



NEA Transport research and training



UNIVERSITY OF
OXFORD
Transport Studies Unit

ERAIL MONOGRAPH

SPAIN

Submitted to:

European Commission, DG Transport and Energy

Submitted by:

NEA Transport research and training, the Netherlands

OGM, Belgium

University of Oxford, Transport Studies Unit, United Kingdom

TINA Vienna, Austria

Erasmus University Rotterdam, the Netherlands

TIS.pt, Portugal

Status:

Version 6

Rijswijk, The Netherlands, June 2005



CONTENTS

	<u>page</u>
1	ORGANISATIONS INVOLVED IN CARRYING OUT PUBLIC TASKS.. 7
1.1	Current organisation..... 7
1.1.1	MdF..... 7
1.1.2	ADIF..... 10
1.1.3	RENFE..... 13
1.1.4	ADAF..... 15
1.2	Authorities required by the 2 nd Railway Package..... 16
1.2.1	National Safety Authority 16
1.2.2	Independent Investigation body 16
2	ORGANISATION OF PUBLIC TASKS..... 17
2.1	Separation, licensing and charging and safety 17
2.1.1	Investigation of accidents (2001/12) 17
2.1.2	Safety certification of rolling stock and railway undertakings (2001/12) 17
2.1.3	Track access (2001/12)..... 18
2.1.4	Licensing of railway undertakings (2001/13)..... 18
2.1.5	Developing the capacity allocation framework (2001/14) 19
2.1.6	Publishing of capacity allocation framework (2001/14) 19
2.1.7	Setting of infrastructure charges (2001/14)..... 20
2.1.8	Collection of infrastructure charges (2001/14)..... 21
2.1.9	Publishing of charging framework (2001/14) 21
2.1.10	Appeal to decisions related to charging and capacity allocation (2001/14)..... 22
2.2	Interoperability and safety..... 22
2.2.1	Drawing up Technical Specifications for Interoperability (TSIs) (96/48 and 2001/16, art. 5) 22
2.2.2	Appointing of Member State representative in the Advisory Committee (96/48 and 2001/16, art 21) 23
2.2.3	Regulation of interoperability (96/48 and 2001/16, art 8 and 20) 23
2.2.4	Authorisation of (sub)systems (96/48 and 2001/16, art 14) 24
2.2.5	Control on (sub/system) operation and maintenance in accordance with regulations (96/48 and 2001/16, art 14) 25
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 25
2.2.7	Assessment/control of Notified Bodies (96/48 and 2001/16, art. 20) 26
2.2.8	Assessment of conformity and/or suitability of (sub)systems for use (96/48 and 2001/16, art 13) 26
2.3	State aid, competition and public service obligations 27
2.3.1	Monitoring of competition (1017/68, 2001/12 and 01/2003)..... 27
2.3.2	Enforcing of competition (01/2003)..... 27
2.3.3	Complaint handling related to competition (01/2003) 27
2.3.4	Evaluation of annual PSO claims/economic disadvantages (1191/69) 28
2.4	Statistics 29
2.4.1	Collection of financial data from railway undertakings (1192/69) 29
2.4.2	Collection of financial data from infrastructure managers (1108/70) 29

2.4.3	Provision of financial data on infrastructure management's expenses (1108/70)	30
2.4.4	National contribution to Community statistics on rail transport to Eurostat (91/2003)	30
3	TRAIN OPERATING COMPANIES	31
3.1	List of train operating companies	31
3.2	Safety license.....	31
3.3	Market shares/transport volumes.....	31
4	NGO'S.....	33
4.1	Industry associations	33
4.2	User groups	33
4.3	Trade unions	34
4.4	Environmental groups	34
4.5	Other.....	34
5	FURTHER FACTS AND STATISTICS	35
5.1	Complaint statistics and information.....	35
5.2	Railway accident statistics	35
6	GRAPHICAL OVERVIEW.....	37
ANNEX A	RENFE FINANCES.....	39

GLOSSARY

Abbreviation	Spanish name	English name
ORGANISATIONS		
ADAF	Asociación de Acción Ferroviaria	the institute for interoperability
ADIF	Administrador de Infraestructuras Ferroviarias	the infrastructure manager
FEVE	Ferrocarriles Españoles de Via Estrecha	railway company
FGC	Ferrocarrils de la Generalitat de Catalunya	railway company
GIF	Gestor de Infraestructuras Ferroviarias	the former partial IM
INE	Instituto Nacional de Estadística	the Spanish national statistics institute
MdF	Ministerío de Fomento	the Ministry of Development
RENFE	REd Nacional de los Ferrocarriles Españoles	the state railway company
LEGAL FRAMEWORK		
FOM	Orden	Ministerial Order
L	Ley	Law
RD	Real Decreto	Parliament-approved decree-law

1 ORGANISATIONS INVOLVED IN CARRYING OUT PUBLIC TASKS

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

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

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

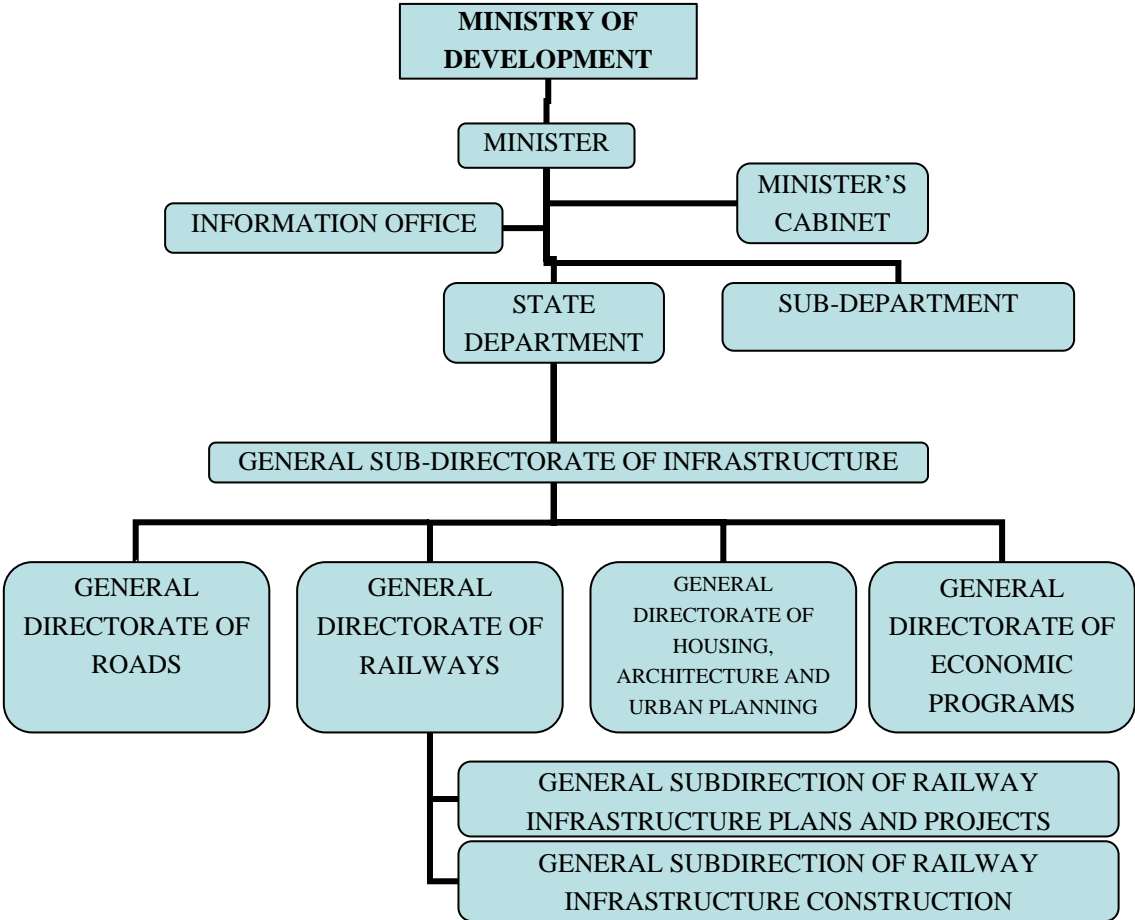
- MdF, the Ministry of Development;
- ADIF, the Infrastructure Manager; and,
- RENFE, the state railway company.

1.1 Current organisation

1.1.1 MdF

Ministerio de Fomento (Ministry of Development)

Organisation chart



Erail Monograph - Spain

Income and expenses

Costs of the Ministry of Development		
(by Cost Category and Administrative Division)		
(in 1000 Euros)		
	2002	2003
Categories		
Personnel Costs	184.791	183.922
Consumables and Services	63.103	65.039
Financial Costs	20.201	9.704
Current Transfers	1.152.271	1.234.577
Real investments	3.172.798	3.382.104
Capital transfers	1.385.934	1.435.900
Financial Assets	1.400.528	1.418.534
Financial Liabilities	10.859	9.615
Administrative Divisions		
Minister, Secretary of State and General Services	330.718	337.319
DG Economic Planning	2.98	3.293
Technical General Secretariat	1.41	1.485
DG Housing, Architecture and Urban Development	484.77	616.363
DG National Geography Institute	24.237	27.951
State Department of Infrastructure	1.376.443	1.446.671
DG Merchant Shipping	266.291	175.074
DG Civil Aviation	146.534	186.984
DG Roads	2.766.482	2.919.982
DG Road Transport	31.014	32.018
DG Railways	1.959.606	1.992.255
Total	7.390.485	7.739.395

Source: Ministry of Development

Number of employees

Not relevant

Legal constitution

Not relevant

Clients

ADIF, RU's

Contact details for clients

Ministerio de Fomento,
 Dirección General de Ferrocarriles
 Plaza Sagrados Corazones, 7
 +34 91577000
www.mfom.es

Autonomy of organisation

Not relevant

1.1.2 ADIF

Administrador de Infraestructuras Ferroviarias, the Spanish Railway Infrastructure Manager.

Created by law 39/2003 and operational since 1 January 2005, ADIF is the IM managing the Spanish standard-gauge and broad-gauge networks. It supersedes GIF, the previous partial IM that managed only the Madrid-Lleida high-speed line. All RENFE-operated lines are now vertically separated.

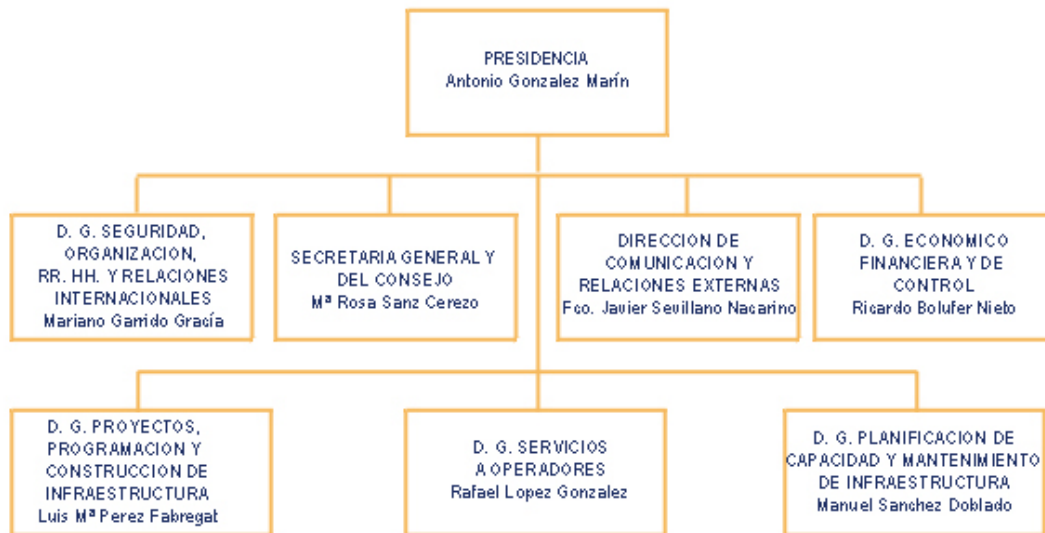
ADIF is also responsible for the construction of many new railway infrastructure projects in Spain, most notably the Madrid-Valladolid link with the 29-km Guadarrama tunnel currently under construction, and the extension of the Madrid-Zaragoza link to Barcelona and the French border.

The narrow-gauge networks in the North (run by FEVE and Euskotren) are vertically integrated, but there is a possibility of the FEVE network being managed by ADIF in the future.

Network length in kilometres	Total	Of which double track or more	Total of electrified lines
<i>RENFE</i>	12,829	3,888	7,510
<i>Euskotren</i>	180	30	175
<i>FEVE</i>	1,194	75	317

Source: UIC (2003)

Organisation chart



Income and expenses

Not available, as ADIF only exists since 2005. Agreement was reached in 2003 about the division of RENFE's debts - ADIF €1344m, RENFE Operadora €1357m and the state €1538m.

Number of employees

Not available.

Legal constitution

GIF was created in Law 13/1996 as a public company. The statutes of GIF were established by RD613/1997 and later amended by RD 5/2002. Law 93/2003 then required the change of GIF into ADIF. The statutes of ADIF were established by RD2395/2004.

Clients

RENFE, other RU's (e.g. FGC)

Contact details for clients

Administrador de Infraestructuras Ferroviarias
Address: C/Zurbano, 76 3ª Planta - 28010 MADRID
Telephone: 914514760
Fax: 914514761
<http://www.infraestructuras-ferroviarias.com/>
E-mail: N/A

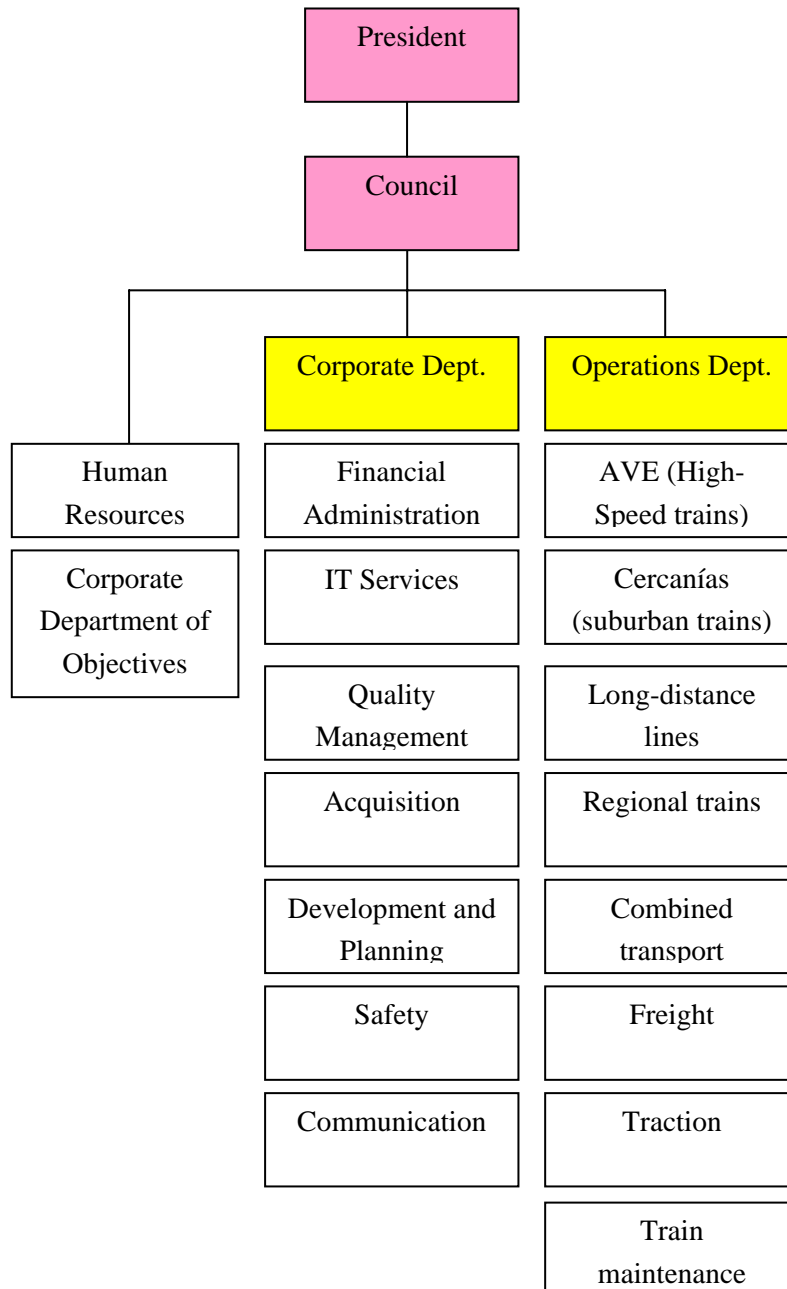
Autonomy of organisation

GIF only started operating as an independent entity in September 2003. Until then, it operated effectively as a section of RENFE even though on paper it was recognised as a separate body. Currently ADIF is managing the entire RENFE network of standard-gauge (high-speed) and broad-gauge lines. As ADIF is state-owned, its decisions are likely to have strong government influence. It will probably take some time for ADIF to become more independent from RENFE.

1.1.3 RENFE

Red Nacional de los Ferrocarriles Españoles

Organisation chart



Income and expenses

See Annex A RENFE FINANCES

Number of employees

30803 (31 December 2003, when still vertically integrated)

Legal constitution

RENFE was created by a Basic Law of 24 January 1941. The current statutes were set by RD121/1994, replacing the older Decree 2170/1964. A new statute was adopted by RD 2396/2004 of 30 December 2004.

Clients

Passengers, freight companies

Contact details for clients

General ticket sales and reservations:
+34 902 24 02 02

Unidad de Negocio de Transporte Combinado (Business Unit Combined Cargo)
Agustín de Foxa, s/n
28036 MADRID
tcombi@renfe.es

Unidad de Negocio de Estaciones Comerciales (Business Unit Commercial Stations)
Avd. Pío XII, 110. Edif 18
28036 MADRID
estaciones@renfe.es

Unidad de Negocio de Cargas (Business Unit Cargo)
Agustín de Foza, s/n
Estación Madrid-Chamartin. Andén 1
28036 MADRID
cargas@renfe.es

Autonomy of organisation

The infrastructure department of RENFE has been separated to form the new infrastructure manager ADIF (Administrador de Infraestructuras Ferroviarias), that also incorporates GIF, the former manager of the high-speed rail infrastructure. RENFE now operates as a RU only and is now called (on paper at least) “RENFE Operadora”. Financial autonomy is limited, as about half of RENFE’s income consists of government subsidy in the form of PSO’s. Even with the PSO’s included, RENFE ran a deficit (€133,6m in 2001), that was compensated by the state. This is likely to change in 2005: cost coverage of the infrastructure department in 2001 was 11,2% compared to 85,6% of the train operating department. See Annex A for details.

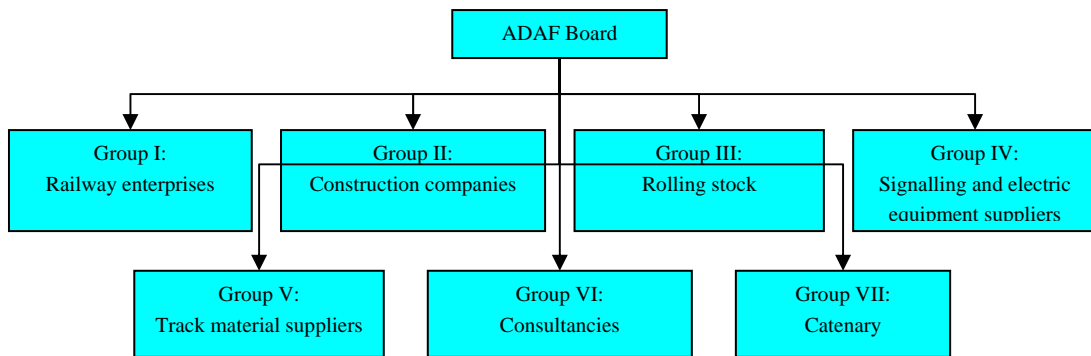
Agreement was reached in 2003 about the division of RENFE's debts between the new entities: ADIF €4344m, RENFE Operadora €1357m and the state €1538m..

1.1.4 ADAF

Asociación de Acción Ferroviaria

ADAF was created in 1980 as non-profit body that would defend the interests of the 30 railway-related companies that founded it. Today, 66 companies are members of ADAF, and the main task of ADAF has become standardisation and interoperability. ADAF is supposed to become the national institution for safety certification of rolling stock, and is currently registered as a notified body.

Organisation chart



Income and expenses

N/A

Number of employees

Currently ADAF employs 10 – 12 people full-time.

Legal constitution

N/A

Clients

All railway-related companies or organisations (potentially) active in Spain.

Contact details for clients

Asociación de Acción Ferroviaria, ADAF

Avda. Pío XII, 110

28036 - Madrid

Tel: +34 91 7331254

Fax: +34 91 3007182

www.adaferroviaria.es

asoc@adaferroviaria.es

Autonomy of organisation

ADAF completely relies on the companies that support it, of which RENFE is by far the largest. Therefore, it might not be that autonomous in a political sense. However, as it is an accredited notified body, it will have autonomy over technical and certification issues.

1.2 Authorities required by the 2nd Railway Package

1.2.1 National Safety Authority

There is currently no National Safety Authority in Spain.

1.2.2 Independent Investigation body

There is currently no Independent Investigation Body in Spain.

2 ORGANISATION OF PUBLIC TASKS

Law 39/2003, transposing EU Directives 2001/12/EC, 2001/13/EC and 2001/14/EC into Spanish Law, was adopted on November 17, 2003 and supposed to come into force on May 17, 2004. However, on May 7th 2004 year the Council of Ministers adopted a Decree-Law that would postpone the coming into force. The new law eventually came into force in January 2005.

2.1 Separation, licensing and charging and safety

2.1.1 Investigation of accidents (2001/12)

Responsible organisation

MdF

Objectives, tasks and responsibilities

MdF is responsible for investigating any accident that resulted in casualties.

Procedure

No procedure defined.

Legal basis of procedure

L39/2003 Art 81.1 n

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

Responsible organisation

ADAF, MdF, RU's

Objectives, tasks and responsibilities

The authorities must safeguard the safety of the railway transport system. RU's must obtain a valid safety license from ADAF in order to be allowed to operate train services on a particular line. Currently ADAF only deals with interoperability issues but will also become responsible for safety certification; the start of this new task is expected to coincide with the coming into force of L39/2003.

Procedure

The safety certificate specifies the conditions that the RU must meet in terms of safety management, staff and rolling stock or any other matter for which relevant regulation applies. Any company found to be in breach of these regulations will have its safety certificate withdrawn.

The safety certificate is issued on behalf of MdF by ADAF. Law 39 says that, in the light of the *acquis communautaire*, this issuing will be expected in the future to be done by a specialised body – a rail regulator that is expected to include people of ADIF/GIF, ADAF and MdF. Regulations regarding the renewal of the certificate will need to be established.

Legal basis of procedure

L39/2003 Art 56-58

2.1.3 Track access (2001/12)

Responsible organisation

ADIF

Objectives, tasks and responsibilities

The Spanish railway network is split between general infrastructure, port/airport infrastructure and private infrastructure. ADIF must provide access to the general infrastructure to any licensed RU. If infrastructure of the latter two categories is not considered to serve the general interest, it will be subject to regulations of its owner.

Procedure

ADIF, when dealing with requests for infrastructure capacity, must follow the guidelines issued by the MdF.

In case of an accident, technical failure or any other event disrupting the railway traffic, ADIF must undertake all possible action to restore normality. In such cases ADIF may suspend traffic without advance notice in order to perform urgent repairs. The RU's have no right for compensation in this case.

The right to use a particular amount of capacity is granted by ADIF to a particular RU. This right is not transferable to another RU.

It is forbidden for a RU to enter a legal process regarding capacity allocation. If it does so nonetheless, its license will be revoked. See also 2.1.10

Legal basis of procedure

L39/2003 Art. 30-38

2.1.4 Licensing of railway undertakings (2001/13)

Responsible organisation

ADIF, MdF, RU's

Objectives, tasks and responsibilities

RU must obtain a license before being able to supply transport services. Licenses obtained in other EU member states will also be valid in Spain. RU's may not undertake any activity that is not explicitly endorsed by the license.

Procedure

1. The RU wishing to be licensed must have the legal form of a joint-stock company.
2. The RU applying for a license must send its application to MdF, indicating the type of activity it wishes to perform, and the type of services it wishes to supply.
3. No later than three months after receiving the request, MdF will grant (or deny) the request, giving a motivation to its decision.
4. Licenses are only valid for services on public infrastructure (this excludes "private" infrastructure on ports and airports etc.)
5. However, if a RU is partly or wholly controlled by a person residing in a non-EU country, the license may be revoked or suspended, or its mandate may be reduced.

Legal basis of procedure

L39/2003 Art. 43-52

2.1.5 Developing the capacity allocation framework (2001/14)

Responsible organisation

ADIF, MdF

Objectives, tasks and responsibilities

The IM is responsible for developing a network statement. This network statement must contain all relevant information about general norms, terms, procedures and criteria that apply in relation to the allocation of capacity and charges and principles of charging that apply to the different services. Finally, it will contain any other information relevant to make a request of infrastructure capacity.

Procedure

ADIF develops a network statement, this has to be approved by MdF.

Legal basis of procedure

L39/2003 Art. 29

2.1.6 Publishing of capacity allocation framework (2001/14)

Currently there is no competition in Spain. Some legislation concerning capacity allocation is in force, however.

Spain currently does not yet have a network statement.

Responsible organisation

ADIF, MdF

Objectives, tasks and responsibilities

ADIF will be responsible for publishing a network statement.

Procedure

No procedure defined at this stage.

Legal basis of procedure

L39/2003 Art. 29

2.1.7 Setting of infrastructure charges (2001/14)

Responsible organisation

ADIF

Objectives, tasks and responsibilities

ADIF will impose charges on RU that make use of the "general railway network" and/or of the stations and other railway installations. The charges must be in accordance with general economic principles of viability, efficient exploitation, market situation and must obey principles of equality, transparency and non-discrimination. Environment, congestion and accident costs may be reflected in the charges. They may be lowered to stimulate the use of under-used infrastructure, provided that competition between railway companies is not adversely affected.

Procedure

ADIF sets the level of infrastructure charges that all operators using public infrastructure must pay. Levies are to be paid for the following services:

Tariff A: Access charge for the right of usage, covering general costs;

Tariff B: Reserving capacity, for the availability of the requested stretch of line, calculated per km of line, type of line, time of the day;

Tariff C: For actually using the requested capacity -calculated per km of line, type of line, time of the day;

Tariff D: The traffic produced on the railway infrastructure (price calculated as a function of the economic value that the train traffic represents, such as seat-km, tonne-km or TEU-km);

Another set of tariffs applies to services related to the use of platforms and station terminals, payable by anyone who uses such services and financially benefits from them:

Tariff A: The use of stations by passengers (calculated using time of passenger boarding/alighting. This must be included in the ticket price);

Tariff B: The parking of trains and using the platforms(plus any shunting operations) ;

Tariff C: Passing through gauge-change facilities;

Tariff D: Using side-tracks;

Tariff E: The provision of services that require authorisation for the use of public railway domain;

These tariffs do not include energy supply, telephone lines and cleaning etc. and are subject to VAT.

Legal basis of procedure

L39/2003 Art. 73-79

The (still to be issued) replacement of Ministerial Order FOM/1587/2003

2.1.8 Collection of infrastructure charges (2001/14)

Responsible organisation

ADIF

Objectives, tasks and responsibilities

ADIF is responsible for collecting the charges from the RU's

Procedure

ADIF may ask the RU to hand over documents that are relevant for calculating the charges. The charges may be collected individually or together. The charges will contribute to the budget of ADIF.

Legal basis of procedure

L39/2003 Art. 76

2.1.9 Publishing of charging framework (2001/14)

Responsible organisation

ADIF

Objectives, tasks and responsibilities

ADIF is responsible for making the charging framework accessible to anybody.

Procedure

The ministerial order that establishes or modifies the amounts of the charging tariffs must be accompanied by an economic/financial document describing the cost or value of the activity

concerned and justifying the quantity suggested by the proposal, in accordance with L8/89 Art 20.1 about taxes and public prices. Failure to do so makes the proposal void.

Legal basis of procedure

L39/2003 Art. 76

L8/1989 Art. 20.1

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

Currently there is no competition in Spain. Some legislation concerning capacity allocation is in force, however.

Responsible organisation

The rail regulator (still to be established – but expected to include sections of the IM and MdF)

Objectives, tasks and responsibilities

The rail regulator will resolve any conflict between ADIF and the RU's on issues like:

- Granting of safety certificates and compliance with the obligations that these imply
- Application of the criteria contained in the network statement
- Capacity allocation procedures
- The amount, structure or application of charges

Procedure

No procedure defined.

Legal basis of procedure

L39/2003 Art. 83

2.2 Interoperability and safety

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

Responsible organisation

State Department of Infrastructure

Objectives, tasks and responsibilities

The TSI's may not be an obstacle for the decisions of the competent bodies concerning the utilisation of new or modified (high-speed) infrastructure. The application of TSI's may not endanger maintaining the coherence of the national Spanish network from a financial point of

view. The State Department of Infrastructure may decide that TSI's do not apply in the following cases:

- The construction of a new line or the upgrading of an existing line, being already in an advanced stage,
- The upgrading of an existing line that has a non-standard clearance, gauge or centreline distance, or does not have a direct connection with the European high-speed railway network (in case of high-speed railways) or with the main Spanish railway network;
- The upgrading of an existing line, if the TSI's would endanger the economic viability of the project;
- When as a result of an accident or natural disaster, conditions of the repaired network do not allow for immediate partial or whole application of TSI's.

In all these cases the European Commission must be informed about the decision and its motivation.

Procedure

Not applicable

Legal basis of procedure

RD1191/2000 Art. 4

RD646/2003 Art. 4

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

Responsible organisation

ADAF

Objectives, tasks and responsibilities

Even though this Article has not been implemented in Spanish law, Spain has a representative in the Advisory Committee through ADAF.

Procedure

Not described.

Legal basis of procedure

Not applicable

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

Responsible organisation

ADAF, State Department of Infrastructure

Objectives, tasks and responsibilities

The State Department of Infrastructure adopts all means necessary to allow the interoperability of the EU (high-speed) railway system, in accordance with the essential requirements. They are used in the way that they were designed for and are installed and maintained suitably. These measures will not prevent the use of these components for other applications nor their use on the conventional railway lines.

Procedure

Not applicable

Legal basis of procedure

RD1191/2000 Art. 6

RD 646/2003 Art. 6

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

State Department of Infrastructure, Notified Bodies (ADAF).

Objectives, tasks and responsibilities

The State Department of Infrastructure authorises the use of the integral subsystems of structural character of the (high-speed) railway system that are implemented in Spain or that are used by Spanish railway companies. To this end, the State Department of Infrastructure will adopt the necessary measures so that these subsystems only can enter service if they are approved, built and installed and/or explored, fulfilling the relevant requirements and integrated in the (high-speed) railway system.

Procedure

Manufacturers of interoperability constituents must apply for certification by sending a written application to ADAF. ADAF will test and verify whether these systems are acceptable for use. (Sub)systems must also comply with any other EC Directive that applies to them. If approved, they will receive an EC document stating the certification of the (sub)system.

This certification will have to be written in the same language as the application and technical annex.

Legal basis of procedure

RD1191/2000 Art. 11, Annex VI

RD646/2003 Art. 11-12, Annex V

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

Responsible organisation

ADAF

Objectives, tasks and responsibilities

ADAF must ensure the correct use of the (sub)systems.

Procedure

When ADAF finds a (sub)system to be non-compliant with the relevant regulations, it can demand further inspections. In that case it will also immediately inform the European Commission about the additional inspections, explaining the reasons that justify them.

Legal basis of procedure

RD1191/2000 Art 11, 14.

RD646/2003 Art 11, 15.

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

Responsible organisation

State Department of Infrastructure

Objectives, tasks and responsibilities

The State Department of Infrastructure shall notify to the European Commission and other EU Member States, which are the accredited Notified Bodies, stating the scope of competency of each one.

Currently ADAF is the only Notified Body in the area of railways.

Procedure

Bodies applying to the State Department of Infrastructure for notification will be evaluated according to the criteria laid down in Annex VII of RD1191/2000 and Annex VII of RD646/2003 (regulations concerning reliability, professional and financial competence). They are supposed to meet all relevant general EU norms, and can be requested to show this information.

In case of approval, the Commission will send a registration number.

Legal basis of procedure

RD1191/2000 Art. 15 and Annex VII

RD646/2003 Art. 16 and Annex VII

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

Responsible organisation

State Department of Infrastructure

Objectives, tasks and responsibilities

If the State Department of Infrastructure finds a Notified Body to be in breach of the rules, it will withdraw its certification and inform the Commission immediately.

If the State Department of Infrastructure finds a Notified Body that was approved by another EU Member State to be in breach of the rules, it will take the case to the Advisory Committee as mentioned in Directive 96/48/EC and 2001/16/EC.

Procedure

Not applicable

Legal basis of procedure

RD1191/2000, article 15, clauses 3 and 4.

RD646/2003, article 16, clauses 3 and 4.

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

Responsible organisation

(Sub)system manufacturer, ADAF, State Department of Infrastructure

Objectives, tasks and responsibilities

Conformity assessments are performed by ADAF.

In case a non-certified constituent is placed on the market or sold, the obligation of compliance shall pass on to the person that placed it on the market.

Procedure

In order to obtain a declaration of conformity or suitability of use of an interoperability constituent, the manufacturer must apply all relevant TSI's. When the TSI's require so, the conformity assessment will be carried out by a ADAF upon request. When the interoperability constituents are the subject of other EC Directives, then those must be met too.

Legal basis of procedure

RD1191/2000 Art. 10

RD646/2003 Art. 10

2.3 State aid, competition and public service obligations

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

From early 2005 (see 2.1):

Responsible organisation

Rail regulator (still to be established)

Objectives, tasks and responsibilities

The rail regulator must safeguard the plurality of the offered services on the railway network and must see to it that these are performed in an objective, transparent and non-discriminatory manner.

Procedure

No procedure defined.

Legal basis of procedure

L39/2003 Art. 83

2.3.2 Enforcing of competition (01/2003)

Responsible organisation

Not applicable

Objectives, tasks and responsibilities

Not applicable

Procedure

Not applicable

Legal basis of procedure

Not applicable

2.3.3 Complaint handling related to competition (01/2003)

Responsible organisation

Not applicable

Objectives, tasks and responsibilities

Not applicable

Procedure

Not applicable

Legal basis of procedure

Not applicable

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

MdF, RENFE, regional authorities

Objectives, tasks and responsibilities

Public Service Obligations can only be imposed on passenger services; in case of long-distance connections only if there are exceptional circumstances that justify them. PSO's claims are dealt with in the Contract-Program between RENFE and the state.

Procedure

For any PSO contract, RENFE, and the State (either through the ministry or the regional authorities) negotiate a "Contract-Program" that specifies PSO obligations and their financial compensation, for a particular period of time, usually four years.

The business units of RENFE that receive PSO grants are the "Cercanías" (suburban) and Regional units. In 2003, Cercanías received €1,23m under a PSO contract, the Regional unit €20,75m. That still resulted in cost coverages of only 68% and 76%, respectively. The remainder is covered through a general subsidy. About €1m was also given to the circulation unit (traffic control) and €1,8 to infrastructure maintenance in 2003 under a PSO framework. However, with the vertical separation currently in place, a different arrangement may be possible in the future. The above-mentioned units correspond to 49% of RENFE's operations in expressed in 2003 trainkm.

There is no public procurement procedure for now, nor any competition for that matter.

FEVE and Euskotren have agreements with their regional authorities.

Legal basis of procedure

RD 121/1994 Art. 6, 38

2.4 Statistics

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

Responsible organisation

RENFE, and other RU's

Objectives, tasks and responsibilities

Every year, RENFE must produce a financial report in which there is a clear separation of accounts between infrastructure management and train operations. Within the section of train operations, there must be a separation between passenger and freight transport. Within passenger transport, there must also be a separation between PSO services and non-PSO services

Procedure

See objectives

Legal basis of procedure

RD 121/1994 Art 42-45

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

Responsible organisation

ADIF, INE

Objectives, tasks and responsibilities

In accordance with Directive 1108/70/EEC, INE must collect financial data from ADIF regarding infrastructure expenditure.

Procedure

Infrastructure accounts must be prepared in accordance with Annex I of the Directive; the data has to be supplied by ADIF and sent back to INE on an annual basis no later than 31 December of the year following the year that the data describe.

Legal basis of procedure

Directive 1108/70/EEC, that was never transposed to Spanish national law, but nevertheless observed by relevant parties

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

Responsible organisation

ADIF

Objectives, tasks and responsibilities

ADIF must produce a financial report every year, that complies with general accounting standards as defined in the General Budget Law.

Procedure

No procedure defined.

Legal basis of procedure

RD 121/1994 Art. 41-42

RD 613/1997 Art. 47-48

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

Responsible organisation

INE

Objectives, tasks and responsibilities

INE must supply statistical data to Eurostat.

Procedure

Not applicable

Legal basis of procedure

Not applicable

3 TRAIN OPERATING COMPANIES

3.1 List of train operating companies

Freight operations

RENFE

EuskoTren

FEVE - Ferrocarriles Españoles de Via Estrecha

FGC - Ferrocarrils de la Generalitat de Catalunya

(And Transfesa, see below)

Passenger operations

RENFE

EuskoTren

FEVE - Ferrocarriles Españoles de Via Estrecha

FGC - Ferrocarrils de la Generalitat de Catalunya

3.2 Safety license

All companies have safety licenses.

3.3 Market shares/transport volumes

Freight operations (2003, UIC)

	tonne-km (m)	share
<i>RENFE</i>	13.668	96.6%
<i>EuskoTren</i>	14	0.1%
<i>FEVE</i>	433	3.1%
<i>FGC</i>	41	0.3%

Important to mention here is Transfesa, a multi-modal haulier that possesses a large rolling stock (7900 wagons, compared to 16000 RENFE-owned wagons). Transfesa does not own locomotives, and train operations are subcontracted to RENFE.

Passenger operations (2003, UIC)

	pass-km (m)	share
<i>RENFE</i>	19.309	93.7%
<i>EuskoTren</i>	272	1.3%
<i>FEVE</i>	234	1.1%
<i>FGC</i>	793	3.8%

4 NGO'S

The following NGOs are active:

4.1 Industry associations

APOT (Asociación de Profesionales de la Operación en el Transporte)

It promotes the interests of the transport sector and stimulates its development.

APOT serves as a platform for exchanging knowledge between its members, it develops research in the field of transport and helps creating specialisation of new professionals that will improve design and operation, for example through post-doc courses.

SEOPAN (Asociación de Empresas Constructoras de Ambito Nacional)

SEOPAN, founded in 1957, is the national association of construction companies in the (infrastructure) building industry, and promotes their interests nationally as well as internationally.

SEOPAN represents its member companies in (inter)national trade organisations, it collects information about the sector, and supplies its member companies with relevant information and contacts.

CEMAFE (Asociación Nacional de Constructores Españoles de Material Ferroviario)

CEMAFE is the Spanish national association of rolling stock builders

CEMAFE represents its member companies in (inter)national trade organisations, it collects information about the sector, and supplies its member companies with relevant information and contacts. It performs demand analyses in the sector as well.

4.2 User groups

OCU (Organización de Consumidores y Usuarios)

OCU is a general consumer organisation that defends the interests of consumers.

OCU tests products, provides consumers with practical and legal advice and may organise lawsuits if required.

4.3 Trade unions

UGT (Union General de Trabajadores)

UGT defends the interests of all employees that are associated, in terms of working conditions, salary arrangements, retirement and other job-related issues. UGT represents employees in (salary) negotiations, may organise strikes or join a political lobby defending employees' interests.

CCOO (Comisiones Obreras)

CCOO defends the interests of all employees that are associated, in terms of working conditions, salary arrangements, retirement and other job-related issues. CCOO represents employees in (salary) negotiations, may organise strikes or join a political lobby defending employees' interests.

SEMAF (Sindicato Español de Maquinistas Ayudantes Ferroviarios)

SEMAF is the main Union of train drivers and other train staff, it defend their interests and may lead negotiations or organise strikes if it considers them necessary.

4.4 Environmental groups

WWF/ADENA

WWF/ADENA looks after the interest of nature, the protection of endangered species, and promotes sustainable development.

WWF/ADENA organises training, courses, lectures at school, protests against actions threatening the environment and lobbies for actions and developments that are in the interest of nature.

4.5 Other

The Fundación de los Ferrocarriles Españoles (Spanish Railways Foundation)

FFE does not look after any interests

FFE is a cultural organisation whose aims are the promotion of the railway transportation through the development of cultural activities such as courses, the management of museums, the publication of the Via Libre magazine, the studies and programmes, and the maintenance of the archives and the library, among other tasks.

5 FURTHER FACTS AND STATISTICS

5.1 Complaint statistics and information

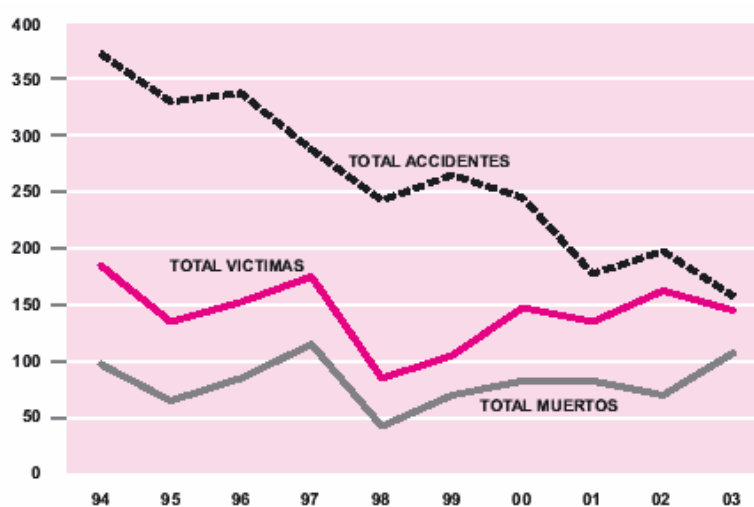
Not applicable. No actions were undertaken by the regulator or any of the actors.

5.2 Railway accident statistics

Year	Number of accidents			Number of victims			Number of deaths		
	Total	Broad gauge	Narrow gauge	Total	Broad gauge	Narrow gauge	Total	Broad gauge	Narrow gauge
1987	368	172	196	242	56	186	97	23	74
1988	379	178	201	233	88	145	87	50	37
1989	324	211	113	136	81	55	61	38	23
1990	267	170	97	89	61	28	37	30	7
1991	310	178	132	215	65	150	58	31	27
1992	171	155	16	78	58	20	43	30	13
1993	157	138	19	92	60	32	52	32	20
1994	149	128	21	74	57	17	39	31	8
1995	132	118	14	54	43	11	26	22	4
1996	117	91	26	61	41	20	34	21	13
1997	117	95	22	70	47	23	46	37	9
1998	98	71	27	34	26	8	17	13	4
1999	106	72	34	42	30	12	28	20	8
2000	95	60	35	59	42	17	33	25	8
2001	71	60	11	54	38	16	33	27	6
2002	79	61	18	65	56	9	28	22	6
2003	63	46	17	58	37	21	43	35	8

Source: RENFE and FEVE

Figure 5.1 Accidents, victims and casualties for RENFE and FEVE



Source: Ministry of Development

6 GRAPHICAL OVERVIEW

This overview represents the current situation, of the main ADIF network (standard and broad gauge). The narrow-gauge lines in the north remain completely integrated.

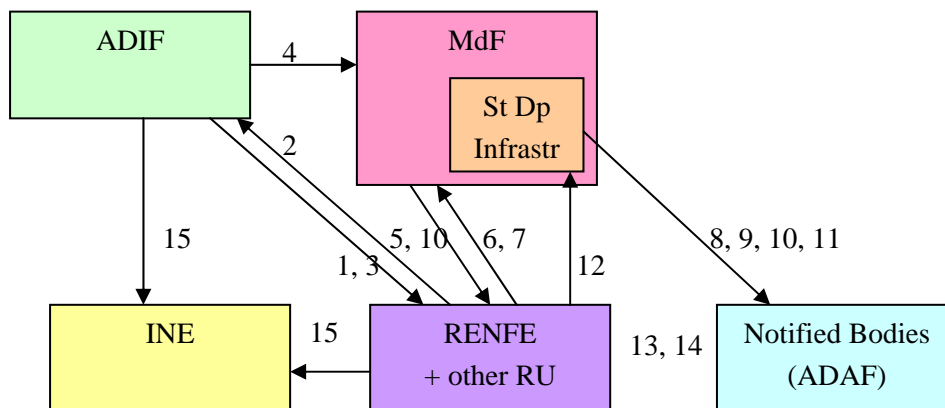
When issuing a safety certificate, ADIF verifies RU's compliance with the security norms (1). The RU must show that it fulfils the relevant criteria by sending the relevant documents (2). ADIF then decides about granting track access (3).

MdF draws up the technical requirements related to safety certification at the suggestion of ADIF (4), this document must be sent to the (applicant) RU's (5). RU's request MdF for a license (6) after having shown all required documents (7). The State department of MdF also authorises Notified Bodies (8) and checks (sub)system compliance (9) and may withdraw a component if it fails to comply with the standards (10). When the State Department finds a Notified Body to be in breach of the regulations, it may withdraw the Notified Body's accreditation. (11).

In case of disputes, the State Department of MdF can be approached for appeal (12), and its ruling on the matter is final.

Notified bodies may approve (sub) systems to be used by the RU's (13) and check the conformity of (sub) systems already in use (14).

ADIF and the RU's must supply INE with statistical data (15).



ANNEX A RENFE FINANCES

Comparison results 2003 and 2002

	2003	2002	%
Traffic revenue	1.346,3	1.325,7	1,6
Commercial revenue	329,6	331,1	-0,5
- <i>Benefits from real estate sales</i>	95,8	96,7	-1,0
- <i>Rentals and infrastructure charges</i>	136,5	146,4	-6,8
- <i>Other revenue</i>	97,4	88,0	10,7
Special agreements with the autonomous regions	24,8	23,8	4,2
Total client revenue	1.700,7	1.680,6	1,2
Revenues to be distributed	42,0	39,2	7,4
Work done for the company	43,7	35,0	24,6
Security tax passenger transport	11,4	5,4	109,5
State subsidies for:			
Infrastructure management	726,1	724,8	0,2
Suburban trains	197,8	196,0	0,9
Regional trains	51,3	51,3	0,0
State debt and interest adjustment	221,6	215,4	2,9
Human Resources plan subvention	24,5	82,3	-70,3
Total incomes	3.019,2	3.030,0	-0,4
Staff	1.154,2	1.122,2	2,8
Human Resources plan subvention	24,5	82,3	-70,3
Energy	158,8	153,3	3,6
Materials and Services	816,7	779,6	4,8
Variation provisions	1,1	-0,2	-553,4
Amortisations	480,3	487,6	-1,5
Residual values	10,7	16,0	-33,6
Financial costs of non-fixed assets	22,0	20,3	8,5
Total interest (State debt and structural)	267,1	336,8	-20,7
VAT adjustment	68,0	60,9	11,8
Total expenses	3.003,3	3.058,8	-1,8
Result before taxes and extraordinaries	15,9	-28,8	155,2
Result extraordinaries	20,9	0,4	4963,2
Social tax	2,2	2,2	
Result financial year	39,0	-26,2	
Compensation of losses	141,1	158,0	
Net result	180,1	131,7	

Figures in € millions

Results before gvt. Subsidy and compensation	Infrastructure Management			
	2003	2002	2001	2000
INCOME				
Traffic income				
Various income	36,211	27,963	24,210	22,983
Special agreements with autonomous areas	2,824	2,847	3,366	2,969
Work done for real estate and shops	17,378	10,968	12,854	10,915
Income to be distributed	38,026	35,081	30,177	32,815
<i>Total self-generated income</i>	<i>94,439</i>	<i>7,6859</i>	<i>70,607</i>	<i>69,681</i>
Incomes from transfers	17,716	18,452	18,891	18,840
TOTAL INCOME	112,155	95,310	89,498	88,521
EXPENSES				
Personnel	325,126	311,948	303,175	300,783
Traction energy				
Materials and services, energy	36,095	139,914	30,531	30,958
External services	130,419		104,708	98,085
Provisions				
Amortisation	217,100	224,337	220,367	224,232
Retiring of real estate	4,940		2,885	4,003
Capital interest	3,587	2,588	2,536	2,560
<i>Total self-generated expenses</i>	<i>717,267</i>	<i>678,786</i>	<i>664,202</i>	<i>660,620</i>
Expenses from transfers	30,670	28,852	25,068	23,035
TOTAL EXPENSES	747,937	707,639	689,271	683,655
Contribution margin	-635,783	-612,329	-599,773	-595,134
Cost coverage	15.00%	13.47%	12.98%	12.95%
Structural interest	82,053	89,581	84,955	83,636
Common costs (shared)	26,967	31,073	33,036	28,058
NORMAL RESULTS	-744,802	-732,983	-717,763	-706,828

Note: RENFE used new accounting group definitions in 2003. For the sake of comparison, the old definitions have been used here