



Factsheet What is discrimination?

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Discrimination occurs when stakeholders or situations are treated differently – favoured or disadvantaged – without sufficient grounds. Grounds are considered sufficient if they are objectively justified, reasonable and comprehensible. Conversely, discrimination also occurs if stakeholders or situations are treated equally, although the circumstances to be regulated require differential treatment.

A ban on discrimination applies in the following areas:

- Access to the rail network (Art. 9a para. 1 Railways Act [RailA](#); SR 742.101)
- Access to intermodal freight terminals subsidised by the Confederation (Intermodal freight terminals) and sidings (Art. 8 para. 5 Goods Carriage Act [GCarA](#); SR 742.41) and
- Access to the last-mile rail freight services in rail freight transport (Art. 6a Goods Carriage Ordinance [GCarO](#), SR 742.411).

This ban on discrimination gives rise to obligations for...

... the infrastructure managers (IMs)	Art. 10 Rail Network Access Ordinance RailNAO , SR 742.122	Further information
... the owners and operators of intermodal freight terminals and sidings subsidised by the Confederation, and	Art. 6 GCarO	Further information
... the last-mile rail freight service providers in rail freight transport	Art. 6a GCarO	Further information

Here are some examples of discrimination:

- (1) In nodal stations, the responsible IM optimises track occupancy for its own railway undertakings (RUs) and denies third RUs the interesting stopping times with the argument of nodal congestion.
- (2) The IM interacts intensively with the affected RUs in the event of operational disruptions and interruptions on its network. Individual RUs are systematically favoured in the exchange of information or the resumption of normal operations.
- (3) Operators of an intermodal freight terminal favour individual customers by not applying the published access conditions of their terminal uniformly.
- (4) A last-mile rail freight service provider (e.g. freight RU or siding operator) only provides shunting services for its own needs and refuses to carry out shunting movements for third parties despite existing capacities.

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