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## Track Access Agreements - European Union

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The **open access regime** in the European Union (EU) requires infrastructure managers (IMs) to allow railway undertakings to operate passenger or freight services on the railway network in a non-discriminatory manner. Other beneficiaries are specified in the respective EU legislation (for example, shippers, freight forwarders and combined transport operators).

Track access regimes in the EU consist of [track access laws and regulations](#) and are administered by an **independent railway regulator** in each EU country. Infrastructure managers must develop and publish **network statements** to ensure transparency and non-discriminatory access. The use of railway infrastructure requires a **track access agreement** between the infrastructure manager and the railway undertaking or other beneficiaries specified in the relevant EU Directives, which is valid for one year. **Framework agreements** set out the general rights and obligations of the infrastructure manager and the access seeker with regard to the use of railway infrastructure for a longer period of time.

This page looks at the obligatory provisions in the EU for track access agreements and provides links to sample network statements, as well as links to and summaries of model track access and framework agreements from different countries in the European Union

### Obligatory Provisions for Track Access Agreements in the EU

The following provisions need to be incorporated into **track access agreements** in the EU:

- Preconditions for track access, such as **license, safety certificate, insurance**.
- Obligation of the IM to grant **non-discriminatory access** to track infrastructure and service facilities.
- Track access right is granted in the form of **allocated train paths** and for a maximum duration of **one working timetable period**. Allocated train paths are **not transferrable**.
  - **Train paths:** infrastructure capacity needed to run a train between two places over a given period.
  - **Working timetable period:** One calendar year beginning the second Saturday each December.
  - **Working timetable:** Schedule defining all planned train traffic and rolling stock movements for one timetable period. It is established on the basis of all duly submitted infrastructure capacity requests and contains reserve capacity for foreseeable *ad hoc* requests.
- IM has to grant “**minimum access package**” of services specified in EU Directives.
- Principles on **charges** for the minimum access package:
  - Must be based on cost directly incurred as a result of operating the train service.
  - May include charges for non-usage as incentive for an efficient use of the network.
  - May include environmental costs caused by the operation of the train differentiated according to the magnitude of the effect caused.
  - Application of charging scheme must result in non-discriminatory charges for RUs performing similar services.
- Infrastructure charging systems must encourage both parties to minimize disruption and improve performance of the railway network through a **performance scheme**. The performance scheme may include penalties for action disrupting the operation of the network or compensation for RUs which suffer from disruption and bonuses that reward better-than-planned performance.

**Framework agreements** may exceed one working timetable period. They determine the characteristics of the infrastructure capacity required. In order to specify train paths in detail the parties need to enter into track access agreements for each working timetable period.

For more information see the section on [Track Access Laws and Regulations](#).

[Directive 2012/34/EU](#) establishing a single European railway area.

## EU Network Statements

Network statements set out the nature of the infrastructure available to railway undertakings and contain information regarding the conditions for access. They set out information required by railway undertakings and other beneficiaries to apply for infrastructure capacity. Typically they contain information on the general requirements for the use of infrastructure (for example, licenses, safety certificate and insurance), the deadlines, procedures and criteria for capacity allocation, charging principles and tariffs, restrictions on the use of rail infrastructure, management principles for trains on a day-to-day basis and procedures for dispute resolution and appeal. Network Statements for many EU countries are on the website of RailNetEurope (RNE) in the English language.

## Sample EU Track Access Agreements

**Example 1:** [EU Standard RailNetEurope \(RNE\) Contract for the Use of the Railway Infrastructure](#) provided by RNE - Model track access agreement between several IMs and RU for access to and use of railway network managed and operated by RNE members. Drafted for a situation where a requested train route crosses at least one national border between RNE members and departure and end stations are located in different countries (international train paths).

**Example 2: France** – Model contracts provided by *Réseau Ferré de France* (RFF), the infrastructure manager of the French national railway network (English and French).

- [Model Contract for the Use of the Infrastructure of the National Railway Network](#) (*Contrat d'Utilisation de l'infrastructure du Réseau Ferré National*) – Model contract between RFF and RU. RFF grants access rights in the form of train paths to RU subject to an access charge. The contract outlines basic provisions commonly found in track access agreements in the EU. It is applicable for freight and passenger transport as well as domestic and international rail transport.
- [Model Contract for the Allocation of Train Paths on the National Railway Network](#) (*Contrat d'Attribution de Sillons sur le Réseau Ferré National*) - Model contract between RFF and an authorized applicant other than RU (for example a logistics company). RFF grants track access rights in the form of train paths to the authorized applicant subject to an access charge. The authorized applicant makes the train paths available to one or several RUs to provide transport services that the authorized applicant organizes. The contract outlines basic provisions commonly found in track access agreements in the EU. It is applicable for freight and passenger transport as well as domestic and international rail transport.

**Example 3: Germany - [Model Contracts for Track Access](#)** provided by DB Netz AG, the infrastructure manager of the main national railway network in Germany (English and German). Model contract between DB Netz AG and RU for the use of the railway network subject to an access charge. The contract sets out basic provisions commonly found in track access agreements in the EU. The performance regime takes day-to-day performance of IM and RU into account. Applicable for freight and passenger transport as well as domestic and international rail transport.

**Example 4: Slovakia - Contract on the Access to the Railway Infrastructure** (*Zmluva o prístupe k železnižnej infraštruktúre – vzor*) provided by Železnice Slovenskej republiky (ZSR), the infrastructure manager for the public railway infrastructure in Slovakia (English and Slovakian). The model contract between ZSR and RU is set out in Annex C of the network statement. ZSR grants track access to RU subject to an access charge. Applicable for freight and passenger transport.

**Example 5: United Kingdom – [Model Track Access Agreements](#)** provided by the [Office of Rail Regulation \(ORR\)](#) regarding the main railway infrastructure in the United Kingdom that is managed and operated by Network Rail Infrastructure Limited (Network Rail).

## Sample EU Framework Agreements

**Example 1: EU – [RailNetEurope \(RNE\) Standard Framework Agreement](#)** provided by RNE - Model contract between several IMs and a rail operator for access to and use of the railway network managed and operated by RNE members. The model agreement is drafted for a situation where a requested train route crosses at least one national border between RNE members and departure and end stations are located in different countries (international train paths). The rail operator intends to secure infrastructure capacity on the railway network for a period in time exceeding one working timetable period. The framework agreement is the basis for separate track access agreements between the parties to be concluded each year.

**Example 2: United Kingdom – [Channel Tunnel Railway Link \(High Speed 1\)](#)** – High Speed 1 Limited (HS 1 Ltd.) is the IM for the high-speed railway line between St. Pancras Station in London and the Channel Tunnel that connects with the international high-speed routes between London and Paris, and London and Brussels.

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#### Additional Resources

- [Railway Concessions and BOTs](#)
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