

**Decree No. 97-446 of 5 May 1997 on charges of use of the national rail network levied by Réseau Ferré de France.** NOR: EQU9700688D Consolidated version of the August 10, 2016

The Prime Minister,

On the report of the Minister of Equipment, Housing, Transport and Tourism,

Having regard to Directive (EEC) 91-440 of 29 July 1991 on the development of the Community's railways;

Considering Law No. 97-135 of 13 February 1997 establishing the public rail network establishment of France for the revival of rail transport;

Considering Ordinance No. 86-1243 of 1 December 1986 relating to free pricing and competition, all Decree No. 86-1309 of 29 December 1986 laying down the conditions of application;

Considering Decree No. 97-444 of 5 May 1997 on the missions and articles of Réseau Ferré de France;

Considering the opinion of the Competition Council on 26 March 1997 (1);

The Council of State (Public Works Section) course

(1) This notice is published in the Official Journal of that day under Miscellaneous Notices.

### **Article 1**

▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

This Order is to define the terms under which Réseau Ferré de France perceives to his advantage, pursuant to Article 13 of the Law of 13 February 1997 referred to above and, when it concluded a partnership agreement pursuant Article 1-1 of the Act, royalties in consideration, firstly, access to the national rail network of the reservation of infrastructure capacity and traffic on the network, on the other , additional services provided on that network. The royalty regime for public service delegation agreements concluded on the basis of Articles 1-1 and 1-2 of the Act and the partnership agreements concluded by the State on the basis of Article 1, 2 the Act is set out in Articles 26 and 31 of Decree No. 2006-1534 of 6 December 2006 .

Réseau Ferré de France is responsible for setting and collecting royalties in accordance with the rules defined in this Decree and Decree No 2003-194 of 7 March 2003 on the use of the national rail network and recalled in the reference document the network foreseen by Article 17 of that decree. It must be able to justify the billed charges. It affects the overall revenue to fund its activities.

He respects the confidentiality of commercial information communicated to it for the purposes of these provisions.

### **Article 2**

▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

The above mentioned fees include take into account costs of the infrastructure of the national rail network, the situation of the transport market and the characteristics of supply and demand, the requirements for the optimal use of the national rail network the cost of environmental effects of train operations and the harmonization of conditions of intermodal competition. They take into account, when the market is ripe, the economic value derived from the use of the national rail network.

### **Article 3**

▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

For the calculation of royalties, elementary sections composing the national rail network are grouped into categories corresponding to the traffic characteristics:

- Suburban lines;
- Major trunk lines;
- High-speed lines;
- Other lines.

The component sections categories can be grouped into subcategories corresponding to traffic levels.

Without prejudice to Article 5, the charges for the use of the national rail network are equal to the sum of the charges for each elementary section.

### **Article 4**

▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

Access to the national rail network of public passenger transportation for a specific period gives rise to the collection of a fee as provided for in Article 5. For each elementary section provides the use of infrastructure rise to the collection of a fee corresponding to the reservation of infrastructure capacity, payable even if that ability is not used, and a fee corresponding to the actual traffic on this section. a decree specifies the terms application of these provisions, pursuant to sections below.

### **Article 5**

▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

Access to the national rail network of public passenger transport services provided pursuant to a contract concluded by a transit authority shall be subject to payment of a fee for access. In consideration of this fee, Réseau Ferré de France provides services organized by the authority of infrastructure capacity in accordance with the rules defined in Article 17 of Decree No 2003-194 of 7 March 2003 on the use of the national rail network. the amount of the fee access is intended to cover the share of fixed operating and maintenance expense lines other than the high-speed lines for the provision of the capabilities offered to the services mentioned in the second paragraph. Except in Ile-de-France, where he is due by the Transport Union of Ile-de-France, this amount is owed by the state.

### **Article 6**

▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

The booking fee is intended to cover all or part of the costs of invested capital.

It is calculated from a kilometer price fixed by category or subcategory of elementary section and applied to the entire length of the section. The price per kilometer can be zero for the categories or subcategories of poorly used lines.

The price per kilometer can be modulated in non-discriminatory conditions to consider:

- a) the origin or destination of the journey;
- b) From the time period of use of the elementary section;
- c) The type of convoy, including its carrying capacity, or the type of services;
- d) quality of the proposed paths;
- e) the scarcity of capacity of saturated line or line section, including station;
- f) The limited capacity of a given line or line section;
- g) environmental costs, accident costs and non-covered infrastructure costs of competing transport modes;
- h) commitments on delivery time;
- i) the regularity of use by the applicant;
- j) The delay between the request and the date set for the use of infrastructure capacity.

It may be increased when the market is ripe, in conditions that respect the principles of efficiency, transparency and non-discrimination.

The booking fee is payable by any railway undertaking using the national rail network.

A sum of an amount equal to the booking fee is payable as a financial guarantee by the contractor of a path which is not a railway undertaking. When a railway undertaking uses the furrow made available by this attribute, that amount is deemed to have been paid in payment of the booking fee payable by that company.

## **Article 7**

- ▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

The running charge is designed to cover the variable component of operating expenses and network maintenance supported by Réseau Ferré de France. It is calculated considering a kilometer price set by category or sub-category of elementary section and applied to the distance traveled on the section. This price may be adjusted under non-discriminatory conditions, depending on the type of train or traffic, tonnage, traction mode or inclusion in a train, rolling stock or goods causing particular constraints. The running charge is due from any railway undertaking using the national rail network.

## **Article 7-1**

- ▶ Amended by Decree 2006-1534 2006-12-06 art. 34 1 ° JORF December 7, 2006

Réseau Ferré de France may not impose the increase in royalties under an Article 6 if he has not submitted the capacity development plan mentioned in Article 26 of Decree No 2003-194 of 7 March 2003 on the use of the national rail network or does not respect the timetable.

## **Article 8**

- ▶ Amended by Decree No. 2010-1023 of 1 September 2010 - Art. 32

Without prejudice to the provisions of Articles 10 and 11 below, of France rail stops Network:

- The conditions of modulation of charges for booking and movement;
- The terms of payment, refund or exemption in case of waiver of infrastructure capacity reservation to reuse it.

## Article 9

- ▶ Amended by Decree No. 2010-1023 of 1 September 2010 - Art. 32

Réseau Ferré de France establishes a railway infrastructure project pricing including the list of elementary sections, the distribution of these in categories and sub-categories provided for in Article 3, the scale of booking fees and traffic and its application conditions and the amount of the access fee referred to in Article 5 in accordance with the provisions of this Decree.

The amount of the access fee and the kilometric price calculated as described in Articles 5 to 7 are set for each timetable.

Without prejudice to Article 2, Réseau Ferré de France establishes its draft of royalties so that the evolution of these product covers the evolution of operating expenses and network maintenance, network consistency and constant volumes of rail traffic. This proposed tariff is published in the network reference document, accompanied by a statement that it is enforceable is subject to the assent of the Regulatory Authority rail operations in accordance with V section 15 of law No. 2009-1503 of 8 December 2009 on the organization and regulation of rail transport and containing various provisions relating to transport. The Authority shall give its opinion within two months of publication of the network reference document.

Three months before the commencement of the annual timetable provided for in Article 21 of Decree No 2003-194 of 7 March 2003 on the use of the national rail network, Réseau Ferré de France publishes the pricing of rail infrastructure in accordance with the opinion of the Authority which is then binding.

## Article 10

- ▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

To enable the financing of certain infrastructure, an order of the Ministers of Transport, Economy and Budget issued on the proposal of Réseau Ferré de France shall, notwithstanding the foregoing, the special conditions of setting charges over a period exceeding the depreciation period of the investments concerned, in return for a commitment to use this infrastructure over this period.

The provisions of this Article may not have the effect of hindering the access to the infrastructure of a railway undertaking. The establishment Réseau Ferré de France shall ensure that the pricing of this infrastructure is established and applied without discrimination.

## Article 11

- ▶ Amended by Decree No. 2008-1204 of 20 November 2008 - s. 1

For the period 2010-2015, to facilitate the development of the national rail network and to reflect the economic value derived from the use of high-speed network lines, the rules for changing the kilometer price of royalty booking these lines are fixed by order of the ministers of transport, the economy and the budget, adopted on a proposal from Réseau Ferré de France.

## Article 12

- ▶ Amended by Decree No. 2012-70 of January 20, 2012 - art. 12

The parking on certain routes extended, the use of certain lines currently closed to traffic and any supplementary benefit are subject, where applicable, additional billings by Réseau Ferré de France.

## Article 13

The Minister of Equipment, Housing, Transport and Tourism, the Minister of Economy and Finance, the Minister Delegate to the budget, spokesman of the Government, the Minister for Finance and Foreign Trade and Secretary of State for transport are responsible, each in regards to the execution

of this decree, which will be published in the Official Journal of the French Republic.

By the Prime Minister:

Alain Juppe.

The Minister of Equipment, Housing, Transport and Tourism,

Bernard Pons.

The Minister of Economy and Finance,

Jean Arthuis.

The Minister in the budget, spokesman of the Government,

Alain Lamassoure.

The Minister for Finance and Foreign Trade,

Yves Galland.

The Secretary of State for Transport,

Anne-Marie Idrac.