

Session for evolution of international railway market: challenges and objectives for contractual law and organisation of efficient international traffic



RNE's Strategic vision for work on European contractual framework for rail transport

Vilnius, 29 October 2019

RailNetEurope (RNE)

- an organisation for facilitating the international business -



RailNetEurope

- » was established in 2004
- » currently has 35 Full Members and 10 Associate Members
- » is an umbrella organisation of Infrastructure Managers (IMs) and Allocation Bodies (ABs)
- » facilitates international rail traffic
- » delivers solutions and tools for international infrastructure management
- » provides information on the European railway infrastructure

Core Business

The core business of RNE is to provide support to European Rail Infrastructure Managers with the planning, selling and managing of international train paths:

- » RNE follows a market-oriented approach
- » RNE designs the entire rail infrastructure production process



In addition, RNE acts as a coordination platform for the development of common procedures, documents and IT tools across all of the Rail Freight Corridors (RFCs).

Main activities up to 2019

- » European General Terms and Conditions for the use of infrastructure (EGTC – I): a joint project of RNE and the International Rail Transport Committee (CIT) – general legal, administrative, technical and financial contractual conditions of use railway infrastructure
- » Standard Contract of Use of the railway infrastructure (SCU – I): sets out the conditions of access and use of the RNE network
- » Standard Framework Agreement: sets out for long term the mutual rights and obligations of the RU/applicant and the IMs/ABs concerning the infrastructure capacity to be offered on the RNE network for the transport service(s)

What is CUI –EGTC-I – SCU-I?

- **CUI = Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic**

OTIF

- CUI is international law (Appendix to COTIF) applicable to any contract of use of railway infrastructure in *international railway traffic*

- **EGTC-I = European general terms and conditions for the use of infrastructure**

RNE
&CIT

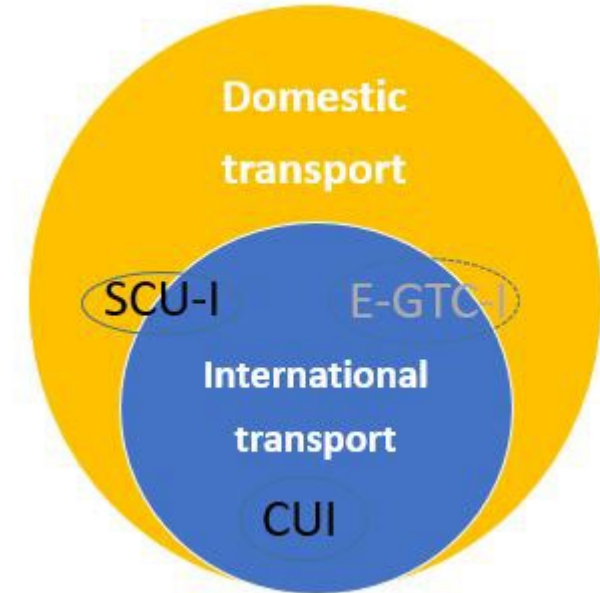
- EGTC-I is a set of basic contractual conditions for use of railway infrastructure, which is recommended to be applied by RNE and CIT to all contracts of use of railway infrastructure for international *or international and domestic transports by rail and use of services in service facilities operated under IM's control*

- **SCU-I = Standard contract of use of infrastructure**

RNE

(with input from CIT?)

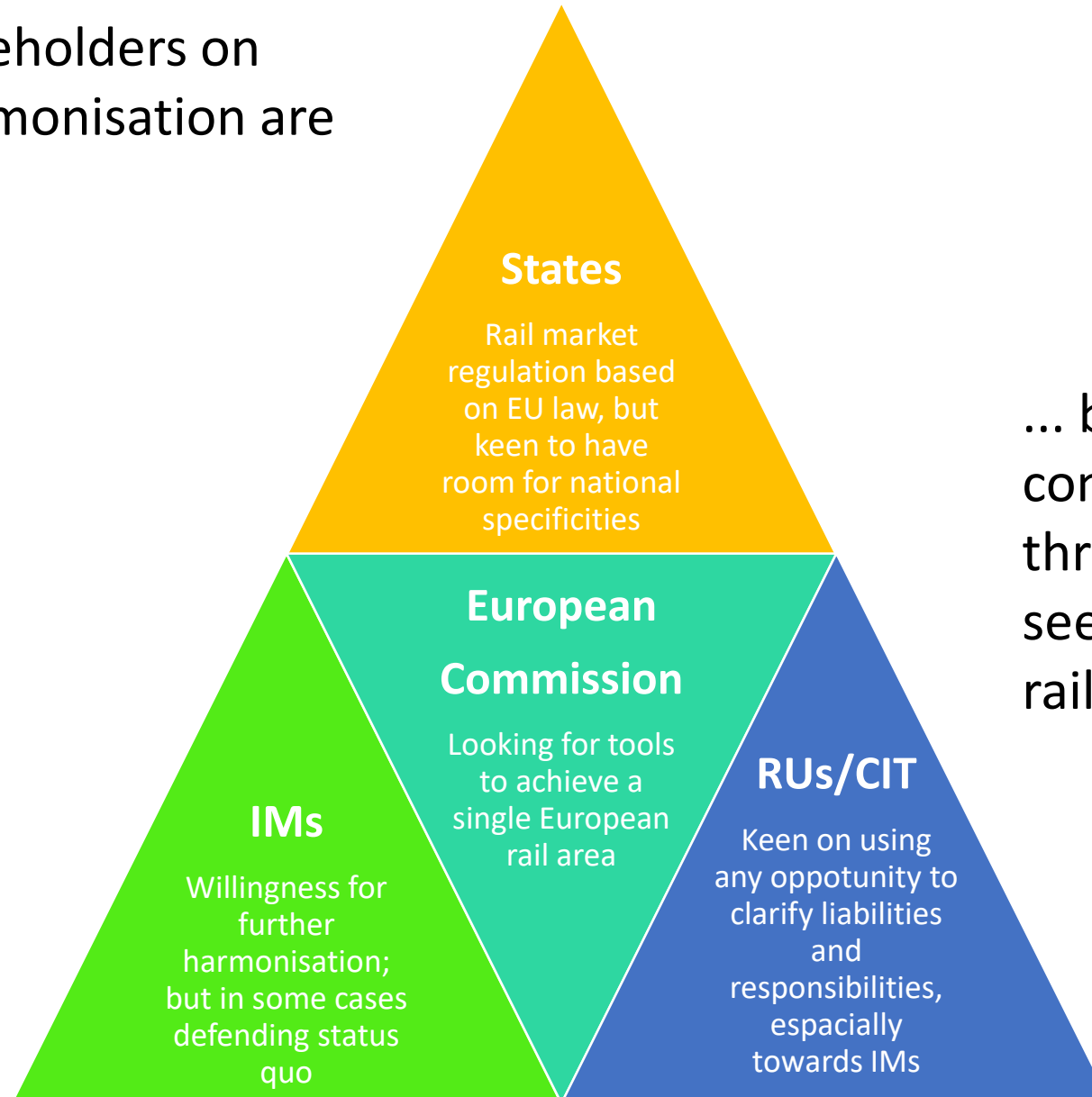
- should be a contract template serving as toolbox for IMs and RUs; CIT suggests alignment with existing texts (in particular EGTC-I) and application for *international and domestic transport*



Scope of application CUI, E-GTC-I, SCU-I

Political dimension

Positions of key stakeholders on need for further harmonisation are not always aligned...




... but simplification of the contractual framework through harmonisation seems key for improving rail's competitiveness!

Project for harmonising contractual framework

Identify status quo, including potential obstacles for harmonisation (e.g. national legal framework, regulatory bodies' decisions, etc.)



Develop approach for harmonisation of the contractual framework taking into account CUI, proposal for SCU-I submitted by CIT, EGTC-I, national GTCs, NS, CID, etc.



Work should focus in a first step on harmonization of the structure of the relevant documents

Thank you for your attention

RailNetEurope

Oelzeltgasse 3/9 | 1030 Vienna

Tel: +43 1 907 62 72 00 | Fax: +43 1 907 62 72 90

mailbox@rne.eu | www.rne.eu

