



NEA Transport research and training



UNIVERSITY OF
OXFORD
Transport Studies Unit

ERAIL MONOGRAPH

NETHERLANDS

Submitted to:

European Commission, DG Transport and Energy

Submitted by:

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Status:

Version 6

Rijswijk, The Netherlands, June 2005

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GLOSSARY

Abbreviation	Dutch name	English name
ORGANISATIONS		
CBS	Centraal Bureau voor de Statistiek	Central office for statistics
IVW	Inspectie verkeer en waterstaat divisie rail	Netherlands Railway Safety Authority
	Provincie	Provinces - concession areas for regional transport
MoT	Ministerie van verkeer en waterstaat	Ministry of Transport, Public Work and Watermanagement
NMa	NMa Vervoerkamer	Office of transport Regulation
ProRail	Infrastructuurmanager	Infrastructure Manager
	Onderzoeksraad voor Veiligheid	Dutch transport safety board
LEGAL FRAMEWORK		
KB	Koninklijk besluit	Decree
AMVB	Algemene Maatregel van Bestuur	Regulation
RRV	Reglement Railverkeer	regulation railway traffic
	Spoorwegwet	Railway Act
	Staatscourant	Netherlands Government Gazette

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

Please mention the different organisations that are involved in one of more of these clusters of activities:

- ProRail Inframanager
- IVW Netherlands Railway Safety Authority
- NMa Netherlands Competition Authority
- Dutch safety investigation board
- MoT Ministry of Transport and Watermanagement
- Provinces Authority giving out the regional railway concessions
- CBS Central office for statistics

1.1 Current organisations

1.1.1 ProRail

(infra manager)

Infrastructure Manager by management concession. ProRail is in the process with the MoT to get the management concession. In this model the MoT has a procedure to give out the management concession and withdraw it.

ProRail is responsible for the infra-management of the railway infrastructure/network, capacity management and traffic control. Responsibilities are: distribution of rail capacity, ProRail advises IVW about the accession of rolling stock. ProRail is responsible for the management and maintenance of rail infrastructure and the stations; planning of revision and extension of the infrastructure, building of rail infrastructure en stations, directing trains of the network, gathering up-to date information about the rail network, etc.

Organisation chart

The ProRail organisation consists of six business units and eight staff units:

Capacity Management

The business unit Capacity Management is responsible for an optimal use – now and in the future – of the infrastructure and a clear division of the capacity of the current railway network. The unit translates developments in the use and modification of the infrastructure and the need for capacity into functional network requirements.

Traffic Control

The business unit Traffic Control monitors and controls train traffic, provides up-to-the-minute travel information and handles the organisational aspects of disruptions. To execute traffic control, the railway network has been divided into four regions with seventeen different control centres. Furthermore, the unit resolves traffic calamities and tries to get the system up and running in no time. It also provides traffic information to operators and passengers through different media, such as Dutch Teletext.

Infrastructure Management

Infrastructure Management guarantees optimal reliability, availability and safety of the infrastructure and monitors investments made to reach these goals. The unit resolves technical disruptions and calls in process contractors to execute daily, small-scale maintenance. Infrastructure Management operates from the main office in Utrecht and in four different regions with offices in Amsterdam, Eindhoven, Rotterdam and Zwolle.

Infrastructure Projects

Infrastructure Projects builds tracks, constructs tunnels and crossovers and replaces level crossings. The business unit also manages large-scale track maintenance. This includes the replacement of underlayers of gravel and ballast and tracks, signals, switches and overhead wires (superstructure), as well as the realisation of stations and bicycle sheds.

Railway Development

The business unit Railway Development studies the future development of the Dutch railway network and its stations. It is also responsible for railway innovation and ProRail's strategic technology policy, focussing on the complete railway network and the optimisation of aspects within it.

ICT Services

Finally, ProRail has a separate business unit for ICT Services. This unit develops and manages all information systems, operating systems and networks. The staff unit Information Policy is responsible for ProRail's overall information policy. Specific responsibilities in the field of information management have been placed under the business units.

Income and expenses

Infrastructure manager (to 2003 Railinfrabeheer):

(in EURO * 1000)		2000	2001	2002	2003
INCOME	a. Income from Infrastructure access charges	0.00	0.00	59	86
	b. Subsidy from the State	684	788	840	850
	c. Total	684	788	899	936
EXPENSES	Total	611	859	893	936
RESULT	Total	72	-71	6	0

Since ProRail is the result of a recent merger (January 2003) between RailNed, (capacity management) RailInfrabeheer (infra management) and Railverkeersleiding (traffic control) only the year 2003 gives the correct balance sheet. The other years are the accumulated numbers of the three former independent bodies.

Number of employees

2829 employees

Legal constitution

ProRail is a limited company. The State is 100% shareholder.

Clients

Operators

Contact details for clients

Address:

Moreelsepark 3, 3511 EP Utrecht

Postbus 2038, 3500 GA Utrecht

Railway undertakings: OneStopShop

T 030 – 235 9322, F 030 – 235 9674, E oss@prorail.nl, (www.prorail.nl)

Other contacts:

T 030 - 235 7104, F 030 - 235 90 56, E info@prorail.nl, (www.prorail.nl)

Autonomy of organisation

ProRail has to operate within the limits of the public tasks which are specified in a contract with the MoT. The framework of the relation with the MoT is the management concession. Being a limited company having a contractual relation with the MoT gives ProRail an independent position. However on the end it is the State being the owner of ProRail.

1.1.2 IVW - Inspectie Verkeer en Waterstaat divisie Rail

(Netherlands Railway Safety Authority)

The Netherlands Railway Safety Authority, guards, inspects and promotes transport safety on rail. The IVW develops procedures and controls the proper implementation. IVW certifies the operators, their rolling stock and the workplaces. Examples are: infrastructure control, passenger safety, rail tunnels, system control etc., IVW judges upon applications for new rolling stock in line with the expertise reports of the Notified Bodies. IVW provides also the operators' licences.

Organisation chart



The Division rail is divided in a unit System admittance, Inspection and Knowledge & advice. In 2005 a new organisation structure will be implemented which will also affect the Division Rail.

Income and expenses

Budget division Rail: 6 million Euro

Number of employees

the division rail has 65 employees. The Netherlands Railway Safety Authority is managed by the director head-inspector.

Legal constitution

state administration under the MoT

Clients

Operators, other companies and persons with interest relevant to the railway network.

Contact details for clients

St. Jacobsstraat 16 3511 BS Utrecht

Postbus 1511 3500 BM Utrecht

T 030 236 3131, F 030 236 3199, www.ivw.nl

Autonomy of organisation

The Minister both develops the policy and control outline for the IVW which indicates both the norms and how to implement them. The IVW is a sub division of the MoT; what means there is a hierarchal structure between the IVW and MoT. The framework of this relation is based on some norms; like the ‘Kadernota Railveiligheid’. (Framework on Railsafety) In this position the MoT can give instructions to the IVW.

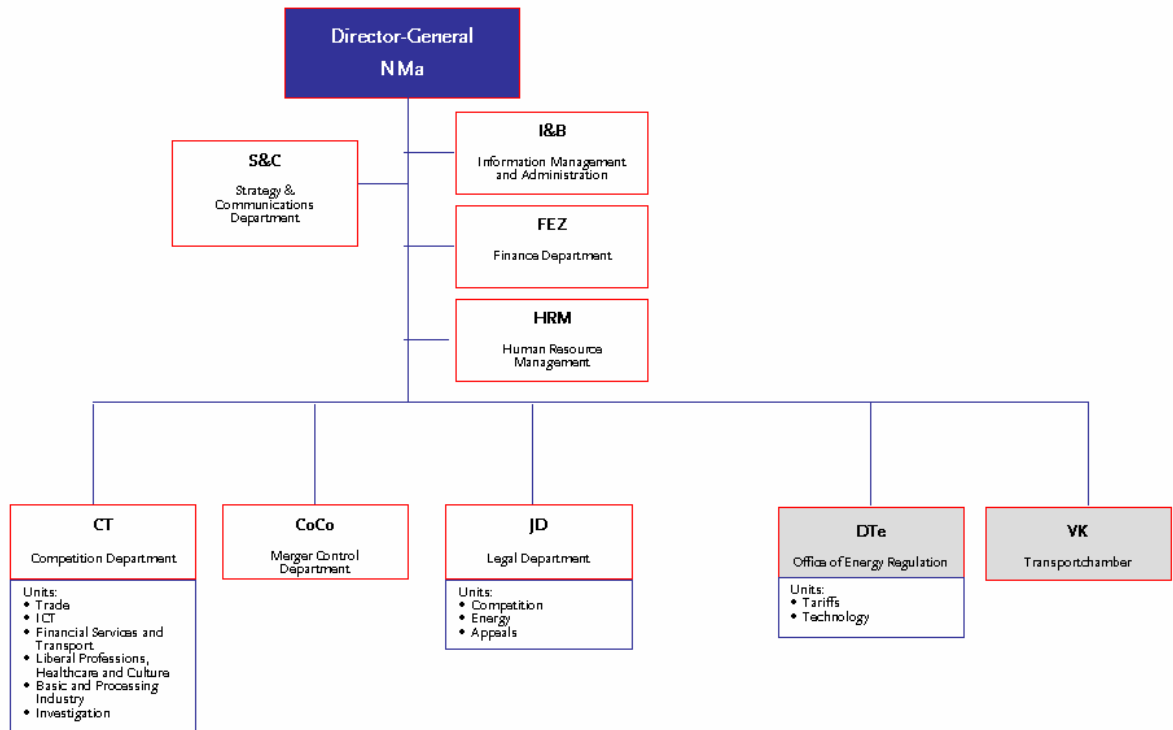
1.1.3 NMa Vervoerkamer

(Office of Transport Regulation)

The Office of Transport Regulation is a part of the Netherlands Competition Authority. This chamber, which has been set up officially in 2004, exercises sector-specific supervision of (competition in) the railway sector, other public transport, such as trams, metros and bus transport, and Schiphol Airport. This supervision, carried out on the instructions of the Minister of Transport, Public works and Watermanagement, focuses on compliance with legally defined standards and obligations with regard to the provision of services in the transport sector. In addition, the Office of Transport Regulation carries out studies into the market behaviour of companies in this sector.

The Office of Transport Regulation derives its authority to intervene from the Railways Act (*Spoorwegwet*), the Aviation Act (*Wet Luchtvaart*) and the Passenger Transport Act of 2000 (*Wet personenvervoer 2000*). These three Acts set out the criteria which the various players in the transport sector must meet in order to ensure that the market operates well. Since 1 January 2002, Office of Transport Regulation has supervised compliance with section 69 of the Passenger Transport Act of 2000. Within the framework of its supervision, the Office of Transport Regulation has already published a number of assessments.

With the sector specific regulation, like the Railway Act, the MoT aims to improve the railway market. The Railway Act gives the Office of Transport Regulation more instruments than the Competition Act. However when a case goes beyond the jurisdiction of the Office of Transport Regulation the NMa can use the Competition Act in the Competition Department (see organisation chart)

Organisation chart*Income and expenses*

The sector specific tasks defined in the Railway law are financed by the MoT

Number of employees

The NMa employed in 2004 342 staff, divided across five directorates and four staff departments. The NMa Office of Transport Regulation Vervoerkamer employs 12 people.

Legal constitution

State authority. The NMa has been established in the ‘Mededingingswet’ (the competition law). This law describes the working area of the NMa. In exceptional cases according this law the Minister of Economic Affairs can give special instructions to the NMa by ministerial ordinance. The NMa gets its budget from the Ministry of Economic Affairs.

Legal base of procedure Office of Transport Regulation concerning railways

Article 69-75 Railway Act 2003, Art 87 .4 Passenger Transport Act of 2000.

Specific control to the

- Concession concerning 91/440 EG and 2001/14 EG (SpW artikel 17 sub d)
- Non-discriminatoire access to the railway network
- Capacity allocation, access contracts, infrastructure charges (SpW artikelen 57 t/m 63)

Clients

All organisations, companies and persons with competition related complaints

Contact details for clients

Netherlands Competition Authority (NMa)

P.O. Box 16326

NL-2500 BH The Hague

Tel: +31 70-330 33 30, Fax: +31 70-330 33 70, (www.nmanet.nl)

Autonomy of organisation

Although the Netherlands Competition Authority is an agency of the Ministry of Economic Affairs, it operates at a distance from the Ministry, while making its decisions independently. The Minister does not intend to use the power to issue instructions in individual cases and has announced to give the Netherlands Competition Authority maximum independent status as soon as possible, meaning that the Minister would formally lose this power. The Dutch Council of Ministers has accepted a proposal of the Minister of Economic Affairs to change the status of the Netherlands Competition Authority into a so-called autonomous administrative organisation (ZBO). The second chamber of the Parliament has already approved this proposal. At the moment the proposal is under consideration by the first chamber of Parliament.

The NMa Vervoerkamer is a chamber within the NMa. The DG NMa is responsible for its decisions.

1.1.4 Onderzoeksraad voor Veiligheid

(Dutch safety investigation board)

The Onderzoeksraad voor Veiligheid is a statutorily established autonomous agency, responsible for the independent and integral investigation of the causes and possible consequences of disasters, serious accidents and incidents in a broad range of sectors; conducts investigation of crisis management and disaster control. The Onderzoeksraad voor Veiligheid identifies the learning points resulting from the investigation; issues recommendations aimed at improving public safety to responsible organizations; monitors the implementation of recommendations, accidents and incidents.

Organisation chart

The Safety Board consists of the Board and a professional Bureau.

The Board decides on launching investigations and is responsible for the investigation process and the subsequent reports. To this end, the Board establishes an annual investigation programme every year. The Board is assisted by the management team, headed by the General Secretary. This functionary is also head of the Bureau. The Bureau disposes over all necessary expertise and assists the Board's activities in the entire investigation process.

Income and expenses

The total annual budget is approximately Euro 5.5 million. (in April 2003 it is temporarily increased with Euro 0.6 million)

Number of employees

The Bureau has about 30 full-time employees (about 15 investigators).

Legal constitution

State authority. The Onderzoeksraad voor Veiligheid is established in the Onderzoeksraad voor Veiligheid Act. The Onderzoeksraad voor Veiligheid gets its budget from the MoT.

Clients

All stakeholders

Contact details for clients

Onderzoeksraad voor Veiligheid / 'Dutch Transport Safety Board'

Postbus 95404

2509 CK Den Haag

Telefoon: 070-333 70 00, Telefax: 070-333 70 77

E-mail: info@onderzoeksraad.nl,

www.onderzoeksraad.nl

Autonomy of organisation

With regard to accident and investigation the Onderzoeksraad voor Veiligheid has full autonomy. The Board decides whether an investigation will be initiated or not and, if yes, how it will be executed and the results will be published. The lump-sum budget of the Onderzoeksraad voor Veiligheid comes from the budget of the Ministry of Transport. The Onderzoeksraad voor Veiligheid is autonomous in deciding how to spend the budget.

The Onderzoeksraad voor Veiligheid acts on the basis of the law. In addition political bodies like Parliament can ask the Onderzoeksraad voor Veiligheid to perform a specific investigation. In that case the Onderzoeksraad voor Veiligheid is free to start an investigation or to refuse it.

1.1.5 Ministerie van Verkeer en Waterstaat

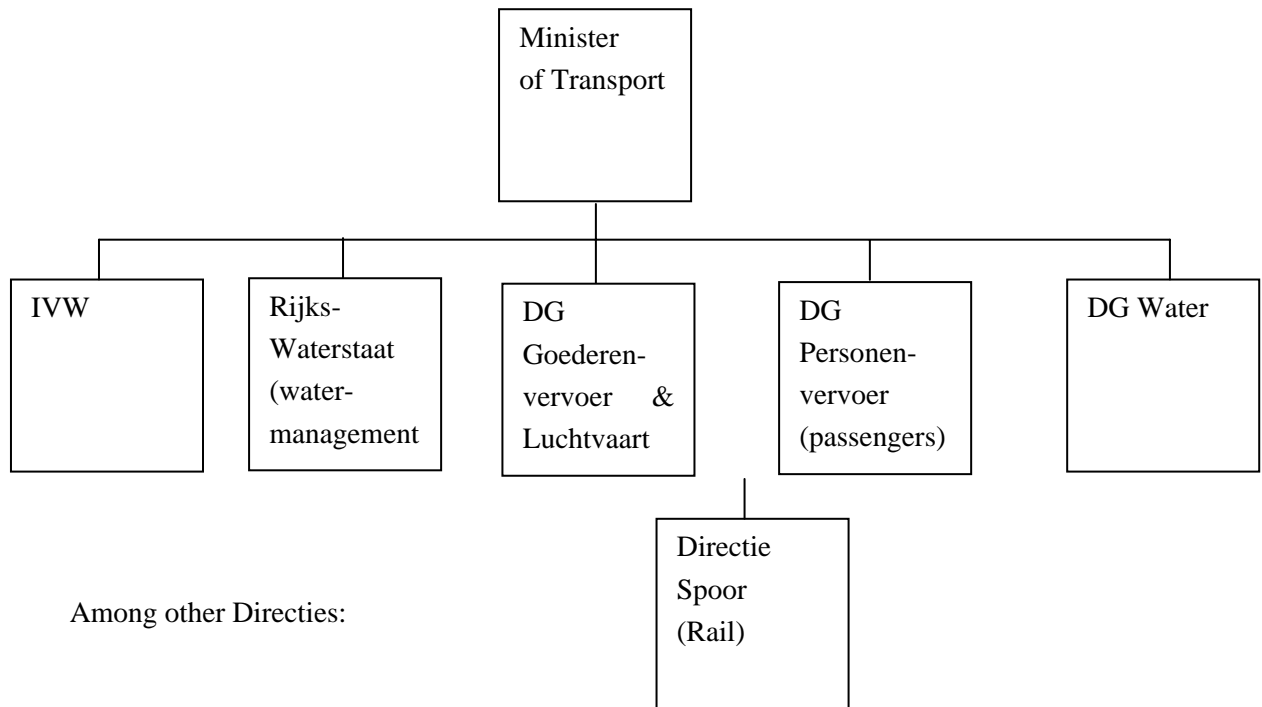
(Ministry of Transport and Watermanagement)

- MoT is responsible for passenger transport concessions on the main network and the management concessions for the network.
- MoT is responsible for drawing the legislation and regulation
- MoT is major or minority shareholder of the passenger operators & ProRail
- Development of strategic policy for the transport sector. (for example 'nota mobiliteit')

Organisation chart

A simplified organogram shows the relations within the MoT. The Passenger department is primarily responsible for law development, whereas the freight department sets the framework for the freight sector. This shows the relation on the network, where passenger transport has a dominant position. (for a complete organogram:

<http://www.verkeerenwaterstaat.nl/?lc=nl&page=310>)



Income and expenses

Expenses rail: Euro €1.5 billion (including infrastructure)

Number of employees

Division passenger transport – 38 employees

Division rail cargo – 30 employees

Legal constitution

State Administration

Clients

Interaction with subordinating bodies (inspection) and task organisation ProRail

Concessionary authority for the main network.

Contact details for clients

MoT

Postbus 20901

2500 EX Den Haag

(www.minvenw.nl)

Autonomy of organisation

Under direct order of the Minister of Transport

1.1.6 'Provinces'

(rail concession areas)

The MoT has separated some branch lines from the core network. Each branch line is yearly separately contracted with the NS, if not yet contracted to an other operator. It is foreseen that the regional authorities will be responsible for rail passenger transport concessions on the branch lines in their region. Their authority is based on the Wet Personenvervoer 2000 (Passenger transport law 2000). Until now, due to (mainly financial) uncertainties and not having the knowledge, only the regions Groningen, Friesland and Overijssel have taken their authority and have contracted the branch lines in their region.

Organisation chart

Not applicable

Income and expenses

Not relevant

Number of employees

Not relevant

Legal constitution

state administration

Clients

Regional operators

Contact details for clients

every region has its own contact

Autonomy of organisation

Public body

1.1.7 Centraal Bureau voor de Statistiek

The Central office for statistics (CBS) collects the statistics in the Netherlands. One the of the sub-sub divisions is traffic and transport.

Organisation chart

No relevance for ERAIL

Income and expenses

Approximately 10 staff persons are working on rail/public transport. The administrative system applied to collect statistics (setting out a survey etc) involved more people.

Number of employees

No relevance for ERAIL

Legal constitution

The CBS is a sub-division of the Ministry of Economic Affairs.

Clients

All interested parties

Contact details for clients

P.O. Box 4000

2270 JM VOORBURG

Tel.: (070) 337 38 00, Fax: (070) 387 74 29

E-mail: infoservice@cbs.nl, www.cbs.nl

Autonomy of organisation

According to the 'Wet op het Centraal Bureau en centrale commissie voor de statistiek' (law on the central statistical office) the CBS comes under the Ministry of Economic Affairs.

The Minister appoints the director. The CBS collects statistics on the Minister's request or on independently.

1.2 Authorities required by the 2nd Railway Package

The second Railway Package demands for the establishment of a national safety authority and an independent investigation authority. The required organisational structure is not yet in place.

When revising the Railway law at the end of 2005 the implementation will take place. Most probably the IVW becomes the Safety Authority and the RvTV becomes the Investigating Body. (See 1.2 for IVW and 1.4 for RvTV). By the end of 2006 it is expected that the Railway Package is implemented.

2 ORGANISATION OF PUBLIC TASKS

2.1 Separation, licensing and charging

2.1.1 Investigation of accidents (2001/12)

Responsible organisation

Onderzoeksraad voor Veiligheid

Objectives, tasks and responsibilities

The Onderzoeksraad voor Veiligheid has the task to investigate transport accidents and incidents in aviation, shipping, rail, road traffic and pipeline transport) The Onderzoeksraad voor Veiligheid aim is to find the accidents cause, not to find the guilty party. The Onderzoeksraad voor Veiligheid employees have the authority to investigate accidents, with special research authority.

Procedure

The investigation process breaks down into five stages: Investigation, Inspection procedure, Findings, Recommendations, Publication.

Legal basis of procedure

Wet Onderzoeksraad voor Veiligheid

This law describes the investing authority of the Onderzoeksraad voor Veiligheid.

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

Responsible organisation

IVW, division Rail

Objectives, tasks and responsibilities

IVW, division Rail, guards, controls and promotes transport safety on rail. IVW division Rail provides safety certification to operators.

The development of the rules of locomotive admission standards has been delegated to the IVW. IVW developed the 'Normbladen' which indicate the norms for locomotives. These 'normbladen' are published on the Internet at www.ivw.nl.

Procedure

The operator applies for a safety certificate; after research according to the safety and other requirements, the IVW gives a safety certificate for a maximum period of 3 years. IVW decides within 13 weeks after applying

Legal basis of procedure

Art. 32 – 35 Spoorwegwet

2.1.3 Licensing of railway undertakings (2001/13)

Responsible organisation

IVW, division Rail

Objectives, tasks and responsibilities

This license secures the professional qualities, the reputation and the financial stability of the operator (access to the profession). The operator should also have a professional insurance.

Procedure

The operator must hold a safety certificate issued by IVW, if the company is able to demonstrate that it has developed and applies an adequate safety management system, which matches the companies operations. Secondly it has to have a ‘good repute’ financial capacity, professional knowledge and insurance. The MoT (IVW) has to decide in 13 weeks.

Legal basis of procedure

art. 28 – 31 Spoorwegwet

2.1.4 Track access (2001/12)

Responsible organisation

ProRail, (infra-manager)

Objectives, tasks and responsibilities

The IVW, division Rail, guards, controls and promotes transport safety on rail. The IVW provides licences, safety attests and rolling stock certification.

ProRail is responsible for the infra-management of the railway infrastructure/network. ProRail distributes rail capacity and negotiate the access contract.

Procedure

The operator has to show his safety certificate and his license when applying for a access permission to ProRail. When access is permitted, the operator has to get an access contract of the infra manager – ProRail. This is an agreement under private law. The track access is separated between national and international passenger transport and cargo transport.

Legal basis of procedure

Art 56, 57 Spoorwegwet.

Network Statement 2005, see <http://www.prorail.nl/ProRail/Vervoerders/Netverklaring.htm>; including an English translation.

2.1.5 Developing the capacity allocation framework (2001/14)

Responsible organisation

ProRail

Objectives, tasks and responsibilities

ProRail allocates on an independent basis capacity to the operators

Procedure

The following interest must be considered in the decision making process

- Maintaining the guaranteed minimum capacities per market segment
- Efficient use of the railway infrastructure
- The economic interest of the applicants
- Minimising travelling times by public transport passenger transport
- The allocation of capacity to requests from companies for the first time requesting capacity for freight transport by rail.

When the network is full, the allocating body must grant a higher weighting to the interests related to the market segments with higher priority; in that connection, the following order of priority should be employed:

- Urban regional public passenger transport
- International public passenger transport
- Conventional freight transport
- National public transport
- Heavy freight transport
- Rapid freight transport
- District and regional public passenger transport
- Very high speed freight transport
- Private passenger transport

Legal basis of procedure

Art 61 Railway Law

AMvB on capacity allocation 2003 art 7,8 and 10;

2.1.6 Publishing of capacity allocation framework (2001/14)

Network Statement 2005, see <http://www.prorail.nl/ProRail/Vervoerders/Netverklaring.htm>; including an English translation.

Responsible organisation

ProRail

Objectives, tasks and responsibilities

Procedure

Legal basis of procedure

AMvB on capacity allocation 2003

2.1.7 Setting of infrastructure charges (2001/14)

Responsible organisation

Infrastructure Manager (ProRail)

Objectives, tasks and responsibilities

With the infrastructure charges the infrastructure maintenance is partly paid; the rest of the costs for maintaining the infrastructure are paid with subsidy of the MoT

2004

The infra charges for passenger trains are depending on the kilometres run and the stations used.

The infra charges for cargo trains are depending on the kilometres run.

2005

A transitional year; a special decree on user charges rail infrastructure is made.

2006

The infmanager (ProRail) decides upon the infrastructure charges.

Procedure

The charges are published in the Staatscourant (Netherlands Government Gazette).

Legal basis of procedure

art. 62, 63 Spoorwegwet

AMvB in latest drafting stadium; the main idea is that the MoT draws secondary legislation for infrastructure charging. In this legislation the MoT draws the principles for setting the infrastructure charges as guidance for the infrastructure manager.

2.1.8 Collection of infrastructure charges (2001/14)

Responsible organisation

Infrastructure Manager (ProRail)

Objectives, tasks and responsibilities

See 2.1.7

Procedure

Users are invoiced after each month, in advance. Per calendar year, a definitive final settlement will be issued, whereby the charged amount will be set off against the advance payments invoiced.

Legal basis of procedure

Spoorwegwet art 62 (infrastructure charge) & art 59 (access agreement)

In the Network Statement the procedure is published.

2.1.9 Publishing of charging framework (2001/14)

Responsible organisation

ProRail

Objectives, tasks and responsibilities

See 2.1.8

Procedure

In terms of content and order the rules contained in Directive 2001/14/EC are applied

Legal basis of procedure

See 2.1.8

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

Responsible organisation

NMa Office of Transport Regulation from 2005 onwards

Objectives, tasks and responsibilities

The applicant can appeal to the NMa Office of Transport Regulation when he/she has been discriminated or harmed by the infra manager, other operators or third parties conform art. 30 2001/14.

Procedure

Any stakeholder can complain to the NMa Office of Transport Regulation. The NMa Office of Transport Regulation handles the complaint within 2 months. When complaint is granted, the NMa Office of Transport Regulation can put a penalty in case of non-compliance.

Legal basis of procedure

Spoorwegwet 70-71

2.2 Interoperability and safety

Under the new Railway law the TSIs for conventional railways will be direct applicable. Both 96/48 and 2001/16 are both implemented in the Law. Currently the TSIs for highspeed railway lines are implemented in the ‘besluit interoperabiliteit transeuropes hogesnelheidsspoorwegsysteem’. (TSi on interoperable highspeed railways). The MoT will be always responsible for the implementation. Not all AMvB are yet published.

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

Responsible organisation; Objectives, tasks and responsibilities; Procedure

No information, see legal basis

Legal basis of procedure

Art. 8 – 15 Spoorwegwet

According article 12 the MoT should draw special regulation. AMvB in latest drafting stadium

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

The MoT appoint the Dutch members. The Director notifies the Committee about the appointment and informs the EC.

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

Responsible organisation

No information, see legal basis

Objectives, tasks and responsibilities

Interoperability is guaranteed on tracks for international traffic according the mentioned EC regulation

Procedure

No information, see legal basis

Legal basis of procedure

Spoorwegwet, art. 8

Accordinging article 12 the MoT should draw special regulation. AMvB in latest drafting stadium

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

Responsible organisation

No information, see legal basis

Objectives, tasks and responsibilities

Authorisation of infrastructure, rolling stock and technical systems according the mentioned EC regulation is guaranteed

Procedure

No information, see legal basis

Legal basis of procedure

Spoorwegwet, art. 9 – 13

Accordinging article 12 the MoT should draw special regulation. AMvB in latest drafting stadium

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

Responsible organisation

No information, see legal basis

Objectives, tasks and responsibilities

Control on the mentioned EC regulation is guaranteed

Procedure

No information, see legal basis

Legal basis of procedure

Spoorwegwet, art. 14, 15

Accordinging article 12 the MoT should draw special regulation. AMvB in latest drafting stadium.

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

Ministry of Transport

Objectives, tasks and responsibilities

Tasks of the notified bodies

- a. The assessment of conformity or suitability for use of one or more interoperability constituents
- b. The EC examination for one or more subsystems
- c. The execution of one or more modules in accordance with Decision 93/465/EEC
- d. Carrying out a combination of the tasks in accordance with this paragraph and all tasks which Notified Bodies can carry out by implementing Directive 96/48/EC.

Procedure

The Notified Body has to fulfill the minimum criteria listed in Annex VII of Directive 96/48/EC and the criteria listed in article 32d, chapter 7 of the Spoorwegwet (railway law). The following organizations have been recognized as notified body: KEMA Rail Transport Certification, Railcert B.V, NedTrain Consulting B.V, Lloyd's Register of Shipping, Luxcontrol Nederland B.V

Legal basis of procedure

The criteria to become a Notified Body are laid down in article 6 and article 8 of the Decree 562 of 15th December 1999, containing the regulations of transposition of Directive 96/48/EC on the Interoperability of the trans-European high speed railway system of 23rd July 1996 (PbEG L 235) -(Decree of the Interoperability of the trans-European high speed rail network)":

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

See 2.2.6

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

Responsible organisation

Notified body

Objectives, tasks and responsibilities

Controlling or the system is compliant with the relevant TSi.

Procedure

Operator invites notified body. Only structural systems are tested to the TSi.

Legal basis of procedure

art. 39 – 47 Spoorwegwet

art. 38 Spoorwegwet indicates that the MoT should draw special regulations. AMvB in latest drafting stadium

2.3 State aid, competition and public service obligations

This NMa Office of Transport Regulation will exercise sector-specific supervision of (competition in) the railway sector. The tasks are written down in the Railway Act 2003 which is based on European Directives i.e. 91/440/EC. The European Directives 2001/12 - 2001/16/EC of the first Railway Package are implemented in this Act.

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

Responsible organisation

NMa

Objectives, tasks and responsibilities

The NMa is monitoring the competition.

Procedure

The officials of the NMa are responsible for the investigation. For the purpose of the investigation, they possess investigation powers

Legal basis of procedure

Competition Act

2.3.2 Enforcing of competition (01/2003)

Responsible organisation

NMa

Objectives, tasks and responsibilities

The NMa monitors the Competition Act. According to this law companies are not allowed to make agreements which could have negative impact to their competitors.

Procedure

If the director general reasonably suspects, after an investigation has been completed, that an infringement has been committed, and that a fine or an order sanctioned by periodic penalty payments should be imposed for this, he shall commission a report.

The report shall in any event include a statement of:

- a. the facts and circumstances underlying the finding that an infringement has been committed;
- b. where and when the facts and circumstances occurred;
- c. the undertaking or association of undertakings to which the infringement can be attributed;
- d. the natural person to whom, or the legal person to which the infringement can be attributed;
- e. the statutory provision that has been infringed.

A copy of the report shall be sent to the undertaking or association of undertakings. The interested parties shall be invited in writing to state their views on the report referred to in orally or in writing, at their discretion.

The report and all other documents relating to the matter shall be made available for inspection by interested parties for a period of at least four weeks. If necessary, interested parties shall be given an opportunity to respond to the views presented. A report shall be drawn up of oral presentations. The director general shall decide by decision whether to impose a fine or an order sanctioned by periodic penalty payments.

Legal basis of procedure

Competition Act 6 and 24

2.3.3 Complaint handling related to competition (01/2003)

Responsible organisation

NMa

Objectives, tasks and responsibilities

The NMa is handling competition complaints

Procedure

See above 2.3.2

Legal basis of procedure

Competition Act

2.3.4 Evaluation of annual PSO claims (1191/69)

Responsible organisation

NMa

Objectives, tasks and responsibilities

The NMa publishes a yearly competition report

Procedure

The director general shall report to the Minister of Economic Affairs before May 1 of each year on the activities of the competition authority in the preceding year.

Legal basis of procedure

Art. 5 Competition Act

PSO are concluded by concession contracts

A distinction made between the trunk network – both intercity and local trains – and the periphery – only regional trains

The contracting authorities on the trunk network is the MoT whereas on the periphery the regional authorities (kaderwetgebieden)

The total contracting sum only for the regional network is: NS contract lines €33.5 million, rest divided between Arriva and Syntus; Total contracting sum all regional lines ‘contractlines’ €50 million. However this sum is not totally clear; regional authorities can combine both train and bus concession in one, like Syntus, so the contracting sum is for both bus and train.

The length of the contract is 10 year concession (NS) for the trunk network, the Northern regions have a 15 year (Arriva) contract; the other concessions have a minimum of 8 years.

Most recent ones have been awarded via public procurement (northern and eastern regions), however the trunk network was directly awarded to the NS.

The percentage of the market is covered via pso is roughly 15% which is outside the trunk network; these are the so called ‘contract lines’.

2.4 Statistics

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

Responsible organisation

CBS

Objectives, tasks and responsibilities

The railway undertaking has to give the MoT all information the MoT requires. This obligation is normally implemented as part of the passenger contract/concession contracts between authority and operator to secure the information required is delivered.

Procedure

No information

Legal basis of procedure

art. 96 Spoorwegwet

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

Responsible organisation

CBS

Objectives, tasks and responsibilities

The infrastructure manager (ProRail) has to give the MoT all information the MoT requires

Procedure

No information found

Legal basis of procedure

art. 96 Spoorwegwet

2.4.3 Provision of financial data on infrastructure managers (1108/70)

No information found

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

Responsible organisation

CBS

Objectives, tasks and responsibilities

No information found

Procedure

On request of the European Statistical Office, the CBS contributes statistics

Legal basis of procedure

Art 12 & 13 Wet op het Centraal Bureau en Centrale Commissie voor de statistiek (law on the central statistical office)

3 TRAIN OPERATING COMPANIES

3.1 List of train operating companies

Freight operations

- Railion Benelux – former NS Cargo (www.railion.nl). Cargo transport – on the whole network (ownership: DB Cargo 92%, NSR 6%, DSB 2%)
- ACTS Nederland BV (www.acts-nl.com). Shuttle trains for ISO- en ACTS-containers and other cargo – on the whole network, charter passenger transport (100% ownership Husa Capital)
- Dillen & Le Jeune Cargo. Cargo transport in middle and south of the Netherlands
- ERS Railways (www.ersrail.com). Cargo transport in middle and south of the Netherlands
- Rail4Chem (www.rail4chem.de). Cargo transport – whole network, but effectively only from DSM Lutterade - Venlo border
- Connex Cargo Nederland. (Cargo transport – whole network)
- HGK – cargo transport in the middle and south of the Netherlands
- Rotterdam Rail Feeding – port of Rotterdam, shunting of cargo trains

Passenger operations

- Netherlands Railways (NS-Reizigers) (www.ns.nl). Public passenger transport & group transport – whole country; approximately 320 million passengers (limited company, state owned)
 - NS International – International trains to Brussels
 - DB Regionalbahn Westfalen GmbH. Public transport Enschede – Gronau/Germany – Munster and Venlo – Hamm/Germany. (approximately 300.000 passengers).
 - Prignitzer Eisenbahngesellschaft (PEG). Enschede - Gronau (Germany) - Dortmund
 - DBAG – International trains Germany – Amsterdam
 - Thalys Nederland BV. Public transport Amsterdam - Roosendaal Border with fast trains (approximately 2 million passengers) (Ownership: 90% NSR, 10% KLM Royal Dutch Airlines)
 - Syntus (www.syntus.nl). Public transport in the East of the Netherlands (ownership 33,3% NS, 33,3% Connexion, 33,3% Cariane Multimodal International (CMI).), (approximately 3 million passengers)
 - NoordNed Personenvervoer bv (www.noordned-ov.nl), Public transport in the provinces Groningen and Friesland. (100% ownership Arriva) (approximately 3 million passengers)
- NS International runs their operations under a NS license, safety certificate and access contract.

Infrastructure maintenance

- BAM Infra, NBM Rail, Strukton Railinfra Materieel, Volker Stevin Rail & Traffic, Eurail[railscout Inspection & Analysis b.v.](#)

Historic train services

- Zuidlimburgse Stoomtrein mij. weekend shuttles Kerkrade - Heerlen

Testing

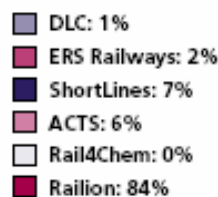
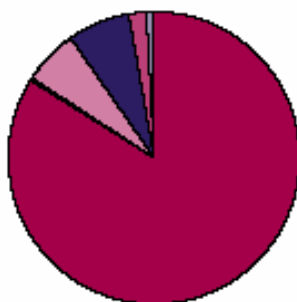
Nedtrain Consulting, Nedtrain

3.2 Safety license (certificate)

All operator have safety certificate, except NS International who run their operations under a NS license, safety certificate and access contract.

3.3 Market shares/transport volumes

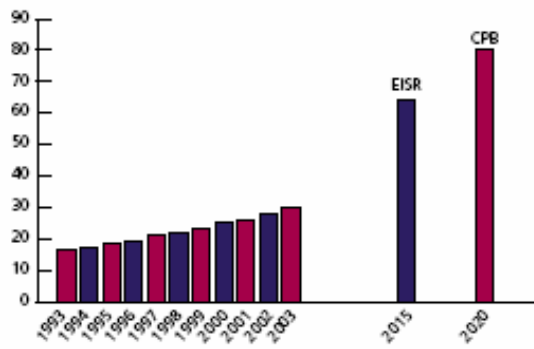
Freight operations



source: *Rail Cargo Information Netherlands*

Shortline has stopped their services. Its market share went over to ERS.

The above figure shows the volume of each freight operator as a percentage of the total market. 80% of the transport is cross border. Railion and ACTS do only provide until now figures to the CBS. These combined figures for both operators are (representing 90% of the market): 839 million ton/km internal cargo, 2437 million ton/km export and 1017 million ton/km import. These figures show a structural imbalance between in- and export.



This table gives an overview of the cargo growth in the last ten years and the prognoses for the years 2015 and 2020.

Passenger operations

See 3.1 passenger operators

4 NGO'S

Type of NGO	Number of NGOs	The main activity of 2 key organizations (include name)
Industry	6	<ul style="list-style-type: none"> • Railforum – rail lobby • TLN – transporters association • Gebruikersplatform • BRG – Belangenvereniging van Rail Goederenvervoer • BVS – Bond van Spoorvervoerders • Railcargo information centre
User	4	<ul style="list-style-type: none"> • ROVER – PT travellers association • Consumentenbond – consumersorganisation • LOCOV • OPC
Trade Unions Total # of members	3	<p>VVMC - 3500 members (both passenger & cargo; drivers& ticket collectors)</p> <p>>60% of the railway workers is union member</p>
Environmental		Milieudefensie – association for defence of the environment

4.1 User groups / Consumers organisations

- LOCOV - Landelijk Overleg Consumentenbelangen Openbaar Vervoer (Platform consumers interest trainpassengers on the main network). This platform is an official discussion partner of the NS and the MoT and advises the MoT and the NS. LOCOV's role is defined in the Law on Passenger transport 2000. (www.lokov.nl)
- OPC - Organisation supporting consumers organisations in public transport (www.opc.nu)
- Consumentenbond - general consumers organisation, deals also with PT
- ROVER - PT travellers association (www.rovernet.nl). The goal of ROVER is to defend the PT passenger's interests and to publish about punctuality, quality, conductors, beach trips, etc.

The Users Groups have an official status in the Wet Personenvervoer 2000 (passenger transport act) being the discussion partner of the operator and the PT authority about PT changes. Beside this role they promote & control PT quality, with all kind of actions.

4.2 Industry associations

Rail cargo lobby

Railforum – The goal of the organisation is to optimise rail on European perspective (www.railforum.nl). Members of Railforum are railway companies (both cargo & passenger), big shippers, rail constructing companies and rail consulting companies.

Railcargo information centre is a public private initiative. The objective is to promote the use of railways for goods transport and to improve the shippers and the logistic service providers' image of rail freight transport. www.railcargo.nl

Road transport associations and shippers

EVO, KNV and TLN – 3 company associations cargo transport. Involved in publications, lobbying, training, member services, etc.

4.3 Trade unions

- FNV Bondgenoten - the largest union in the Netherlands with a railway branch
- VVMC - independent railway union
- CNV bedrijverbond – Christian union with railway branch

The Unions traditionally have a strong basis and can influence the politics in the NS, particularly on time tabling. They represent the

Non-organised (collectieven) are groups of railway workers organised by rayon who spontaneously show their dissatisfaction. This shows the power of the railway workers.

5 FURTHER FACTS AND STATISTICS

5.1 Complaint statistics and information

The NMa Vervoerkamer starts January 1st 2005 with its legal tasks according the Railway and Concession Law. Until that moment the NMa prepares its task by analysing the market and developing of a vision.

Until yet no statistics are made, nor have any cases been brought forward. The only case under investigation in the NMa is a complaint of the 'Groen Links' political party (Green Left) about the economical abuse of power of the NSR by increasing the fares.

5.2 Railway accident statistics

Passenger risk

The table gives an overview of the passenger kilometers, the number of lethal damage and wounded passengers in the period 1992 – 2003.

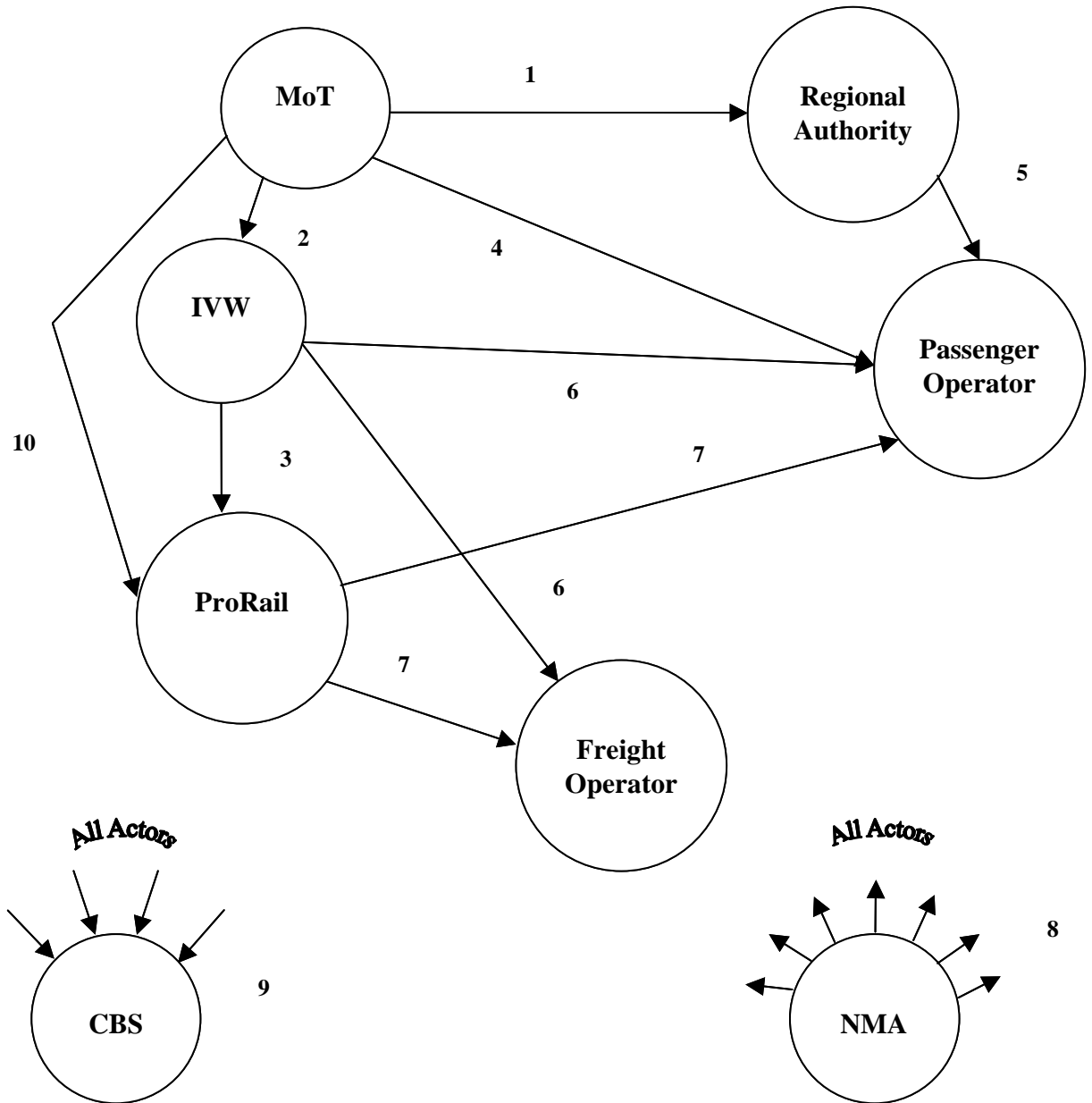
Jaar	92	93	94	95	96	97	98	99	00	01	02	03
Reiziger kilometers (x miljard)	15,0	14,8	14,4	13,5	13,7	13,9	14,1	14,3	14,8	14,5	14,8	14,4
Letaal letsel	8	3	0	0	0	2	1	0	1	2	1	0
Gewond	177	150	160	111	116	141	117	96	108	104	87	123

Track workers risk

The table gives an overview total full time equivalent (fte) for track workers, the number of lethal damage and wounded passengers in the period 1992 – 2003.

Jaar	92	93	94	95	96	97	98	99	00	01	02	03
Aantal fte (x 1000)	4,0	4,0	3,6	3,4	3,4	3,4	3,4	3,4	3,4	3,4	3,4	3,4
Letaal letsel	0	1	1	5	0	2	1 ³	2	0	0	1	1
Gewonden	3	7	7	12	11	8	3	6	1	3	2	3
Risico	0	2,5	2,8	14,9	0	6,0	3,0	6,0	0	0	3,0	3,0

6 GRAPHICAL OVERVIEW



the relationships between all organisations:

1. subsidy of public transport
2. hierarchical control
3. By setting and auditing the safety standards IVW controls the work of ProRail
4. The MoT gives out the concession for the core railway network
5. the regional authorities (kaderwetgebieden) give out the concessions for regional railways
6. gives out the operator licences and safety certification and control the operators

7. ProRail decides about track access, including infrastructure charging and capacity allocation; ProRail has the access contract with the operators
8. competition control, complaint handling and appeal body
9. statistic collection
10. 100 % shareholder of ProRail. ProRail has the concession to maintain and operate the railway network.