Filing a complaint, appeal or report with RailCom

November 2026

Scope of RailCom's remit

You may file a complaint, appeal or report with RailCom if you suspect or have been affected by discrimination in any of the following areas:

- Network access
  - Network access agreements and their constituent parts (network statement, list of services, general terms and conditions for use of the railway infrastructure, etc.).[1]
  - Train path allocation
  - Train path price
- Access to intermodal freight terminals subsidised by the Confederation
- Access to the port infrastructure of the “Swiss Rhine ports” ("Schweizerische Rheinhäfen")
- Access to last-mile rail freight services (i.e. between the railway infrastructure and intermodal freight terminals or sidings)
- Performance of system tasks by a system leader appointed by the Federal Office of Transport
- Participatory rights in investment planning by infrastructure managers

The following table outlines the key differences between complaints, appeals and reports:

<table>
<tr><th>Complaints</th><th>Appeals</th><th>Reports</th></tr>
<tr><td>Complaints are directed against a discriminatory act or discriminatory circumstances.</td><td>Appeals are directed against a ruling.</td><td>Reports are directed against a discriminatory act or discriminatory circumstances.</td></tr>
<tr><td colspan="2">Complaint or appeal proceedings are governed by the formal requirements of the Administrative Procedure Act (APA). The proceedings conclude with a decision (ruling).</td><td>In the case of reports, RailCom determines how to proceed.</td></tr>
<tr><td colspan="2">The plaintiff or appellant must itself be affected and have a current interest in legal protection. Through its legal request/petition, it determines the issue on which RailCom is to decide.
As a rule, the plaintiff or appellant pays an advance of costs and is obliged to cooperate in establishing the facts of the case.</td><td>The party filing a report with RailCom does not have to be affected itself and is not necessarily directly involved in the proceedings.</td></tr>
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[1] For example, RailCom can remove or amend discriminatory provisions in the network access agreement, network statement or list of services.

Procedural provisions and further action

The complaint and appeal proceedings are subject to the provisions of the Administrative Procedure Act (APA; SR 172.021). These proceedings conclude with a decision (ruling). Upon receipt of a complaint or appeal and after payment of any advance of costs that may be due (see below), RailCom examines the legal request/petitions and establishes the facts of the case. The plaintiff or appellant is obliged to cooperate (Art. 13 APA).

There are no specific requirements concerning reports. A report may be filed orally or in writing (also anonymously, e.g. using the online contact form). The formal requirements of the APA are not directly applicable, and RailCom has more discretion in deciding how to proceed.

Requirements of the notice of complaint/appeal

To file a complaint or appeal with RailCom, the plaintiff or appellant must submit a written notice of complaint or appeal. This must set out at least the legal request (petitions) and the grounds for complaint or appeal, with details of the evidence and documentary proof. It must also be signed by the plaintiff or appellant (Art. 52 APA).

For an appeal, the contested ruling must be attached (Art. 52 para. 1 APA) and the period for filing an appeal – 30 days from notification of the contested ruling – must not have expired (Art. 50 para. 1 APA). There is no statutory time limit in the case of complaints.

Advance of costs and procedural costs

As a rule, RailCom requires the plaintiff or appellant to pay an advance of costs in the amount of the presumed procedural costs (Art. 63 para. 4 APA). In its ruling, RailCom normally orders that the procedural costs be paid by the unsuccessful party (Art. 63 para. 1 APA).

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