

## Independent Regulators' Group – Rail

### Guidelines Service Facilities Description

23 May 2023

Transparent information on service facilities is essential for fair and improved access to the railway market. IRG-Rail members are monitoring the establishment of service facility descriptions in their member states.

This document sets out guidelines to help service facility operators to establish service facility descriptions. These guidelines are also intended to help potential applicants better understand what they can expect from service facilities so they can make best use of the service facility descriptions. This document identifies necessary and helpful information and provides some examples. It points out domestic approaches, especially for those countries where legislation includes special procedures for adopting service facility descriptions. However, it is the responsibility of the individual service facility operators to ensure that they are compliant with the law.

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## I. Introduction

1. Following the entry into force of the Implementing Regulation (EU) 2017/2177 on access to service facilities and rail-related services (hereafter “IR”<sup>1</sup>), service facility operators (hereafter “SFOs”) are obliged to develop and publish service facility descriptions (hereafter “SFDs”). According to Art. 3 (12) of Directive 2012/34/EU (hereafter “Directive” or “the Directive”<sup>2</sup>), 'operator of service facility' means any public or private entity responsible for managing one or more service facilities or supplying one or more services to railway undertakings referred to in points 2 to 4 of Annex II of this Directive. They can include infrastructure managers in respect of their role as operators of service facilities, as well as those parties that only provide services and are not also managing rail assets (tracks or installations) in service facilities (hereafter “SFs”).
2. This document aims at supporting SFOs with the provision of some general guidelines on the establishment of SFDs. Best practice for the provision of information in some areas is illustrated with examples. However, SFOs should refer to the IR and relevant domestic legislation to establish their SFDs. It is the responsibility of individual businesses to ensure that they are compliant with the law.
3. The main purpose of SFDs is to ensure transparent and non-discriminatory conditions to access and use rail-related SFs and the services provided therein. Through a transparent, up to date and clear description of facilities, provided services and applicable conditions, applicants<sup>3</sup> can get a complete, reliable picture of the SFs and services that are supplied and make a sensible decision about the operational and economic viability of using them. SFDs are also key documents that enable SFOs to set out the prerequisites and rules applicable to their SFs. Applicants, especially if working in international rail services, may also find them useful as they seek to clarify and underline what information can be expected from SFOs.
4. In addition, SFDs can serve as a marketing tool to promote and offer more visibility of their business to customers. Thus SFOs are encouraged to make their SFDs user friendly and strive to adapt the format, language and scope of the information to the needs of potential applicants.
5. Regulatory bodies (hereafter “RBs”) monitor that applicants have non-discriminatory access to SFs and rail-related services. Published SFDs create transparency with regard to the legal, economic, technical or other conditions of use (information function) and often help highlighting potential unequal treatment (control or comparison function). The roles of RBs to examine and monitor SFDs alongside their competencies to address complaints and require information are an essential component of the railway market regulation.
6. IRG-Rail has committed to produce guidelines on the establishment of SFDs with the view to support SFOs and improve information on SFs in Europe. Since Art. 4 of the IR only lists a minimum content for SFDs,

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<sup>1</sup> Commission Implementing regulation (EU) 2017/ 2177 - of 22 November 2017 - on access to service facilities and rail-related services (europa.eu)

<sup>2</sup> Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 on establishing a single European railway area (europa.eu)

<sup>3</sup> For the purpose of these guidelines applicant comprehends railway undertakings and where applicable, applicants according to Art. 1 of the IR *“Railway undertakings or applicants other than railway undertakings that are entitled by national law to request access to service facilities and rail related services”*

these guidelines aim to provide further information and considerations to help SFOs to develop their own SFD(s).

7. Considering the heterogeneous character of SFs listed in points 2 to 4 of Annex II of the Directive, it would be extremely difficult to come up with an exhaustive list of facilities, and cover all the different characteristics of all types of rail-related SFs and services, offered throughout Europe. As a result, these guidelines are generic and adaptable in order to enable SFOs to apply them to SFDs for their individual SFs and services supplied therein. These high-level guidelines intend, however, wherever possible, to provide practical help to the market.
8. SFOs should also note that infrastructure managers, members of RailNet Europe (RNE), have developed and published a template for SFDs in accordance with the assignment in Art. 5 (2) of the IR<sup>4</sup>.

## II. Legal framework<sup>5</sup>

9. The legal framework for the content of SFDs can be found in Art. 4 of the IR. Together with Recital 4 of the IR it requires SFOs to establish a SFD for the SFs and services for which they are responsible. All essential requirements for access to the SFs and supply of the services within SFs must be described in the SFD to ensure a non-discriminatory access, as well as allow applicants to plan their upcoming use of the SF.
10. Art. 2 of the IR empowers RBs to decide on SFOs exemptions requests from certain provisions of the IR. Exemptions related to the SFD may be granted<sup>6</sup>. However, the requirements to establish and publish a SFD with basic information on the SF and services provided therein, charges and SFO contact details always remain<sup>7</sup>, unless the SF exists solely for the use by heritage railway operators for their own purpose.
11. SFDs must be published in accordance with Art. 5 of the IR and must be kept up to date.
12. In case a SF is operated by more than one SFO, or services in the facility are provided by more than one supplier, Art. 5 (4) of the IR states that SFOs shall either indicate all SFOs responsible for deciding on requests for access to the facility or rail-related services in their SFD, or make available all SFDs in one place. The main point is to give transparent and comprehensive information on access to all installations and services offered in the facility, without forcing any SFO to provide, or take responsibility for, information beyond their control or knowledge.

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<sup>4</sup> [rne.eu/wp-content/uploads/2022/10/Common\\_template\\_for\\_service\\_facility\\_information\\_clean-1.pdf](https://rne.eu/wp-content/uploads/2022/10/Common_template_for_service_facility_information_clean-1.pdf)

<sup>5</sup> Links to legal provisions:

The Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0034>

The IR <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32017R2177>

<sup>6</sup> For further information, please refer to IRG-Rail's overview on exemptions under the IR:

[irg-rail.eu/download/5/900/IRG-Rail202114-UpdateoftheReportonExemptionsunderIREU20172177.pdf](https://irg-rail.eu/download/5/900/IRG-Rail202114-UpdateoftheReportonExemptionsunderIREU20172177.pdf)

<sup>7</sup> Fulfilment of Art. 4 (2) point a) to d) and m) and Art. 5 of the IR

13. Furthermore, SFDs are subject to the supervision of the RBs<sup>8</sup>. Across IRG-Rail countries, the approach to regulatory oversight and validation of SFDs involves different assessment procedures or time limits, prior or after publication of SFDs.
14. SFOs should note that in some IRG-Rail countries, SFDs only become applicable after an assessment by the RB (ex-ante), or after a certain period of time (provided that no stakeholder has raised objections), whereas in other countries, SFDs become effective immediately upon publication. In some countries still certain types of SFs may be assessed ex-ante (See Appendix 1).
15. Notwithstanding the national procedures for SFDs coming into force, Art. 56 of the Directive gives RBs the task of assessing SFDs for compliance with legislation once they have come into force (ex-post). Such assessments are typically triggered by complaints raised with the RB, or made upon the RB's own initiative following investigations or market monitoring activities.

### III. Content of Service Facilities Description

16. SFOs operating a SF where access to the facility or services supplied is provided by more than one SFO, should be aware that the IR sets out rules on cooperation and coordination between SFOs that need to be reflected in the SFDs. In these locations, SFOs are encouraged to contact each other and agree on common procedures and tools for fulfilling the requirements of the IR, before producing and publishing their SFDs. (Further details on requirements for coordination can be found in paragraphs 34 and 56)
17. To allow flexibility as to the nature and volume of the information required for SFDs to be deemed compliant, SFOs should publish the necessary information proportionate to the size, technical characteristics and importance of the SF concerned (IR Art. 5 (5)).

### General information

18. SFDs should include a clear identification of the SFO and its key contact details. One SFD could cover several facilities unless preventing the readability of the document.
19. The date of publication of the SFD should be clearly visible. To give transparent information on SFD updates and help readers identify relevant changes, SFOs are encouraged to include also a list of amendments made to the document, compared to the previous published version. Further detail on publication can be found in paragraphs 52 to 57.
20. To help applicants that are not themselves railway undertakings, it would be helpful if SFDs could indicate whether national law allows such parties to request capacity in SFs<sup>9</sup>.

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<sup>8</sup> Role of RBs in publication process: [irg-rail.eu/download/5/926/2200505IRGAtoSFPortalStatementAdopted.pdf](http://irg-rail.eu/download/5/926/2200505IRGAtoSFPortalStatementAdopted.pdf)

<sup>9</sup> See Art. 1 of the IR and paragraph 3 in this document.

21. In the case of SFs operated, or rail-related services provided, by operators under the direct or indirect control of a controlling entity<sup>10</sup>, it is a legal requirement to include model access contracts and general terms and conditions as part of the SFD (IR Art. 4 (2) i). In any case, all SFOs are encouraged to include information stating whether a contract, authorisation or insurance are necessary.
22. SFDs should contain information on the terms of use and access to the operator's IT systems, if applicants are required to use such systems, as well as the rules concerning the protection of sensitive and commercial data (IR Art. 4 (2) j). For example: tools to request access, cancel capacity or to enter train operation data like wagon lists, dangerous goods etc.

## Location and functional overview of the facility

23. SFDs should specify the geographic location of the facility and the position of any access points to the facility from the connected networks (rail, road, river or sea).
24. SFDs must contain a functional description of the facility, or refer to a functional description published by the SFO that manages (is in control of) the relevant facility. To this end, they should include the main technical characteristics of the facility. The level of detail provided should allow any potential customer to make, by itself, a preliminary assessment of the compatibility of the facility regarding common needs, without contacting the SFO. Minimum information should for instance include: tracks number and length, electrification systems, platform dimensions, number and type of cranes or other equipment used in the facility, dimensions of loading or storage areas, key maintenance installations, water or heating supply, compatible rolling stock type, maximum train length, gauge, weight and axle load etc., as well as information on private branch lines and sidings that are needed to get access to the facility.
25. In addition to the written description, to help visualize the general set-up of the site and better illustrate the location, SFDs could include an overview map and graphics showing the rail tracks, the main installations and pieces of equipment as well as the aforementioned access points.

## Offered services

26. Services provided by the SFO should be depicted in the SFDs separately from the technical description of the facility. Where applicable, minimum information should include the characteristics of the services supplied and the conditions under which they are offered, such as opening hours, service level guarantees, capacities in terms of e.g. type and frequency of units handled, volumes etc.

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<sup>10</sup> 'controlling entity' means a body or firm, which exercises direct or indirect control over an operator of a service facility and is also active and holds a dominant position in national railway transport services markets for which the facility is used or exercises direct or indirect control over an operator of a service facility and a railway undertaking holding such a position (Directive, Art. 3 (7)).

The German regulatory body accepts the definition of regular opening times that are orientated on the regular needs of the applicants. Opening times do not need to be 24/7 as it might not be economically reasonable for the operator of the facility. If the operator offers the possibility to open outside the regular opening hours upon demand then the conditions should be transparent in the SFD (according to process of application and charges).

27. SFDs should also mention the type of each described service: basic, additional or ancillary, as defined in Annex II of Directive 2012/34/EU (IR Art. 4 (2) d).
28. Where rail-related services are supplied by multiple SFOs within the same facility, the SFD should list the SFOs offering interrelated services (IR. Art. 5 (4)) and preferably also include references to their SFDs.
29. SFDs should provide information about if and which services can be self-supplied and the conditions, or restrictions, to be met for performing self-supply (IR Art. 4 (2) e). For example, applicants might be allowed to carry out maintenance work by themselves in a depot, or rent a track with a crane next to it to carry out loading/unloading of goods by themselves. In some IRG-Rail countries parties may need to sign certain agreements.

In Slovenia, the prerequisite for self-supply is a signed document between applicant and SFO (called "Technological process").

## Access

30. SFDs should provide clear understanding of all access conditions, including information on the capacity allocation process (handling of requests) and the dispute resolution framework.

## Capacity allocation

31. Describing the capacity allocation process is one of the essential parts of SFDs to ensure that applicants fully understand what is needed to request and apply for capacity and how it is allocated. This should cover information on how to submit a request for capacity, how such a request is addressed and how the coordination procedure is carried out when necessary (for example, detailed flow chart).

### *Submission of requests*

32. SFDs should describe how requests for access should be made, both for long-term needs and ad-hoc. This should include information on procedures for requesting access to SFs or rail-related services supplied therein, or both, including deadlines, if any, for submitting requests, and time limits for handling those requests (IR Art. 4 (2) f and Art. 8).
33. SFDs should set out all the information the SFO needs from an applicant to draw an offer. They should indicate the tool for submitting a request for access, the minimum content and the format of that request or include a template for such a request (IR Art. 4 (2) h). Where SFOs provide a separate template for requests, the template should be part of the SFD or a link to the template should be included in the SFD. If

the access request is incomplete, the SFO must inform the applicant thereof and set a reasonable deadline for supplying the missing information (IR Art. 8 (3)).

34. In SFs operated by more than one operator or where rail-related services are provided by more than one operator, an indication must be given as to whether separate requests for access to the facilities and for those services need to be submitted (IR Art. 4 (2) g). SFDs should provide a clear and transparent presentation of the process for submitting requests for sites with multiple service suppliers. Relevant links to other SFDs would be helpful. In this latter case, SFOs should cooperate with the aim of ensuring that the capacity allocation is aligned and described in their respective SFDs. The same applies to SFs that are accessible through third party SFs or network.

In Germany, within some seaports the operator of the port and the terminal operators have coordinated their procedures for requesting and allocating capacity. For requesting port capacity the applicants need the corresponding terminal capacity which is allocated earlier than the port capacity with regard to the yearly timetable.

#### *Response to requests*

35. SFDs should contain information on how the response to requests is made (IR Art. 9). The response must be given within a reasonable time limit set by the RB in accordance with Article 13 (4) of the Directive. Different deadlines may be set for different types of SFs or services. Time limits for handling requests must be listed in the SFD (IR Art. 4 (2) f). Maximum time limits for responding on requests for capacity in SFs, as set by RBs, can be found on the IRG-Rail website<sup>11</sup>.

#### *Coordination procedure and dispute resolution<sup>12</sup>*

36. SFDs should set out the process that applies when the SFO receives a request for access to a SF, or supply of a service, that conflicts with another request. It is important to recognize that a conflict can also arise when a request conflicts with SF capacity already allocated. In the case of conflicting requests, the SFO should conduct a coordination procedure and attempt, through discussion and coordination with the applicants concerned, including the owners of already contracted capacity to ensure the best possible matching of all requests. Details on the procedures such as the duration of the procedure, parties to be involved, necessary information should be described where applicable (IR Art. 10, 11 and Art. 4 (2) k).
37. If the coordination procedure does not lead to a solution which accommodates all requests in a manner agreed with all parties, the SFO should consider the process for a rejection of requests without the agreement of the applicant. SFDs should set out the indicative process and steps to be followed when considering conflicting requests. This may include the application of priority criteria to allocate capacity (IR

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<sup>11</sup> IRG-Rail 2023(7) Update on time limits set for answering capacity requests ...

<sup>12</sup> Directive Art. 13(4) and (5) and IR Art. 10 and 12 only refers to basic services listed in Annex II p.2.



Art. 11). If applied, and subject to domestic legislation, such priority criteria must be transparent, non-discriminatory and objective and should also be published in the SFDs.

38. Experiences in IRG-Rail countries show that non-discriminatory priority criteria can be a useful tool for SFOs to offer clarity and help managing expectations of affected applicants. Some practical examples for priority criteria, in addition to and elaboration of those already listed in the Art. 11 of the IR, include:

- the primary purpose of the track or installation (for example parking, loading, etc.)<sup>13</sup>
- “first come, first served” principle
- already allocated capacity in neighboring service facilities
- efficiency of use
- urgency (emergency) of e.g. repairs
- longer trains before shorter trains
- socio economic benefits, using a common/recognized methodology, such as national conventions.

39. If a request cannot be accommodated, the SFO has to consider viable alternatives (IR Art. 12 (2)). The SFO and the applicant should then jointly assess whether there are viable alternatives allowing to operate the freight or passenger service concerned on the same or alternative routes under economically acceptable conditions. An indication of the process and steps to be followed when evaluating viable alternatives should be set out in SFDs.

40. SFDs are encouraged to mention that parties can escalate disputes to the domestic RB.

## Charges

41. This section of the SFDs covers the requirements with regard to information on charges levied by SFOs.

42. Information in SFDs on charges is crucial for enabling applicants to make considered decisions, promoting competition and avoiding discrimination. An applicant should be able to seek clarification and understanding around charges for all services covered in the SFDs. In order for applicants to be able to calculate (or make realistic estimates on) charges, the information on charges must be comprehensive, clearly presented and transparent.

43. Information to be provided on charges in SFDs should include:

- information on the charges for getting access to the SF and charges for the use of each rail-related service supplied therein;
- information on the principles of discount schemes offered to applicants, while respecting commercial confidentiality requirements;
- where relevant, information on cancellation fees.

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<sup>13</sup> In Germany and Sweden there are some terminal or loading tracks that may be used for parking but only if there is no need for loading; in that case the main function has to be listed transparently in the SFD.

44. Notwithstanding the obligation to publish charges in SFDs (IR Art. 4 (2) m), charges must follow the principles set out in legislation (Directive Art. 31). The presentation of charges in SFDs should reflect the breakdown of services provided as set out in Annex II of the Directive (point 2 to 4). SFOs can show their charges in different ways. However, it is their responsibility to make available the breakdown of charges in the best possible way.
45. Ideally, as long as it is possible and reasonable, SFOs should list the services provided and publish a set rate of charges (a price list) in the SFD. This would typically apply to standard services – such as lifting of containers and trailers. Where services are provided using a list of charges, that list should be easily accessible on a website, for example on the SFO's website or in the infrastructure manager's Network Statement.
46. Nevertheless, price lists may not be relevant for some types of services where information on charges is more complex. In those cases, specified units can be used to determine the charge, such as price per time unit, volume or spare part. Where neither set rates or the use of 'simple' units are sufficient to give applicants the full picture of charges (due for example the characteristics of the facility, complexity of the service supplied, optional contractual set ups or other relevant circumstances), SFOs should use their best endeavours to explain the detailed principles or methodology of their charging scheme in the SFD, including all relevant parameters that affect charges, discounts or cancellation fees. This can be the case for services, for which resources/cost for the operator providing the same type of service vary from case to case (for instance, repairs to rolling stock would depend on the complexity of the work; or quality of processed goods would affect the costs of labour or the costs related to the technical equipment used). Other examples of parameters that may affect charges, in various combinations, are seasonal variations, length of stay, time of day, specific time constraints set by the applicant, the use of special equipment, professional qualifications, risk factors, quality levels or contractual arrangements (for instance occasional or regular services, single or multiservice arrangements, long or short contract periods). In all circumstances SFDs must be clear about the parameters that influence the charges for specific services.

In Denmark, the RB has indicated that where an exact charge for a service cannot be provided, it is recommended that the service provider publishes a set charge for each time unit – e.g. x Euros per hour, or perhaps for each 30 minutes. The "length" of the minimum time unit to be charged must be reasonable.

In Sweden unit charges or charges for combinations of different "components" of a service are accepted, e.g. x Euros per hour or y Euros for the use of a specific machine.

In the Netherlands for certain SFs there is a catalogue of services provided including their price per hour or unit and the principles in which way they are offered.

In Spain, the RB indicated in its 2019 Resolution that the scope of the information regarding charges should be tailored to the characteristics of each individual service, especially in the case of maintenance services where it may be challenging to determine the exact prices beforehand, due to the specific state of the rolling stock.

47. The minimum requirements for information on principles of discount schemes (IR Art. 4 (2) n) are the objective grounds used in the discount scheme. For example, if discounts are based on volumes, that should be indicated. There can be also other objective grounds.

48. Where applicable, SFDs should provide information on cancellation fees or penalties, for example for non-usage of the requested facility or service.
49. Additionally in some countries, e.g. the Netherlands<sup>14</sup> and Spain<sup>15</sup>, RBs have published further information on pricing and cost allocation. Also, IRG-Rail published a paper on charging principles for SFs in 2019<sup>16</sup>.

## Dynamic information

50. SFDs are likely to contain information that requires periodic updates, for example information on temporary capacity restrictions, changes to technical characteristics etc., with major impact on the SFs' operations.
51. Publication of requested indicative information on available capacity and information referred to in Art. 4 (2) I of the IR is expected to be made on a real-time basis through the use of a common web portal, when technically possible with reasonable economic efforts (IR. Art. 6 (3)). For example, this type of real-time information would cover maintenance work with major impact on the access to, or supply of, services. Where possible, SFDs could refer to a link to the SFO's webpage or a common portal for this kind of information.

## IV. Publishing and updating SFDs

### Publication of SFDs

52. Publication of SFDs is one of the cornerstones for non-discriminatory access. Publication guarantees the provision of transparent information on available SFs and services offered therein. Applicants should be able to obtain information on technical characteristics, arrangements and procedures as well as conditions to access the relevant facility and perform the necessary operation(s) they need for the development of their rail-services. They can only do so if they know what facilities and services they can access to or purchase - from whom, where and under what conditions. Publication should be a source of comprehensive information that is delivered to all applicants in the same manner, thus providing a level playing field to applicants to develop their rail-services.

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<sup>14</sup> In the Netherlands, the RB (ACM) published the charging principles in the Guide on Rail-related services and service facilities, paragraph 5.2. See: <https://www.acm.nl/sites/default/files/documents/2019-02/rail-related-services-and-service-facilities.pdf>

<sup>15</sup> The Spanish RB's (CNMC) communication on pricing orientation in SFs: <https://www.cnmc.es/expedientes/comunicaciondtsp00122>

<sup>16</sup> Initial report on charging principle of Art. 31 (7) of Directive 2012/43/EU: <https://www.irg-rail.eu/irg/documents/position-papers/166,2019.html>

53. In order to provide information that can be easily accessed, SFDs must be published on the internet (IR Art. 5) either on their own or via the Network Statements of the connecting infrastructure manager. SFOs have different options for publication:
- a. Establish the SFD and publish it themselves:
    - i. on their own website; or
    - ii. on a “common portal”, such as for instance the Rail Facilities Portal (RFP)<sup>17</sup> (or any other national portal).

In both cases, the link has to be sent to the infrastructure manager to whose network the SF is connected to. The infrastructure manager will publish this link in its Network Statement (Directive Art. 27 (1) and (2)).

- b. Establish the SFD as a ready-to-be-published document and send it to the infrastructure manager to whose network the SF is connected.

In this case, publication of SFDs is achieved via the publication of the Network Statement by the relevant infrastructure manager (Directive Art. 27 (1) and (2)).

In Italy, all SFDs must be published on the Rail Facility Portal<sup>18</sup>.

In Spain, the infrastructure manager has created a Service Facilities Portal (PISERVI) which is available on its website and is included as an annex to the Network Statement. PISERVI provides access to information regarding the SFs and links to the SFD<sup>19</sup>.

In Germany a project funded by the ministry of transport aims to set an open data portal, to be used mainly by the non-incumbent infrastructure managers and SFO to share information on infrastructure and service facility<sup>20</sup>.

54. SFOs should check with the relevant infrastructure manager any deadline for the submission of links or ready-to-be-published SFDs to be integrated in the Network Statement.
55. SFDs should be easily accessible and provided free of charge. This means the download of the information contained in SFDs must not be charged, directly or indirectly. The publication via links should lead directly to the webpage containing the information.
56. The SFO should consult with neighbouring SFOs whenever interdependencies exist that need to be addressed in the SFD. In these cases, SFOs are encouraged to make available mutual links to the relevant conditions in the respective SFDs. For example if opening hours of one SF impact on the capacity and usability of another SF, references to the relevant information should be published by all relevant SFOs. This scenario is likely to occur in larger industrial areas like ports or major terminals.

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<sup>17</sup> Rail Facilities Portal, see <https://railfacilitiesportal.eu/>. General information on the RFP, see <https://rne.eu/it/rne-applications/rfp/>. Please note that if the RFP is used the RB is still competent to assess the SFD. Completing the templates of the RFP does not automatically entail compliance with regulatory requirements.

<sup>18</sup> see footnote 17

<sup>19</sup> <https://piservi.adif.es/piservi/portal>

<sup>20</sup> <https://bmdv.bund.de/SharedDocs/DE/Artikel/DG/mfund-projekte/indres.html>

57. In some IRG-Rail countries, SFDs may be subject to additional requirements (e.g. mandatory consultation) and/or information provision. Please see Appendix 1 for further information on national procedures.

## Reliable up-to-date Information

58. SFDs should be updated as necessary (IR Art. 5 (3)). In comparison to “Dynamic information” this covers not only information on the available capacity but any kind of permanent changes, in particular when there are changes to the conditions of access, charges or characteristics of installations or services. The date when SFDs were last updated or published should be clearly visible, together with the current (numbered) version of the document. This should be irrespective of the media used for publishing.
59. It would be reasonable for SFOs to check the need for updates to the SFDs at least once a year and update the publication date of SFDs, even if no material changes have been made. This will ensure that SFOs can rely on the information in the SFDs.
60. In some IRG-Rail countries updates may not be valid before the expiry of a period of time after publication which allows the applicants or existing customers to become aware of the changes and adapt to them.

In Germany, SFDs updates that are not notified to the RB and/or are objected to will not enter into force – for examples changes to charges are not valid and an applicant could refuse payment.

In Sweden, changes that affect customers with existing contracts cannot be applicable until after a certain period of time (for example charges).

In France, SFDs updates that affect charges should be submitted to the RB at least six months before the intended date of entry into force. SFOs are encouraged to keep a record of all published SFDs irrespective of the media used for their publication.

61. The guidelines will be reviewed and updated when necessary.

## APPENDIX – Validation assessment of SFDs by IRG-Rail member countries

Country	Ex ante (see paragraph 14)
Austria	None
Belgium	None
Bulgaria	None
Croatia	None
Denmark	None
Finland	None
France	All SF, in accordance with art. 3 of <a href="#"><i>Décret n° 2012-70 du 20 janvier 2012 modifié</i></a>
Germany	All SFs. Note that published SFDs need to go through a formal procedure, according to § 73 ERegG, in order to become applicable.
Hungary	None
Italy	None An exception is possible if the infrastructure manager offers SFs and SFDs are published as part of the Network Statement, which are checked in advance.
Lithuania	None
Luxembourg	None
Netherlands	None However, SFOs that provide services listed in Annex II point 2 under a), f) and i), need to have their charges and conditions preapproved by the RB each time before a tender process and if there is only one SFO providing that service along the tendered railway line.
Norway	None
Poland	None
Romania	None
Slovakia	None
Slovenia	None
Spain	None
Sweden	None
United Kingdom	None However, access agreements for stations and light maintenance depots are preapproved by the RB.