




Legal Matters and Network Statements

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European General Terms and Conditions (EGTC)

Prepared by  Negotiated with 

Draft European General Terms and Conditions
of use of the railway infrastructure

European GTC
Table of content

CHAPTER 1 – GENERAL PROVISIONS	ERROR! BOOKMARK NOT DEFINED.
1.1. OBJECT AND SCOPE OF THE EUROPEAN GTC	ERROR! BOOKMARK NOT DEFINED.
1.2. DEFINITIONS	ERROR! BOOKMARK NOT DEFINED.
1.3. SERVICES SUPPLIED BY THEM TO THE RU	ERROR! BOOKMARK NOT DEFINED.
CHAPTER 2 – RIGHTS AND DUTIES OF THE RU AND THE IM REGARDING THE USE OF SERVICES	ERROR! BOOKMARK NOT DEFINED.
2.1. COMPLIANCE WITH INSTRUCTIONS AND OPERATIONAL REGULATIONS	ERROR! BOOKMARK NOT DEFINED.
2.2. AVAILABILITY OF INFRASTRUCTURE	ERROR! BOOKMARK NOT DEFINED.
2.3. ROLLING STOCK OF THE RU	ERROR! BOOKMARK NOT DEFINED.
2.4. STAFF OF THE RU	ERROR! BOOKMARK NOT DEFINED.
2.5. STAFF OF THE IM	ERROR! BOOKMARK NOT DEFINED.
2.7. MODALITY OF USE	ERROR! BOOKMARK NOT DEFINED.
2.8. OPERATIONAL DISTURBANCES AND CORRECTIVE ACTIONS	ERROR! BOOKMARK NOT DEFINED.
2.9. RIGHTS OF CANCELLATION OF ALLOCATED PATHS	ERROR! BOOKMARK NOT DEFINED.
CHAPTER 3 – PAYMENT PROVISIONS	ERROR! BOOKMARK NOT DEFINED.
CHAPTER 4 – CONSEQUENCES OF DELAYS AND DISRUPTIONS	ERROR! BOOKMARK NOT DEFINED.
CHAPTER 5 – ADMINISTRATIVE REQUIREMENTS	ERROR! BOOKMARK NOT DEFINED.
5.1. LICENCE AND SAFETY CERTIFICATE	ERROR! BOOKMARK NOT DEFINED.
5.2. INSURANCE AND FINANCIAL GUARANTEE	ERROR! BOOKMARK NOT DEFINED.
CHAPTER 6 – LIABILITIES OF THE PARTIES IN CASE OF ACCIDENTS AND OTHER INCIDENTS	ERROR! BOOKMARK NOT DEFINED.
ARTICLE 6.1: GENERAL PROVISIONS	ERROR! BOOKMARK NOT DEFINED.
6.2. LIABILITY OF THE IM	ERROR! BOOKMARK NOT DEFINED.
6.3. LIABILITY OF THE RU	ERROR! BOOKMARK NOT DEFINED.
6.4. CONCOMITANT CAUSES	ERROR! BOOKMARK NOT DEFINED.
6.5. LOSS OF RIGHT TO INVOKE THE LIMITS OF LIABILITY	ERROR! BOOKMARK NOT DEFINED.
6.6. LIABILITY FOR FUGIARIES	ERROR! BOOKMARK NOT DEFINED.
CHAPTER 7 – DURATION AND TERMINATION OF THE CONTRACT OF USE	ERROR! BOOKMARK NOT DEFINED.
CHAPTER 8 – CONFIDENTIALITY	ERROR! BOOKMARK NOT DEFINED.
CHAPTER 9 – SETTLEMENT OF DISPUTES, LIMITATION, JURISDICTION, GOVERNING LAW	ERROR! BOOKMARK NOT DEFINED.
9.1. DISPUTE	ERROR! BOOKMARK NOT DEFINED.
9.2. GOVERNING LAW	ERROR! BOOKMARK NOT DEFINED.
9.3. JURISDICTION	ERROR! BOOKMARK NOT DEFINED.

European GTC Final consolidated draft RNE CIT, 16-17 Nov. 06. 3

The common aim of EGTC is to simplify the contractual process and to develop a mutual understanding and solutions for all European IM's and RU's on contractual issues and best practices.

This includes

- Basic contractual commitments regarding the use of infrastructure
- Balanced regime of rights and obligations

Common project of RNE and CIT, supported by CER and EIM.

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Purpose and Main Areas



- Solve contractual principles and consequences in the contractual relationship between IM and RU
- No description of technical rules
- Contain usual contractual provisions regarding duration and termination of the contract
- Confidentiality and settlement of disputes

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Open Issues



Problematic issues tackled by EGTC

- Financial consequences of train path cancellation
- Financial consequences of delays and disruptions of traffic, including financial compensation of damages

Railway Network Statement Glossary

Introduction

Rail (Net) Europe		
Number of chapter / subchapter	Heading text	Implementation guide
3.8.6-3.8.99	Other facilities	If the IM provides other services or facilities than listed in the previous numbers (3.8.1-3.8.5) these services are to be listed here with separate sub numbers.
3.9	Infrastructure Development	Give any available information on the main projects for infrastructure development, including timescales, the nature of the works and the effects on operational characteristics, both during construction period and after completion. The information given in this subchapter is not limited to the validity period of this Network Statement.
4	CAPACITY ALLOCATION	<i>Directive 2001/14/EC Chapter III</i> The information [in chapter 4] should cover capacity allocation for domestic as well as international traffic.
4.1	Introduction	
4.2	Description of Process	Describe: - how to apply (which forms to be used) - how capacity allocation is decided - the bodies involved and state their responsibilities The RNE document "Process for international path requests." might be mentioned.
4.3	Schedule for Path Requests and Allocation Process	<i>Directive 2001/14/EC Article 18 and Annex III</i>
4.3.1	Schedule for working timetable	List the deadlines in the process or refer to separate production schedule
4.3.2	Schedule for requests for train paths outside the timetabling process (ad hoc requests)	<i>Directive 2001/14/EC Article 23</i> List the deadlines in the process or refer to separate production schedule.
4.4	Allocation Process	
4.4.1	Coordination process	<i>Directive 2001/14/EC Article 21</i> Describe the coordination process including details of activities performed by IM's and RUs.

RNE harmonised the Network Statement structure, which is widely used by European IMs/ABs as a template.

Due to non-standardised English vocabulary the English translations of national Network Statements are lacking in consistency.

Standardisation would facilitate communication:

- Between IMs/ABs
- Between IMs/ABs and their customers

Project focuses exclusively on the terminological aspects of Network Statements

Railway Network Statement Glossary

Content



- Easy-to-use Excel worksheet for commonly-used Windows environments
- Accessible through ProjectPlace platform (for IMs) & RNE website (for all)
- First version contains about 450 terms and their definitions in English
- Definitions for non-specialists: clear, simple, little technical/legal language
- Can be understood by people from all European nationalities
- Definitions are not legally-binding but provide practical guidance

Railway Network Statement Glossary

Added Value



- Easier internal monitoring, comparison and improvement of national Network Statements
- Reference tool for the translation of national Network Statements
- Better access and comparability of Network Statements for RUs
- Reference tool for RNE publications
- Dynamic document:
the railway sector is in constant change, so the Glossary will be updated / expanded as necessary – suggestions will be welcome!

CER-EIM-RNE Joint Paper

EC Benchmarking Study on Network Statements



- In July 2009 CER, EIM and RNE decided to coordinate their responses to EC study.
- Joint paper agreed end October 2009
- Joint paper points out that study does not cover some important issues such as:
 1. Harmonization of Network Statements with neighbouring IMs?
 2. Legal status of Network Statements in each Member-State: legally binding or not?
 3. Extent to which national Regulatory Bodies are involved in shaping NSTs nationally?

CER-EIM-RNE Joint Paper

Main Recommendations



- **Directive 2001/14 / Annex I** should require that structure and contents of NSt comply with Common Structure. English version of at least the main text should be requirement.
- **Network Statements and Infrastructure Register** fulfil divergent purposes. Infrastructure characteristics presented in NSt can't be mirror image of IR.
- **Corridor Statements** would only duplicate NSt: short **Corridor Brochures** are more practical solution for today's market needs – and easily accessible for rail customers!