



**Independent Regulators' Group – Rail
IRG–Rail
Annexes to the 3rd IRG-Rail Annual Market Monitoring Report**

March 2015

Index

1. Country sheets market structure.....	2
2. Common list of definitions and indicators	28
3. Graphs and tables not used in the report.....	31

1. Country sheets market structure

Regulatory Authority: Schienen-Control GmbH

Country: Austria

Date of legal liberalisation of : Freight railway market: 9 January 1998. Passenger railway market: 9 January 1998.	
Date of entry of first new entrant into market: Freight: 1 April 2001. Passenger: 14 December 2003.	
Ownership structure	
	<u>Freight</u> RCA: 100% public Lokomotion: 30% DB Schenker, 70% various institutions with public ownership LTE: 100% public (was 50% private, new partner to be announced May 2015) Cargoserv, Ecco-Rail, RTS: 100% private TXL: 100% public (Trenitalia) Raaberbahn Cargo: 93.8% public SLB, STB, GKB, MBS, WLC: 100% public RPA: 53% private, 47% public (City of Hamburg: 68% HHLA, HHLA: 85% Metrans, Metrans: 80% RPA)
	<u>Passenger</u> ÖBB PV 100% public WLB, GKB, StLB, MBS, StH, SLB: 100% public CAT: 49.9% ÖBB PV, 50.1% Vienna Airport (public majority) WESTbahn: 74% private, 26% public (SNCF Voyageurs)
Main developments	
	<p>Rail freight traffic once again receded slightly in 2013 on the previous year. The new entrants could raise their market share in traffic frequency (tons) from 23.2 to 24.9 percent, and their share in transport performance (net tons per kilometre) rose from 17.6 to 19.3 percent. Five companies have market shares between two and four percent, the remaining ones lie below 0.7 percent.</p> <p>In passenger traffic (integrated and non-integrated railways) 274 million passengers were carried in the reporting year, signifying notable growth in relation to 2012. The market share of the private railways increased in this context from 13.9 to 14.5 percent. WESTbahn increased its train frequency in 2013 and, on the newly built stretch from Vienna to St. Polten, was able to achieve passenger increases by shortening the travel time on that stretch. For that reason, the share of the private railways in passenger kilometres once again increased from 8.7 to 12.2 percent. Bayerische Oberlandbahn only started its operations in Austria in December 2013 so that no palpable effects on market conditions can be reported yet.</p>
Key decisions	
	<p>1) Complaint over the use of a waggon washing facility In these proceedings before Schienen-Control Kommission a railway company was denied the use of a waggon washing facility belonging to another railway company. The company operating the waggon washing facility was of the opinion that there were acceptable alternatives available to clean the waggons. The proceedings could be ended after agreement was reached.</p> <p>2) Discriminating regulations declared void The railway network terms of usage of one railway infrastructure company contained provisions barring a railway company's claims in case of flaws in the</p>

	<p>performance of the railway infrastructure company. Schienen-Control Kommission declared these provisions void.</p> <p>3) Fee structures and fee principles</p> <p>Schienen-Control Kommission subjected the amended product catalogues of a railway infrastructure company to an audit in order to guarantee equal-opportunity and adequate competition between railway companies. In particular, a review of the differentiation in prices for train paths of the individual market segments and station prices was necessary. Schienen-Control Kommission declared various fee components void. Moreover, the audit of the changes in fees is still ongoing at present.</p> <p>4) Agreement regarding the new train safety system</p> <p>The newly constructed stretch in the Lower Inn Valley could only be used by motive power furnished with the new European train safety system ETCS Level 2. Mixed operations between ETCS and the PZB90 train security system installed for emergency cases were rejected on safety grounds. Finally, agreement could be reached that during the daytime only motive power with ETCS Level 2 equipment is allowed to use the stretch, and during the night hours only motive power with PZB90.</p>
--	---

Regulatory Authority: Regulatory Service for Railway Transport and for Brussels Airport Operations

Country: Belgium

<p>Date of legal liberalisation of :</p> <p>Freight railway market (Combined international transport): 5 February 1997</p> <p>Freight railway market (Trans European Network): 12 March 2003</p> <p>Freight railway market (entirely): 1 January 2007.</p> <p>Passenger railway market (international): 1 January 2010.</p> <p>Passenger railway market (national): none</p>	
<p>Date of entry of first new entrant into market:</p> <p>Freight: 2 April 2002</p> <p>International Passenger: 2010 (Eurostar)</p>	
Ownership structure	
	<p><u>Freight (companies with at least 1% market share)</u></p> <ul style="list-style-type: none"> - NMBS Logistics 100% Public (NMBS) - Crossrail 100% private - DBSN 100% public (92% DB AG ,6% NS and 2% Danske Statsbaner) - SNCF fret 100% public (SNCF Geodis) - Railtraxx 100% private - Captrain 100% public (SNCF Geodis) - Transport 100% private
	<p><u>Passenger</u></p> <p>National: NMBS 100% public</p> <p>International:</p> <ul style="list-style-type: none"> - NMBS 100% public - Eurostar (SNCF 55%, SNCB 5% and LCR 40%)

Country: Bulgaria

4

	<p>2. The second complaint handled is also made by DB Schenker Rail Bulgaria Ltd. Like the first one it is also related to the Rules for reporting on the train delays. In essence it is about charging for delays of trains of the railway undertaking by the infrastructure manager. The trains were stopped at the border station of Svilengrad because Turkish railways (TCDD) refused to accept them due to lack of a free track or a departing train.</p> <p>3.</p> <p>The position of Railway Administration Executive Agency is that the railway undertaking has done its duties after handing over the train to the infrastructure manager and is not responsible for the refusal of TCDD. In addition the railway undertaking has used prearranged train paths already coordinated at international border-crossing meetings. The decision taken by Railway Administration Executive Agency is that the stop made at the border station should not be charged to DB Schenker Rail Bulgaria Ltd. for delays caused by third parties.</p> <p>3. In its third complaint DB Schenker Rail Bulgaria Ltd. states that the approach applied by NRIC on development and allocation of paths for extraordinary freight trains is incorrect. Furthermore, they indicate that until 12/02/2014 the extraordinary freight trains and vehicles were allocated through ad hoc request as per the tariff of the infrastructure manager whereas the approval and the timetable for the relevant train were received up to two hours after requesting for capacity. The inspection of Railway Administration Executive Agency has found out that the practice existing until 12/02/2014 was carried out in good faith of NRIC, when there was a technical capability and an available train path in the process of preparing the timetable for train movement. In this particular case, NRIC does not discriminate the railway undertaking. As a result, the decision issued by Railway Administration Executive Agency was that the ad hoc request for allocation of extraordinary freight train was satisfied by NRIC in compliance with the requirements and the rules laid down in the Network Statement.</p> <p>4. The fourth complaint handled by RAEA was submitted simultaneously by DB Schenker Rail Bulgaria Ltd. and BRC JSC. They insisted that NRIC should compensate them for the additional costs, made for transportation of goods along detour routes due to traffic interruptions on the railway infrastructure for planned repairs and new construction.</p> <p>As a regulatory body in railway transport, Railway Administration Executive Agency took measures to revise the Network Statement and to prepare instructions on the type of documents describing the ways of compensating the railway undertakings for performing railway services along detour routes. For that purpose and in order to hear the opinions of the all stakeholders, a working meeting was held at Railway Administration Executive Agency to find an acceptable decision for both parties. Currently, this matter is being worked on.</p> <p>Decisions on the basis of an ex officio procedure:</p> <p>1. A scheduled inspection on the activities of NRIC, described in the Network Statement, is being performed.</p> <p>2. Two inspections of BDZ-Passenger Services Ltd. have been carried out in terms of quality of railway passenger services in stations and trains along the direction of Sofia - Karlovo - Tulovo and of Sofia - Plovdiv - Sofia. With respect to established irregularities, some prescriptions have been given for their elimination by the railway undertaking.</p>						
Key decisions							
	<p>The table below presents the rail freight traffic performed in ton km for the period 2012 and 2013:</p> <table><tr><th>Railway undertakings (FREIGHT)</th><th>2013 (in thousands)</th><th>%-variation compered to previous year</th></tr><tr><td>BDZ – Cargo Ltd</td><td>1 805.68</td><td>- 11.63</td></tr></table>	Railway undertakings (FREIGHT)	2013 (in thousands)	%-variation compered to previous year	BDZ – Cargo Ltd	1 805.68	- 11.63
Railway undertakings (FREIGHT)	2013 (in thousands)	%-variation compered to previous year					
BDZ – Cargo Ltd	1 805.68	- 11.63					

BRC JSC	785,40	14,82
Bulmarket - DM LLC	207,01	13,24
DB Schenker Rail Bulgaria Ltd.	447,00	41,05
The table below presents the market share in percentage of the 4 railway undertakings with the greatest share of work performed in ton-kilometers respectively for the period 2012 and 2013:		
Railway undertakings (FREIGHT)	Share 2012 (% of t/km)	Share 2013 (% of t/km)
BDZ – Cargo Ltd	55,8	55,3
BRC JSC	25,6	24,1
Bulmarket - DM LLC	6,5	6,3
DB Schenker Rail Bulgaria Ltd.	10,5	13,7
On the market for passenger transport services only the incumbent railway undertaking BDZ - Passengers Services Ltd. is still operating. Due to its difficult financial situation, the company has reduced the number of trains, resulting in a decline in passenger traffic compared to the previous two years, which is shown in the table below:		
Years for the period	Number of passengers (in thousands)	Passenger km (in millions)
2012	26 508,31	1 870,30
2013	26 059,63	1 821,59

Regulatory Authority: Rail Market Regulatory Agency

Country: Croatia

Date of legal liberalisation of : Freight railway market: 1 January 2005. Passenger railway market: 1 January 2005.	
Date of entry of first new entrant into market: Freight: no new entrant. Passenger: no new entrant.	
Ownership structure	
	<u>Freight</u> 100% public
	<u>Passenger</u> 100% public
Main developments	
	<p>On the Croatian railway market services operate two RUs, one for freight (HŽ Cargo d.o.o.) one for passenger service (HŽ Putnički prijevoz d.o.o.). Infrastructure manager (HŽ Infrastruktura d.o.o.) is an independent company.</p> <p>According to the restructuring plan of the Croatian Railways the third operator (which was in previous years) HŽ Vuča vlakova d.o.o. stopped operating on 30 October 2012. All locomotives, train drivers and employees were divided between HŽ Putnički prijevoz d.o.o. and HŽ Cargo d.o.o.</p> <p>Explanation for reducing Pkm and difference in freight transport: Reducing the number of international train kilometres (vlkm) and passenger kilometres (Pkm) in 2013 compared to 2012 resulted from the decrease number of international trains in timetable (VR) 2012/13. Number of trains compared to the previous VR 2011/12 reduced from 56 to 24 international trains.</p> <p>Since the changed methodology in the analysis of freight transport in 2013, there was a difference in relation to the 2012.</p> <p>According to international statistical standards rail transport is any movement of goods</p>

	<p>and / or passengers during which employs a railway vehicle. The bill of lading must be the referent document used to collect data on transport by rail. Domestic transport should be the case when bill of lading shows the starting point and destination in Croatia, and international transport when the bill of lading showing the origin or destination in another country. It is important to take into account the place of unloading goods, and not the place of destination of the goods. Place of loading is the place where the goods are loaded on a railway vehicle. Place of unloading is the place where the goods are unloaded from a railway vehicle.</p> <p>In 2013 the new Railway Act came into force implementing the provisions of Directive 34/2012/EU and Act on Safety and interoperability of the rail system. Article 62 of Railway Act designated Rail Market Regulatory Agency as the body responsible for the implementation of Regulation EC No. 1371/2007 on rail passengers' rights and obligations in railway transport.</p> <p>The process of protecting rights of passengers is regulated by the Law on the Regulation of Railway Market, which entered into force on 19 June 2014. It is important to note that Articles 13, 15, 16, 17, 18, 25 and 28 of Regulation does not apply to domestic passenger traffic until 3,December 2014, with the possibility of further postponing implementation, which should be decided by the competent Minister.</p> <p>The Act on Amendments to the Electronic Communications Act and the new Act on the Regulation of the Rail Services Market entered into force on 19th June 2014 creating a single national regulatory authority for the regulation of electronic communications, postal services and rail services markets – the Croatian Regulatory Authority for Network Industries. The national network regulator was created by merging the Rail Market Regulatory Agency (ARTZU) with the Croatian Post and Electronic Communications (HAKOM), and kept its abbreviated name HAKOM to preserve its recognisability.</p> <p>In addition to rationalization, it is expected that the merger will have an envisaged synergic effect similar to the one that occurred as a result of liberalization of the postal services market. Although networks are different in the technical and technological sense, activities of electronic communications, postal and rail services are complementary in terms of legal and economic aspects of achieving sustainable competition. All of the above-mentioned services are based on networks built by a state-owned incumbent and many years of experience and knowledge in the liberalisation of the electronic communications and postal services market will assist in the liberalization of the rail services market, as a third economic sector under HAKOM's regulatory scope and competence.</p>
Key decisions	
	<p>Complaints by railway undertakings HŽ Putnički prijevoz and HŽ Cargo on Network Statement 2014, including General Terms and Conditions of Track Access Contract, which is a part of Network Statement. Complainants were arguing the following: publication of Network Statement, reference to certain provisions of Network Statement in TAC, level of infrastructure charges, methodology for calculating traction current, fuel supply, cleaning toilets, speed reduction and axial pressure reduction, compensation for delay, garaging fee, closure of certain sections and certain provisions of General Terms and Conditions.</p> <p>RB has annulled some provisions of the Network Statement 2014 (RU's were wrongly stated as operators of some service facilities; provision „...infrastructure manager cannot be held liable for damages caused by printing errors in the Network Statement...“; provisions that settled charging of belated payments, since Network Statement treated differently domestic and foreign RU; General Terms and Conditions of Track Access Contract – provisions that settle entering into force of the GTC; liability in case of strike;</p>

late payments and guarantees linked to payment conditions, instructions about legal remedy). Infrastructure manager acted upon the decision and made all the necessary changes in the Network Statement 2014. HŽ Cargo complained to Administrative Court regarding rejecting part of the Decision. Nevertheless, IM accepted all decisions of the RB.

Administrative Court had dismissed complaint against RB decision which rejected HŽ Passenger transport appeal on Network Statement 2013 as untimely. Court had confirmed RB legal opinion about this important legal issue on appeal deadline which is according to Act on general administrative procedure 15 days from the day of Network Statement delivery (publication). This judgement is important precedent because it confirms that the appeal period is not permanent and it is linked to the publication of the Network Statement. Despite to this decision national legal framework still recognizes possibility for appeal dealing with application of conditions settled in Network Statement. HŽ Cargo has complained against General Terms and Conditions of Track Access Contract, which are part of Network Statement. RB has dismissed a complaint, since general terms and conditions are in jurisdiction of a Civil Court. HŽ Cargo complained to Administrative Court which stated that RB is competent of General Terms and Conditions of Track Access Contract, in terms of possible discriminative provisions and because the TAC has not been concluded. RB has accepted this jurisdiction, but because of the untimeliness, complaint was dismissed.

Regulatory Authority: Danish Rail Regulatory Body**Country: Denmark**

Date of legal liberalisation of : Freight railway market: Beginning June 27 th 1997. Passenger railway market: January 1 st 1999.	
Date of entry of first new entrant into market: Freight: October 16 th 1997 (Privat Banen Sønderjylland). ¹ Passenger: 2003 (Arriva).	
Ownership structure	
	<u>Freight</u> DB Schenker Rail Scandinavia (owned 51% by DB Schenker Rail Deutschland GmbH and 49% by Green Cargo) Hector Rail (private) TX Logistik Captrain AB (formerly Railcare - private) CFL Cargo (owned 66,7% by CFL and 33,3% by ArcelorMittal)
	<u>Passenger</u> DSB (State owned) Arriva Tog A/S (owned by Deutsche Bahn) Metro Service A/S (State/city owned) Lokalbansen A/S (PTA – public/regional owned) Regionstog A/S (PTA – public/regional owned) Nordjyske Jernbaner A/S (PTA – public/regional owned) Midtjyske Jernbaner A/S (PTA – public/regional owned) Nord-Ostsee-Bahn GmbH (owned by Veolia Transport GmbH) Regionalbahn Schleswig-Holstein SJ AB (owned by the Swedish state)
Key decisions	
	<p>A decision of the Danish Rail Regulatory Body (DRRB) 21 October 2013 on a complaint from DB Schenker Rail Scandinavia A/S 20 December 2012 concerning the infrastructure charges for 2013 laid down by the incumbent IM, concluded that the charges were not based on the recovery of direct costs as required by law. This meant that the kilometre and capacity charges for freight trains were entered retroactively in place of a ton-kilometre charge for 2013 (and 2014). The charges were entered retroactively by national statutory, until new infrastructure charges based on the recovery of direct costs is in place.</p> <p>A decision on 19 April 2014 dealt with a complaint from Carlsberg Danmark A/S, which brought in an appeal against the Danish Transport Authority's decision on approval of differentiated tariffs for 2013 regarding lifting trailers and containers on the intermodal terminals Høje Taastrup and Taulov. Both terminals are operated by DB Schenker Rail Scandinavia A/S. The DRRB concluded that the financial documentation forwarded from DB Schenker with regards to the application for the tariff applied for, did not contain adequate or conclusive product calculations in its usual sense. The DRRB found that the Danish Transport Authority had not based its approval of the tariffs in question for 2013 on product calculations as required by law, concluded that the ruling made by the Danish Transport Authority suffered from an inadequate process due to insufficient clearing up of facts and revoked the decision to the Transport Authority.</p>

¹ In Denmark the market for domestic freight service was open to domestic operators before 1999, when the market for international freight service was liberalised.

Regulatory Authority: Estonian Competition Authority
Country: Estonia

Date of legal liberalisation of : Freight railway market: 1 March 2003. Passenger railway market: 1 March 2003.	
Date of entry of first new entrant into market: Freight: 27 December 1999 (AS Maardu Raudtee). Passenger: 26 June 2006 (AS GoRail).	
Ownership structure	
	<u>Freight - there are 14 operators on the freight railway market</u> AS EVR Cargo (100% State) AS E.R.S. (100% private) AS Maardu Raudtee (100% private) AS Railservis (100% private) AS Kunda Trans (100% private) AS Sillamäe Sadam (100% private) Westgate Transport OÜ (100% private) OÜ Dekoil (100% private) Vesta Terminal Tallinn OÜ (100% private) Edelaraudtee AS (100% private) AS Alexela Terminal (100% private) Eesti Energia Kaevandused AS (100% public) Leonhard Weiss RTE AS (100% private) RVTest OÜ (100% private)
	<u>Passenger</u> Passenger – there are 4 operators on the passenger railway market AS Eesti Liinirongid (former name Elektriraudtee AS) (100% state) ² Edelaraudtee AS (100% private) ³ AS GoRail Aktsiaselts SEBE

² AS Eesti Liinirongid operates from June 2013 public passenger transport all over Estonia. The contract is valid until 2018. There is no train connection to other Baltic states or EU states. Only international passenger route on railways goes to Moscow, and is operated by GoRail

³ Edelaraudtee AS (Edelaraudtee Ltd) is a railway company founded in 1997. Since then it operates diesel passenger trains all over Estonia. There is no train connection to other Baltic states or EU states.

Only international passenger route on railways goes to Moscow, and is operated by GoRail. Edelaraudtee AS has still a operating licence, but it stopped providing passenger transport from June 29, 2013.

Regulatory Authority: The Finnish Transport Safety Agency**Country: Finland**

Date of legal liberalisation of :	
Freight railway market: Beginning of 2007.	
Passenger railway market: The domestic passenger market is legally open to competition (there are no legal provisions prohibiting entry). However, due to exclusive rights and direct award of public service contracts to VR Group the passenger railway market is not open to competition. The international passenger market is open since the beginning of 2010.	
Date of entry of first new entrant into market:	
Freight: 15 May 2012 (licence awarded to Ratarahiti Ltd). Ratarahiti Ltd concentrates its activities on local operations at eastern part of Finland.	
Passenger: no new entrant	
Ownership structure	
	<u>Freight</u> VR Ltd is the incumbent railway undertaking in Finland, entirely (100%) owned by government. Duties relating to state ownership steering of VR are handled in the Government Ownership Steering Department in the Prime Minister's Office. Ratarahiti Ltd (100 % private)
	<u>Passenger</u> VR Ltd is the incumbent railway undertaking in Finland, totally (100%) owned by government.
Main development	
	For passenger traffic The Ministry of Transport and Communication made at the beginning of July 2013 an agreement with the incumbent railway undertaking VR Ltd on exclusive rights for long-distance train services until the end of year 2024. On 27.9.2013 the Finnish Transport Safety Agency granted a safety certificate to Easmar Logistics Ltd. With this certificate, Easmar Logistics can perform shunting operations upon all railway tracks managed by the city of Kouvola, and railway tracks within the Kouvola region. The company started its shunting operations in a district area in Kouvola marshalling yard. VR Group Ltd. and city of Kouvola signed an agreement to transfer VR Training Centers' activities to Kouvola Region Vocational College. The change took place at the beginning of year 2014. This arrangement supports the fair and non-discriminatory treatment of all operators in the railway sector.

Regulatory Authority: Autorité de régulation des activités ferroviaires (ARAF)**Country: France**

Date of legal liberalisation of : Freight railway market: 7 March 2003 for international transport, 31 March 2006 for national transport. Passenger railway market: 13 December 2009 for international transport.	
Date of entry of first new entrant into market: Freight: 13 June 2005 (international). Passenger: 11 December 2011 (international).	
Ownership structure	
	<u>Freight</u> Fret SNCF (owned a 100% by SNCF under public law), ECR (owned by DB Schenker Rail) VFLI (owned a 100% by SNCF but under private law)
	<u>Passenger</u> SNCF (100% public) Eurostar (SNCF 55%, SNCB 5% and LCR 40%) Thello (Trenitalia 50%, Veolia Transdev 50%)
Main development	
	The company Thello made a formal request to run an international service with cabotage and was granted this right by ARAF. This will make it the first company not owned by the incumbent to carry domestic passengers. The first trains are scheduled to run only at the end of 2014 though.
Key decisions	
	On 30 January 2013, ARAF issued an unfavourable opinion as regards the charging system for minimum services that appears in the Network Statement for the 2014 timetable published by RFF on 7 December 2012. Decisions n° 2013-016, n°2013-17, n° 2013-18, n° 2013-19 on path allocation : ARAF's decisions are to oblige the IM to give a better notice to the railway undertakings when he has to change or suppress a path previously granted, and to improve the understandability for a RU concerning maintenance works Decision n°2013-014 on the accounting separation Gares&Connexions 9th July 2013 : The rule of accounting separation had to be adapted due to an organizational change within SNCF

Regulatory Authority: Bundesnetzagentur (I/II)**Country: Germany**

Date of legal liberalisation of : Freight railway market: 1994 (domestic and cross-border). Passenger railway market: 1994 (domestic and cross-border).	
Date of entry of first new entrant into market ⁴ : Freight: - Karsdorfer Eisenbahngesellschaft (insolvent since 2004) – 1995 - Rail4chem Eisenbahngesellschaft mbH - 2001 Passenger: long distance passenger services: - Georg Verkehrsorganisation (GVG) - 2000 - Ostseelandverkehr GmbH (OLA) "Interconnex" - 2002 regional passenger services: - Vogtlandbahn GmbH - 1997 - Ostmecklenburgische Eisenbahn GmbH (OME) - 1998	
Ownership structure ⁵	
	<u>Freight</u> Incumbent (incl. foreign incumbents) : 81% Public: 5% Privat: 14% 10 major <u>freight train</u> companies (in terms of traffic performance): - boxXpress.de GmbH - DB Schenker Rail AG - HSL Logistik GmbH - hvlle Havelländische Eisenbahn AG - ITL-Eisenbahngesellschaft mbH - PCT Private Car Train GmbH - RBH Logistics GmbH - RheinCargo GmbH & Co. KG - SBB Cargo Deutschland GmbH - TX Logistik AG
	<u>Passenger regional</u> Incumbent (incl. foreign incumbents): 90% Public: 5% Privat: 5% 10 major <u>regional passenger</u> train companies (in terms of traffic performance): - DB Regio AG - DB RegioNetz Verkehrs GmbH - DB ZugBus RegionalverkehrAlb-Bodensee GmbH - KEOLIS Deutschland GmbH & Co. KG - metronom Eisenbahngesellschaft mbH - NordWestBahn GmbH - ODEG Ostdeutsche Eisenbahn GmbH

⁴ Already before the first step of the railway reform in Germany non-incumbent railway undertakings offered regional and national traffic services but not in direct competition with public railway services (e.g. routes no longer operated by the incumbent railway services or in cooperation). Therefore it is difficult to define the first entry date in the German railway market under real competitive conditions, in particular for regional passenger and for freight services.

⁵ Due to the multiplicity of railway undertakings in the German market the following statements to the ownership structure are limited to the ten major companies in the freight and the regional passenger market as well as to the five major companies in the long-distance passenger market, weighted by the share of traffic performance.

	<ul style="list-style-type: none"> - S-Bahn Berlin GmbH - S-Bahn Hamburg GmbH - Vogtlandbahn-GmbH <p><u>Passenger long-distance:</u> Incumbent (incl. foreign incumbents): $\approx 99\%$ Public / Private: $\approx 1\%$</p> <p>Major <u>long-distance passenger</u> train companies (in terms of traffic performance):</p> <ul style="list-style-type: none"> - DB Fernverkehr AG - HKX Hamburg-Köln-Express GmbH - OLA Ostseeland Verkehr GmbH (last long-distance service on Dec 13th 2014)
Main developments	
	<p>In 2013 the overall transport performance remains on a consistent level. Long-distance and regional passenger transport performance added up to a steady performance of 37 respectively 53 bn passenger kilometers. The freight transport performance increased slightly to 113 bn. tonne kilometers. Nevertheless revenues rose by 2 percent to an absolute level of 19 bn EUR. The market share of competitor rose slightly by 1 percent to a share of 18 percent. The biggest increase of market share of competitors was achieved in the freight sector, where 33 percent of the transport performance was carried out by competitors. The infrastructure access charges rose again to a total amount of 5,6 bn. EUR, whereof 4,45 bn. EUR were paid for track access.</p>
Key decisions	
	<p>In 2010 the decision to regulate the charges for traction current was enforced by the court. Therefore for the first time the prices for traction current were reduced by 11 percent in 2013.</p> <p>Due to a staffing shortage there had been some crucial incidents regarding signal boxes. BNetzA had to interfere and therefore issued an assessment to solve the problem under the threat of a financial penalty.</p> <p>BNetzA committed DB Netz AG to amend the process of assigning track capacity to railway undertakings in service facilities. Meanwhile investigating a new pricing system for service facilities it became evident that a complementary rule for assigning track capacity during the coordinating process or in case of conflicting use had to be found. The fundamental question that arose is the role of the operator of the service facility as a manager of mostly scarce capacity. Finally DB Netz AG included a transparent process and criteria, which are used for the assignment of tracks, in the network statement.</p>

Regulatory Authority: Office of Rail Regulation**Country: United Kingdom**

Date of legal liberalisation of : Freight railway market: 1994. Passenger railway market: 1994.	
Date of entry of first new entrant into market: Freight: 1996 (North and South Railways). Passenger: 1996 (date of introduction of first franchise – Great Western Train).	
Ownership structure	
	<u>Freight</u> 100% private: All freight companies are privately owned. The domestic freight market contains four major companies, who between them account for approximately 98% of freight traffic, and a number of smaller operators. There is no rail freight in Northern Ireland.
	<u>Passenger</u> 99% private; 1% public: 19 train operating companies operate under a franchise agreement with the Department for Transport, there are four open access operators and one government-owned subsidiary (Northern Ireland).

Regulatory Authority: Greek Regulatory Authority for Railways (“RAS”)**Country: Greece**

Date of legal liberalisation of : Freight railway market: 1 January 2007 Passenger railway market: 1 January 2010 for international	
Date of entry of first new entrant into market: Freight: no new entrant Passenger: no new entrant	
3. Ownership structure	
	3.1 Freight TRAINOSE SA (100% public)
	3.2 Passenger TRAINOSE SA (100% public) Urban Rail Transport SA (STASY SA) (100% public)

Regulatory Authority: National Transport Authority**Country: Hungary**

Date of legal liberalisation of : Freight railway market: 1 January 2006. Passenger railway market: partly liberalised. Passenger operators that are registered in Hungary have been entitled to open access since 1 January, 2006. Passenger operators providing international services with a licence issued in the EEA have been entitled to open access since 21 June 2009.	
Date of entry of first new entrant into market: Freight: 27 March 2007 (the first new entrant entered the market in June 2004 before it was fully liberalised; the first licence for a railway undertaking after the full liberalisation of the market was granted on 27 March 2007). Passenger: 6 August 2007.	
Ownership structure	
	<u>Freight</u> Please note that in the figures below, public ownership means state share. MÁV Zrt. and GYSEV Zrt., which are (at least partly) state-owned companies are considered private owners in the case of the indicated RUs Rail Cargo Hungaria Zrt. 100% private

	GYSEV Cargo Zrt.: 100% private (subsidiary of IM GYSEV Zrt.) MMV Zrt.: 100% private Floyd Zrt.: 100% private CER Hungary Zrt.: 100% private Train Hungary Kft.: 100% private AWT Rail HU Zrt.: 100% private
	<u>Passenger</u> MÁV-Start Zrt.: 100% private (subsidiary of IM MÁV Zrt.) GYSEV Zrt.: 93.8% public (Hungarian State – 65.6%, Austrian State -28.2%) MÁV Nosztalgia Kft.: 100% private (partly owned by MÁV Zrt.)
Main development	
	As for rail freight sector, national freight transport performed quite well in 2013 in Hungary, partly due to significant infrastructure investments. International freight transport remained close to the level of the previous years. Several new market players appeared in the freight market. Some of them seceded from other railway undertakings, others are totally new players in the sector. The importance of undertakings from other Member States grew and Hungarian companies also started to be active abroad, particularly in the Balkans region. The growth in the passenger market was insignificant and no new market actor emerged. Concerning railway infrastructure, significant renewal and upgrading projects were going on in 2013, focusing on rail freight corridors and the agglomeration of Budapest. Urban railway transport also saw big investments, in tram lines both in the capital and in other cities and in the new metro line in Budapest (opened in 2014). EU funds were important source of finance for such investments.
Key decisions	
	The regulatory body checked whether the provisions of the Network Statement in force are in accordance with the law and requested the modification of the non-compliant provisions. It also checked whether the relevant IMs and RUs fulfilled their obligations concerning the separation of accounts and requested the necessary modification of account separation when the legal requirements were not fully met. The regulatory body had a procedure on track access agreements: according to national legislation, upon the request of the IMs, the regulatory body may approve the contracting parties' deviating from the Network Statement in the agreement. One of IMs requested such an approval regarding the charges and invoicing of traction energy. The regulatory body approved the IM's request. The regulatory body carried out ex-officio procedures in the area of capacity allocation: according to Hungarian law, IMs shall request capacity for maintenance work. In cases when an IM failed to fulfil that obligation, the regulatory body imposed financial penalty on it.

Regulatory Authority: Autorità di Regolazione dei Trasporti (ART)**Country: Italy**

Date of legal liberalisation of :	
Freight railway market: 9 January 1998.	
Passenger railway market: 9 January 1998.	
Date of entry of first new entrant into market:	
Freight: 1 April 2001.	
Passenger: 14 December 2003.	
Ownership structure	
	<u>Freight</u> RCA: 100% public Lokomotion: 30% DB Schenker, 70% various institutions with public ownership WLC: 100% public LTE: 100% public (was 50% private, new partner to be announced soon) Logserv: 100% private TXL: 100% public (Trenitalia) GySEV: 93.8% public SLB, STB, GKB, MBS: 100% public RTS: 100% private RPS: 100% private
	<u>Passenger</u> ÖBB PV 100% public WLB, GKB, StLB, MBS, StH, SLB: 100% public CAT: 49.9% ÖBB PV, 50.1% Vienna Airport (public majority) WESTbahn: 74% private, 26% public (SNCF Voyages)

Regulatory Authority:**Country: Kosovo**

Date of legal liberalisation of :	
Freight railway market:	
Passenger railway market:	
Date of entry of first new entrant into market:	
Freight:	
Passenger:	
Ownership structure	
	Freight: 100% public owned company
	Passenger 100% public owned company
Main developments	
	<p>Activities of the Market Regulation Department</p> <p>Legal framework for our activities is Law 04/L-063 on Kosovo Railway,</p> <p>During the year 2013 we have prepared sub legal acts such as:</p> <ol style="list-style-type: none"> 1. Network Statement Regulation No. 01/2013, 2. In cooperation with Ministry of Infrastructure we have prepared an Administrative Instruction No. 02/2013, for calculating direct cost on Railway Infrastructure. 3. In cooperation with Ministry of Infrastructure we have prepared an Administrative Instruction No. 03/2013, Defining and Establishing how to collect fees of Access to the Rail Infrastructure,
Key decisions	
	<p>Railway Regulatory Authority (RRA) and the Market Regulation Department have the task, analyzing, monitoring service quality and competition in the railway sector of Kosovo.</p> <p>Based on the Law 04/L-063 for Kosovo Railways, Article 61.3 which has to do with the determination of tariffs for railway services, and based on Administrative Instruction No. 02 /2013 for the calculation of direct costs for maintenance of railway infrastructure, and according to Administrative Instruction No. 03 /2013 for setting and collecting the fees Defining Access to Railway Infrastructure, RRA has analyzed the draft of the Network Statement 2014, respectively chapter 6 which has to do with the charging system, the overall level of payments for the use of services provides from the Infrastructure Manager, Based on formal competence to the draft of the Network Statement 2014, RRA recommends : On the occasion of complaint TRAINKOS against INFRAKOS and based on Chapter 6 of the Network Statement 2014 to the level of fees. "RRA has analyzed the market situation based on the information received and concludes that: This draft provides non competitive - fee with the region which does not allows development of the rail market.</p>

Regulatory Authorities: Regulatory authority (responsible for market monitoring)-State Railway administration (SRA) and the Public Utilities Commission (further in text - PUC).
Country: Latvia

Date of legal liberalisation of : Freight railway market: 1 April 1998. Passenger railway market: 1 April 1998.	
Date of entry of first new entrant into market: Freight: 3 February 2003. Passenger: 1 January 2001.	
Ownership structure	
	<u>Freight</u> LDZ Cargo-100%public BTS-100%private BE-100%private
	<u>Passenger</u> PV-100%public LDZ Cargo-100%public GAB-15%public and 85%private

Regulatory Authority: Autoriteit Consument en Markt (ACM)
Country: Netherlands

Date of legal liberalisation of : Freight railway market: 1995. Passenger railway market: - 1995 (private passenger transport and international passenger transport under cooperation) - 1998 (experiments with tenders) - 1 January 2005 (liberalisation of regional passenger transport)	
Date of entry of first new entrant into market: Freight: 1998 (Shortlines) Passenger: 2000 (Noordnet).	
Ownership structure	
	<u>Freight</u> DBS 100% public Captrain 100% public (daughter of SNCF Geodis)
	<u>Passenger</u> NS 100%: public Arriva: 100% public (daughter DB) Syntus: 70% public 30% private. Syntus is a holding of Keolis. Keolis is held by 70% SNCF and 30% Caisse de depot et de placement du Québec. Veolia – Transdev: 60% public (CDC), 40% private (Veolia Environment). Connexxion : 60% public (CDC) 40% private (Veolia Environment). Connexxion is a holding of Veolia-Transdev.
Main developments	
	In spring 2013 NS decided to stop with the V250 trains of AnsaldoBreda, The decision of NS and NMBS to stop the Fyra V250 trains has caused major upheaval in the NL. They have now fallen back on conventional trains which run on the conventional infrastructure, not the HS infrastructure. This led to an increase of passengers at Thalys, the only operator left on the HS infrastructure. A capacity request for international passenger traffic between The Hague and Brussels was withdrawn. The operator did not finish its license request in due time in Belgium.

Key decisions	
	<p>On 31 October 2013, ACM offered its conclusions of the 2013 Quick Scan on Passenger Rail Transport (in Dutch) to the Ministry of Infrastructure & the Environment. ACM concluded that the interests of regional railway undertakings and their travelers were inadequately reflected and that there were thus insufficient incentives for NS to dedicate itself in a way that is good for travelers. ACM particularly recommends to distribute revenues from ticket sales in a more transparent manner and to improve the service at railway stations and the trip information system. Trans Link Systems (TLS), the provider of the national public-transport smartcard, should get an incentive to stimulate cost transparency, cost efficiency and innovation for the use of the smartcard. (no official decision)</p> <p>Together with BNa a study was conducted to the cooperation between German and Dutch infrastructure managers. Improvement was found in the cooperation of short-term planning of maintenance (6 weeks before realisation) and the exchange of information on operators was improved (Pre-check Verfahren). Although ACM sees more area's for improvement (long term strategic planning of maintenance), there was no immediate cause for further investigations. (no official decision)</p>

Regulatory Authority: The Norwegian Railway Authority
Country: Norway

Date of legal liberalisation of : Freight railway market: 1 January 2007. Passenger railway market: 1 January 2010 for international services. The market for national passenger traffic is not yet liberalised, NSB AS has exclusive rights to perform such transport, with the exception of the airport express train (FLYTOGET) and the Gjøvik-Oslo line, which was tendered (and is operated by NSB Gjøvikbanen).	
Date of entry of first new entrant into market: Freight: 2007 Passenger: 11 June 2006, NSB Gjøvikbanen entered as a result of winning a tender for Oslo–Gjøvik.	
Ownership structure	
	<u>Freight⁶</u> CargoNet AS (incumbent, 48 % market share 2013): 100 % owned by NSB, which is 100 % owned by the state Cargolink AS (13% market share 2013): 100 % owned by the private company Autolink Malmtrafik (18 % market share 2013): 100 % owned by LKAB AB, which is 100 % owned by the Swedish state Green Cargo AB (7 % market share 2013): 100 % owned by Swedish state Hector Rail AB (10 % market share 2013): Privately owned Tågakeriet i Bergslagen AB: Private owned TX Logistik (3 % market share 2013): Owned by TX Logistik AG, which is owned by Trenitalia, which is owned by the Italian state Grenland Rail AS: Private owned
	<u>Passenger⁷</u> NSB AS (incumbent, 87 % market share 2013): 100 % State owned NSB Gjøvikbanen AS (2 % market share 2013): 100 % owned by NSB AS Flytoget AS (Airport express, 10 % market share 2013): 100 % owned by the state

⁶ Market shares based on tkm.

⁷ Market shares based on pkm.

	(but managed by a different ministry than NSB AS) SJ AB (Swedish incumbent, 1 % market share 2013): 100 % owned by the Swedish state
Main developments	
	<p>Measured by tonne-km, non-incumbent companies in the freight market had a combined market share of ca. 52 % in 2013 (ca. 45 % in 2012). However, measured by train-km, the share was ca. 33 % (ca. 26 % in 2012). The relatively low market share of the incumbent is partly due to a decline in their activity, but also due to the fact that some operators perform 'short and heavy' transport. The weight and length of transport does not necessarily reflect the economic value of the operations. Non-incumbent companies (also owned by the State) in the passenger market had a combined market share of ca. 13 % in 2013 (ca. 13 % in 2012 as well), measured by passenger-km. The market share was ca. 18 % in 2013 (ca. 20 % in 2012), measured by train-km. The market is not liberalized, and the incumbent is only facing competition on one national line (From Drammen to the airport). From 2012 to 2013 total freight transport (tonne-km) increased by ca. 1.4 %. Passenger transport (passenger-km) increased by ca. 3.2 % from 2012 to 2013.</p>
Key decisions	
	<p>1. The airport express train (Flytoget) had for 2013 requested six train paths per hour between Lysaker and Oslo Airport, but Jernbaneverket (IM) did not meet this request, as the capacity is scarce and Jernbaneverket chose to allocate NSB (incumbent) all the routes they applied for. Hence, only three train paths per hour were left for Flytoget. The infrastructure has been declared congested. The airport express train made a complaint against this decision to the Norwegian Railway Authority.</p> <p>In December 2013 the Norwegian Railway Authority published its decision. The main points in the decision are:</p> <p>The IM did not have appropriate priority criteria to ensure that capacity was allocated in accordance with legal requirements. Especially, the criteria were not designed to ensure that the allocation maximized the impact for society.</p> <p>The allocation process has been discriminatory, because of extensive cooperation between the IM and NSB AS, resulting in train paths being de facto allocated outside of the allocation process. The IM did not choose to appeal the final decision by the Railway Authority.</p> <p>2. The Norwegian Railway Authority (NRA) made a decision on the basis of a complaint from Cargolink. For the timetable starting December 11th 2011, the freight company Cargolink filed a complaint with regards to the allocation of infrastructure capacity at Brattøra freight terminal in Trondheim. NRAs decision states that Jernbaneverket (IM) allocated the infrastructure capacity on the freight terminal on a later stage and separate from the general allocation process, and did not allocate the infrastructure capacity as train paths. Cargolink AS were of the understanding that they were not obliged to apply for infrastructure capacity at the freight terminal, as the allocation would be done in coordination with Jernbaneverket on a later stage. Furthermore, Cargolink AS has complained on the guidance provided by Jernbaneverket with regards to the allocation process.</p>

Regulatory Authority: Urząd Transportu Kolejowego (UTK) - Office of Rail Transport
Country: Poland

<p>Date of legal liberalisation of :</p> <p>Freight railway market: 8 August 2000 - date of Act for restructuring of the PKP State company (in 2001 new companies from the PKP group started to operate). 28 March 2003 - introduction of Railway Transport Act. From then railway undertakings started to be licensed and infrastructure manager had to give an un-discriminatory access to new entrants.</p> <p>Passenger railway market: 8 August 2000 - date of Act for restructuring of the PKP State company (in 2001 new companies from the PKP group started to operate). 28 March 2003 - introduction of Railway Transport Act. From then railway undertakings started to be licensed and infrastructure manager had to give an un-discriminatory access to new entrants.</p>	
<p>Date of entry of first new entrant into market:</p> <p>Freight: 29 August 2003 – award of first license to a freight railway undertaking Passenger: 27 February 2004 – award of first license to passenger railway undertaking</p>	
Ownership structure	
	<p><u>Freight</u></p> <p>PKP Cargo (51% public, 49% private after having debuted on Warsaw Stock Exchange in October 2013) - 58.9% market share in transport performance (tonne-km) Lotos Kolej (53% public; not from PKP Group) - 7.8% tkm CTL Group - 6.8% tkm PKP LHS (100% public) – 6.6% tkm DB Schenker - 5.6% t-km Others (mainly private) – 14.3% tkm</p>
	<p><u>Passenger</u></p> <p>PKP Intercity (100% state-owned; long-distance services) – 42.2% market share in transport performance (passenger-km) Przewozy Regionalne (100% public, owned by regional authorities, regional services) - 30.6% pas-km Koleje Mazowieckie (100% public, owned by Mazovia region with Warsaw as capital, services in Mazovia) - 13,2% pas-km PKP SKM (PKP Fast Urban Rail in Tricity) (100% public) – 4.8% pas-km Others (owned by regional and local authorities) – 8.7% pas-km Arriva (DB capital) – 0.5% pas-km</p>
Main developments	
	<p>Freight sector:</p> <p>In 2013 the sector brought to a stop its large drop of 2012 (-7,2% in weight and - 9,1% in transport performance) and stabilized its situation with a slight increase in terms of weight of transported cargo (0,83%) and bigger growth in terms of performance (+3,68%). Train movements practically didn't change. The market is still far from recovery after the 2012 drop, caused especially by the slowing pace of road infrastructural investments, for the use of which materials were carried by rail. Instead, the program of rail network modernization fastened, causing perturbations in traffic. Freight operators welcomed the reduction of track access charges in December 2013, after the judgment of CJEU.</p> <p>On the 30th of October 2013 PKP Cargo, the biggest and incumbent freight undertaking debuted on Warsaw Stock Exchange in Initial Public Offering, selling 50% minus 1 shares to institutional and private investors. It was the first successful offer of shares of a national rail freight operator in EU. Revenues from privatisation were destined to repay historic PKP debts.</p> <p>Inter-modal freight transport continued its growth at the rate of around 7% both in terms of TEU and weight. Its transport performance grew only slightly.</p> <p>Passenger sector:</p>

	<p>Year 2013 brought a slight decrease in the number of passengers (-1,28%), while a large decline in terms of transport performance (-5,95%) and train movements (-4,6%). This proves that rail continued to significantly loose long-distance passengers, while it managed to attract everyday suburban commuters, mainly in Warsaw area. Suburban rail benefits from intensive road traffic at the entrances to the biggest cities. Long-distance rail is suffering from the large scale of modernizations of rail network and quite a big improvement of road infrastructure that results in more and more people choosing their own cars or bus companies while deciding on the mode of transport. During the year 2013, railway undertakings belonging to different regional authorities (but also Arriva) were systematically taking over operations from the largest operator "Przewozy Regionalne" which runs mainly regional trains in most regions of Poland.</p>
Key decisions	
	<p>As far as charges are concerned, the approval decision for charges of national IM PKP PLK (introduced in December 2013) took into account the judgment of the Court of Justice of the European Union from 31th May 2013 (C-512/10) which stated that the access charges should only comprise direct costs stemming from train operation.</p> <p>As far as licences are concerned, the President of UTK made 6 decisions suspending licences, among which 2 for passenger transport and 4 for traction service.</p> <p>As far as granting access to the infrastructure is concerned, the President of the UTK issued a decision indicating that the cargo railway operator PKP Cargo has violated railway regulations. This violation consisted of combining a business of a railway operator with the actual duties of the railway infrastructure manager.</p>

Regulatory Authority: Transport Authority
Country: Slovak Republic

Date of legal liberalisation of : Freight railway market: January 2006. Passenger railway market: January 2010.	
Date of entry of first new entrant into market: Freight: October 2006. Passenger: March 2012.	
Ownership structure (in 2013)	
	<u>Freight</u> ZSSK CARGO (100% public) – 82% market share Others (private companies) – 18% market share
	<u>Passenger</u> ZSSK (100% public) – 96% market share RegioJet (private company) – 4% market share
Main developments	
	<p>The number of railway companies on the railway transport market in december 2013 was 44.</p> <p>The freight transport market was divided between 42 railway undertakings.</p> <p>In the field of passenger transport, the majority of transport services was operated by two operators (incumbent operator and new entrant) under conditions presented in the public service contracts.</p>
Key decisions	
	<p>In 2013 our office as regulatory body made no decisions based on a complaint or based on ex-officio procedures.</p>

**Regulatory Authority: AKOS-Agency for Communication Networks and Services
of the Republic of Slovenia
Country: Slovenia**

Date of legal liberalisation of : Freight railway market: 7 March 2007 Passenger railway market: 1 January 2010	
Date of entry of first new entrant into market: Freight: 1 March 2009 (RCA) Passenger: no new entrants	
Ownership structure	
	<u>Freight</u> Slovenske železnice-Freight Transport (public), Rail Cargo Austria (public), Adria Transport / private (50% Luka Koper : 50% GKB)
	<u>Passenger</u> Slovenske železnice-Passenger Transport (public).
Main developments	
	<p>In Slovenia, competition between carriers has only been established in the market of railway freight transport. In 2013, 3 carriers provided these services using public railways infrastructure of the Republic of Slovenia: Slovenske železnice – Tovorni promet, d.o.o., Rail Cargo Austria AG, Ljubljana branch, and Adria Transport, d.o.o.. Luka Koper, d.d. also holds a railway carrier license, but only for conducting its services at the Koper freight terminal.</p> <p>Compared to 2012, in 2013 the volume of service delivered on the Republic of Slovenia's public railway infrastructure increased by 11.10%. Due to further growth in the transshipment of cargo in the Port of Koper, the volume of service delivered in international traffic increased by 11.26% compared to 2012, while the volume of service delivered in domestic traffic grew by 8.51%. The increase in the volume of service delivered was recorded by all three carriers providing railway freight transport, with SŽ-Tovorni promet observing an 11.01% increase, Rail Cargo Austria a 9.06% increase, and Adria Transport a 60% increase. In regard to the volume of service delivered, the carriers' market shares remained almost the same as in 2012. The market share of SŽ-Tovorni promet decreased by about 1 percentage point, while Adria Transport's market share increased by approximately 1 percentage point.</p> <p>International and domestic passenger transport was only provided by Slovenske železnice – Potniški promet d.o.o.</p>
Key decisions	
	<p>Regulatory Body didn't take any regulatory decisions in 2013. We didn't receive any complaints in this period, neither was necessary to act ex-officio. It was established even a good collaboration between RU-s on the most attractive track section between Ljubljana and Port of Koper, because of construction works. In the beginning of February Slovenia suffered heavy damage in woods because of sleet, and a significant part of woods was totally demolished.</p> <p>This caused a significant impact to the rail sector. As a consequence of demolished trees the railway infrastructure suffered heavy damage, particularly in direction Ljubljana-Postojna-Port of Koper.</p> <p>This track section was totally closed almost two weeks. As the equipment for traction current supply is totally damaged, trains can be operated only by using diesel locomotives. In this state of emergency RU-s in freight transport established to be as much effective by making a cooperation agreement.</p> <p>They agreed to give on disposal all available diesel locomotives with staff to provide traction, not considering who is the owner of particular train.</p>

Regulatory Authority:**Country: Spain**

Date of legal liberalisation of : Freight railway market: 2003 international, 2005 national. Passenger railway market: 2013 Touristic traffic (Railway passenger services liberalized in Spain are those which have the main purpose of providing touristic services, that is: they should be bundled and sold by a travel agency, including additional services like accommodation or touristic services representing a significant part of the bundle). General commercial passenger traffic is expected to be opened to competition during 2015.	
Date of entry of first new entrant into market: Freight: January 2007 (Acciona Rail Services). Passenger: No new entrants.	
Ownership structure	
	<u>Freight</u> Renfe Mercancías (100% public) Acciona Rail Services Comsa Rail Transport Continental Rail Eco Rail Ferrovial Railway Logitren Ferroviaria (38% public ,62% private) Tracción Rail Transfesa Rail (20% public, 80% private) Transita Rail
	<u>Passenger</u> Renfe Viajeros (100% public)
Main developments	
	In the freight market, there were seven RUs operating the market and the incumbent still has more than 80% of market share. In the passenger market, the Government has taken the initial steps for the liberalization of passenger transport, although the first regulation for starting the process has not been taken until 2014. Royal Decree-Act 4/2013 established different degrees of liberalization, depending on the passenger services being provided: i) Rail passenger transport operated on their mainly tourist value has been legally liberalized, so that there is no need for a specific certificate or temporary license to operate in the market. The services must be provided as part of a package sold by a travel agency, and, in addition to the transport service, the package must include at least two of the following items: accommodation for at least one night; a food allowance off the train; other non-supplementary tourist transport or accommodation services that represent a significant part of the package. Furthermore, Royal Decree-Act 15/2013 created a new infrastructure manager, ADIF Alta Velocidad, in charge of the management of high speed network. Both ADIF (infrastructure manager of Iberian and metric gauge) and ADIF Alta Velocidad depend on the Ministry of Transport.
Key decisions	
	Law 3/2013 created the CNMC (National Markets and Competition Commission), a new regulator with responsibilities in the area of competition, energy, telecommunications and transports and postal services.

Regulatory Authority: Transportstyrelsen (The Swedish Transport Agency)**Country: Sweden**

<p>Date of legal liberalisation of : Freight railway market: 1996. Passenger railway market: gradual introduction, legally in 2010, practically in December 2011.</p>	
<p>Date of entry of first new entrant into market: Freight: 1 January 1997 (BSM Järnväg AB). There were some private railway undertakings before that date but performing traffic as subcontractor to the incumbent SJ which at that time performed both passenger and freight traffic. Today 12 companies operate in the freight sector on the national infrastructure. Passenger: Since tendering of passenger traffic started back in 1998 there have been a number of entrants as well as exits due to that procedure. When the market was fully liberalised on 10 December 2011 a number of operators were ready for full competition. Today 15 railway undertakings operate in the passenger sector on the national infrastructure.</p>	
Ownership structure	
	<p><u>Freight</u> GREEN CARGO AB (owned by the Swedish state) TÅGÅKERIET I BERGSLAGEN AB (Private limited liability company) TÅGFRAKT AB (Private limited liability company, owned by Tågfrakt holding AB) TX LOGISTIK AB (Private limited liability company, owned by TX Logistik AG, Germany) RUSHRAIL AB (Private limited liability company, owned by Couplers INC AB) REAL RAIL AB (Private limited liability company, owned by Sandahlsbolagen Sweden AB and CARGO NET AS) RAILCARE TÅG AB (Private limited liability, owned by Railcare Group AB) LKAB MALMTRAFIK AB (owned by LUOSSAVAARA-KIIRUNAVAARA AB, which in turn is owned by the Swedish state) INLANDSTÅGET AB (owned at 100 % by Inlandsbanan AB, which in turn is owned by the municipalities along the Inlandsbanan line.) HECTOR RAIL AB (private limited liability, owned by ACQUITAS AS (Norway)) DB SCHENKER RAIL SCANDINAVIA A/S CFL CARGO SVERIGE AB (private limited liability, owned by CFL Cargo, Luxembourg)</p>
	<p><u>Passenger</u> Arriva Tåg AB (Is owned at 100 % by Arriva Denmark A/S which in turn is owned by Deutsche Bahn AG.) A-Train AB (owned at 100 % by MEIF Stockholm AB, which in turn is owned by MEIF Luxembourg Holdings SA, Luxembourg) Botnietåg AB (owned by 60% by Arriva Östgötapendeln AB the former DB Regio Sverige AB (which is a part of the Deutsche Bahn-group) and 40% by SJ AB. DSB Uppland AB (owned by DSB Sverige AB, which in turn is owned by the Danish state - The company is a part of the DSB-group (Danske Statbaner) Inlandståget AB (owned at 100 % by Inlandsbanan AB, which in turn is owned by the municipalities along the Inlandsbanan line.) SJ AB (owned by Swedish State) SJ Norrlandståg AB (owned by SJ AB, which in turn is owned by the Swedish state) SJ Götalandståg AB (owned by SJ AB, which in turn is owned by the Swedish state) Skandinaviska Jernbanor AB (Private limited liability company) Stockholmståg KB (owned by SJ AB (68 %) and by SJ Invest AB (32%). Svenska Tågkompaniet AB (Is owned by Norges Statsbaner (NSB A/S), Norwegian State)</p>

	<p>Tågåkeriet i Bergslagen AB (Private limited liability company) Transdev (former Veolia Transport Sverige AB) (owned by 100 % by Veolia Transport Northern Europe AB which in turn is owned by 100 % by Veolia Transport S:A, France.)</p>
Main developments	
	<p>The overall trend in recent years is that the railway system is seeing an increase in usage, but development in passenger- and goods-transport show some differences. Between 2008 and 2013 passenger traffic increased by 19 percent (measured in train-kilometers), while freight traffic fell by 21 percent. For passenger transport the biggest growth is in regional travel. For goods-transport there has been a rise in cross-border consignments, while the domestic transports have decreased.</p> <p>Regarding new actors on the Swedish railway-market one significant change is that MTR has announced that it will enter the market on the line Stockholm-Gothenburg during 2015. Although the start of traffic have been delayed for about a year (it was originally planned to start during 2014), this is the first time two companies (SJ and MTR) will compete on the same line with similar products.</p> <p>The distribution of market-shares among companies on the Swedish railway market is classified information and cannot be shared. In 2013 there were 13 active freight railway undertakings and 16 active railway undertakings on the passenger side. It is also well known that the state-owned enterprises SJ and Green Cargo have a large proportion of the markets shares in the passenger- and goods market. Note that not all companies compete in the same market segment. Some of the companies offer products that aim for the regional travel-segment while others (significantly fewer) target the long-distance market.</p>

2. Common list of definitions and indicators

Definitions

The following definitions are used:

- a. **Network Statement:** as defined by Article 3(26) of Directive 2012/34/EU.
- b. **Net ton:** is the weight of the load (including for example the container weight) where ton is 1000 kilograms.
- c. **Gross ton:** is the weight of the train, including the weight of the load, the weight of the locomotive and the tare weight of the wagons.
- d. **Revenue collected by the infrastructure manager:** refers to revenue for all track access charges for the minimum access package as specified in Article 13(1) of Directive 2012/34/EU excluding electricity.
- e. **Incumbent:** is the (former) state-controlled railway company, including all related companies.
- f. **Other companies:** are all companies not acting as an RU or IM.
- g. **Training facilities:** are all facilities where commonly rail-related education is conducted.
- h. **Passenger stations:** are facilities where passengers can embark and disembark a passenger train;
- i. **Freight terminals:** facilities in rail freight transport which are used for the loading and unloading (including loading ramps and roads) of freight trains.
- j. **Marshalling yards and train formation facilities:** facilities for the formation, sorting, rearranging, solving and treatment of trains.
- k. **Storage sidings:** railroad tracks that serve only to accommodate rail rolling stock.
- l. **Maintenance facilities:** are facilities where rolling stock is maintained. Maintenance is the set of activities designed to keep rolling stock in operation.
- m. **Refueling facilities:** station for refueling for locomotives and multiple units.
- n. **Train pre-heating facilities:** facilities for pre-heating and / or air-conditioning of passenger trains.
- o. **Supply of electricity:** facilities and infrastructure to supply trains in operation with traction current.
- p. **Supply of shunting services:** Service provider for the process of sorting items of rolling stock into complete train sets, or the reverse. This includes the provision of locomotives and / or shunting staff.
- q. **Technical Inspection of rolling stock:** Activities aimed at checking the actual condition of the rolling stock.
- r. **Ticket sales at stations and other distribution channels:** Distribution channels for train tickets like counter-sale, onboard-sale, online-sale, sale via travel agency etc.
- s. **International passenger traffic:** passenger traffic where the train crosses at least one border and where the principal purpose of the traffic is to carry passengers between stations located in different Member States. This definition reflects the definition of 'international passenger service' as specified in Article 3(5) of Directive 2012/34/EU.
- t. **International freight traffic:** traffic where the train crosses at least on border. This definition reflects the definition of 'international freight service' as specified in Article 3(4) of Directive 2012/34/EU.

Indicators

The national market monitor includes the following quantitative indicators:

a. (Electrified) route length

Route length refers to the route length of all routes available for freight and passenger traffic on the network of the infrastructure manager, as specified by the infrastructure manager in the Network Statement, as opposed to track length. The monitor differentiates between the incumbent infrastructure manager and other infrastructure managers. In addition, the monitor differentiates between electrified and non-electrified route length. The unit of measurement for route length is kilometre.

b. Rail traffic movements

Rail traffic movements refer to the actual train kilometres for freight and passenger trains per year. Additionally, the monitor differentiates between national and international passenger and freight train movements on their own territory.

c. Rail traffic usage

The monitor includes annual gross and/or net ton kilometres for freight trains and passenger kilometres for passenger trains. Additionally, the monitor differentiates between national and international passenger and freight volumes. The monitor will only report on passenger/freight usage on their own territory.

d. User charge

The average revenue collected per year in Euros, per:

- I. train kilometre for passenger trains;
- II. passenger kilometre for passenger trains. Optionally, the monitor differentiates between regional and long distance passenger trains;
- III. train kilometre for freight trains, and
- IV. gross and/or net ton kilometre for freight trains.

With regard to revenue, the monitor may differentiate between revenue collected from track and station charges. If the national currency is not the Euro, the exchange rate for the reported year has to be specified in the report.

e. Number of active railway undertakings

The number of active railway undertakings means any public or private undertakings which provide services for the transport of goods and/or passengers by rail network(s), as these networks are defined in Directive 2012/34/EU. The number differentiates between passenger and freight railway undertakings.

Excluded from the scope are railway undertakings:

- I. whose only business is to provide services for the transport of passengers by metro, tram and/or light rail,
- II. which operate entirely or mainly within industrial and similar installations, including harbors,
- III. which mainly provide local tourist services such as preserved historical steam railways.

The definition 'active railway undertakings' used by the working group reflects the definition of railway undertakings of Eurostat (Regulation 91/2003) whilst adding the requirement of being active on the network(s).

f. Companies without any alliance to an incumbent

The monitor specifies the number of active railway undertakings operating in one country and having no ownership relation with an incumbent in other countries.

g. Market shares

The monitor specifies the market share of freight and passenger railway undertakings in total train-kilometres. It is recommended that the monitor specifies market share based on:

- I. gross and/or net ton kilometre and passenger kilometres; and/or
- II. share of infrastructure managers' revenue collected through track access charges; and/or
- III. share of operators' revenues for freight and passenger markets. Revenues from passenger operations should include potential compensation payments.
- IV. In addition, the monitor must specify between incumbent and non-incumbent railway undertakings. Optionally, the monitor lists those companies with a market share larger than 1%, as in the EU rail market monitoring survey (RMMS).

h. Revenues of railway undertakings

The monitor optionally specifies aggregated revenues of train operations in Euros. The monitor could specify aggregated revenues for freight and passenger operators. Further the monitor could split revenues of passenger operators into the following categories:

- I. revenues from fares and from public compensation payments; and/or
- II. long distance and regional passenger operators.

Revenues should be limited to the specific country under consideration and exclude revenues of foreign operations.

i. Rail related services

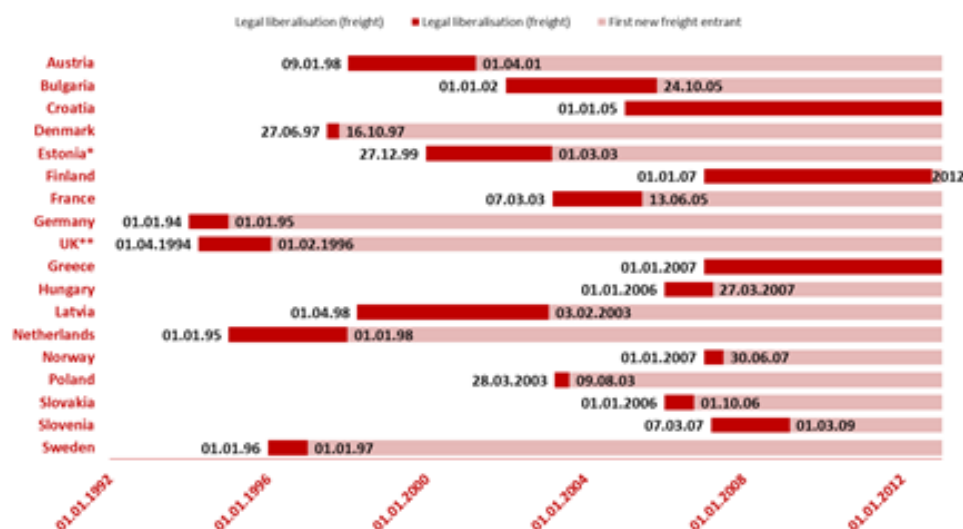
The monitor reports on main services (training facilities, passenger station, freight terminals, marshalling yards, storage sidings, maintenance facilities), furthermore on secondary and additional services (train preheating services, supply of electricity) as well as on ancillary services (technical inspection of rolling stock, ticket sales at stations and other distribution channels).

The monitor specifies the following information:

- I. Main services: a short description of the main operator, the number of operators and the number of facilities, specified to either incumbent, other RU, IM or other company. Further the monitor provides a short description of the developments as well as problems encountered for this service.
- II. Secondary/ additional services and ancillary services: a short description of the market and market developments as well as of problems encountered for this service. This information should be primarily used to gain more detailed knowledge of the different conditions in national markets for these services in order to create a basis for the development of suitable, defining common questions and indicators could be a next step.

3. Graphs and tables not used in the report

Liberalisation of the freight market

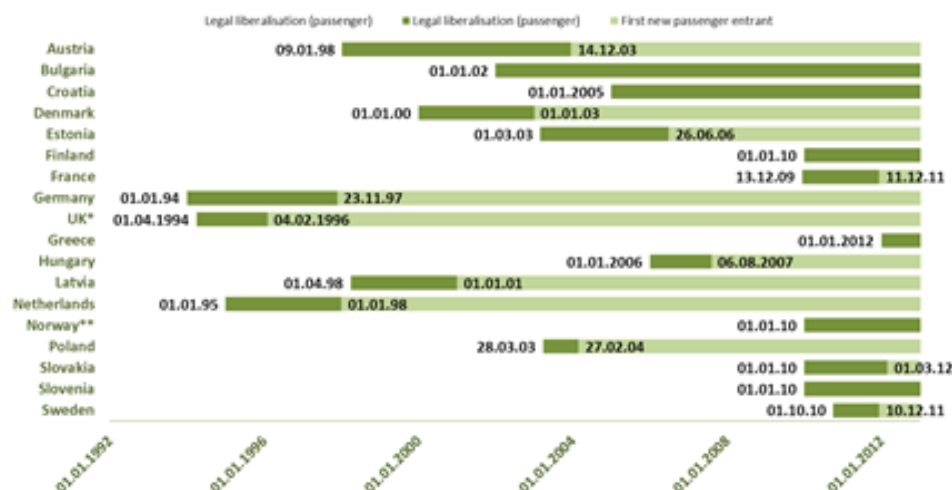


* Estonia had a new freight entrant before legal liberalisation on 1st March 2003.

** United Kingdom: The dates given refer to the liberalisation of the market in Great Britain. The rail market in Northern Ireland continues to be owned by the state.

Where exact dates are not available, they have been set to the appropriate year.

Liberalisation of the passenger market

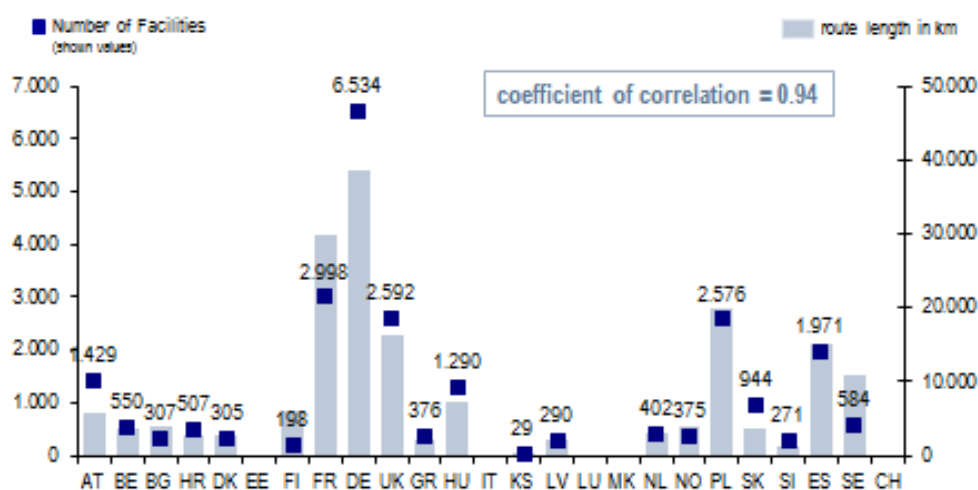


* United Kingdom: The dates given refer to the liberalisation of the market in Great Britain. The rail market in Northern Ireland continues to be owned by the state.

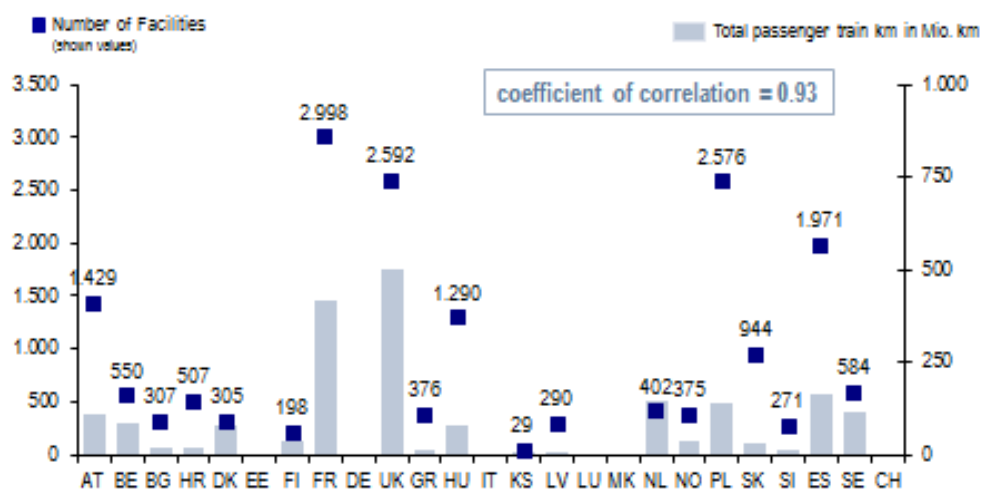
** IRG Rail considers the market of Norway partly liberalised in January 2010 although a new operator entered the market already in 2006 (see annex).

Where exact dates are not available, they have been set to the appropriate year.

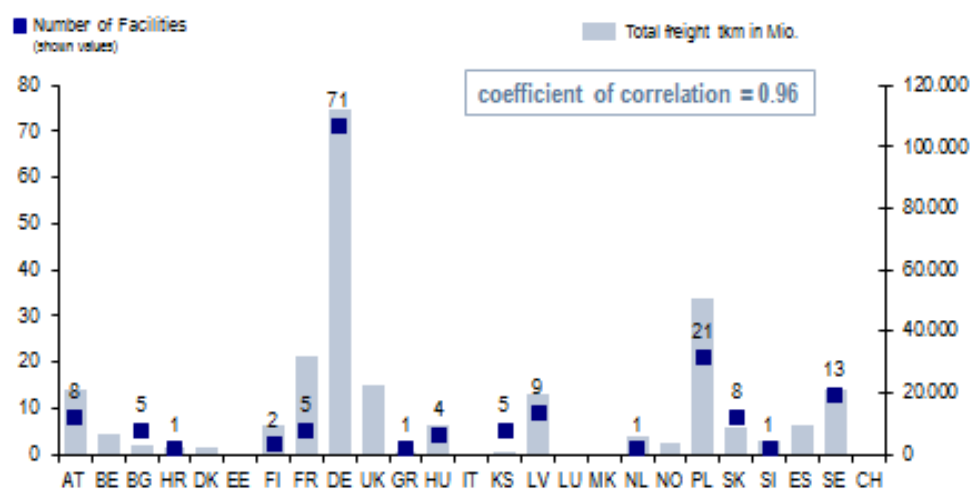
Correlation between route length and number of passenger stations



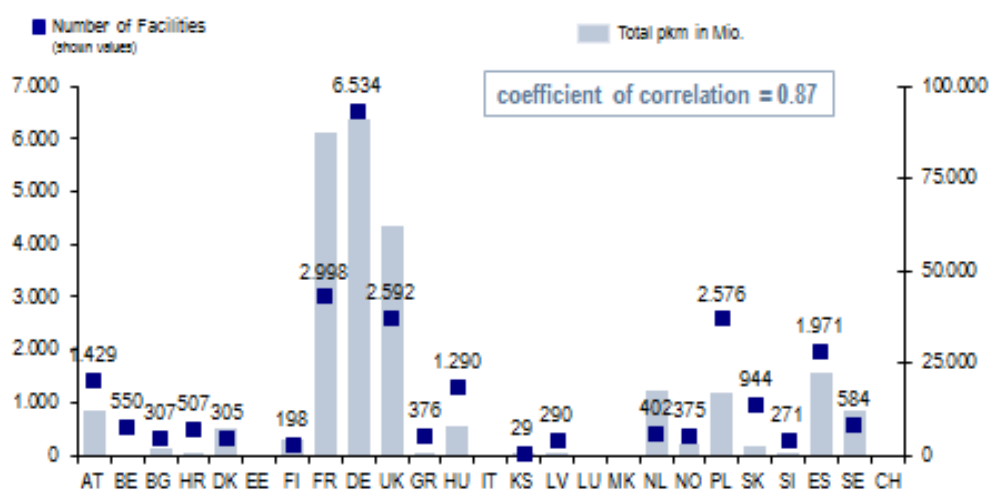
Correlation between total passenger train km and number of passenger stations



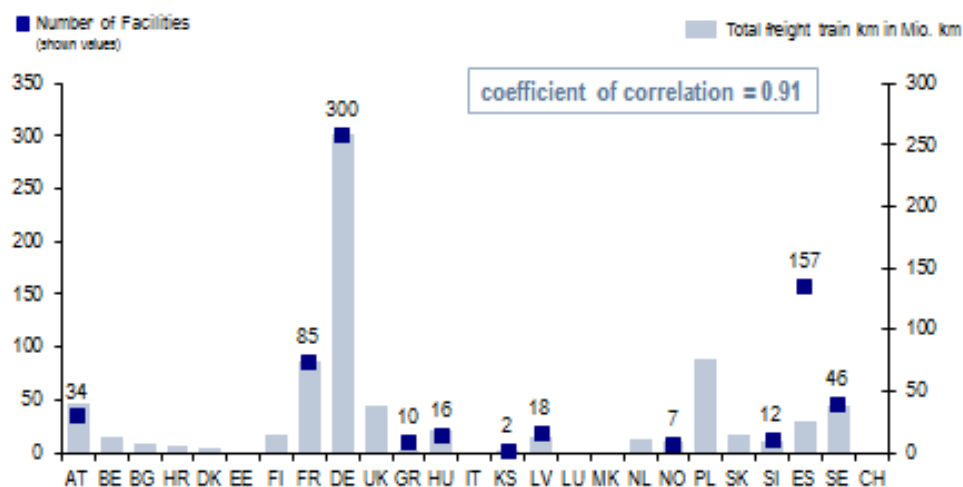
Correlation between freight tonne kilometres and number of marshalling yards with gravity hills



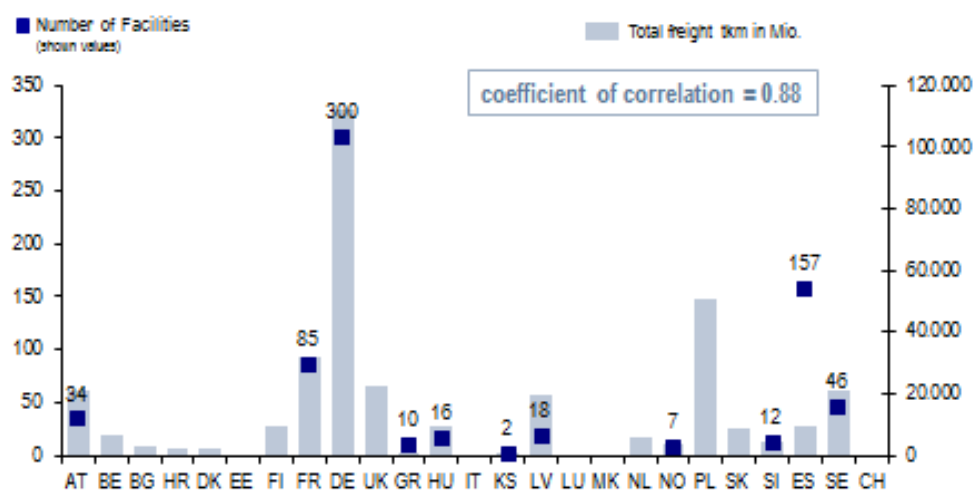
Correlation between total passenger kilometres and number of passenger stations



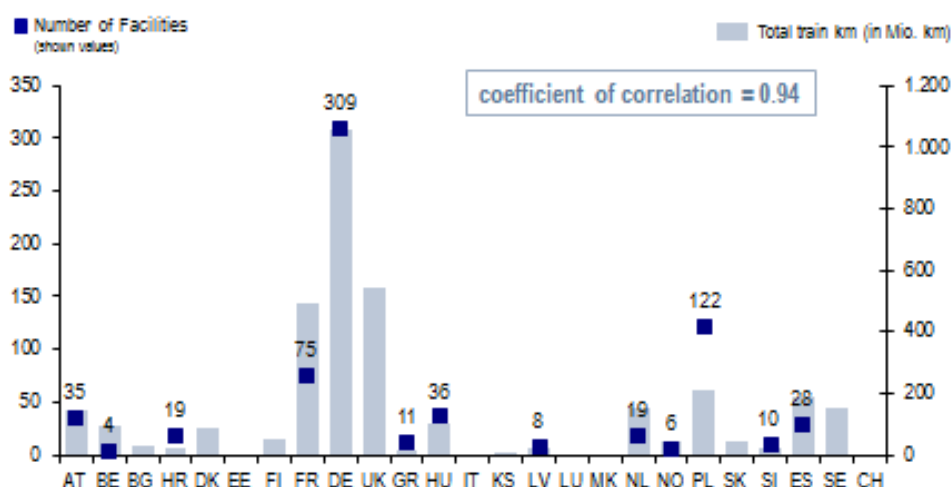
Correlation between total freight train km and number of maintenance facilities



Correlation between total freight tonne km and number of maintenance facilities



Correlation between total train km and number of refuelling facilities



Overview Technical inspection of rolling stock

AT	Technical inspection of rolling stock is offered by the IM. However, an increasing number of RUs is using its own staff for technical inspections.
BG	Technical inspection of rolling stock is provided by both IM and RUs.
HR	HŽ Cargo d.o.o. is the only one provider of technical inspection of rolling stock.
DE	Technical inspections can basically be done by every maintenance facility operator as the vehicle owner itself is responsible for technical safety and compliance of his rolling stock. Maintenance facilities can be certified by the EBA (Eisenbahnbundesamt; Federal Rail Authority) for compliance with (governmentally defined) minimum standards. For main inspections usually only certified facilities can offer both expertise and adequate technical equipment.
GR	The technical inspection of rolling stock includes: A. Inspection of the mechanical parts / B. Check of the brake system C. Check of the composition of rolling stock / D. Check of loading and weight distribution
HU	One of the IMs provide this service. Apart from that, RUs carry out technical inspection of their own trains or require that service from other RUs.
LV	Technical inspection of Rolling Stock done by each RU
NL	Inspection is only executed by notified bodies, designated by the Ministry of Infrastructure and Transport. In the Netherlands there are five accredited companies.
NO	Done by the companies performing maintenance
SK	Technical inspections are operated by legal entities authorised by competent authority.
SI	The provider for technical inspection of rolling stock is "SŽ-VIT", a dependent company in a holding "Slovenske železnice". There were no significant problems concerning technical inspection in the past.

Overview ticket sales at stations and other distribution channels

AT	Existing private operators with their own infrastructure only operate train services as part of integrated ticketing organisations. These tickets are sold at all outlets including those of the incumbent. New entrant CAT runs vending machines on station platforms. New entrant WESTbahn does not sell tickets at stations. Its tickets can be bought either on board (no surcharge), via the internet or via tobacco outlets.
BG	Ticket sales are carried out by BDZ-Passenger Services Ltd. Other distribution channels are on consignment and by staff of IM.
HR	This service is usually provided by HŽ Putnički prijevoz d.o.o., but in some stations and stops HŽ Infrastruktura provides this service as ancillary service.
DK	Tickets in Denmark are available through several distribution channels, such as vending machines, supermarkets and mobile apps. The trend in Denmark is to move away from paper based tickets to electronic ticketing. In recent years an electronic ticketing system for travelling by bus, train and metro has been introduced. The "Rejsekort" ("travel card") unites the different transport operators, travel zones, ticketing systems and discount schemes into a common system, with the goal to make it easier for passengers to use public transport services in Denmark. The system has received media attention since inception mainly due to technical difficulties. The incumbent passenger operator is the majority owner of the company behind the Rejsekort.
DE	Ticket sales options for regional traffic depend on the region. Mostly regional linked transport systems define structure and prices. Tickets to other regions are mostly sold by the incumbent; and long-distance traffic tickets are sold nearly completely by the incumbent. Ticket sales accounted by the incumbent are rated poor by the RUs regarding non-discrimination. The ticket sales services are not regulated in Germany.
HU	In the stations, tickets for the services of passenger RUs can be bought at ticket counters and from ticket machines. The regulatory body has not encountered problems concerning the provision of the necessary areas for such facilities (note that all passenger RUs and IMs are related companies). Tickets can be also bought online. Online tickets can be printed in stations in ticket machines or at home or they can be presented to the conductor on smartphones. RUs have ticket offices also outside of the stations (e.g. in some universities) and certain travel agencies sell railway tickets as well.
LV	Tickets sales done by each RU
NL	Ticket machines at stations are from the incumbent train operator. Other passenger operators offer their tickets through the internet. The public transport card (OV-chipkaart) is sold by a joint venture of the incumbent and all other transport (passenger) operators. The joint-venture is called TLS
NO	The incumbent RU, which has a monopoly on most of the network regarding passenger transport, is also responsible for ticket sale. Either on the stations or via internet/phone. NSB Gjøvikbanen, which operate the Oslo-Gjøvik-line after winning a competitive tender, is a daughter company of the incumbent (NSB) and use their ticket system. Flytoget, which operates on the line Drammen - Oslo - Oslo Airport, has its own ticket system.
PL	The number of ticket windows at stations has slightly grown through the last 3 years to 1211. They constitute by far the main distribution channel, but the problem is that in only 37% of them one can pay with card. Paying with card is possible in 92% of stationary ticket machines and this channel is developing rapidly in terms of number of machines, but its share remains low. As far as mobile ticket machines in trains are concerned, there are as many as 1619 of them and paying with card is possible in 47%. The share of this channel is high on rail lines without operating ticket windows. Some RUs offer the possibility to buy tickets by mobile phone, but the share of this channel in total ticket sale is very low, similarly to the internet channel. However, long-distance RU, PKP Intercity reached 15% share of internet channel in 2013.
SK	The ticket sales network of incumbent covers the whole area of Slovakia. The sale of tickets of new entrant is provided in sales points of new entrant and also by incumbent.