



RailCom – News No 9

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Editorial

Dear Reader

In the period leading up to February 2023, the Federal Council held consultations on the further development of framework conditions for Swiss freight transport. In its statement, RailCom emphasised that "coherent and non-discriminatory framework conditions for the promotion of rail freight transport are key to ensuring the designated federal funding achieves the desired impact". To avoid distortion of competition – for example, due to cross-subsidisation – we recommend a clear separation of economically autonomous and subsidised services, both legally and financially. You can find further information on RailCom's recommendations on page 6 of this newsletter, under 'Other topics in brief'.

The two specialist articles in this newsletter also tackle freight transport issues. Starting on page 2, we discuss our support supervision of free-loading facilities. As part of a market monitoring priority, we agreed a package of measures with the sector to ensure the non-discriminatory management of these facilities.

Starting on page 4, we discuss the results of a survey of Swiss standard-gauge freight rail undertakings carried out in 2022. The survey – which was the first of its kind we had conducted – aimed to obtain relevant first-hand data on the perceived risk of discrimination, canvass the views of rail undertakings and gain a better insight into topics of practical relevance.



I hope you enjoy reading this newsletter!

Patrizia Danioth Halter, President

Package of measures for non-discriminatory management of free-loading facilities

Every autumn in Switzerland, more than one million tonnes of sugar beet are loaded from trucks onto the rail network. The transshipment of this agricultural product, as well as other goods, takes place at what are known as 'free-loading facilities'. As part of a market monitoring priority, RailCom analysed the management processes at free-loading facilities and agreed a package of measures with the infrastructure managers (IMs).

Additional service: 'Use of free-loading facilities'

The diagram below shows the process steps for managing free-loading facilities. Any interested railway undertakings (RUs) can find a summary of the available free-loading facilities in the IMs' list of services (List of railway stations). They can order the additional service 'Use of free-loading facilities' if they wish to use a particular facility to, for example, transship combined transport containers or freight such as wood, waste materials, and sugar beet using mobile transshipment units. The Swiss capacity allocation body (TVS) formally reviews orders and forwards them to the relevant IMs, who will draw up a suggestion for capacity planning. The TVS makes the formal allocation on this basis. If several RUs order services from the same facility, they will coordinate among themselves. The TVS will be consulted if conflict resolution is required, though TVS interventions are generally not needed.

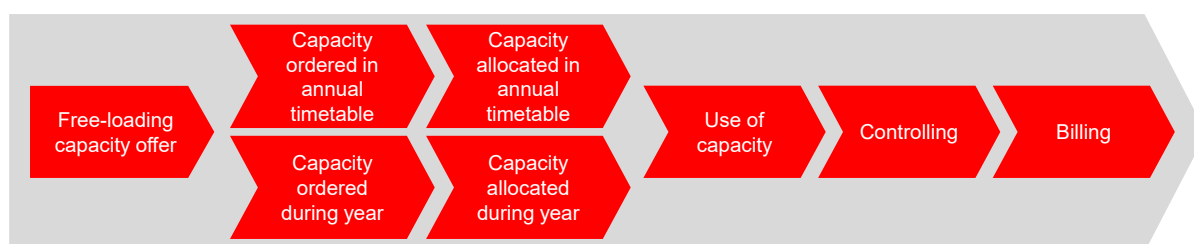


Diagram: Management process for capacity of free-loading facilities.

Support supervision by RailCom

As free-loading facilities are part of the railway infrastructure, they are subject to the requirement of non-discriminatory access to the network (Art. 9a of the Railways Act). The IMs are therefore required to provide third parties with access to their free-loading facilities, provided the necessary resources are available. The IMs must also publish the prices charged for this. In 2022–23, RailCom analysed the management processes of free-loading facilities in consultation with the IMs SBB, BLS, and SOB, as well as the TVS and selected RUs. In areas where the analysis indicated a need for action, RailCom, the IMs and the TVS agreed upon binding measures to minimise the risk of discrimination:

A transparent offering

Providing all contractors with reliable and up-to-date information on available capacity is key to ensuring non-discriminatory access to free-loading facilities. Until now, information on the location of such facilities has come from various sources, while further information was generally unavailable. RailCom agreed with the IMs that information on the technical/operational features and conditions of use of their free-loading facilities would in future be published in a comprehensible and easily accessible format.

Documentation of orders

Transparency is not only important with regard to the offering, but also in relation to the use of facilities and charging for services. The IMs will now provide RailCom with information on the procurement of services at their free-loading facilities, demonstrating on an annual basis:

- whether the actual capacity used matches the allocated capacity;
- whether the IMs have treated different users equally when charging for services used; and
- for what purposes the RUs used the free-loading capacities (transshipment or stabling).

Proactive monitoring of multiple usage and conflict resolution in an operational time frame

Although formal order requirements exist within the annual timetable process, they are not available within an operational time frame: if an RU is interested in a specific free-loading facility during the year, they coordinate their requirements with the prime user.¹ This is organised on an informal basis between the RUs, and generally without the involvement of the TVS. In future, the TVS will proactively monitor such intra-annual arrangements to ensure equal treatment of RUs is maintained.

¹ Contractor who has been allocated use of a particular facility ahead of time in the annual timetable process.

Survey on network access and last-mile services

RailCom is responsible for ensuring non-discriminatory access to the rail network, to intermodal freight terminals, and to last-mile rail freight services. To gain a practical view of the current situation in these areas, RailCom conducted a survey of freight RUs in 2022. The goal was to obtain first-hand information and assessments regarding interactions between RUs and IMs.

Overview and results

Eighteen RUs with a licence for network access on the Swiss standard-gauge network took part in the survey out of the 20 who were contacted. This high response rate and the numerous comments made in the survey demonstrate the importance of the topics covered.

To save time for participating RUs, the survey was kept short and focused on selected topics relating to network access and last-mile rail freight services. The survey was conducted on behalf of RailCom by an external survey institute and was structured in three parts:

Part 1: General assessment by RUs of interactions in various fields between IMs and RUs:

- Network development
- Network access conditions
- Planning capacity
- Path usage
- Service après vente

Part 2: In-depth topic: Last-mile rail freight services

Part 3: Open questions for individual assessments by the different RUs

Results in brief

- Overall, the participating RUs were satisfied with the IMs and their interactions with them. They nonetheless see room for improvement in some areas.
- The RUs notably found the regulations in the list of services to be comprehensible and transparent. The IMs also kept the RUs up to date on changes to the list of services or the network statement.
- It is worth noting that many RUs mentioned prioritising passenger transport over freight traffic in their comments. This was evident in RU comments at several points throughout the entire survey.
- The main reason given by service providers for refusing last-mile rail freight services was a lack of available resources. Some RUs also suspected that they were disadvantaged in relation to last-mile rail freight services, and that different tariffs are being used.

Assessments of network access

In total, 89% of participants said that access to the Swiss rail network was fundamentally 'non-discriminatory or completely non-discriminatory'. The remaining 11% described access as 'somewhat discriminatory' or 'very discriminatory'. This result reflects, among other things, the traditionally positive nature of rail sector cooperation at the operational level. There is nonetheless room for improvement in some areas, including with regard to the IMs' emergency concepts for dealing with operational disruptions. RailCom will pursue this along with other feedback from the survey.

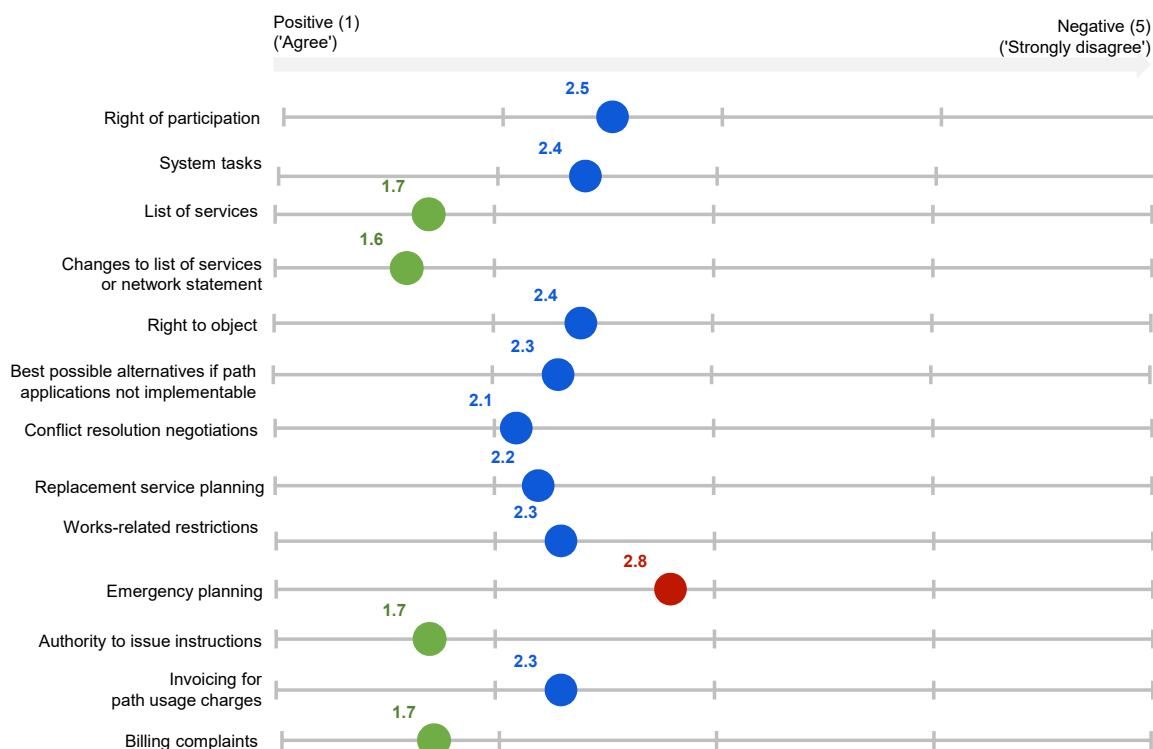


Diagram: Excerpt from survey results: The numbers next to the circles are averages. Green circles represent a more positive assessment – compared with other responses – while red circles represent a more negative assessment, and blue circles stand for a neutral assessment.

Assessments of last-mile rail freight services

Six out of a total of 11 RUs who procure last-mile rail freight services stated that access to these services had improved since Article 6a of the Goods Carriage Ordinance (GCarO) came into force in 2020. Challenges remain with regard to the resources available as well as in relation to offers and pricing.

Further exchanges with the RUs

As a next step, RailCom will conduct roundtable discussions to ensure it remains in contact with the freight RUs.

You can find further information on the survey in our [press release](#) and in our [summary of the survey results](#).

Other topics in brief

New member of secretariat staff

Melissa Rickli joined RailCom's secretariat in April 2023. She is responsible for market surveillance and market monitoring in the areas of system tasks and participatory rights in investment planning. Before working for RailCom, Ms Rickli was an audit specialist for the Swiss Federal Audit Office. She graduated in Romance Studies from the University of Bern and completed further training in the fields of banking and auditing (including as a Certified Internal Auditor).



Swiss freight transport bill

The Federal Council wishes to develop freight transport, taking account of energy and climate policy goals and the importance of rail transport to Switzerland's security of supply. RailCom supports the promotion of wagonload traffic (WT) and development of multimodal transport chains. In its statement on the consultation procedure for the corresponding bill, RailCom indicates that the network offer should be structured in a way that promotes innovation and does not distort competition. RailCom recommends that the support measures are based on the following principles:

- Promoting non-discriminatory access to WT services and the facilities required;
- Promoting a market-oriented approach and improving the efficiency of WT;
- Preventing distortion of competition, i.e. legal and financial separation of wagonload services provided on an economically autonomous basis from those which are subsidised;
- Governance provisions that ensure a non-discriminatory and competition-oriented overall system.

IRG-Rail Market Monitoring Report

Railway regulators from more than 30 European countries have joined forces as the Independent Regulators' Group – Rail (IRG-Rail). RailCom collects the data from Switzerland for the annual IRG-Rail Market Monitoring Report. The recently published [11th Market Monitoring Report](#) provides data on the rail network, track access charges and passenger transport markets in European countries. In addition, the impact of the COVID-19 pandemic on freight and passenger traffic is examined.

2022 Activity report published

You can find our latest activity report [here](#). Among the key topics for 2022 were slot and capacity management at intermodal freight terminals co-financed by the Confederation, and the 'customer information' system task.