

**Independent Regulators' Group – Rail**

**IRG-Rail**

**Access Working Group**

**Guidelines**

**on the**

**Monitoring of Corridor One-Stop-Shops**

**Plenary Meeting**

**19-20 November 2014**

## **I. Introduction**

1. In October 2013, IRG-Rail published some preliminary guidelines on the monitoring of rail freight corridors (“corridors”). That document outlined IRG-Rail initial thoughts on several aspects of the monitoring functions of regulatory bodies in respect of corridors.
2. This paper focuses on the monitoring task of regulatory bodies with regard to the activities of the Corridor One-Stop-Shop (“C-OSS”). In order to help harmonising the monitoring across corridors, IRG-Rail has developed a checklist that we recommend regulatory bodies use to help them in their monitoring tasks of the C-OSS.

## **II. Background**

3. The monitoring of corridors established under the European Regulation (EU) No. 913/2010 of 22 September 2010 (“the Regulation”) is a key task for regulatory bodies (Art.13(5), 14(8) and 20 of the Regulation).
4. According to Article 13(5) in conjunction with Article 20 of the Regulation, the regulatory bodies of the corridors must control the activities of the C-OSS. Regulatory bodies may need to carry out formal procedure against the C-OSS in certain cases, particularly in the event of a complaint filed by an applicant.
5. IRG-Rail believes that regulatory bodies should monitor the activities of the C-OSS even if no complaint is submitted. Besides initiating ex-officio procedures, the regulatory bodies of the corridor may handle this continuous monitoring task in cooperation with the C-OSS through regular meetings. The Annex to this paper contains some examples of questions and topics that regulatory bodies could address in the course of their monitoring activities.

## **III. Monitoring of C-OSS**

6. Each corridor will have a Corridor Information Document (“CID”). IRG-Rail recommends that the CID produced by the Management Board of each corridor contains a detailed description of the functions and tasks of the C-OSS on the corridor. Article 13(5) implies that the CID must include a description of the organisation of the C-OSS, its accessibility (i.e. the respective communication tools) and contact persons.
7. Furthermore, all processes relevant to capacity allocation for applicants must be explained. The C-OSS must publish the available infrastructure capacity on the corridor and the corresponding characteristics at the time of application for capacity (in accordance with the details in the CID). According to Article 13(2) of the Regulation, the C-OSS must supply the applicant with this information through the CID.
8. The whole allocation process for pre-arranged paths (“PaPs”) under the annual timetable and for reserve capacity for ad-hoc international freight traffic on corridors should be documented using common or compatible IT-tools and recorded in a transparent way

**IRG-Rail (14) 13**

allowing regulatory bodies to review them when necessary. The C-OSS must make sure that the tools, information and related documents are available to all parties involved. The CID should contain a detailed description of the IT-tools and a summary and links to all other related documents.

9. IRG-Rail is of the opinion that the relevant regulatory bodies are entitled to monitor documents, operations and processes according to Article 20 of the Regulation. The C-OSS should give the regulatory bodies the access rights to monitor the IT-tools.
10. IRG-Rail also believes that, in order to improve the functioning of the C-OSS and to provide better services to customers and based on their monitoring activities and experiences, regulatory bodies should be able to make formal recommendations to the corridor's Management Boards on the functioning of the C-OSS and suggest in particular changes to the CID and to any relevant network statements.

**IV. Harmonisation of monitoring of C-OSS**

11. IRG-Rail believes that it is important for regulatory bodies to try and adopt a common approach to the monitoring task of the C-OSS. IRG-Rail has therefore developed the questions listed in the annex to this paper in order to give guidance to regulatory bodies when they examine whether the C-OSS meets the requirements of the Regulation.
12. The checklist annexed to this paper identifies key areas where monitoring is necessary. Such common approach would also contribute to help comparisons of identified topics across different corridors.

## **Annex – Checklist – C-OSS issues**

### **General remarks:**

- Are C-OSS contact details clear and transparent?
- Where are the contact details published?
- Are there different contact persons within the C-OSS? For which topics are they responsible?
- To whom should complaints against the C-OSS decisions be addressed? Is the address available and up-to-date?
- Are regular meetings with the C-OSS arranged? (e.g. after allocation phase, before publication of PaPs), are such meetings planned? (Regular meetings are the aim.)

### **Contract of Infrastructure Manager concerning the establishment of the C-OSS:**

- Does the contract between the infrastructure managers forming the C-OSS include information about the role of the regulatory bodies?
- What is the structure of your C-OSS (dedicated/representative)?
- What is the legal nature of C-OSS?

### **Corridor Information Document (CID):**

- Are the rules concerning the C-OSS transparent and non-discriminatory?
- Does CID include a description of the organisation of the C-OSS, its accessibility (i.e. the respective communication tools) and contact persons?
- Is the allocation process and are all related topics published?
- Is the timetable for the allocation process and the publication of pre-arranged paths transparent?
- Are there instructions in the CID for the use of the Path Coordination System (PCS)?

### **Path Coordination System (PCS):**

- Is PCS used? Is the allocation via PCS predetermined?
- Did PCS function well? Which problems came up?
- Is there a need for improvement?
- Are there instructions for use of PCS? Where can they be found? (Is there a link available/RNE?)
- Are all functions of PCS provided by the C-OSS?

### **Pre-arranged paths (PaPs) / Reserve capacity - Allocation for annual timetable:**

- Were the PaP-offers published in time? When were they published?
- Were the PaPs ordered via PCS?

### **IRG-Rail (14) 13**

- Was “first come first served” taken into account?
- How many offers, requests and allocations were made?
- What is the offer for reserved capacity?
- Did the railway undertakings/other applicants get an answer on their capacity request? If so, when and how fast?
- Were adjustments requested by the railway undertakings/other applicants? If yes, which? (examples like additional stops, changes in requested time of train run)
- What priority rules were applied?
- How many requests were made with feeder-/outflow path? Which relations?
- How long did the processing take in total?
- How many multi-corridor offers, requests and allocations were made?
- Who were the applicants (railway undertakings/other applicants)?
- Which parts of the entire paths were requested?
- Did conflicts occur?
- How many conflicts occurred on single corridors?
- How many conflicts occurred across several corridors?
- How were the conflicts solved? By national construction (tailor-made solutions) or alternative PaP?
- How many tailor-made paths were offered?
- How many tailor-made paths were accepted?
- How many were rejected? And why?
- Did the C-OSS inform railway undertakings/other applicants about its decisions?
- How and when were the railway undertakings/other applicants informed?

### **Register:**

- Does the C-OSS maintain a register of its activities in accordance with Article 13(5) of the Regulation?
- Does the C-OSS make the following data freely available:
  - Date of application?
  - Name of applicant, details of documentation supplied?
  - Incidents which have occurred?
  - Is the whole application procedure displayed?