</td>
<td>Structural long delays</td>
<td>Occasional long delays</td>
<td>Structural short delays</td>
<td>Occasional and short delays</td>
<td>No delays</td>
</tr>
<tr>
<td>(c) Clarity of justification for refusal</td>
<td>Justification for refusal/change not given</td>
<td>Justification for refusal/change unclear, delays reported</td>
<td>Justification for refusal/change summarised, delays reported</td>
<td>Justification for refusal/change summarised, in a short time frame</td>
<td>Justification for refusal/change clearly and completely indicated in a short time frame</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

### N°: 3.4.1  
**Topic/Subtopic:** Access to the market  
**Aspect:** Access to electricity

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Electricity charges</td>
<td>Electricity charges consistently higher than market prices and electricity charging system not clear</td>
<td>Electricity charges higher than market prices and volume discounts highly affecting market entry of new RUs</td>
<td>Electricity charges in line at market prices and volume discounts not affecting market entry of new RUs</td>
<td>Electricity charges discounted from market prices and electricity charges clear and proportional to traffic demanded</td>
<td>Electricity charges consistently discounted market prices and electricity charges clear and proportional to traffic performance</td>
</tr>
<tr>
<td>(b) Competition in energy supply</td>
<td>No possibility of choice among providers</td>
<td>No possibility of choice among providers in practice</td>
<td>Efforts made for electricity supply market opening</td>
<td>Electricity supply market to be opened</td>
<td>Electricity supply market opened</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

### N°: 3.4.2  
**Topic/Subtopic:** Access to the market  
**Aspect:** Access to diesel

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Diesel charges</td>
<td>Diesel charges consistently higher than market prices and diesel charging system not clear</td>
<td>Diesel charges higher than market prices and volume discounts highly affecting market entry of new RUs</td>
<td>Diesel charges in line at market prices and volume discounts not affecting market entry of new RUs</td>
<td>Diesel charges discounted from market prices and diesel charges clear and proportional to traffic performance</td>
<td>Diesel charges consistently discounted market prices and diesel charges clear and proportional to traffic performance</td>
</tr>
<tr>
<td>(b) Competition in diesel supply</td>
<td>No possibility of choice among providers</td>
<td>No possibility of choice among providers in practice</td>
<td>Efforts made for diesel supply market opening</td>
<td>Diesel supply market to be opened</td>
<td>Diesel supply market opened</td>
</tr>
</tbody>
</table>
### TREND A2 Score Board

**N°: 3.5**

**Topic/Subtopic:** Access to the market

**Aspect:** Approval and safety authorisation of rolling stock

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Characteristics of responsible body</td>
<td>Body responsible for homologation integrated in incumbent RU</td>
<td>Body responsible for homologation separate structure of incumbent RU</td>
<td>Body responsible for homologation independent office of IM</td>
<td>Body responsible for homologation separate structure of ex-monopoly railway holding</td>
<td>Body responsible for homologation independent public structure</td>
</tr>
<tr>
<td>(b) Time period for issuing</td>
<td>Very long period for issuing</td>
<td>Long period for issuing</td>
<td>Reasonable period for issuing</td>
<td>Short period for issuing</td>
<td>Very short period for issuing</td>
</tr>
<tr>
<td>(c) Delays in issuing</td>
<td>Structural long delays</td>
<td>Occasional long delays</td>
<td>Structural short delays</td>
<td>Occasional and short delays</td>
<td>No delays</td>
</tr>
<tr>
<td>(d) Clarity of procedures and criteria</td>
<td>Procedures and criteria not clear and known</td>
<td>Redundancies and lack of information reported</td>
<td>Redundancies of procedures for certification of rolling stock and enterprises</td>
<td>Clear procedures with lack of communication</td>
<td>Very clear and clearly shown procedures and criteria</td>
</tr>
<tr>
<td>(e) Justification for refusal</td>
<td>Justification for refusal not given</td>
<td>Justification for refusal unclear, delays reported</td>
<td>Justification for refusal summarised, delays reported</td>
<td>Justification for refusal summarised, in a short time frame</td>
<td>Justification for refusal clearly and completely indicated in a short time frame</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

**N°: 3.6**

**Topic/Subtopic:** Access to the market

**Aspect:** Availability of locomotive drivers for international operations

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Availability of locomotive drivers</td>
<td>No labour supply (no loc. drivers unemployed) and lack of training outside incumbent RU</td>
<td>Small labour supply and availability of training courses at RUs only</td>
<td>Small labour supply and availability of training courses</td>
<td>Limited labour supply and availability of training courses</td>
<td>Sufficient labour supply and availability of training courses</td>
</tr>
<tr>
<td>(b) Possibility of hiring/subcontracting</td>
<td>No possibility of hiring/subcontracting stated by law</td>
<td>Hiring/subcontracting in principle possible, but not practiced by incumbent RUs due to internal agreements or agreements with trade unions</td>
<td>Hir-ing/subcontracting of drivers from other RUs on the basis of co-operation</td>
<td>Drivers available from other RUs and/or commercial agencies, but problems reported</td>
<td>Drivers available from other RUs and/or commercial agencies without barriers</td>
</tr>
</tbody>
</table>
### TREND A2 Score Board

#### N° 3.7
**Topic/Subtopic:** Access to the market  
**Aspect:** Possibility to contract inspections, maintenance, communication facilities on the market

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Possibility to contract inspection services</td>
<td>No possibility of contracting</td>
<td>Possibility to contract; free access to facilities and service provided by RU/IM on contractual basis, prices not stated in publicly available documents, negotiated case by case</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in publicly available documents, reported higher than market prices</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in the Network Statement, cases of restriction reported</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in the Network Statement, no restriction reported</td>
</tr>
<tr>
<td>(b) Possibility to contract maintenance facilities/services</td>
<td>No possibility of contracting stated by the Network Statement</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices not stated in the Network Statement, negotiated case by case</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in the Network Statement, reported higher than market prices</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in the Network Statement, cases of restriction reported</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in the Network Statement, no restriction reported</td>
</tr>
<tr>
<td>(c) Possibility to contract communication facilities/services</td>
<td>No possibility of contracting stated by the Network Statement</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices not stated in the Network Statement, negotiated case by case</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in the Network Statement, reported higher than market prices</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in the Network Statement, cases of restriction reported</td>
<td>Possibility to contract; free access to facilities and service provided by IM on contractual basis, prices stated in the Network Statement, no restriction reported</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

#### N° 3.8
**Topic/Subtopic:** Access to the market  
**Aspect:** Liability insurance coverage

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Insurance requirements</td>
<td>Specific insurance required for each operation/rolling stock</td>
<td>Specific insurance required for most of the operations/rolling stock</td>
<td>Specific insurance required for some operations/rolling stock</td>
<td>Standard insurance required for most of the operations/rolling stock</td>
<td>Standard insurance required for all operations/rolling stock</td>
</tr>
<tr>
<td>(b) Acceptance of foreign insurance</td>
<td>No acceptance of foreign insurance</td>
<td>In general no acceptance of foreign insurance, with exceptions</td>
<td>Acceptance of foreign insurance submitted to domestic legislation</td>
<td>In general, full acceptance of foreign insurance with exceptions</td>
<td>Full acceptance of foreign insurance</td>
</tr>
</tbody>
</table>
### TREND A2 Score Board

#### N° 4.1
**Topic/Subtopic:** User rights  
**Aspect:** **User rights of RUs vs. IMs**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Legal and contractual guarantees and compensations</td>
<td>No performance guarantees of and compensation by IMs</td>
<td>Legally fixed minimum guarantees and compensations</td>
<td>Legally fixed standard guarantees and compensations</td>
<td>Contractual performance guarantees and compensation above legally fixed standard</td>
<td>High-standard contractual performance guarantees and compensation</td>
</tr>
</tbody>
</table>

#### N° 4.2
**Topic/Subtopic:** User rights  
**Aspect:** **User rights of shippers vs. RUs**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Legal and contractual guarantees and compensations</td>
<td>No performance guarantees of and compensation by RUs</td>
<td>Legally fixed minimum guarantees and compensations</td>
<td>Legally fixed standard guarantees and compensations</td>
<td>Contractual performance guarantees and compensation above legally fixed standard</td>
<td>High-standard contractual performance guarantees and compensation</td>
</tr>
</tbody>
</table>

#### N° 5.1
**Topic/Subtopic:** Cross border traffic  
**Aspect:** **Path reservation (international train operations)**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) One-stop shop availability</td>
<td>No OSS in the country</td>
<td>OSS does not process international train path requests</td>
<td>OSS processing international train path requests</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Efficiency/user friendliness</td>
<td>Unacceptable level of efficiency/user friendliness</td>
<td>Unsatisfactory level of efficiency/user friendliness</td>
<td>Acceptable level of efficiency/user friendliness</td>
<td>Satisfactory level of efficiency/user friendliness</td>
<td>Very satisfactory level of efficiency/user friendliness</td>
</tr>
</tbody>
</table>

#### N° 5.2
**Topic/Subtopic:** Cross border traffic  
**Aspect:** **Interoperability: border crossings**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason for border stops</td>
<td>Border stop for change of locomotive (and driver) and train inspection</td>
<td>Border stop for change of locomotive (and driver)</td>
<td>Border stop for change of driver</td>
<td>No border stop with multi-system locomotive</td>
<td>No border stop required</td>
</tr>
</tbody>
</table>

- to Country A
- to Country B
- to Country C
- etc.
### TREND A2 Score Board

**N° 7.1**  
**Topic/Subtopic:** Assessment of discriminatory practices and competitive distortions  
**Aspect:** Safety certification

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proven discriminatory practices or/and competitive distortions</td>
<td>Rulings of discrimination or/and competitive distortions by courts or/and competition authorities within past three years</td>
<td>Pending cases with courts or/and competition authorities</td>
<td>Appeal against rejection of requests for safety certification</td>
<td>Rejection of request for safety certification well justified</td>
<td>No rejections of requests for safety certification</td>
</tr>
<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td>Significant potential</td>
<td>Limited potential</td>
<td>No potential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

**N° 7.2.1**  
**Topic/Subtopic:** Assessment of discriminatory practices and competitive distortions/ Access to the network  
**Aspect:** Access to the tracks

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proven discriminatory practices or/and competitive distortions</td>
<td>Rulings of discrimination or/and competitive distortions by competition authorities within past three years</td>
<td>Pending cases with courts or/and competition authorities</td>
<td>Appeal against rejection of applications</td>
<td>Rejection of applications well justified</td>
<td>No rejections of applications</td>
</tr>
<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td>Significant potential</td>
<td>Limited potential</td>
<td>No potential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

**N° 7.2.2**  
**Topic/Subtopic:** Assessment of discriminatory practices and competitive distortions/ Access to the network  
**Aspect:** Track charging

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proven discriminatory practices or/and competitive distortions</td>
<td>Rulings of discrimination or/and competitive distortions by competition authorities within past three years</td>
<td>Pending cases with courts or/and competition authorities</td>
<td>Appeal against rejection of applications</td>
<td>Rejection of applications well justified</td>
<td>No rejections of applications</td>
</tr>
<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td>Significant potential</td>
<td>Limited potential</td>
<td>No potential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## TREND A2 Score Board

**Topic/Subtopic:** Assessment of discriminatory practices and competitive distortions/ Access to the network  
**Aspect:** Access to terminals, marshalling yards

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proven discriminatory practices or/and competitive distortions</td>
<td>Rulings of discrimination or/and competitive distortions by competitive authorities within past three years</td>
<td>Pending cases with courts or/and competition authorities</td>
<td>Appeal against rejection of allocation requests</td>
<td>Rejection of allocation request well justified</td>
<td>No rejections of allocation requests</td>
</tr>
<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td>Significant potential</td>
<td>Limited potential</td>
<td>No potential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## TREND A2 Score Board

**Topic/Subtopic:** Assessment of discriminatory practices and competitive distortions/ Energy supply  
**Aspect:** Choice of electricity provider and price of electricity

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proven discriminatory practices or/and competitive distortions</td>
<td>Rulings of discrimination or/and competitive distortions by competitive authorities within past three years</td>
<td>Pending cases with courts or/and competition authorities</td>
<td>Appeal against rejection of applications for choice of electricity supplier</td>
<td>Rejection of applications for choice of electricity supplier well justified</td>
<td>No rejection of applications for choice of electricity supplier; no formal complaints about electricity pricing</td>
</tr>
<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td>Significant potential</td>
<td>Limited potential</td>
<td>No potential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## TREND A2 Score Board

**Topic/Subtopic:** Assessment of discriminatory practices and competitive distortions/ Energy supply  
**Aspect:** Choice of diesel fuel provider and price of diesel

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proven discriminatory practices or/and competitive distortions</td>
<td>Rulings of discrimination or/and competitive distortions by competitive authorities within past three years</td>
<td>Pending cases with courts or/and competition authorities</td>
<td>Appeal against rejection of applications for choice of diesel supplier</td>
<td>Rejection of applications for choice of diesel supplier well justified</td>
<td>No rejection of applications for choice of diesel supplier; no formal complaints about diesel pricing</td>
</tr>
<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td>Significant potential</td>
<td>Limited potential</td>
<td>No potential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### TREND A2 Score Board

**N° 7.4**
**Topic/Subtopic:** Assessment of discriminatory practices and competitive distortions

**Aspect:** Access of rolling stock to the network (approval/safety authorisation of rolling stock)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proven discriminatory practices or/and competitive distortions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rulings of discrimination or/and competitive distortions by competitive authorities within past three years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pending cases with courts or/and competition authorities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeal against rejection of applications for rolling stock access</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rejection of applications of rolling stock access well justified</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No rejection of applications for rolling stock access; no formal complaints about rolling stock approval</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant potential</td>
<td></td>
<td>Limited potential</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

**N° 7.5**
**Topic/Subtopic:** Assessment of discriminatory practices and competitive distortions

**Aspect:** Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proven discriminatory practices or/and competitive distortions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rulings of discrimination or/and competitive distortions by competitive authorities within past three years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pending cases with courts or/and competition authorities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeal against rejection of applications for access to services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rejection of applications of access to services well justified</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No rejection of applications for choice of access to services; no formal complaints about services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant potential</td>
<td></td>
<td>Limited potential</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

**N° 8.1**
**Topic/Subtopic:** Management of change towards EU integration

**Aspect:** Government

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Implementation of EU legislation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st railway package not yet transposed into national law</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st railway package transposed into national law but not yet fully implemented</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st railway package fully implemented</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st railway package fully implemented; transposal of 2nd railway package under preparation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st railway package fully implemented; transposal of 2nd railway package complete</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Access to market by foreign RUs (internal transport, cabotage)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market not opened for foreign RUs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market formally opened for international transport by foreign RUs, but major barriers subsist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market opened for international transport by foreign RUs, but barriers subsist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market effectively opened for international transport by foreign RUs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market effectively opened for international transport and cabotage by foreign RUs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure ownership and management</td>
<td>Infrastructure management fully integrated into main RU</td>
<td>Infrastructure manager under same ownership as main RU, but separate legal entity</td>
<td>Infrastructure manager under same ownership as main RU, but separate legal entity with effective Chinese wall</td>
<td>Infrastructure owned and managed by independent IM</td>
<td>Infrastructure Manager completely separated from RUs, owned or contracted by government</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

#### N° 8.2

**Topic/Subtopic:** Management of change towards EU integration  
**Aspect:** Infrastructure Manager(s)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Network capacity management</td>
<td>Network capacity management with strong priority for passenger traffic</td>
<td>Network capacity management with &quot;grandfather rights&quot;</td>
<td>Network capacity management with priority for international trains</td>
<td>Network capacity management purely supply/demand driven, without congestion pricing</td>
<td>Network capacity management purely supply/demand driven, with congestion pricing</td>
</tr>
<tr>
<td>(b) Energy access and pricing (electricity)</td>
<td>Obligation of RUs to buy electricity from IM (or affiliate) at prices significantly above market prices</td>
<td>Obligation of RUs to buy electricity from IM (or affiliate) at market prices</td>
<td>Full choice of electricity provider and cost-based induction charges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) International One-Stop Shop</td>
<td>No OSS for international train paths available</td>
<td>OSS for international train paths available but ordering in each country separately is speeding up process</td>
<td>OSS for international train paths with low efficiency</td>
<td>OSS for international train paths with reasonable efficiency</td>
<td>OSS for international train paths with high efficiency</td>
</tr>
</tbody>
</table>

### TREND A2 Score Board

#### N° 8.3

**Topic/Subtopic:** Management of change towards EU integration  
**Aspect:** Railway Undertaking(s)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Access to ancillary services or service facilities (inspection, maintenance, telecommunication network) by foreign RUs</td>
<td>Major barriers for access to ancillary services by RUs</td>
<td>Some barriers for access to ancillary services by RUs</td>
<td>Unrestricted and non-discriminatory access to ancillary services offered to RUs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Development of international rail freight services</td>
<td>Development of international services hindered by major barriers for interoperability and time-wasting administrative procedures</td>
<td>RUs taking advantage of better interoperability and reduction of time-wasting administrative procedures</td>
<td>All RUs actively developing international services at best commercial speeds</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
In line with the objectives of the evaluation, the 8 topics have been assessed under different schemes, as follows:

- **Topic 1 - Rail freight market**, collecting quantitative data, does not need an assessment methodology;
- **Topics 2 to 5 – Institutional set-up, access to the market, user rights, cross-border traffic**; these topics were evaluated through a two-stage process. Firstly, the aspects were evaluated by the TREND Team members, who participated in the WP A1 analysis. Then, the marks given by the TREND Team in accordance with the results of the Country Studies developed in WP A1 were submitted to a broad panel of evaluators of rail market experts, academics, and stakeholders;
- **Topic 6 - Pending and ruled legal cases**, were considered not to be relevant because of the small number of cases encountered in many countries;
- **Topics 7 and 8 - Assessment of discriminatory practices and competitive distortions, and Assessment of management of change**; these topics were submitted entirely to the panel of academics, experts and stakeholders, as part of the overall concept without direct link with the data collection and the knowledge bases developed in WP A1. This assessment, complementary to the data collection and the evaluation of results, was developed in order to provide a broader view on the market picture of each country and on the progress made towards integration.

As noted in the previous chapter, the evaluators received a complete scoreboard for topics 2 to 5 already filled in by the TREND Team for each aspect and its related criteria, plus topics 7 and 8, for the countries of their competence.

Although it may be necessary, it makes the evaluation procedure more difficult to record many evaluation criteria, especially where a country may be given two (or more) very different marks
in the scoreboard, for two (or more) criteria. We therefore proposed a weighting procedure to the evaluators in order to enhance the reliability of the results. We chose the **weight assignment process** via the **pairwise comparison** approach (Saaty, 1976; Voogd, 1983), which is a widely used method to rank different evaluation criteria by assigning them a specific “weight”. The following picture shows part of the weighting exercise file for the pairwise comparison, in which each evaluator has to distribute a percentage equal to one hundred within each couple.

**Figure 2: Weighting exercise (example)**

<table>
<thead>
<tr>
<th>N°:</th>
<th>2.1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Topic:</strong></td>
<td>Institutional set-up</td>
</tr>
<tr>
<td><strong>Aspect:</strong></td>
<td>Commitment of national policies to EU policy for market opening and fair competition</td>
</tr>
</tbody>
</table>
| **Criteria**| (a) Coherence of national railway policy  
(b) Transposal of EU legislation  
(c) Competition and court cases |

Please share a total score of 100 between the following pairs of criteria

<table>
<thead>
<tr>
<th>Coherence of national railway policy</th>
<th>Transposal of EU legislation</th>
<th>Coherence of national railway policy</th>
<th>Competition and court cases</th>
<th>Transposal of EU legislation</th>
<th>Competition and court cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>50</td>
<td>70</td>
<td>30</td>
<td>70</td>
<td>30</td>
</tr>
</tbody>
</table>

The results of each exercise were then processed in order to achieve a complete ranking among criteria within each aspect (see example below: Aspect 2.1 – Coherence of national policies to EU policy for market opening and fair competition). The outcome from different groups of evaluators (TREND team, academics and experts, stakeholders) were then clustered and analysed, in order to highlight possible differences in the perception of different levels of importance for each criteria.
The results of the scoreboards (levels) and the weighting exercise (weights) could then be combined, in order to achieve a weighted score for each aspect which would consider both the level attributed to each criterion and the relative importance given to the different criteria within each aspect.

### 4.2 Procedure

The concept was tested by members of the TREND team and selected members of the panel of experts/academics and stakeholders in November. At the beginning of December, the scoreboards for each country were filled in by the TREND team; at the same time the “scoreboards” and “weighting exercise” file was delivered to the panel of evaluators listed in Annex II – Evaluators). The TREND team assisted the evaluators in order to overcome possible problems in the filling of the scoreboards and the exercise.

The evaluation took about 7 weeks, and after a reminder to those evaluators who could not answer within the first month, was completed by the first week in February.

The final panel of evaluators included 7 members of the TREND team, 10 academics/experts, and 14 stakeholders. Countries not covered by the external evaluation are Greece, Slovenia, and Slovakia.
As already noted, the subjects involved in the evaluation process were clustered into three groups:

- **TREND team** – made up by the researchers who contributed to the Country Knowledge Bases developed in TREND WP A1;
- **Academics/Experts** – academics whose research deals with transport issues, and in particular to rail freight markets; experts with experience in the rail freight sector;
- **Stakeholders** – i.e. main RUs, new entrants, RU associations, freight operators and customers.

### 4.3 Evaluation results

The results are presented below in 6 sections:

- Unweighted and weighted scores by the TREND Team ex Knowledge base
- Present achievements: weighted country scores by TREND Team for topics 2 to 5
- Validation of TREND Team weightings by comparison of three cluster weightings
- Panel assessment of competition and management of change
- Evaluation differences between evaluators for Germany and Italy
- Highlighting of best practices

#### 4.3.1 Scores and weights of the TREND team

The following table reports the average of the results of scoring and of the weighting exercise run by the TREND team.

In order to add a further element to the analysis, the standard deviation of the weighting results is shown in the last two columns, in absolute terms and as a percentage of the average. This helps to highlight major uncertainties in the relative importance of criteria within a specific aspect.

As weightings values vary between 0 and 1, the analysis focused on criteria showing an absolute standard deviation around 0.20 (i.e. 20% of the total for the aspect). No standard deviation was higher than 0.24.

Significant deviations exist for only a few aspects, for most of which the Knowledge Base does not report implementation on a wide scale. For example as regards access to energy (3.4.1 and 3.4.2), in many cases there is either no regulation governing free access, or the option provided by law is not implemented. Such situations lead to higher uncertainties in the weighting, due to the lack of data and market experiences. but those reported do not seem to be wide, and do not compromise the consistency of the the weighting results.

The evaluation contains several blanks, since the practices selected do not exist in some countries or they have not yet been implemented, making consistent evaluation impossible; the reasons for them are described in notes at the bottom of the following table:
Table 5: TREDN team unweighted scoring and weighting

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>AT</th>
<th>FR</th>
<th>DE</th>
<th>GR</th>
<th>IT</th>
<th>CZ</th>
<th>HU</th>
<th>PL</th>
<th>SK</th>
<th>SI</th>
<th>BG</th>
<th>RO</th>
<th>CH</th>
<th>Average TREND-Team Weighting</th>
<th>Standard Deviation (absolute)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Commitment of national policies to EU policy for market opening and fair competition</td>
<td>4 3 3 3 4</td>
<td>2 3 3 3 3</td>
<td>3 3 4</td>
<td>0.40</td>
<td>0.05</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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#### 3.7 Possibility to contract inspections, maintenance, communication facilities on the market

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#### 3.8 Liability insurance coverage

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#### 4.1 User rights of RUs vs. IMs

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#### 4.2 User rights of shippers vs. RUs

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#### Notes:
- (a) evaluation not possible since no entry of new comers has occurred yet
- (b) evaluation not possible waiting for the implementation of legislation issued
- (c) no information or data available
- (d) not yet issued
- (e) no refusals; no competition cases
- (f) no requirement for the practice in legislation

---

### 4.3.2 Assessment of present achievements

**Topic 2 “Institutional set-up”** is made up of the following 7 different aspects:
- Commitment of national policies to EU policy for market opening and fair competition
- Regulatory Body
- Safety authority (body responsible for safety issues)
- Main Infrastructure manager
- Capacity allocation body(ies)
- Charging body
- Notified body(ies) for interoperability
The evaluation of the commitment of national policies to EU policy, and on regulatory bodies (where they exist) mostly reported values around the average, i.e. a score of 3 in the range 1-5, with some critical positions, scoring 2 or less, as regards regulatory bodies (Czech Republic, Slovenia, and Romania).

The evaluation of the safety authority shows a somewhat lower average level, but no significant/critical cases, except for Slovenia, in which the efficiency of decision making could not be evaluated because no certificates had yet been issued.

Concerning the separation between the IMs and the main RUs (and although EU law only requires separation of accounts), France, Greece, the Czech Republic and Switzerland are at the moment clearly below the average.

The evaluations of capacity allocation and charging bodies show a high average level, but as regards the notified bodies for interoperability, Greece, the Czech Republic, Slovakia, Slovenia and Romania rank poorly.

Concerning topic 2 as a whole, the evaluation highlights a group of countries showing high levels (above 3) for most of the 7 aspects, composed of Austria, Germany, Italy, Hungary, Bulgaria, Switzerland. All the other countries show a mixture of scores (below and above 3) with areas where some progress can still be made.

It is worth pointing out that the institutional set-up is, among our topics, strongly linked to compliance with the provisions of the first and second EU railway packages. As may be noticed, the lower level group is made up of countries which have a relatively closed market structure in terms of market shares, whilst the situation in the higher level countries shows much greater degrees of market openness.

These findings suggest the conclusion that an institutional-set up which complies with the EU directives can be considered as a pre-condition, rather than as a factor, for the integration of rail freight markets and operations.

**Topic 3 “Access to the market”**

The different aspects can be grouped in three main categories, according to the nature of possible or existing barriers to market integration which need to be faced and overcome by policy efforts, as follows:

- Institutional/Informational barriers: Licensing of RUs and IMs; Safety certification of RUs; Right of access; Track charges; Network information; Framework agreements;
- Technical/Operational barriers: Allocation procedure of train paths; Allocation procedure of terminals/marshalling yards capacity; Access to electricity; Access to diesel; Approval and safety authorisation of rolling stock;
- Commercial/International competitiveness barriers: Availability of locomotive drivers for international operations; Possibility to contract inspections, maintenance, communication services or service facilities on the market; Liability insurance coverage.

Concerning the first group, licensing and safety certification issues no longer seem to be decisive aspects in market integration for the panel of countries evaluated. The right of access was reported at the lowest level for Slovakia, Bulgaria, Romania and Hungary. The structure of track charges also does not seem to represent a decisive barrier; the main problem reported here relates to the complexity of calculation, mainly due to a large number of complementary fees. Network information and framework agreements do not represent critical issues.
In terms of Institutional/Informational barriers, the right of access is the main element in potentially limiting access to certain national markets. However, according to the findings of the evaluation, there are also cases in which this right of access is formally guaranteed on a broad basis, but not widely applied in practice.

As far as the second group is concerned, the allocation procedure for terminals and marshalling yards (rather than for train paths) does not seem to represent a critical issue in most countries (apart from Poland). Conversely, access to energy seems to be more perceived as a critical issue, both in terms of charges and in terms of choice of providers. The latter is the reason for low average marks across countries. The evaluation of approval and safety authorisation of rolling stock does not differ significantly across the countries considered, but marks are generally low.

In terms of Technical/Operational barriers, the only two aspects for which critical situations have been reported in some countries are access to electricity supply and approval and safety authorisation for rolling stock.

Concerning the third group in the “access to the market” topic, the availability of locomotive drivers for international operations has been assessed at a low level for several countries, with the remarkable exception of Poland, and an above average assessment for Hungary, Bulgaria and Switzerland. A similar situation is shown for inspections, maintenance and communication facilities, while the differences in liability insurance coverage do not seem to be a critical issue.

Concerning the commercial/international competitiveness barriers, the decisive aspect is related to labour supply, and the evaluations show higher levels for new EU Member States and non-members. A similar situation is shown concerning the possibility to contract inspections, maintenance and communications services/service facilities, where some limitation and difficulties in contracted are reported in several cases.

**Topic 4 “User Rights”**

User rights are strongly related with quality issues, which are developed in Work Package B4 of the TREND project. As they tend to enhance competitiveness at a second stage, compared with basic market oriented achievements, they become important when several barriers already described have already been overcome. The findings of the evaluation show a low average for user rights of RUs vs. IMs, whilst a higher average is shown for user rights of shippers vs. RUs. Quality issues will be decisive for the development of integrated markets in the future.

**Topic 5 “Path reservation (international train operations)”**

Path reservation is evaluated at a low level where one stop shops do not exist or have not been fully implemented (Romania, Bulgaria), while the other countries generally show quite high levels.

The following graphs provide a visual representation of the evaluation results for each country. Red squares give a picture of the evaluated country, showing the level of integration of rail freight markets and operations, compared with the lines showing the minimum and maximum scores reported, and with the average scores of the 10 EU Member States evaluated (dark line).

The graphs below are presented in alphabetical order according to the clustering in three groups: EU 15, EU 10, and currently non EU countries.
Figure 4: TREND team weighted evaluation – Austria and France

2.1 Commitment of national policies to EU policy for market opening and fair competition
2.2 Regulatory Body
2.3 Safety authority (body responsible for safety issues)
2.5 Main Infrastructure manager
2.6 Capacity allocation body(ies)
2.7 Charging body
2.8 Notified body(ies) for interoperability
3.1 Licensing of RUs and IMs
3.2 Safety certification of RUs
3.3.1 Right of access
3.3.2 Track charges
3.3.3 Network information
3.3.4 Framework agreements
3.3.5 Allocation procedure of train paths
3.3.6 Allocation procedure of capacity of terminals/marshalling yards
3.4.1 Access to electricity
3.4.2 Access to diesel
3.5 Approval and safety authorisation of rolling stock
3.6 Availability of locomotive drivers for international operations
3.7 Possibility to contract inspections, maintenance, communication facilities
3.8 Liability insurance coverage
4.1 User rights of RUs vs. IMs
4.2 User rights of shippers vs. RUs
5.1 Path reservation (international train operations)
Figure 5: TREND team weighted evaluation – Germany, Greece

2.1 Commitment of national policies to EU policy for market opening and fair competition
2.2 Regulatory Body
2.3 Safety authority (body responsible for safety issues)
2.5 Main Infrastructure manager
2.6 Capacity allocation body(ies)
2.7 Charging body
2.8 Notified body(ies) for interoperability
3.1 Licensing of RUs and IMs
3.2 Safety certification of RUs
3.3.1 Right of access
3.3.2 Track charges
3.3.3 Network information
3.3.4 Framework agreements
3.3.5 Allocation procedure of train paths
3.3.6 Allocation procedure of capacity of terminals/marshalling yards
3.4.1 Access to electricity
3.4.2 Access to diesel
3.5 Approval and safety authorisation of rolling stock
3.6 Availability of locomotive drivers for international operations
3.7 Possibility to contract inspections, maintenance, communication facilities
3.8 Liability insurance coverage
4.1 User rights of RUs vs. IMs
4.2 User rights of shippers vs. RUs
5.1 Path reservation (international train operations)

- country
- Average EU members
- Minimum EU members
- Maximum EU members
Figure 6: TREND team weighted evaluation – Italy

2.1 Commitment of national policies to EU policy for market opening and fair competition

2.2 Regulatory Body

2.3 Safety authority (body responsible for safety issues)

2.4 Main Infrastructure manager

2.5 Capacity allocation body(ies)

2.6 Charging body

2.7 Notified body(ies) for interoperability

3.1 Licensing of RUs and IMs

3.2 Safety certification of RUs

3.3.1 Right of access

3.3.2 Track charges

3.3.3 Network information

3.3.4 Framework agreements

3.3.5 Allocation procedure of train paths

3.3.6 Allocation procedure of capacity of terminals/marshalling yards

3.4.1 Access to electricity

3.4.2 Access to diesel

3.5 Approval and safety authorisation of rolling stock

3.6 Availability of locomotive drivers for international operations

3.7 Possibility to contract inspections, maintenance, communication facilities

3.8 Liability insurance coverage

4.1 User rights of RUs vs. IMs

4.2 User rights of shippers vs. RUs

5.1 Path reservation (international train operations)
Figure 7: TREND team weighted evaluation – Czech Republic, Hungary
Figure 8: TREND team weighted evaluation – Poland, Slovakia
Figure 9: TREND team weighted evaluation – Slovenia

- 2.1 Commitment of national policies to EU policy for market opening and fair competition
- 2.2 Regulatory Body
- 2.3 Safety authority (body responsible for safety issues)
- 2.4 Main Infrastructure manager
- 2.5 Capacity allocation body(ies)
- 2.6 Charging body
- 2.8 Notified body(ies) for interoperability
- 3.1 Licensing of RUs and IMs
- 3.2 Safety certification of RUs
- 3.3.1 Right of access
- 3.3.2 Track charges
- 3.3.3 Network information
- 3.3.4 Framework agreements
- 3.3.5 Allocation procedure of train paths
- 3.3.6 Allocation procedure of capacity of terminals/marshalling yards
- 3.4.1 Access to electricity
- 3.4.2 Access to diesel
- 3.5 Approval and safety authorisation of rolling stock
- 3.6 Availability of locomotive drivers for international operations
- 3.7 Possibility to contract inspections, maintenance, communication facilities
- 3.8 Liability insurance coverage
- 4.1 User rights of RUs vs. IMs
- 4.2 User rights of shippers vs. RUs
- 5.1 Path reservation (international train operations)
Figure 10: TREND team weighted evaluation – Bulgaria, Romania
Figure 11: TREND team weighted evaluation – Switzerland (CH)
4.3.3 Weighting by stakeholders and experts/academics

It is worth while examining the weighting results of the other two groups (academics/experts, stakeholders) in more depth, in order to highlight possible differences in the perception of the relative importance of the different criteria in which the defined aspects were broken down. This will help to outline different perspectives and to validate the work done by the TREND team carried out in the previous Work packages. The weighting exercises were carried out by each evaluator independently from the other panel members, and then fitted into the three groups.

At first glance, some differences can be noted between the TREND team weightings and those of the other groups. They were arrived at as follows.

The EU averages were obtained by applying the weighting vectors of the three different groups (TREND team, academics/experts, stakeholders) to the scores reported by the TREND team for topics 2 to 5, and by academics/experts and stakeholders for topics 7 and 8. This calculation should verify whether, differences in the relative importance of criteria within each aspect by the different groups would modify the final output, at least for some aspects.

As shown in the graphs below, comparing the three lines does not provide any relevant differences due to different weightings. The only difference confirmed occurs between academics/experts and the other two groups for topics 7 and 8. Here the scores appear slightly higher when weighted by the academics/experts, but still remain substantially aligned with the results of the other two groups.

We must conclude that differences in weight distribution have a very limited influence on the results of the weighted scores.
Figure 12: Weighted evaluation by clusters of evaluators – average of the 10 EU countries (TREND team scores and weightings by clusters)

2.1 Commitment of national policies to EU policy for market opening and fair
2.2 Regulatory Body
2.3 Safety authority (body responsible for safety issues)
2.4 Main Infrastructure manager
2.5 Capacity allocation body(ies)
2.6 Charging body
2.8 Notified body(ies) for interoperability
3.1 Licensing of RUs and IMs
3.2 Safety certification of RUs
3.3.1 Right of access
3.3.2 Track charges
3.3.3 Network information
3.3.4 Framework agreements
3.3.5 Allocation procedure of train paths
3.3.6 Allocation procedure of capacity of terminals/marshalling yards
3.4.1 Access to electricity
3.4.2 Access to diesel
3.5 Approval and safety authorisation of rolling stock
3.6 Availability of locomotive drivers for international operations
3.7 Possibility to contract inspections, maintenance, communication facilities
3.8 Liability insurance coverage
4.1 User rights of RUs vs. IMs
4.2 User rights of shippers vs. RUs
5.1 Path reservation (international train operations)
Figure 13: Weighted evaluation by clusters - Average of the 10 EU countries (experts/academics and stakeholder’s scores and weightings by clusters)

Assessment of discriminatory practices and competitiveness distortions

7.1 Safety certification

7.2.1 Access to the tracks

7.2.2 Track charging

7.2.3 Access to terminals, marshalling yards

7.3.1 Choice of electricity provider and price of electricity

7.3.2 Choice of diesel fuel provider and price of diesel

7.4 Access of rolling stock to the network (approval/safety authorisation of rolling stock)

7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)

Management of change towards EU integration

8.1 Government

8.2 Infrastructure Manager(s)

8.3 Railway Undertaking(s)

8.4 Foreign Railway Undertaking(s)

- academics/experts
- stakeholders
- TREND team
4.3.4 Evaluation of competition and management of change

The assessment of discriminatory practices and management of change was carried out by the panel of academics/experts and stakeholders.

Table 6: Average evaluation of experts/academics and stakeholders

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<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td>3.0</td>
<td>5.0</td>
<td>2.7</td>
<td>4.3</td>
<td>2.0</td>
<td>5.0</td>
<td>3.0</td>
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<tr>
<td>7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network) (a) Proven discriminatory practices or/and competitive distortions</td>
<td>5.0</td>
<td>5.0</td>
<td>4.0</td>
<td>5.0</td>
<td>5.0</td>
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<tr>
<td>(b) Potential of discriminatory practices or/and competitive distortions</td>
<td>5.0</td>
<td>3.0</td>
<td>2.8</td>
<td>3.0</td>
<td>2.0</td>
<td>5.0</td>
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</tbody>
</table>

8. Evaluation of management of change

| 8.1 Government (a) Implementation of EU legislation | 4.0 | 5.0 | 3.8 | 3.8 | 4.0 | 4.0 | 2.0 | 4.0 |
|                                                      (b) Access to market by foreign RUs (international transport, cabotage) | 5.0 | 4.0 | 3.5 | 3.0 | 3.0 | 4.0 | 2.0 | 3.0 |
|                                                      (c) Infrastructure ownership and management | 5.0 | 5.0 | 2.4 | 2.8 | 5.0 | 2.0 | 2.0 | 5.0 |
| 8.2 Infrastructure Manager(s) (a) Network capacity management | 1.0 | 1.0 | 2.3 | 2.8 | 1.0 | 3.0 | 2.0 | 2.0 |
|                                                      (b) Energy access and pricing (electricity) | 3.0 | 5.0 | 4.0 | 3.0 | 3.0 | 3.0 | 3.0 | 1.0 |
|                                                      (c) International One-Stop Shop | 1.0 | 4.0 | 3.5 | 3.5 | 3.0 | 1.0 | 3.0 | 1.0 |
| 8.3 Railway Undertaking(s) (a) Access to ancillary services or service facilities (inspection, maintenance, telecommunication network) by foreign RUs | 5.0 | 3.0 | 3.3 | 4.3 | 3.0 | 3.0 | 1.0 | 5.0 |
|                                                      (b) Development of international rail freight services | 5.0 | 3.0 | 3.5 | 3.7 | 1.0 | 3.0 | 1.0 | 5.0 |
|                                                      (c) Fighting discriminatory practices | 3.0 | 3.0 | 4.7 | 3.0 | 3.0 | 5.0 | 3.0 | 4.0 |
|                                                      (d) Fighting competitive distortions | 3.0 | 3.0 | 4.8 | 3.0 | 2.0 | 5.0 | 5.0 | 3.0 |
| 8.4 Foreign Railway Undertaking(s) (a) Fighting discriminatory practices | 3.0 | 3.0 | 1.5 | 3.0 | 4.0 | 1.0 | 3.0 | 3.0 |
|                                                      (b) Fighting competitive distortions | 3.0 | 3.0 | 1.5 | 3.0 | 2.0 | 1.0 | 3.0 | 3.0 |
It is worth reminding the reader that whilst topics 2 to 5 have been evaluated as a result of the knowledge base developed for all the countries, this second analysis deals only with the assessments given by external evaluators, which might be more influenced by the perception and the perspective of each individual evaluator. However, such an analysis should help to highlight possible critical issues that may not have emerged in the previous steps, as well as illustrate the general feeling of rail sector actors about discriminatory practices and competitive distortions.

The feedbacks received allow us to present the results for all the countries except Greece, Slovakia, and Slovenia. In the following section the analysis will focus on Germany and Italy, for which we received as many as 5 feedbacks for Germany and 4 for Italy).

**Topic 7 “Assessment of discriminatory practices and competitive distortions”** is made up of 8 different aspects:

- Safety certification
- Access to the tracks
- Track charging
- Access to terminals, marshalling yards
- Choice of electricity provider and price of electricity
- Choice of diesel fuel provider and price of diesel
- Access of rolling stock to the network (approval/safety authorisation of rolling stock)
- Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)

Each aspect was evaluated according to the following 2 criteria:

- Proven discriminatory practices or/and competitive distortions
- Potential of discriminatory practices or/and competitive distortions

Looking at the average (EU Member States) shown by the data and the graphs reported above, we can see that the evaluations are generally rather high in most aspects researched. There are however variations, especially between older Member States and New Member States.

Therefore, to evaluate the results, we have divided the countries into three groups, the first in the EU-15 (Austria, France, Germany, Italy), the second in the EU 10 (Czech Republic, Hungary and Poland), and the third by non-EU Bulgaria, Romania and Switzerland.

In the first group, the first three aspects do not seem to be relevant in terms of proven or potential discrimination. Here, Austria shows the highest levels, whilst other countries stand close to the average. The EU 10 group show significantly lower levels, suggesting that these aspects are still an issue in new European markets, and should be monitored and accompanied, following the experience of the EU 15 countries. The third group shows a different picture, with results closer to the old EU members.

As regards the access to terminals and marshalling yards, the situation is more split. Whilst Austria, Germany, Bulgaria, Romania and Switzerland show high levels, the countries belonging to the EU 10 group lie far behind the average.

As far as access to energy is concerned, evaluations are rather above average in all countries old EU, new EU and non EU members alike (except for Germany).
“Access of rolling stock to the network” and “access to ancillary services and service facilities” do not seem to be critical for any of the countries, with all scores higher than level 3. This suggests that they do not represent major elements on which it is worth while to focus in order to overcome discriminatory practices and competitive distortions.

**Topic 8 “Management of change towards EU integration”** is made up of 4 different aspects:
- Government
- Infrastructure Manager(s)
- Railway Undertaking(s)
- Foreign Railway Undertaking(s)

For the panel, Governments do not represent a critical issue as far as the management of change is concerned, except for Poland. As a non-EU state, Switzerland is a different case, because it does not consider itself bound by obligations in this field.

Although infrastructure managers represent a decisive issue for the management of change, the average level for this aspect is almost the lowest within topic 8, and almost consistently below average. Data confirm that the structure, the activity and the efficiency of the infrastructure managers represent an important problem for the management of change.

National railway undertakings are seen as performing somewhat better than infrastructure managers, but the rating, taking former incumbents and their competitors together, is still average. The role and activities of the Railway Undertakings side are not considered as a critical issue except as far as the development of international rail freight services is concerned (in the Czech Republic, Poland, Romania and Bulgaria).

According to the evaluators, foreign RUs do not seem to be willing to eagerly fight against discriminatory practices and competitive distortions across the whole group of countries evaluated, and in particular in Germany and Hungary. To fight legally for access to the market in a foreign country represents risks and costs that are often not justified for new entrants given the relatively small size of the business envisaged. This finding could either mean that foreign RUs do not consider it as a decisive task to be carried out, or that they manage to deal around it anyway.

Although it is not easy to validate a complete scheme of results, especially where a small number of evaluators might reflect only a partial perspective, some general conclusions can be drawn. On the whole, the results of the weighted evaluation carried out for Topics 2 to 5 have been confirmed by the evaluators. Evaluators have notably stressed more than industry respondents the problems of access to terminals and marshalling yards in New Member States and of energy supply in Germany.

The graphs below are presented in alphabetical order within each of the three groups: EU 15, EU 10, and (currently) non EU countries.
Figure 14: Average weighted evaluation, Austria and France

- **Austria**
  - 7.1 Safety certification
  - 7.2.1 Access to the tracks
  - 7.2.2 Track charging
  - 7.2.3 Access to terminals, marshalling yards
  - 7.3.1 Choice of electricity provider and price of electricity
  - 7.3.2 Choice of diesel fuel provider and price of diesel
  - 7.4 Access of rolling stock to the network (approval/safety authorisation of rolling stock)
  - 7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)

- **France**
  - 8.1 Government
  - 8.2 Infrastructure Manager(s)
  - 8.3 Railway Undertaking(s)
  - 8.4 Foreign Railway Undertaking(s)

Graphical representation showing the average weighted evaluation for Austria and France, with various parameters plotted against a scale from 0 to 5.
Figure 15: Average weighted evaluation, Germany and Italy

- 7.1 Safety certification
- 7.2.1 Access to the tracks
- 7.2.2 Track charging
- 7.2.3 Access to terminals, marshalling yards
- 7.3.1 Choice of electricity provider and price of electricity
- 7.3.2 Choice of diesel fuel provider and price of diesel
- 7.4 Access of rolling stock to the network (approval/safety authorisation of rolling stock)
- 7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)
- 8.1 Government
- 8.2 Infrastructure Manager(s)
- 8.3 Railway Undertaking(s)
- 8.4 Foreign Railway Undertaking(s)

Graph legend:
- Red squares represent individual countries.
- Black line represents average EU members.
- Gray line represents minimum EU members.
- Gray dashed line represents maximum EU members.
Figure 16: Average weighted evaluation, Czech Republic and Hungary

- 7.1 Safety certification
- 7.2.1 Access to the tracks
- 7.2.2 Track charging
- 7.2.3 Access to terminals, marshalling yards
- 7.3.1 Choice of electricity provider and price of electricity
- 7.3.2 Choice of diesel fuel provider and price of diesel
- 7.4 Access of rolling stock to the network (approval/safety authorisation of rolling stock)
- 7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)
- 8.1 Government
- 8.2 Infrastructure Manager(s)
- 8.3 Railway Undertaking(s)
- 8.4 Foreign Railway Undertaking(s)
Figure 17: Average weighted evaluation, Poland

7.1 Safety certification
7.2.1 Access to the tracks
7.2.2 Track charging
7.2.3 Access to terminals, marshalling yards
7.3.1 Choice of electricity provider and price of electricity
7.3.2 Choice of diesel fuel provider and price of diesel
7.4 Access of rolling stock to the network (approval/safety authorisation of rolling stock)
7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)

8.1 Government
8.2 Infrastructure Manager(s)
8.3 Railway Undertaking(s)
8.4 Foreign Railway Undertaking(s)
Figure 18: Average weighted evaluation, Bulgaria and Romania

- 7.1 Safety certification
- 7.2.1 Access to the tracks
- 7.2.2 Track charging
- 7.2.3 Access to terminals, marshalling yards
- 7.3.1 Choice of electricity provider and price of electricity
- 7.3.2 Choice of diesel fuel provider and price of diesel
- 7.4 Access of rolling stock to the network (approval/ safety authorisation of rolling stock)
- 7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)
- 8.1 Government
- 8.2 Infrastructure Manager(s)
- 8.3 Railway Undertaking(s)
- 8.4 Foreign Railway Undertaking(s)
Figure 19: Average weighted evaluation, Switzerland

Switzerland

7.1 Safety certification
7.2.1 Access to the tracks
7.2.2 Track charging
7.2.3 Access to terminals, marshalling yards
7.3.1 Choice of electricity provider and price of electricity
7.3.2 Choice of diesel fuel provider and price of diesel
7.4 Access of rolling stock to the network (approval/safety authorisation of rolling stock)
7.5 Access to ancillary services and service facilities (maintenance, inspection, telecommunication network)
8.1 Government
8.2 Infrastructure Manager(s)
8.3 Railway Undertaking(s)
8.4 Foreign Railway Undertaking(s)

- country
- Average EU members
- Minimum EU members
- Maximum EU members
4.3.5 Best practices

The present section analyses country cases considered as “best practices” for each aspect reviewed in the survey. In addition to justifying the high values assigned to “best practice” countries in the evaluation process (Topics 2 to 5), the section lists some particular situations which can be seen as a way forward towards integration, i.e. as an example for implementation in other countries.

The best practice survey does not cover every topic of the evaluation, since best practices have not been detected within some aspects. The aim of this section is to provide a significant overview of the best practices encountered within the analysis, as well as some highlights on particularly critical situations.

Although licensing no longer seems to be an issue causing potential barriers to integration, the large number of licenses issued in Germany should nevertheless be considered as a best practice, and the major benefit for RUs seems to come from the presence of a practised licensing body (EBA).

Contrary to licensing, safety certification procedures, as well as the performance and efficiency of the safety authority vary greatly from country to country. Romania appears to show a best practice, since the guidelines for safety certification and authorisation are reported to be very clear, thus allowing rapid application (less than one month).

The right of access is the legislative principle on which market access for different types of transport is based. Italy also allows cabotage, in the form of passenger and freight rail transport between two stations in the network, to RUs from a Member State, though only after granting a “Titolo Autorizzatorio”. This certificate is issued to RUs based in Member States that have already opened their market to competition.

The Track charging system appears to be clear and fair to users in most of the countries. The calculation of charges in Slovenia may be more complicated due to the difficulties in obtaining the Network Statement (in any case in the local language only) from the IM.

The ways in which framework agreements are used in order to allocate rail capacity differ greatly in the countries analysed. However, almost all countries have implemented the European regulation on the matter. Confidentiality prevents us from knowing the details of framework agreements issued and in some cases even the existence of such agreements between the main RU and the IM. In Italy at least one framework agreement exists between a newcomer RU and the IM, for a standard duration longer than one year. In any case the Italian Network Statement makes signing framework agreements with non-RU “authorised applicants” more difficult: applicants have to specify in advance the identity of the RU which is to carry out - on its behalf - the transport service related to the jointly acquired capacity.

The procedures for capacity allocation, both for train paths and terminal capacity, are reported in general terms to be fair and clear. However, the management by the incumbent RU of the “last mile” for terminal access is reported as a potential factor for discrimination in some countries. In these countries, applicants feel discriminated against when access to public terminals and marshalling yards is refused on the grounds of lack of capacity. Best practices in this area are reported where delays in allocation are minimised, and justifications for refusals are very clear: this happens in Romania (no refusals), Austria and Switzerland.

The access to electricity, and in particular the liberalisation of energy supply to RUs, appears to be one of the most important topics for successful liberalisation of rail service markets in the forthcoming years. In Germany it is possible to induct electricity from a provider other than the one owned by the railway holding company. However, no RU is making use of
this possibility since the price for the transmission of electricity into traction current is said to be too high. At first sight Slovenia appears to enjoy another best practice, since RUs can purchase electricity directly from energy suppliers. However, the situation is peculiar: only the incumbent RU operates in the country and is still fully integrated in the railway holding company. The latter also maintains the infrastructure, delegated by the State Railway Agency (formally the infrastructure manager). It therefore appears obvious that the RU SŽ contracts directly with energy suppliers.

No best practices have been reported for overall aspects in the topic of approval and safety authorisation of rolling stock. In almost all countries the procedures and time span for approval have proved to be unsatisfactory for RUs. In Hungary the absence of justification for refusal has been reported. Concerning single evaluation criteria (in which the aspect has been broken down), 7 countries show a responsible body fully independent from the IM (Austria, Bulgaria, France, Germany, Poland, Romania, Switzerland) and in these countries – except Germany – procedures for safety authorisation are reported to be very clear.

In terms of the availability of drivers for international operations, Poland appears to have the best practice since PKP Cargo, as well as some private RUs, are training their locomotive drivers for international operations, in particular in the East-West traffic with Germany. Some private RUs even see business opportunities due to the high differential in personnel cost between Germany and Poland.

As concerns user rights, whilst noting that quality issues are more widely developed in Work Package B4, it is worth mentioning the existence in Italy of a performance quality incentive plan called “Performance Regime”: RFI’s Network Statement describes the regime, which as from 2005 governs contracts between RUs and the IM. It is based on punctuality as the only performance indicator, and provides for penalties in case of underperformance caused by the IM.
5 Conclusions

5.1 EU railway policies

Based on the country reports (Chapter 3) and the evaluation (Chapter 4) undertaken by the TREND Part A team, stakeholders, railway associations and independent experts/academics, the achievements of the EU in the rail sector of 13 Member States have been assessed against the aims of the Commission’s 2001 White Paper on future European transport policy.

The 2001 White Paper set out four action priorities:
- shifting the balance between modes of transport
- eliminating bottlenecks
- placing customers at the heart of transport policy
- managing the globalisation of transport

Within these four broad priorities, key objectives for rail are:
- revitalising the railways
- unblocking the major routes (corridors)
- harmonisation and level of infrastructure charges

5.1.1 Revitalising the railways

Major achievements
- With the exception of Greece and Slovenia, all Member States have after 4 years entirely implemented into national law the first railway package (starting with Council Directive 91/440/EEC published in the Official Journal of the European Communities).
- It seems likely that the adoption of the second railway package (starting with Directive 2001/12/EC published in the official Journal of the European Communities), will be completed in 2006 or at the latest in 2007, indicating an increase in speed.
- New administrative bodies have been created, mostly at government level, to introduce and control the new “rules of the game” in a liberalized European rail market which has been dominated by incumbent national state railways. The most recent such body is the European Rail Agency which started functioning on 1 January 2006 in order to enhance interoperability and safety – notably by the introduction of the new common signalling and management system (ERTMS).

Major challenges to revitalizing the railways
The railway market in the countries under study still represent some challenges for the EU:

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7 In line with the Terms of Reference, countries such as Great Britain, Sweden and the Netherlands where national revitalisation policies have produced major achievements at an earlier date, are not included in the countries under study.
As regards the shift from other modes to rail, no country has succeeded in significantly improving the rail market share. Recent years have, however, shown some "stabilisation" in certain countries after years of decrease.

The share of new entrants in the rail freight market is still marginal or very low in some countries. Most noteworthy exceptions are Germany, where it was around 10% in 2004, and Romania where the share is estimated to be more than 20%.

In some countries there are still some difficulties:
- in introducing fully operational regulatory bodies and safety authorities for the rail sector (as required by EU law)
- in reducing the administration needed for licensing, safety certification and safety authorisation.

Network access
Network access was another prominent milestone of the first railway package. The evaluation did detect progress in ensuring access to the rail network:

- **Licensing:** There is no longer any significant problem for incumbent railways and new entrants. Procedures and criteria are clear, although a few delays still exist in issuing licences (example: B-Cargo license for the French network).
- **Safety certification:** At least the procedures and criteria are clear.
- **Access of rolling stock to the network (safety authorisation):** Procedures and criteria are now generally known to all market players. However, there is still much scope for accelerating procedures in various countries and accepting authorisations issued in other EU Member States.
- **Network information:** Network statements have progressively become multi-lingual and available on-line; information on traffic performance and temporary infrastructure modifications because of maintenance and construction works are still missing in most countries.
- **Allocation procedures of train paths:** Time periods are reported to be satisfactory. Few delays.
- **Liability insurance:** Insurance requirements are clear at national level. However, obtaining insurance coverage for international service is more difficult.
- **Access to diesel supply:** No problems have been reported.

These achievements should not, however, divert attention from the continued existence of serious problems in ensuring low-cost access to the network. In Chapter 6, appropriate recommendations will be made on how to overcome such obstacles.

5.1.2 Unblocking the major routes
The elimination of bottlenecks, the second policy goal of the White Paper, led to the establishment and a recent update of a Trans-European Network (TEN-T). The main corridors have been identified and established. The TREND Work Package B2 is following up this issue.

The TENs require very substantial funding. It is understood that the priority projects together require funding of the order of 220 bn EUR and the entire TEN-T network some 600 bn EUR. So far, such funding has not been secured.
Within this general theme the introduction of one-stop-shops can be considered as a first step towards unlocking major routes in order to facilitate international rail traffic. Unfortunately current management of OSS by the IMs has received relatively low marks from all evaluators.

5.1.3 Harmonisation of infrastructure charges

In the White Paper, the European Commission stated that one of the main causes of imbalance in the transport sector is the failure for transport prices to reflect the full social costs of the activities. In this line of thinking, existing Community legislation, in particular Directive 2001/14/EC, allows for the external costs of rail traffic to be internalised if other competing modes are doing so, too. The Member States have used differing approaches to infrastructure charging, thus creating different levels of charges for what seems to be the same service level for a railway undertaking.

The assessment focused on the description of the present system of track charges implemented in each country. Inter-country comparisons of charging levels were not part of our assessment.

5.2 Main findings

The evaluation of the country reports and the interviews have shown that progress in rail-specific legislation and the institutional set-up has been satisfactory since the publication of the White Paper. Policies are now largely in place for improving the performance of the railways by introducing competition for freight traffic within the sector and by improving network access. However, far from moving towards the modal split target of the White Paper, rail has not gained freight market shares. Nevertheless some achievement can be seen in the slowing down of the decline in the railway share in the EU-15 countries and we are witnessing a stabilisation of the modal split. In the new Member States, the transformation process will continue to shift the balance towards road freight transport.

All in all, the progress of reform within the rail sector has started slow but gains speed. Investment in new capacity, in particular for freight traffic, is equally slow to take off. The market share of new entrants leaves much to be desired in some countries. There are, however, clear signs of progress according to the evaluation of the scoreboards. Effective competition has emerged on some key international corridors touching the countries under consideration, most notably on the Alpine transit.

The activities of the RailNetEurope consortium of infrastructure managers are improving the marketing of international paths. The formation of a non-incumbent railway grouping such as European Bulls promises to spread competition in international rail products. Thus it appears likely that rail freight will be spurred to improve its efficiency and service quality over the coming years under the pressure of stronger competition and indeed it is possible that the scene has been set for major changes in the next three years.

The major challenges – where achievements have not been sufficient - are to be seen in:

- more competition (in many countries)
- better quality, respecting contractual obligations
- further easing of access to operating on the network (path allocation, safety, international traffic)
- removing administrative and technical barriers to cross-border traffic
5.2.1 Competition

The White Paper states in general terms that competition is to be encouraged and monopolies carefully regulated. The regulatory bodies as guardians against discrimination and unfair competition are playing a key role in this. In some countries however they are not yet fully functional. Further achievements are necessary in these countries.

5.2.2 Quality of service (user rights)

The evaluation has shown that the user rights of railway undertakings in relation to infrastructure managers vary significantly between Member States but are, on the whole, not satisfactory. The users are exposed to infrastructure managers acting as monopolies and often also on behalf of government authorities; they do not always show the required customer orientation. Exceptions are those countries which compete with alternative routings such as Alpine corridors and TEN Corridors IV and X.

The commercial relationship between RUs and the shippers, however, has improved significantly but has not yet reached the quality level of road transport.

5.2.3 Access to operating on the network (path allocation, safety, international traffic)

As mentioned above, right of access, in particular for new entrants, has improved. More progress is needed in the following fields:

- Reflection of network costs and the capacity situation in the charging systems
- Technical competence of the notified bodies
- Speed of the decisions for safety authorisations and safety certification
- Access to electricity supply
- Availability of locomotive drivers for international operations

5.2.4 Barriers in cross-border traffic

- Within the European Union, technical barriers remain significant for cross-border traffic.
- On the borders between the EU and the non-members of Eastern Europe, all Railway Undertakings have found barriers to cross-border traffic. Most border crossing agreements between EU Member States and non-EU Member States do not allow for open access by new entrants.
- Whether inside the EU or between the EU and non-member states, the efficiency and user friendliness of path reservation does not score high marks. There are however some good examples for seamless border crossings but much more needs to be achieved in this area.
5.2.5 Providing sufficient capacity and good quality infrastructure for freight

Infrastructure autonomy and access plays a predominant role in the EU liberalisation process. For rail freight to provide good service and gain market share, the provision of sufficient capacity and good quality infrastructure is a key factor. It is well known that the freight railway traffic usually has a lower priority, compared to passenger traffics (long and short distance). Thus all the capacity problems, in certain locations or at certain moments tend to concentrate on freight, especially when capacity investments are scarce, and maintenance budgets dwindling.

One other issue is the non-discriminatory allocation of train paths between operators. The organisation which allocates train paths should have a high degree of independence from any railway undertaking. Although very few cases of actual discrimination are reported, this issue remains controversial in Europe. Indeed, in Europe, some argue that the best way to favour competition among railway undertakings is to split operations and infrastructure management. Outside of Europe (e.g. in the United States...), the high degree of synergy existing between infrastructure management and train operations has been accepted as a sufficient reason for not dismantling the existing railway organizations. It has so far not been demonstrated that the advantages of the splitting prevail on its disadvantages. Some parties argue nevertheless about the necessity of a complete separation of infrastructure from existing railways. Legally separated but operationally integrated main railway organisations claim a high degree of synergy between infrastructure management and train operations. The complexity of the issue is demonstrated in the recent report on the privatisation of the Deutsche Bahn group.8

5.3 Final remarks

The country investigations and evaluations have clearly shown that EU rail policy has achieved successful results but has also experienced limits:

- There is no country amongst those investigated and evaluated, that shows good practice in all cases. All countries still show some more or less weaknesses on which each single one needs to improve.
- Major framework conditions regarding the level playing field with other transport modes and sufficient capacity given to freight services are not yet fulfilled.
- Market forces need time to create a competitive environment. Liberalisation of the rail sector has required more regulation in the form of regulatory and competition bodies. These have been implemented by now in most countries. The focus at present is on how the system is managed.
- The European Commission alone cannot manage the change without support from the Member States: transport ministries, as equity holders of the former incumbent railway organisations and policy makers at the same time find themselves in a double role sometimes difficult to reconcile.
- Intramodal competition is a necessary but not sufficient precondition for more efficient intermodal competition.
- Rail freight, it has to be accepted, is not relevant for every kind of traffic. It should only concentrate on market segments where it has competitive advantages.

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6 Recommendations

Recommendations for policy support at national and EU level and regarding intra-industry support for know-how transfer and best practice applications were part of the TREND Part A work programme. At all stages of development of the knowledge base and of the evaluation process, the different stakeholders and evaluators were requested to indicate their recommendations to be taken up in the TREND Part A report. During its final workshop, the TREND Part A team evaluated these issues.

6.1 Take into account the specificity of the freight railway market

6.1.1 Concentrate on market segments where the railway mode is relevant

Work Packages A1 and A2 have focused on the state of liberalisation of the rail freight market in Europe, with the main ambition of describing what should be done from now in order to make headway towards a truly open EU rail freight market.

Nobody questions the necessity and the practical feasibility of such an evolution, but at the same time, one has to realise that the rail freight industry carries a heavy burden of its past which is in need of radical modernisation. The obsolescence of certain technologies and production models, and the shrinking market shares of goods traditionally linked to rail highlight this need. In the current intermodal competitive environment (with very different cost/pricing structures between modes) the single wagon load traffic is a good example of the difficulty for the rail industry to stay competitive, independently of its state of liberalisation. In a context of unchanged framework conditions between modes, rail freight will have no other choice than to concentrate on market segments and production forms/systems where it has competitive advantages.

6.1.2 Achieve better interoperability

Although Part A did not focus on the interoperability issue which would be dealt mainly with in Part B, many stakeholders put interoperability at the top of their list of policy issues. It is inconceivable that rail freight transport can compete head on with road transport unless the barriers to seamless interoperability are definitively eliminated. Liberalisation efforts cannot be effective in a market hindered by lacking interoperability.

The very high cost of achieving that interoperability, especially in the migration phase to ERTMS, has led to the call for the industry to obtain external funding for that purpose. The transport market does not seem to be prepared to pay the higher costs for rail freight services. On long term it expects a significant decrease of costs through better efficiency. This means that more pragmatism will be needed:

- It is inconceivable that full technical interoperability will ever be reached. The added value will not allow compensate for the very expensive investments required, whilst the traditional technical culture prevailing in the railway industry favours huge projects and unitary solutions. More initiatives towards interoperability of at least national transport systems are required.
- Very important is the harmonisation for freight train operations by the removal of profile, weight and module limitations in the European network requiring substantial investments on some lines.
• Infrastructure to facilitate terminal access and investments in terminal equipment are also needed to ensure the future growth of intermodal services.

• Quick and significant improvements could be obtained without major expense, particularly in the field of safety standards, provided the national authorities are prepared to make the necessary compromises about keeping or abolishing domestic rules, in the face of generally strong resistance to change at local level.

The reform of the railway sector implies that governments will be responsible for the development of the infrastructure. Member States should therefore concentrate their efforts also on cross-border international traffic problems rather than only on domestic transport issues. The role of ERA, the European Railway Agency, is therefore of the utmost importance in this area, where progress has been slow and sometimes not made in the most effective way.

6.1.3 Rely on compound indexes blending market shares and best liberalisation practices when giving examples to follow

Among the results of WP A1 and A2, the synthesized scoreboard for each country gives useful indications as to whether the country has implemented good practice or lags behind for whatever reason. There are different possible ways to take the analysis further and achieve better results also in the countries lagging behind:

• Selecting ideal practices for each individual aspect and trying to translate them as goals for all other countries.

• Clustering aspects in broader topics (e.g. institutional set up and access to the market) and adhering to a segmentation of countries in 3 or 4 categories.

• To add to the preceding an “index of liberalisation”. related to intramodal competition.

It would be of interest to relate the development of modal shares to the stage of liberalisation achieved within the rail sector. In principle, (provided that other aspect of transport policy are fulfilled (like fair cost/pricing structures for all modes), if liberalisation is effective, the market share of rail vs. other modes should rise.

6.2 Transferring the know-how acquired in the most advanced countries

6.2.1 Which party has to play the main role?

Not all the players will share the same enthusiasm in sharing expertise and best practices, because their short term interests may be affected by the change: it is the public authorities’ (national and international) duty to disseminate broadly best practices. New entrants with little expertise are the natural beneficiaries of this kind of information.

A great deal has already been achieved by the European Commission, as described in the conclusions (chapter 5), but the pace of progress has not been the same everywhere. Among many others, there is the challenge of bringing the different countries and all the players in the rail freight industry progressively to a sufficient level to authorize further common progress, in particular, in the TEN.

The Commission will have to make sure that the necessary steps are taken by the less advanced countries. The present study, among others, can become a useful tool for that purpose, if an appropriate follow up is carried out:

• Completion of the knowledge base for other Member States (only 13 countries have been studied by TREND and four more will be covered in REORIENT).
- Updating of the knowledge base on a regular basis.
- Permanent monitoring of the correct application of competition laws and directives and of the stage of market liberalisation.

**National governments** still play the key role in managing change. The possible double role of transport ministries as policy agents and at the same time owners of railway organisations, can be a barrier for the management of change. It is conceivable to separate these roles by assigning the business supervision of the owners of railway organisations as private law companies to other governmental institutions.

**Infrastructure Managers** have also a direct interest in improvements leading to an integrated European network.

Finally **international railway organisations** are also likely to play a role in promoting change, thus standing up for the common interest of the industry and strengthening their own positions at the same time.

### 6.2.2 Setting up guidelines

Organising the legal and regulatory background for new developments like, for example, access to electricity and diesel or availability of locomotive drivers for international operations is one thing. But setting up a practical way to obtain fuel at a “filling station” or to hire multilingual locomotive drivers requires more than written rules. It is proposed that for each criterion selected in Work packages A1 and A2, best practice guidelines be prepared, in order to make rules practically. The guidelines should include the mutual acceptance of practices that favour international operations unless they represent safety risks.

The writing of such a set of guidelines could be a task for the European Railway Agency.

### 6.2.3 The example of successful business models

Another overall approach is to consider not only the elementary best practices, but also a global way for overcoming border-crossing problems. In topic 5 of the Country Reports (cross border traffic) the remaining barriers to interoperability, the functioning of “one stop shops”, the adaptation of agreements to the new market situation and various models of international cooperation have been described.

On that note, the most promising co-operative but not anti-competitive models could usefully be described in some specific monographs that would be proposed to the parties concerned. These monographs would of course not unveil the commercial and business particulars of the original models.

It would be very useful for entrepreneurs to be given the general architecture of successful ventures (what kind of activities do they share, how is production dealt with, who is in charge of the marketing and so on); but at the same time this kind of structure has to struggle in a very competitive market and will normally not be prepared to share strategies and commercial policies.

### 6.3 Is there a need for additional legislative and institutional measures?

There is a broad consensus on the fact that enough European legislation is available and that the two railway packages, if properly enforced, are adequate for an open rail freight market in
Europe. A majority of stakeholders feel nevertheless at the same time that even the first package should be implemented not just to the letter but in a way that renders the goals achievable. For example, the situation is sometimes unsatisfactory in aspects like the implementation of performance schemes, the access to and the pricing of essential facilities or the use of priority criteria.

Once more, the improvement of infrastructure and of technical interoperability is also a key factor of progress and the European Railway Agency has of course an important role to play in this field. A special mention has to be made of the practical use of the TSI (Technical specifications of Interoperability). These specifications, being very detailed, have needed a long time to be first written and then enforced. From now on, it should be checked carefully if national specifications are still in line with the TSI, because very often the remaining disparities between national specifications lead to an unfortunate lack of interoperability.

Infrastructure presents specific challenges:
- Considerable heterogeneousness of access charges on different networks, sometimes at excessive levels compared with market conditions.
- High maintenance costs and correlative lack of quality of the infrastructure, with the final consequence of capacity bottlenecks for freight at crucial nodes or on important corridors.
- Infrastructure management companies should be more customer-oriented and be aware of their requirements. Infrastructure managers and network access managers, such as in Austria and in Hungary, have a crucial role to play in allowing the rail freight operators to deliver a good quality of service at an acceptable cost.

In conclusion, additional legislation is not needed at this point regarding liberalisation, pending the full implementation of the first two railway packages. What is needed, however, is to enforce the existing rules in daily practise and the industry will benefit in the long run from a truly liberalized market. TSI’s should be implemented in a practical way and more pressure put on Infrastructure Managers to improve their quality-price ratio. Finally the question of intramodal competition and investment in the infrastructure will need to be seriously and urgently addressed.

6.4 Is there a need for incentives?

What kind of incentives could be set up to increase the pace and the depth of change?
- One possible way is to penalize those not in line with the new rules; the problem is that the main responsibilities at this level lie with public authorities, which makes it quite a sensitive political matter; besides, punishing is hardly the best way to develop business.
- Another solution is to reward and encourage the best behaviour. Normally, no European direct funding can be provided to the companies involved, because of the risk of market distortion. Things are different, however, at the level of infrastructure, especially on corridors and for promoting improvements in the field of interoperability. The most promising projects and business models could be boosted by the development of high quality routes, assuring sufficient capacity and reliability. Freight corridors deserve and need to be further supported by the EU. However, they alone will not help boost rail traffic if the opening of the entire network lags behind. Despite all good intentions for revitalizing rail traffic, the road will remain the benchmark in all aspects of transport.
Annex I – Interviews

Austria
ÖBB-Infrastruktur Bau AG, GB Kraftwerke
Bundesministerium für Verkehr, Innovation und Technologie (BMVIT), Sektion II, SCH2
ÖBB-Infrastruktur Betrieb AG, Zulassungsstelle
Bundesministerium für Verkehr, Innovation und Technologie (BMVIT), Sektion II, SCH4
Schieneninfrastruktur-Dienstleistungsgesellschaft mbH
RailNetEurope, Joint Office
ÖBB-Infrastruktur Betrieb AG, OSS Austria
Consultant of Speditions Holding AG,
Schienen-Control GmbH
Rail Cargo Austria AG
Logistik Service GmbH/Cargo Service GmbH
Lokomotion Gesellschaft für Schienentraktion mbH
TX Logistik GmbH, Österreich
ÖBB-Traktion GmbH

Bulgaria
Bulmarket
Executive Director, Dept. of European integration of MoTC
Bulgarian Railway Company (BRC)
BDZ - EAD
EA RA
Institute of Transport and Communications
NRIC
Border Station Ruse
Border Station Dragoman
Border station Svilengrad
UIC
CIT
ERFA
Servtrans Invest
Lukoil
RREI Holding
Bulgarian Chamber of Commerce and Industry
Steel shipping and forwarding
Czech Republic
Ministry of Transport, Railways, Rail and Combined Transport Dpt.
OKD, Doprava,a.s.
Viamont, a.s.
Drážní úřad - Rail Authority
SŽDC – Railway Infrastructure Administration
LTE Logistik a Transport Czechia, s.r.o.
IDS Inženýrské a průmyslové stavby a.s.
Čechofracht a.s.
České dráhy, a.s.

France
Ministère des transports (DTT/TF4)
SNCF
RFF
Rail4Chem
ERFA
ERFCP

Germany
Bundeskartellamt
Rail4Chem Eisenbahnverkehrsgesellschaft mbH
Netzwerk Privatbahnen
Eisenbahn-Bundesamt
RailNetEurope, Joint Office
Bundesministerium für Verkehr, Bau- und Wohnungswesen (BMVBW)
Lokomotion Gesellschaft für Schienentraction mbH
Railion Deutschland AG
EKO Transportgesellschaft mbH
TX Logistik AG
SBB Cargo AG
DB Netz AG

Greece
OSE- Public Relation Dept.
Hungary
 Hungarian Rail Office
 Railway Capacity Allocation Office, 
 Central Inspectorate of Traffic, Railway Inspectorate 
 Floyd Ltd 
 MAV Cargo 
 Hungarian Competition Authority (GVH) 
 Ministry of Economy and Transport (GKM) 
 Gyor-Sopron-Ebenfurt Railway Co.(GySEV)

Italy
 Rail Traction Company S.p.A. 
 Ferrovia Adriatica Sangritana S.p.A. 
 Ministry of Infrastructures and Transports 
 RFI 
 Trenitalia 
 SBB Cargo Italy 
 Railion Italia 
 Del Fungo Giera 
 Ferrovie Nord Cargo 
 ERFA 
 ERFCP 
 CEMAT

Poland
 Private Polish RUs 
 PKP Cargo 
 Interviews with Polish train drivers 
 German RUs 
 Ministry of Transport Germany / Ministry of Transport Poland 
 Infrastructure manager (PKP PLK) 
 Verband Deutscher Verkehrsunternehmen (VDV) 
 Polish Automotive Manufacturers 
 Rail Vehicles Research & Development Centre 
 OShD Warszawa 
 Polzug (Polen Hamburg Transportgmbh) 
 Polkombi 
 Daewoo PSO Motor 
 Marsk Poland
Railvehicle Search and Development Centre TABOR
Trade Trans
CTL Logistics

**Romania**
Private Romanian rail operators
State rail operators
Association of private Romanian rail operators
AFER
CFR (Traffic directorate)
Border stations Curtici and Ruse
ERMEWA – Private Wagon Owner

**Slovakia**
LTE Logistik a Transport Slovakia, s.r.o.
ZSSK Cargo, a.s.
Železnice Slovenskej Republiky
IDS Inženýrské a průmyslové stavby a.s.
Čechofracht a.s.
Ministerstvo dopravy, pošt a telekomunikácií

**Slovenia**
SŽ
AŽP

**Switzerland**
Federal Office of Transport (Bundesamt für Verkehr, BAV)
TX Logistik GmbH
SBB Cargo AG
SBB AG, Infrastructure
Rail4Chem Eisenbahnverkehrsgesellschaft mbH
Railways Arbitration Commission (Schiedskommission im Eisenbahnverkehr, SKE)
BLS Cargo AG
Annex II – Evaluators

BULMARKET DM
C.E.M.A.T. Spa
European Railfreight Association (ERFA)
European Rail Freight Customer Platform (ERFCP)
Europlatforms (European Association of Freight Villages)
Gyor-Sopron-Ebenfurt Railway Co.(GySEV)
Kombiverkehr Deutsche Gesellschaft für kombinierten Güterverkehr mbH & Co KG
Rail Cargo Austria AG
Railion Deutschland AG
SBB Cargo AG
Trenitalia
TX Logistik AG
SC Unifertrans SA
Independent experts/academics from Bulgaria, Czech Republic, France, Germany; Italy, Poland and Romania