



Best Practice Guide for Railway Network Statements

CHECKLIST FOR MONITORING THE COMPLIANCE OF THE NETWORK STATEMENTS WITH EC DIRECTIVE 2001/14 AND THEIR ADEQUACY FOR THE NEEDS OF RAILWAY UNDERTAKINGS AND AUTHORISED APPLICANTS



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AIM OF THE CHECKLIST

The checklist presented in the following page may support the relevant Regulatory Bodies to check the compliance of the Network Statements (NS) against the prescriptions of Directive 2001/14/EC.

All elements of information that are explicitly indicated as necessary content of the NS are indicated as "Mandatory".

Elements that are not explicitly indicated as required content of the NS by the Dir. 2001/14/EC, but for which the Directive prescribes or implicitly requires the availability to the interested parties, or that are essential for understanding the rules for the access to the network, are indicated as "Recommended".

CHECKLIST

General aspects

<i>Aspect to be verified</i>	<i>Legal relevance (Directive 2001/14/EC)</i>
<ul style="list-style-type: none"> Were the deadlines for publication of NS respected? <i>The NS is to be published no less than 4 months in advance of deadline for requests for capacity</i> 	<i>Mandatory (Art. 3.4)</i>
<ul style="list-style-type: none"> Is the NS kept up to date and modified as necessary? 	<i>Mandatory (Art. 3.3)</i>
<ul style="list-style-type: none"> Is the NS available in English? 	<i>Recommended</i>
<ul style="list-style-type: none"> Is the NS consistent with information provided by other documents? (e.g. IM website, framework contracts, Infrastructure Register, etc.) 	<i>Recommended</i>
<ul style="list-style-type: none"> If the NS contains links or hyperlinks to other documents, are these kept up to date? 	<i>Recommended</i>
<ul style="list-style-type: none"> The NS is available to the public online, complete with all relevant annexes? 	<i>Recommended</i>
<ul style="list-style-type: none"> Does the structure of the NS include all the required sections (nature of the infrastructure which is available to railway undertakings; conditions of access to it; charging principles and tariffs; principles and criteria for capacity allocation)? 	<i>Mandatory (Annex I)</i>

Access conditions

<i>Aspect to be verified</i>	<i>Legal relevance (Directive 2001/14/EC)</i>
<ul style="list-style-type: none"> The information setting out the conditions for access to the railway infrastructure are supplied in the NS? 	<i>Mandatory (Art .3.2; Annex I.1 and I.3.b)</i>
<ul style="list-style-type: none"> Does the NS state the requisites for being accepted as an applicant? 	<i>Mandatory (Art .3.2; art. 16.2, Annex I.3.b)</i>
<ul style="list-style-type: none"> Does the NS describe or refer to the relevant national legislation and state any mandatory levels of insurance? 	<i>Recommended</i>
<ul style="list-style-type: none"> Does the NS indicate the body responsible for issuing safety certificates and licenses? 	<i>Recommended</i>
<ul style="list-style-type: none"> Are the role and structure of Framework agreement clearly and accurately defined in the NS? 	<i>Recommended</i>
<ul style="list-style-type: none"> Does the NS describe the procedures and conditions for rolling stock acceptance? 	<i>Recommended</i>
<ul style="list-style-type: none"> Does the NS describe the procedures and conditions (e.g. training certificate) for staff acceptance? 	<i>Recommended</i>
<ul style="list-style-type: none"> Are the operational procedures for dangerous goods and exceptional transport indicated? 	<i>Recommended</i>

Nature of the infrastructure which is available to railway undertakings

Aspect to be verified	Legal relevance (Directive 2001/14/EC)
<ul style="list-style-type: none"> Are the railway lines available to the RUs listed and represented in a map in the NS? 	Mandatory (Art .3.2; Annex I.1)
<ul style="list-style-type: none"> Are the railway lines described in terms of basic infrastructure data? Is there any missing area? <i>Please refer to the following lists for the check: Number of tracks, Track gauge, Loading gauge, Weight limits (Axle load and Max train weight), Gradients, Maximum speed, Maximum train length, Power supply, Traffic control systems and ERTMS level (if any), Signaling systems, Communication systems, ATC systems, Specific traffic restrictions, Period of unavailability</i> 	Mandatory (Art .3.2; Annex I.1)
<ul style="list-style-type: none"> Is there an Infrastructure Register available (via a weblink) for more detailed information? 	Mandatory (Directive 2008/57/EC, Art. 35)
<ul style="list-style-type: none"> Does the NS clearly state that services under Annex II.1 are part of the Minimum Access Package? 	Mandatory (Art 5.1, Annex II.1)
<ul style="list-style-type: none"> In case the service facilities* listed under Annex II.2 are managed by the IM and available to RUs, are they listed and located / represented in map in the NS? 	Recommended (Art 5.1, Annex II.2)
<ul style="list-style-type: none"> In case the service facilities* listed under Annex II.2 are managed by the IM, are they described in terms of access conditions, technical characteristics, operational characteristics of the services performed there? 	Recommended (Art 5.1, Annex II.2)
<ul style="list-style-type: none"> In case the service facilities / services under Annex II.2 are not managed by the IM, but there is a single manager / provider of them, does the NS provide minimum information to make easier the access for RUs (e.g. list of the facilities and contact details) 	Recommended (Art 5.1, Annex II.2)
<ul style="list-style-type: none"> In case the service facilities / services under Annex II.2 are managed by many different providers, does the NS clearly state that? 	Recommended (Art 5.1, Annex II.2)
<ul style="list-style-type: none"> In case the service facilities* and service listed under Annex II.3-II.4 are managed by the IM and available to RUs, are they listed and located / represented in map in the NS? 	Mandatory (Art .3.2; Annex I.1, Annex II.2)
<ul style="list-style-type: none"> In case the service facilities* listed under Annex II.3-II.4 are managed by the IM, are they described in terms of access conditions, technical characteristics, operational characteristics of the services performed there? 	Mandatory (Art .3.2; Annex I.1, Annex II.2)
<ul style="list-style-type: none"> Is there minimum information on the main connected networks (what are the networks)? 	Not explicitly required
<ul style="list-style-type: none"> Is there a picture of expected network development, both in the short term (over the current NS timetable period of validity) and for the longer term? 	Not explicitly required

* Service facilities under Annex II.2 are not explicitly listed as part of the infrastructure in relevant EU Regulations, i.e.

- Dir 91/440/EC stating that "railway infrastructure" shall mean all the items listed in Annex I.A to Commission Regulation (EEC) N° 2598/70 of 18 December 1970 specifying the items to be included under the various headings in the forms of accounts shown in Annex I to Regulation (EEC) N° 1108/70(1), with the exception of the final indent which, for the purposes of this Directive only, shall read as follows: "Buildings used by the infrastructure department"
- Regulation 2598/70/EEC, that in the Annex I.A says that:
"A. RAIL
Railway infrastructure consists of the following items, provided they form part of the permanent way, including sidings, but excluding lines situated within railway repair workshops, depots or locomotive sheds, and private branch lines or sidings:
- Ground area;

- Track and track bed, in particular embankments, cuttings, drainage channels and trenches, masonry trenches, culverts, lining walls, planting for protecting side slopes etc.; passenger and goods platforms; four-foot way and walkways; enclosure walls, hedges, fencing; fireprotection strips; apparatus for heating points; crossings, etc.; snow protection screens;
- Engineering structures : bridges, culverts and other overpasses, tunnels, covered cuttings and other underpasses; retaining walls, and structures for protection against avalanches, falling stones, etc.;
- Level crossings, including appliances to ensure the safety of road traffic;
- Superstructure, in particular : rails, grooved rails and check rails; sleepers and longitudinal ties, small fittings for the permanent way, ballast including stone chippings and sand; points, crossings, etc.; turntables and traversers (except those reserved exclusively for locomotives);
- Access way for passengers and goods, including access by road;
- Safety, signalling and telecommunications installations on the open track, in stations and in marshalling yards, including plant for generating, transforming and distributing electric current for signalling and telecommunications; buildings for such installations or plant; track brakes;
- Lighting installations for traffic and safety purposes;
- Plant for transforming and carrying electric power for train haulage : sub-stations, supply cables between sub-stations and contact wires, catenaries and supports; third rail with supports;
- Buildings used by the infrastructure department, including a proportion in respect of installations for the collection of transport charges." (this point has been then amended as above specified)

Charging

Aspect to be verified	Legal relevance (Directive 2001/14/EC)
<ul style="list-style-type: none"> • Does the NS provide information on the adopted charging principles (methodology and rules)? 	Mandatory (Art 7.2 Annex I.2)
<ul style="list-style-type: none"> • Does the NS provide information on the adopted tariffs for the use of infrastructure (scales of charging)? 	Mandatory (Art. 7.2, Annex I.2)
<ul style="list-style-type: none"> • Does the NS provide information on charges that reflect the scarcity of capacity on congested segments of the infrastructure? 	Mandatory (Article 7.4, Annex I.2)
<ul style="list-style-type: none"> • Does the NS provide information on the inclusion of environmental costs in charges setting? 	Mandatory (Art. 7.5, Annex I.2)
<ul style="list-style-type: none"> • Does the NS provide information on the mark-ups (if any) levied for full cost recovery or for investment cost recovery 	Mandatory (Art.8.1 and 8.2, Annex I.2)
<ul style="list-style-type: none"> • Does the NS show evidence that all IM's average and marginal charges for equivalent uses of his infrastructure are comparable and that comparable services in the same market segment are subject to the same charges? 	Mandatory (Art. 8.3)
<ul style="list-style-type: none"> • Does the NS provide information in terms of changes in existing or foreseen charges at least 3 months before in advance? 	Mandatory (Art. 8.4)
<ul style="list-style-type: none"> • Does the NS provide information on discounts on the charges levied? 	Mandatory (Art. 9 Annex I.2)
<ul style="list-style-type: none"> • Does the NS provide information on compensation schemes for unpaid environmental, accident and infrastructure costs of competing modes (in case such compensation schemes exist), including the methodology used to calculate them? 	Mandatory (Art. 10)
<ul style="list-style-type: none"> • Does the NS provide information on the principles of the performance scheme (where applicable)? 	Mandatory (Art. 11)
<ul style="list-style-type: none"> • Does the NS provide information on Reservation charges, for capacity that is requested but not used? 	Mandatory (Art. 12)
<ul style="list-style-type: none"> • Does the NS detail sufficient information about the charges for the services to be supplied to RU by the IM? 	Mandatory (Annex I, Annex II)

Capacity allocation

<i>Aspect to be verified</i>	<i>Legal relevance (Directive 2001/14/EC)</i>
<ul style="list-style-type: none"> Does the NS specify the schedule for the application and allocation processes, Listing the deadlines in the process? 	<i>Mandatory (Art. 18, Art. 20, Annex III.c)</i>
<ul style="list-style-type: none"> Does the NS describe the procedures for applicants to request capacity to the IM? 	<i>Mandatory (Art. 19, Annex III.a)</i>
<ul style="list-style-type: none"> Does the NS describe the the coordination process, including details of activities performed by IM's and RUs.? 	<i>Mandatory (Art. 21.4, Annex III.d)</i>
<ul style="list-style-type: none"> Does the NS describe the dispute resolution process? <i>Check if the following information is provided: contact names and addresses of bodies involved in the process, information the RU must supply to the IM in case of a dispute, deadlines in the process. It should be it stated if the dispute resolution process can cause delays in the capacity allocation process.</i> 	<i>Mandatory (Art. 21.6)</i>
<ul style="list-style-type: none"> Does the NS give a definition for "Congested Infrastructure" and indications about priority criteria and process? <i>Check if the following content is provided: Quotes or references to the national legislation defining when an area (line and/or station) is to be considered as congested. Indications (on maps or lists of lines and locations) about those areas that are congested or are likely to become congested during the period of validity of the NS.</i> 	<i>Mandatory (Art. 22.4, Art. 22.6, Annex III.e)</i>
<ul style="list-style-type: none"> Does the NS explain the priority criteria in use when an area is declared congested? 	<i>Mandatory (Art. 22.3, Annex III.e)</i>
<ul style="list-style-type: none"> Does the NS provide a schedule for ad hoc requests? (i.e. requests for train paths outside the timetabling process). 	<i>Mandatory Art. 23 Annex III.c)</i>
<ul style="list-style-type: none"> Does the NS give details of restrictions on the use of infrastructure? 	<i>Mandatory (Annex III.f)</i>
<ul style="list-style-type: none"> Does the NS describe the specialised infrastructures, which are designated for use by specified types of traffic, which have priority in capacity allocation? 	<i>Mandatory (Art. 24.3)</i>
<ul style="list-style-type: none"> Does the NS specify the conditions by which previous level of utilisation of train paths are considered in setting priorities for the allocation process? 	<i>Mandatory (Art. 27.2, Annex III.g)</i>
<ul style="list-style-type: none"> Does the NS detail the measures taken to ensure the adequate treatment of freight services, international services and requests subject to ad hoc requests? 	<i>Mandatory (Annex III)</i>
<ul style="list-style-type: none"> Does the NS provide information on the capacity reserved for scheduled track maintenance? <i>The NS should set out the capacity allocated for maintenance, renewals and enhancements in the current timetable and any future timetables for which the process is complete or in progress.</i> 	<i>Mandatory (Art. 28, Annex III)</i>
<ul style="list-style-type: none"> For congested infrastructure, does the NS specify the usage threshold quota under which a train path shall be surrendered? 	<i>Mandatory (Art. 27.1)</i>
<ul style="list-style-type: none"> Does the NS provide information about the infrastructure capacity which has been allocated to user railway undertakings available to interested parties? If not, do the IM provide such information upon request? 	<i>Recommended (Art. 12.2)</i>
<ul style="list-style-type: none"> Does the NS detail any measures to be taken in the event of disturbance? 	<i>Recommended (Art. 29)</i>