Infrastructure use
Mapping of current legal framework

September 2019
Overview: Legal norms for the use of railway infrastructure – (from the basic international to the more specific contractual provisions)

- **COTIF/CUI**
- **National law**
- **(Binding) provisions of the sector**: Network Statements, Corridor Information Documents, etc.
- **Agreements between IMs and RUs**: E-GTC-I, framework agreement, contract of use of infrastructure/track access agreement, etc.
- **Sector self-regulating documents**: e.g. RNE/FTE TT calendars, guidelines, handbooks, Sector Statement, etc.

**Mandatory law**: no deviation from what is required

**Implementation of the law/Contractual Relationship**

**Source**
- OTIF
- EU
- States
- RNE (CIT, UIC as well)
- IMs
- Sector
Subject of the CUI Uniform Rules:

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

Aim of the CUI Uniform Rules:

- Facilitate international carriage by harmonising the Rules of the contract of use
- Grant a liability system that is consistent with the other appendices of the COTIF
Important European legislation – Subject and aim (1/5)

**Directive 2012/34/EU**

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

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

- basis: Article 13 of Directive 2012/34/EU
- lays down the details of the procedure and criteria to be followed for access to the services to be supplied in the service facilities listed in points 2, 3 and 4 of Annex II to Directive 2012/34/EU
Important European legislation - Subject and aim (2/5)

Delegated Decision schedule for the allocation process

- regulates deadlines and procedure regarding the establishment of the working timetable
- coordination and publication obligations of temporary restrictions of the capacity of railway lines

Implementing Act on Framework Agreements

- basis: Article 42 of Directive 2012/34/EU
- procedures and criteria concerning framework agreements for the allocation of multi-annual rail infrastructure capacity
- due to the complicated criteria stipulated in this Implementing Act, some Infrastructure Managers decided to not offer framework agreements anymore
Important European legislation - Subject and aim (3/5)

Regulation 913/2010 (Rail Freight Corridors)

- to create a European rail network for competitive freight
- Member States are required to establish international market-oriented RFCs
- since 2019: 11 RFCs in force

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

Directive 2016/798 of 11 May 2016 on railway safety

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

Directive 2016/797 of 11 May 2016 on interoperability

• to establish the conditions to achieve interoperability
• compatible with the provisions of Directive 2016/798
• concerns the design, construction, placing in service, upgrading, renewal, operation and maintenance of rail system as well as qualifications, health, safety conditions of the staff
• definition of a level of technical harmonisation and make it possible to facilitate international rail transport services within the EU and third countries
• Basis of TSI (Technical Specification for Interoperability)
• “Technical Specification for Interoperability relating to Telematics Applications for Freight/Passenger Services”
• to define the data exchange between IMs as well as between IMs and RUs
• TSI functions define data processing regarding different variables: when (at which point in time); what (which kind of information and content) has to be sent to whom (partner or partners) and how (in which format) the data must be exchanged.