

ERAIL MONOGRAPH

SWITZERLAND

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European Commission, DG Transport and Energy

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1 ORGANISATIONS INVOLVED IN CARRYING OUT PUBLIC TASKS

Public tasks are distinguished according to the following clusters of activities:

- Separation, licensing and charging
- Interoperability and safety
- State aid, competition and public service obligations
- Statistics

The following organisations are involved in one or more of these clusters of activities:

- Swiss federal railways
- Confederation
- Federal Department of Environment, Transport, Energy and Communication
- Federal Office of Transport
- Swiss Federal Office of Statistics

1.1 Current Organizations

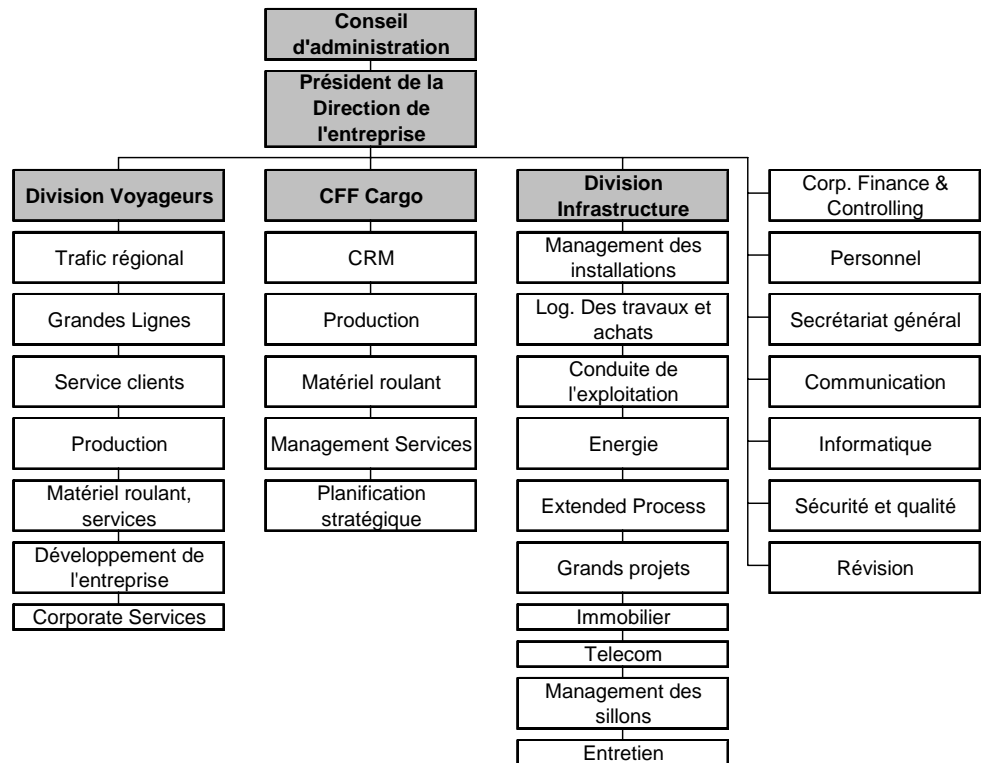
1.1.1 Swiss Federal Railways

Chemins de fer fédéraux suisses (CFF) / Schweizerische BundesBahnen (SBB) / Ferrovie Federali Svizzere (FFS). This is the same company but with three different names for French, German and Italian parts of Switzerland.

NOTE: There is no legally required separation between infrastructure manager and railway operator. A railway undertaking that obtains the right to construct a railway track has the right to operate on its own infrastructure without any further authorization.

The exploitation of infrastructure has to be separated in the accounts of the undertaking from all other activities. Next to this separation on the balance sheet, the railway undertaking needs to ensure that there is a separation in the organization.

Organisation chart



The train path sales agency of SBB, BLS and RM, also called One-Stop Shop (OSS) (sells train paths with time slots, services and prices, as fixed by contract) is part of Swiss Federal Railways SBB. This organization provides:

- Information and advice to clients concerning access to the SBB, BLS and RM network.
- The additional performances necessary for network access such as for instance keeping train paths free, shunting in marshalling yards and the stabling of rolling stock.
- Procuring international contacts in the field of railway infrastructure.

Income and expenses

(in EUR million)		2002	2003
INCOME	a. Income from Infrastructure access charges	0*	0*
	b. Subsidy from the State**	1306.9	1332.6
	c. Total	2917.1	2905.5
EXPENSES	Total	-6129.9	-6312.8
RESULT	Total	-12.0	24.9

Source: Annual Report Swiss Federal Railways

- *In Switzerland there is no legal separation of IM and operator.
- **The state pays 3 kind of subsidies for IM/operator in Switzerland – one of them is covering the difference between the charge for infrastructure and actual price of infrastructure.

Number of employees

In total: 28707. Since there is no legal separation between IM and operator it is hard to judge amount of employees working for IM. (Source: Annual Report 2003: Swiss Federal Railways)

Legal constitution

SA (société anonyme of public right). Property owned 100 % by the Helvetica Confederation. The Swiss Federal Railways have been transformed from a State railway into a joint-stock company with special legal status (a quasi-private enterprise).

Clients

Federal Office of Transport, Confederation, other railway undertakings, statistical office.

Contact details for clients

The Swiss Railway SBB

Hochschulstrasse 6

CH 3000 Bern 65

Phone +41 (0)512 20 11 11

Fax +41 (0)512 20 42 65

Email: oss@sbb.ch

Web: <http://www.sbb.ch/>

Autonomy of organisation

Since the re-organisation of SBB in 1999, political and entrepreneurial responsibilities in the railway sector are clearly separated. The state is the owner of SBB and sets out a timeframe of four years strategic goals for SBB and in relation to this the amount of financing/subsidies. The state equally monitors the achievement of those goals. SBB acts as an independent undertaking towards the achievement of the goals.

1.1.2 Confederation

Le Conseil Fédéral / Confédération / Bund / Confederazione – Confederation

Organisation chart

Confederation: Swiss Government (executive power)

It counts 7 members elected for an administrative period of four years by the general assembly (legislative power).

The Confederation is supported by a federal administration composed of a federal chancellery and seven departments:

- Federal Department of Foreign affairs

- Federal Department of home affairs
- Federal Department of Justice and Police
- Federal Department of Defense, of Protection of population and sports
- Federal Department of Finances
- Federal Department of Economy
- Federal Department of Environment, Transport, Energy and Communication

Income and expenses

Not relevant

Number of employees

7 members for railway related tasks

Legal constitution

Executive power of the Swiss Government

Clients

Railway undertakings, Federal Department of Environment, Transport, Energy and Communication;

Contact details for clients

(Federal Chancellor Annemarie Huber-Hotz)

Information Service

Parliament Building West, 3003 Berne

Phone +41 (0)31 322 21 11 | Fax +41 (0)31 322 37 06

[E-Mail: webmaster@admin.ch](mailto:webmaster@admin.ch)

<http://www.admin.ch/ch/index.en.html>

Autonomy of organisation

Members are elected by the general assembly for 4 year term.

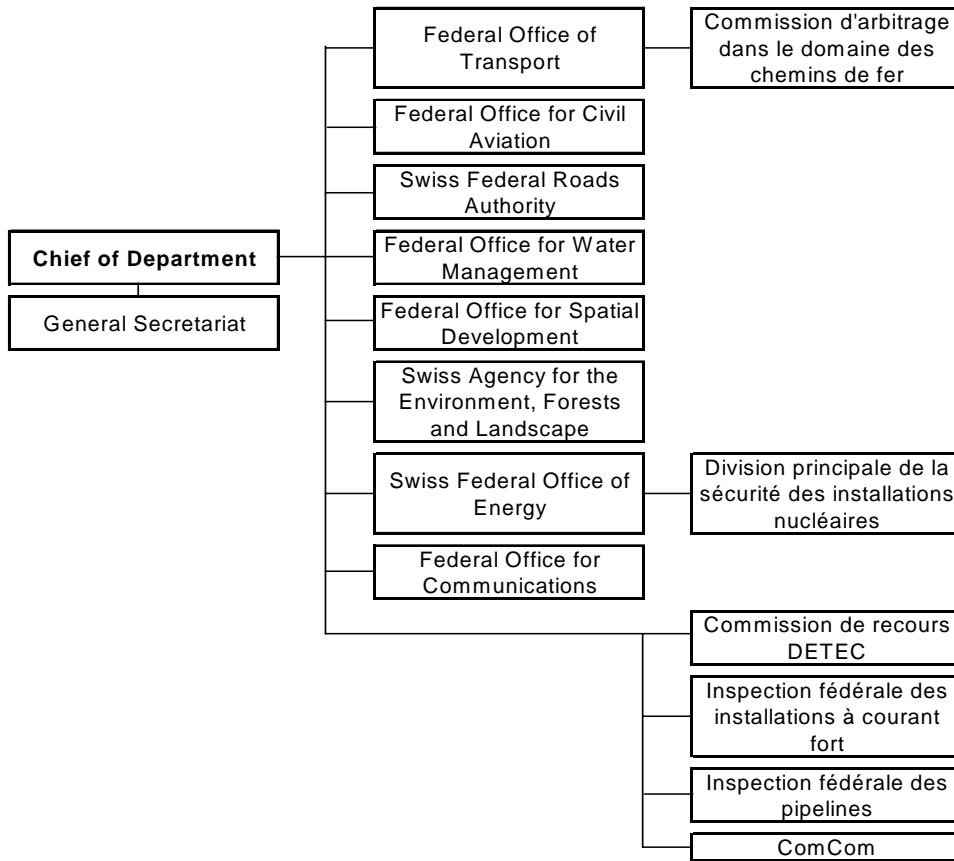
**1.1.3 Federal Department of Environment, Transport, Energy and Communications
(Transport Ministry)**

DETEC : Département fédéral de l'environnement, des transports, de l'énergie et de la communication

UVEK : Eidgenössisches Departement für Umwelt, Verkehr, Energie, Kommunikation

DATEC : Dipartimento federale dell'ambiente, dei trasporti, dell'energia e delle comunicazioni

Organisation chart



Income and expenses

Not relevant

Number of employees

1700 in total¹.

Legal constitution

State administration

Clients

Railway undertakers, Federal Office Transport, Confederation

Contact details for clients

¹ Source DETEC 2004. See also 1.4 for number of employees related to transport tasks.

DETEC Federal Department of Environment, Transport, Energy and Communications
(Federal Councillor Moritz Leuenberger)

Information Service

Parliament Building North, 3003 Berne

Phone ++41 (0)31 322 55 11 |

Fax ++41 (0)31 311 95 76

[E-Mail: webmaster@gs-uvek.admin.ch](mailto:webmaster@gs-uvek.admin.ch)

<http://www.uvek.admin.ch/index.html?lang=en&>

Autonomy of organization

It is a department within the Swiss Federal Administration

1.1.4 Federal Office of Transport (FOT)

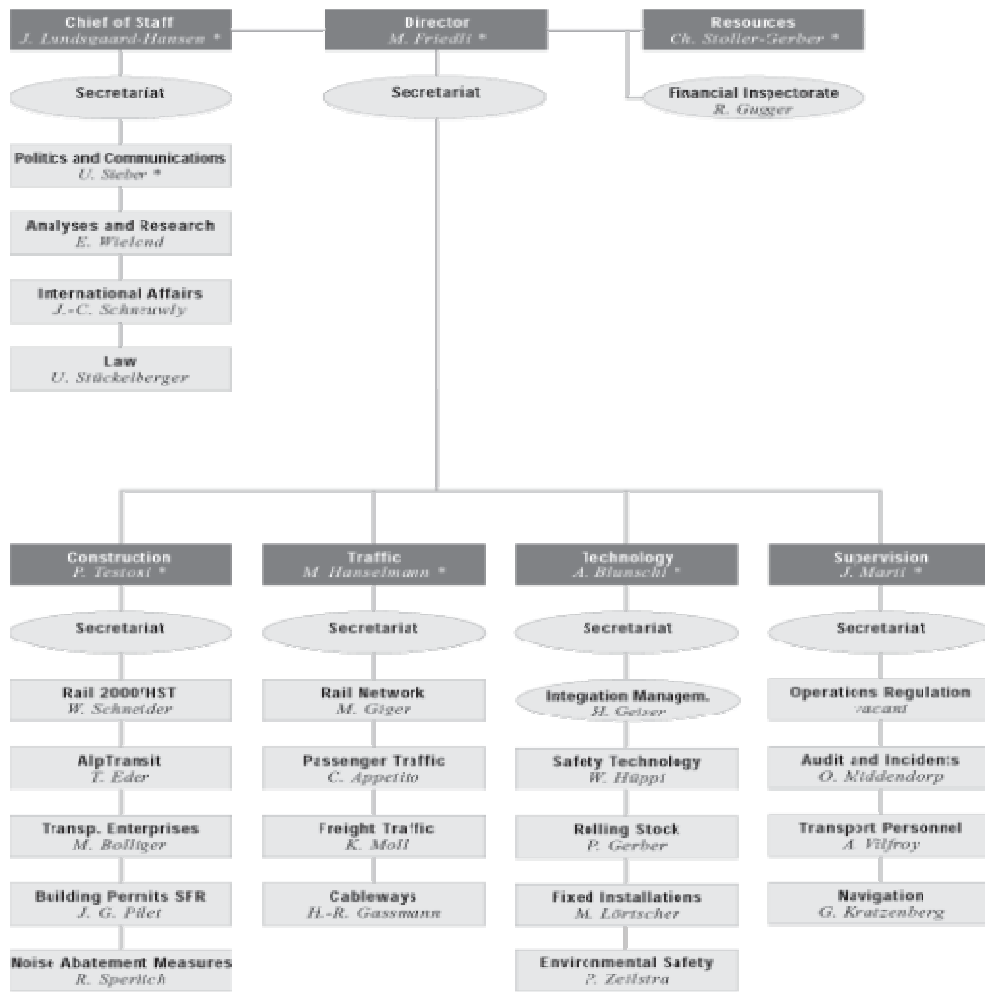
Bundesamt Für Verkehr

Office Fédéral des Transports

Ufficio Federale dei Trasporti

Organisation chart

The Rail Network section in Federal Department of Environment, Transport, Energy and Communications (DETEC) deals with all issues concerning financing and licensing of railway infrastructure/undertakings. The Federal Office of Transport is also responsible for issues concerning interoperability, safety certification, track access framework, and general railway policy.



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* is member of the management

Income and expenses

Expenses in 2004 amounted to a total of 4,5 Millions of Swiss Francs² (around 2,9 Millions euros)³.

Number of employees

271⁴ (150 for the railway task in particular).

Legal constitution

Federal Office of Transport is a state administered office.

² Source: Annual Report of Federal Office of Transport 2004.

³ Exchange rate: average course of Mai 2005.

⁴ Source: Annual Report of Federal Office of Transport 2004.

Clients

Railway Undertakings, DETEC, Confederation

Contact details for clients

Federal Transport Office

Bollwerk 27

3003 Bern

Tel. +41 (0) 31 - 322 57 11

Fax. +41 (0) 31 - 322 58 11

Press center:

Tel. +41 (0) 31 - 322 36 43

Fax. +41 (0) 31 - 322 76 99

E-mail: webmaster@bav.admin.ch

Web: <http://www.bav.admin.ch/index.cfm?nav=intro&sprache=e>

Autonomy of organisation

Federal Office of Transport is part of the Federal Department for the Environment, Transport, Energy and Communications (DETEC) and is financed by the government. There is a financial audit department that performs regular check on financial accounts of the Federal Office of Transport and some railway enterprises.

1.1.5 Swiss Federal Office of Statistics (SFoS)

Organization chart

Spatial Economics department within SFoS is in charge of transport statistics. There are four main departments within SFoS.

Number of employees

550 (Source: SFoS, 2005)

Income and Expenses

Yearly budget amounts to around 80 Million Swiss Francs. (Source: SFoS, 2005)

Legal constitution

State Administration

Clients

Confederation, railway undertakings

Contact details for clients

Swiss Federal Statistical Office (SFSO)

CH - 2010 Neuchâtel

Tel.: +41 32 713 60 11

Fax: +41 32 713 60 12

E-Mail: Information@bfs.admin.ch

Web: <http://www.statistik.admin.ch/>

Autonomy of organisation

It is an autonomous organisation financed from the central government budget.

1.1.6 Swiss Competition Authority (Wettbewerbsbehörde)

Organization chart

**Organizational chart of the Swiss competition authority
(as of January 2005)**

Competition Commission
Presidency W. Stoffel, President Y. Flückiger and R. Zäch, Vice-Presidents

Chamber Product Markets	Chamber Services	Chamber Infrastructure
President Yves Flückiger	President Roger Zäch	President Walter Stoffel
Members Martial Pasquier Marino Baldi Rudolf Horber Thomas Pletscher	Members Peter Zweifel Marco Borghi Klaus Hug Johann Zürcher	Members Anne Petitpierre Evelyne Clerc Serge Gaillard Jürg Niklaus
Substitute Evelyne Clerc Jürg Niklaus Anne Petitpierre Johann Zürcher	Substitute Marino Baldi Serge Gaillard Rudolf Horber Martial Pasquier	Substitute Marco Borghi Klaus Hug Thomas Pletscher Peter Zweifel
<ul style="list-style-type: none"> ▪ Construction ▪ Consumer and capital goods ▪ Metal industry and engineering ▪ Chemistry 	<ul style="list-style-type: none"> ▪ Health services ▪ Banking ▪ Insurance ▪ Liberal professions ▪ Industrial services ▪ Sport 	<ul style="list-style-type: none"> ▪ Communication ▪ Media / Advertising ▪ Energy ▪ Transport ▪ Tourism / Hotel industry ▪ Environmental and waste disposal issues ▪ Postal services ▪ Agriculture

Number of employees

14 (Source: Swiss Competition Authority 2005).

Legal constitution

State Administration

Clients

Railway Undertakings, Ministry of Transport, Infrastructure Manager

Contact details for clients

Competition Commission

Secretariat

Monbijoustrasse 43

CH-3003 Bern

Tel.: +41 31 322 20 40

Fax: +41 31 322 20 53

E-Mail: weko@weko.admin.ch

<http://www.weko.admin.ch/>

Autonomy of organisation

It is an autonomous organisation financed from the central government budget

1.2 Authorities required by the 2nd Railway Package

The second Railway Package demands for the establishment of a national safety authority and independent investigation authority. Currently no organizations are established. Switzerland has still many directives to implement from 1st railway package, hence the effort will be concentrated on this task.

2 ORGANISATION OF PUBLIC TASKS

2.1 Separation, licensing and charging

- 2001/12/EC: December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).
- 2001/13/EC: December 1957 Main Railway Law (EBG). 742.101 (amended January 2003). Art 9.
- 2001/14/EC: December 1957 Main Railway Law (EBG). 742.101 (amended January 2003) and November 1998 Rail Access Decree
- 96/48/EC: December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

2.1.1 Investigation of accidents (2001/12)

Responsible organisation

Service d'Enquete - Investigation Service

Objectives, tasks and responsibilities

A Service of investigation in case of accidents, is created to examine from a technical viewpoint the causes and circumstances of railway accidents and incidents that could have led to an accident.

Procedure

The Confederation (government) regulates involvement of stakeholders, especially the composition of the Service of investigation, the procedure and the publication of the results. The cost of investigation is borne by the State which later is transferred to the party responsible for the incident.

Legal basis of procedure

Railway Law 1957 (amended January 2003). Art 15.

Federal law on the penal procedure

2.1.2 Safety certification of rolling stock and railway undertakings (2001/12)

Responsible organisation

Federal Office of Transport

Objectives, tasks and responsibilities

As part of the Ministry of Transport, the Federal Office of Transport is the acting body to ensure implementation of Government policies. It is furthermore responsible for safety certification.

Procedure

The railway undertakings are responsible for the safety of exploitation of railway installations and rolling stock. They have to draw up the necessary prescriptions that ensure a safe exploitation and present it to the Federal Office of Transport for approval.

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

2.1.3 Licensing of railway undertakings (2001/13)

Responsible organisation

Federal Office of Transport (for rights to use the railway infrastructure of another railway undertaking)

Objectives, tasks and responsibilities

After a hearing of interested 'Cantons', the Confederation (Conseil Fédéral) issues a license necessary for the construction and exploitation of a railway infrastructure if:

- The transport services to be delivered under the licence can be delivered in an appropriate and economic way;
- No prevailing public interest is opposed.

The license issued by the Federal Office of Transport is valid for the entire Swiss network.

After a hearing of interested 'Cantons', the Confederation (Conseil fédéral) can withdraw the licence, if:

- The construction has not started, has not been finished or if the installation is not operational within the delays fixed by the licence;
- If the licensed railway undertaking does not fulfil the obligations set in the law or in the licence;
- Prevailing public interests justify a withdrawal.

The Confederation (Conseil fédéral) defines the other principles of access to the network and fixes the forms.

A licensed railway undertaking can transport passengers and goods on its own infrastructure without any further authorisation.

The usage of the infrastructure of another railway undertaking is subject to an authorisation of the Federal Office of Transport.

The Confederation (Conseil fédéral) defines, after a hearing of the ‘Cantons’ concerned, the modalities and the procedure. It can conclude arrangements that foresee access to the network for foreign railway undertakings with other States.

Procedure

To acquire a license operator must be such that:

- The applicant is organised in a way that guarantees the well functioning and the safety of operations;
- The staff has the necessary qualifications to guarantee the safety of the operations;
- The rolling stock fulfils the requirements to ensure safety of operations;
- The railway undertaking has sufficient financial resources and insurance;
- Labour rights and labour conditions are respected;
- The respect of safety measures on the tracks used is guaranteed.

The license is granted for a maximum of 10 years and can be renewed.

Foreign rail freight companies have access rights as part of international groupings and for combined transport. Theoretically it is possible for foreign freight operating companies to have an open access to Swiss market on a basis of reciprocity pursuant to the Federal Railway Act.

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003). Art 9.

November 1998 Rail Access Decree (742.122)

EU-Swiss Agreement on Surface Transport.

2.1.4 Track access (2001/12)

Responsible organisation

Rail Network section of Federal Office of Transport

Objectives, tasks and responsibilities

Examining network access requests and processing general questions regarding network access such as train pass price, insurance, economic efficiency of the enterprises, recognition of foreign licenses and administration of the directory of admitted enterprises.

Procedure

Switzerland decided not to separate infrastructure management and operations. Railway undertakings can ask for a licence to construct and exploit railway infrastructure. Such a railway undertaking can without any further authorisation, transport passengers and goods on its own infrastructure. For those operators that want to lease tracks they have to apply through the Federal Office of Transport. Network access will be granted only to licensed operators.

Although law provides non-discriminatory access to tracks de facto all foreign passenger operators who want to operate in Switzerland have to be part of international grouping.

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

November 1998 Rail Access Decree

2.1.5 Developing the capacity allocation framework (2001/14)

Responsible organization

Infrastructure Managers (e.g. SBB, BLS)

Objectives, tasks and responsibilities

There is a network access law. Within the boundaries of this law the infrastructure managers are free to allocate capacity on their own infrastructure.

Procedure

By law passenger trains will have priority.

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

November 1998 Rail Access Decree

2.1.6 Publishing of capacity allocation framework (2001/14)

SBB has a 2005 network statement on their website:

http://mct.sbb.ch/mct/en/infrastruktur_onestopshop_leistung_rne-ns.pdf

(German only)

2.1.7 Setting of infrastructure charges (2001/14)

Responsible organisation

Railway undertakings

Objectives, tasks and responsibilities

Railway undertakings concerned agree in a convention the forms of access to the network and of charging. The Confederation (Conseil fédéral), defines the principles applicable to the calculation of charges and ensures its publication.

Procedure

The charges have to consider especially the different costs related to the network and to the impact on the environment, as well as the demand. The marginal cost for passenger and freight

services are defined by the Federal office of transport (BAV). Minimal charges (0,40 CHF/trainkm, 0,003 CHF/grosston-km, 3-5 CHF station fee). The guidelines for energy fee for traction are given by the BAV (between 0,003 - 0,007 CHF/grosston-km). The costs concerned for passenger trains (with concession) are defined by the BAV (Federal office of transport). For all other passenger and freight trains, charges are based on marginal cost plus a mark up according to willingness to pay. In these cases, the charges are calculated by the IMs (they have to be at least equal to the defined rules given by the BAV).

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

2.1.8 Collection of infrastructure charges (2001/14)

Responsible organisation

Railway undertakings

Objectives, tasks and responsibilities

Railway undertakings concerned agree a convention regarding the forms of access to the network and of charging. They also collect the charges.

Procedure

There is no one rule how to collect charges. There are about 600 rail service providers in Switzerland and more or less same number of infrastructure managers.

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

2.1.9 Publishing of charging framework (2001/14)

Responsible organisation

Infrastructure manager - SBB

Objectives, tasks and responsibilities

Infrastructure manager (SBB) is in charge of publishing charging/allocation framework

Procedure

SBB has a 2005 network statement on their website:

http://mct.sbb.ch/mct/en/infrastruktur_onestopshop_leistung_rne-ns.pdf

(German only)

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

January 2001 General Company Law

November 1998 Rail Access Decree

2.1.10 Appeal to decisions related to charging and capacity allocation (2001/14)

Responsible organisation

Commissssion d'arbitrage

Objectives, tasks and responsibilities

The Commission d'arbitrage determines litigations concerning the access to the network and calculation of charges for the usage of the network.

Procedure

Railway undertakings concerned agree a convention concerning the forms of access to the network and on charging. If an agreement cannot be reached, the Commission d'arbitrage decides. Up to date there have been no significant cases brought in front of this body related to railway disputes.

Legal basis of procedure

The federal Council established a mediator Committee in accordance with the articles 71a, 7c of the Federal Law of December 20, 1968

2.2 Interoperability and safety

- Directive 96/48/EC: partly implemented through the Act on Interoperability of the Trans-European rail system (561/2002).
- Directive 2001/16/EC: partly implemented through January 2001 General Company Law, November 1998 Rail Access Decree, December 1957 Main Railway Law (EBG). 742.101 (amended January 2003). Negotiations are ongoing – expected date of implementation: 1st half of 2007.

2.2.1 Drawing up Technical Specifications for Interoperability (TSIs) (96/48 and 2001/16, art. 5)

Responsible organisation

Confederation – Conseil fédéral

Objectives, tasks and responsibilities

The Confederation draws up the necessary prescriptions regarding the construction and exploitation of a railway network as well as regarding technical harmonisation and the

admission to railway traffic taking into account interoperability and safety standards applicable for each track.

Procedure

Not completely implemented yet. Negotiations are ongoing. Expected date of implementation is 1st part of 2007.

Legal basis of procedure

Not yet implemented. Announcement will be made via the EU-CH Transport Agreement procedures.

2.2.2 Appointing of Member State representative in the Advisory Committee (96/48 and 2001/16, art 21)

Not implemented yet. Negotiations are ongoing. Expected date of implementation is 1st part of 2007.

2.2.3 Regulation of interoperability (96/48 and 2001/16, art 8 and 20)

Responsible organisation

Confederation – Conseil federal or Opretaing Regulation Unit of Federal Office of Transport

Objectives, tasks and responsibilities

The Confederation draws up the necessary prescriptions regarding the construction and exploitation of a railway network as well as regarding technical harmonisation and the admission to railway traffic taking into account interoperability and safety standards applicable for each track.

Procedure

The negotiations about exact procedure are still ongoing.

Legal basis of procedure

Not yet implemented.

2.2.4 Authorisation of (sub) systems (96/48 and 2001/16, art 14)

Responsible organisation

Federal Office of Transport

Objectives, tasks and responsibilities

Railway installations and vehicles can only be exploited with the authorisation of the Federal Office of Transport.

Procedure

Railway undertakings are responsible for the safety of operations of railway installations and vehicles. They have to draw up the prescriptions necessary for operations and present them to the Federal Office of Transport.

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

November 1998 Rail Access Decree

2.2.5 Control on (sub/system) operation and maintenance in accordance with regulations (96/48 and 2001/16, art 14)

Responsible organisation

The Federal Office of Transport

Objectives, tasks and responsibilities

The Confederation (Conseil fédéral) supervises the construction and the operation of railways. The authority of supervision is the Federal Office of Transport.

Procedure

The negotiations with EC about exact procedure are ongoing.

Legal basis of procedure

Not implemented yet

2.2.6 Approval of Notified Bodies (96/48 and 2001/16, art. 20) please indicate which are the approved Notified Bodies and their relevant tasks

Not implemented yet. Negotiations are ongoing. Expected date of implementation is 1st part of 2007.

2.2.7 Assessment/control of Notified Bodies (96/48 and 2001/16, art. 20)

Not implemented yet. Negotiations are ongoing. Expected date of implementation is 1st part of 2007.

2.2.8 Assessment of conformity and/or suitability of (sub) systems for use (96/48 and 2001/16, art 13)

Responsible organisation

The Federal Office of Transport

Objectives, tasks and responsibilities

The Confederation (Conseil fédéral) supervises the construction and the operation of railways. The authority of supervision is the Federal Office of Transport.

Procedure

The negotiations with EC about exact procedure are ongoing.

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

November 1998 Rail Access Decree

2.3 State aid, competition and public service obligations

2.3.1 Monitoring of competition (1017/68, 2001/12 and 01/2003)

The State requests a certain level of service and grants compensation. In order to receive compensation railway undertakings have to ensure separation of accounts between operations and infrastructure management. These are taken into account when the Confederation, the participating Cantons and the railway undertakings agree on a convention on service offer and compensation.

Responsible organisation

Federal Office of Transport

Objectives, tasks and responsibilities

Federal Office of Transport monitors competition in railway market

Procedure

Federal Office of Transport handles complaints regarding competition in the railway market

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

Statutes of FoT

2.3.2 Enforcing of competition (01/2003)

Responsible organisation

Secreteriat of the competition council

Objectives, tasks and responsibilities

The Competition Commission is supported by a full-time secretariat. It examines the suspected cartels and prepares the decisions for the Competition Commission.

Procedure

- Conduct of investigations;
- Preparation of the Competition Commission's opinions and recommendations;
- Representation of the Competition Commission on the Federal Procurement Commission;
- Responding to questions on the Internal Market Act from the public sector (in particular cantons and communes) and the private sector.

The Commission can not impose fines. There has been no cases regarding railways yet.

Legal basis of procedure

Federal Act on Cartels and Other Restraints of Competition. (Cartel Act; LCart) of 6 October 1995 (position as at 23 March 2004)

Ordinance on the Control of Mergers of Enterprises of 17 June 1996 (position as at 23 March 2004)

Ordinance regarding the Sanctions for Unlawful Restrictions of Competition (LCart Ordinance on Sanctions) of 12 March 2004

2.3.3 Complaint handling related to competition (01/2003)

Responsible organisation

Federal Office of Transport

Objectives, tasks and responsibilities

Federal Office of Transport handles complaints regarding competition in the railway market

Procedure

Federal Office of Transport has never got complaints regarding competition disputes

Legal basis of procedure

Statutes of Federal Office of Transport

2.3.4 Evaluation of annual PSO claims/economic disadvantages (1191/69)

Responsible organization

The State (Confederation in collaboration with the Cantons and Communes)

Objectives, tasks and responsibilities

The State (Confederation in collaboration with the Cantons and Communes) ensures an adequate railway offer. It requests a certain level of service and grants compensation for costs that cannot be covered through operational income.

Procedure

The service offer and compensation of different sectors are settled by the Confederation, the participating Cantons and the undertakings in a convention taking into account the provisional counts of the undertakings.

The Confederation (Conseil federal) determines the procedure of ordering railway services as well as the principle of the offer of services. The offer is composed of proposed services along with prices as well as compensations are mainly determined according to demand levels. Furthermore the following elements are taken into consideration:

- An appropriate basic level of service;
- Imperatives of regional policy and in particular needs related to economic development;
- Imperatives of land-use policies;
- Imperatives of environmental protection;
- Imperatives of people with reduced mobility.

The Swiss State paid about 13.8 billion Swiss Francs in PSO claims in 2002.

Legal basis of procedure

December 1957 Main Railway Law (EBG). 742.101 (amended January 2003).

Extra Questions on Public Service Obligation:

• **What kind of PSO is concluded for Railway Passenger Transport?**

In Switzerland the kind of PSO actually existing differs depending on the nature of the service:

- **Long Distance:** at the moment there is 1 single concession for the whole long distance services. This concession is signed by SBB/CFF/FFS (national main operator) and the Ministry of Transport (Federal Office of Transport).
- **Regional Services:** in the Swiss market there are around 50 minor operators (only one of relevant dimension – BLS Lötschbergbahn AG). Each of them signs one or more contract/concession (mandat) with Kanton (Regions) and Federal Office of Transport (representing the State and the DETEC). These contracts are signed on a line-per-line basis and on predefined contract template common for all the operators.

Both types of PSO agreements are in general based on a “net cost scheme”.

- **Is a distinction made between long distance and regional/urban transport?**

Such distinction between different services is also reflected in the 2004 annual report of SBB⁵:

Long-distance are fast services with long intervals between stops, linking large and medium services sized centres, operated only by SBB/CFF/FFS.

Regional services are fast services with smaller intervals between stops than long distance trains and are operated by SBB/CFF/FFS/ and other operators. These services usually operate within administrative boundaries of one or few Kantons.

Local Services are services with short intervals between stops; feeder or urban services, as distinct from long-distance and regional services. Local services are not eligible for federal government grants.

- **Who are the contracting authorities?**

For long distance services the legal signatories of the concession are the Federal State and the national operator SBB/CFF/FFS. The national government operate through the Federal Office of Transport (see 1.1.4 paragraph). The concession actually running is 8 years long and it has been signed in 1999 (1999-2007).

With regards to regional services, since the change of the sector law in 1996, responsibility for contracting regional passenger transport has partially been transferred to regional and local authorities. As already anticipated above contracts with regional operators are co-signed by 3 different entities (Kantone, the Federal State and Railway Operator) reflecting in this way the different responsibility of financing.

- **What is the total contracting sum?**

Although the Swiss market presents a high number of operators the two main ones scores the 93% of the market in terms of passengers*km. The following figures rely then on performances of SBB/CFF/FFS and BLS. Such figures represent the exploitation subsidies⁶ paid by State and Cantons for the two types of service outlined above (long distance and regional).

	Year 2004		
(millions)	SBB/CFF/FFS	BLS	Total
Swiss Francs	636,9	74,67	711,57
Euros	416	48,71	464,71

Sources: SBB/CFF/FFS Statistics 2004 and BLS Statistics 2004⁷

⁵ See also SBB Statistics 2004 attached to the SBB annual report 2004.

⁶ The two sources (SBB/CFF/FFS and BLS annual statistic) define subsidy as: "Financial compensation for the cost of providing public transport services from the State and Kantons".

⁷ BLS Statistics 2004: data for subsidies is for regional rail, bus and ship transport combined.

• **What is the length of the contract?**

SBB/CFF/FFS long-distance service concession is guaranteed for a period of 1999 – 2007. SBB/CFF/FFS also has 12 regional districts of operations and there is 7-year concession in each one of them (between SBB and Kantons and the Federal State).

BSL has contracts for a few lines in regional rail transport. Contract lengths range from 6 to 7 years.

The remaining operators have in general 1 year concession (mandats) per served line.

• **Are the PSO awarded via public procurement procedures?**

For long distance services no tendering is used. The concession is directly negotiated by SBB/CFF/FFS.

For regional services tendering is used, but only in few cases. In April 2005, less than 10 operators have acquired their contracts via competitive tendering, but plans are to increase this number.⁸

• **What percentage of the market is covered via PSO?**

The high number of Swiss railway operators does not allow a precise estimation of the percentage of the service covered by PSO subsidy⁹. The following table shows results from the two main operators (**SBB/CFF/FFS** and **BLS**):

(millions)	SBB/CFF/FFS			BLS			Total		
	Turnover	Grants	T/G	Turnover	Grants	T/G	Turnover	Grants	Turn/Gran
Swiss Francs	1870	637,9	34%	98,3	74,7	76%	1.968,3	712,6	36%
Euros	1222,2	416		64,2	48,7		1.286,4	464,7	

Sources: SBB/CFF/FFS annual report 2004 and BLS annual report 2004

2.4 Statistics

2.4.1 Collection of financial data from railway undertakings (1192/69)

Responsible organisation

Swiss Federal Office of Statistics (SFoS)

Objectives, tasks and responsibilities

The Federal Office of Statistics collects information for the provision of the official statistics on transport.

⁸ Source: Phone Interview With Mr. Giger From BAV (08/06/2005)

⁹ During an interview with Mr. Giger From BAV (08/06/2005) he estimated that 50% of the total incomes of the national railway system is coming from exploitation subsidies.

Procedure

The railway undertakings have to provide the Federal Office of Statistics each year with the annual report and the minutes of the general assembly of the undertaking or the principle management body, as well as data necessary for the provision of official statistics.

Legal basis of procedure

Enterprises are obliged by 1992 Federal Statistics Act to provide statistics to SFoS

2.4.2 Collection of financial data from infrastructure managers (1108/70)

See 2.4.1

2.4.3 Provision of financial data on infrastructure management's expenses (1108/70)

See 2.4.1

2.4.4 National contribution to Community statistics on rail transport to Eurostat (91/2003)

There is no agreement yet between FSoS and EUROSTAT. The negotiations are currently ongoing. According to FOT such agreement could be reached in 1st part of 2007 together with other directives implementation.

3 TRAIN OPERATING COMPANIES

3.1 List of train operating companies

Freight operations

Schweizerische Bundesbahnen, SBB Cargo
 BLS Cargo AG
 Lötschbergbahn AG
 Travis SA
 Bern – Neuchatel
 Kriens – Luzern

Passenger operations

Schweizerische Bundesbahnen, SBB
 BLS
 Lötschbergbahn AG

3.2 Safety license

Largest operators do have safety licenses

3.3 Market shares/transport volumes

Freight operations

Mio tkm 1997 and percentage

SBB/CFF – Swiss railways	8 166	94%
Other licensed railway undertakings	522	6%

Freight tonnes (in millions)				
Company	2003	2002	2001	2000
BLS Lötschbergbahn AG			—	—
Schweizerische Bundesbahnen, SBB (Cargo)	54.8	54.9	59.00	60.50
Travis SA			0.02	0.02

Freight tonnes kilometers (in millions)				
<u>Company</u>	2003	2002	<u>2001</u>	<u>2000</u>
Schweizerische Bundesbahnen, SBB (Cargo)	9.285	9.617	10786	10532
Travis SA			0.23	0.23

Passenger operations

Passengers (in millions)				
<u>Company</u>	2003	2002	<u>2001</u>	<u>2000</u>
Schweizerische Bundesbahnen, SBB	236.7	222.8		286.80
Schweizerische Bundesbahnen, SBB Cargo			253.00	—
BLS		19.96		

Passenger kilometers (in millions)				
<u>Company</u>	2003	2002	<u>2001</u>	<u>2000</u>
Schweizerische Bundesbahnen, SBB	10.177	10.188	13.365	12.835
Schweizerische Bundesbahnen, SBB Cargo			11464	—
Travis SA			10	10

4 NGO'S

Switzerland has quite an enthusiastic culture and a great number of NGO's are active in Switzerland. They play a role in every legislation procedure where 3 – 4 month time for comments by all citizens are foreseen. This consultation procedure foresees that some 'institutionalised' organisations have to be asked for comments by the editing authority, while all others will reply on their own initiative.

With regard to the railway sector, the following 'institutionalised' organisations are of special relevance:

KÖF – the conference of directors of transport companies of the different 'Kanton'

Association of public transport organisations (Verband öffentlicher Verkehr)

www.voev.ch

LITRA – Ligue suisse pour l'organisation rationnelle du trafic (Swiss association for efficient organisation of traffic)

An association that brings together all transport operators (train, bus, tramway etc.) as well as representatives of Swiss Kantons, Scientists, Service providers etc. It sees its main role providing information on subjects with regard to transport, its a platform for information exchange.

www.litra.ch

SEV

Union of employees in the transport sector; it is the third organization of employees in Switzerland. It has more than 53000 members.

<http://www.sev-online.ch/f/1000.htm>

Among the many non-institutionalized organizations are e.g.

- The associations of users of transport:
 - ProBahn Switzerland (www.pro-bahn.ch)
 - The Association Transport and Environment (Verkehrs-Club der Schweiz (VCS), Association Transport and Environment, (ATE))
- The automobile clubs:
 - TCS
 - ACS
- Associations of handicaped:
 - Procap
 - IGROL

- Swiss Bicycle Advocacy Association
- ... and a large range of small associations dedicated to specific aspects of transport

5 FURTHER FACTS AND STATISTICS

5.1 Complaint statistics and information

There has been no complaints regarding competition/capacity allocation/charging directed towards main complaint handling body – FoT.

5.2 Railway accident statistics

Accidents of exploitation of the railroads and victims

Accidents of exploitation of the railroads and victims

	1990	2000	2001
Accidents	329	220	195
Collisions	193	116	120
of which with the level crossings	120	81	63
Derailments	41	52	47
other accidents	95	52	28
Victims of accidents	227	90	47
killed 1)	87	29	25
of which travellers	9	2	3
wounded 1) 2)	140	61	22
of which travellers	45	16	4

1) Travellers, agents and third people

2) Change of the definition since 2001

Source: Federal office of transport (OFT)

6 GRAPHICAL OVERVIEW

