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OGM, Belgium

University of Oxford, Transport Studies Unit, United Kingdom

TINA Vienna, Austria

Erasmus University Rotterdam, the Netherlands

TIS.pt, Portugal

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GLOSSARY

Abbreviation	Norwegian name (if applicable)	English name
ORGANISATIONS		
MoTC		Ministry of Transport and Communications
RNE		Rail Net Europe
SJT	Statens Jernbanetilsyn	Norwegian Railway Inspectorate
JBV	Jernbaneverket	Norwegian National Rail Administration
NCA	Konkurransetilsynet	Norwegian Competition Authority
LEGAL FRAMEWORK		
PSO		Public Service Obligation
NGO		Non Governmental Organisation
CONVERSION RATE		
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List of contact persons

- Björnar Andreas Kvinge
Research Economist
TOI (Institute for Transport Economics)
- Knut Juul
Advisor
Ministry of Transport and Communications

Quality check

- Jan-Bertil Lieng
Senior Advisor
Ministry of Transport and Communications

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:

- Jernbaneverket: The Norwegian National Rail Administration (Infrastructure Manager)
- The Ministry of Transport and Communications (MoTC)
- The Norwegian Railway Inspectorate
- The Norwegian Competition Authority

1.1 Current organisations

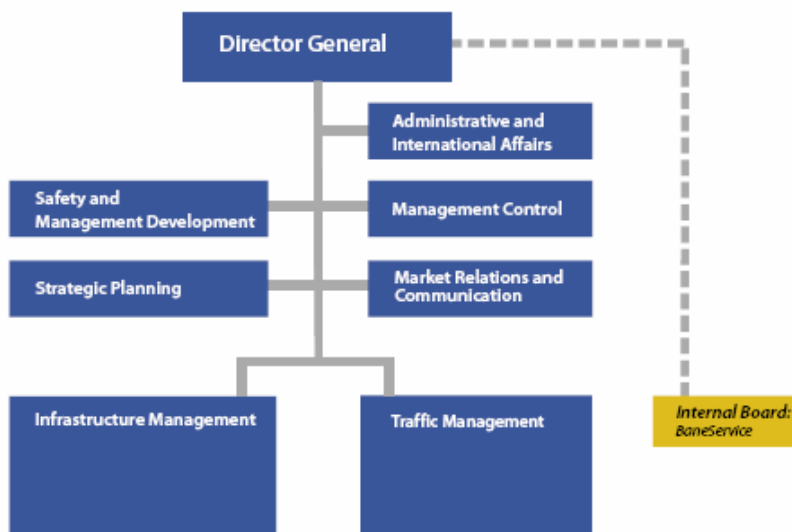
1.1.1 Jernbaneverket

Jernbaneverket is the Norwegian National Rail Administration

Organisation chart

Jernbaneverket's organisational structure has been under review since 2002.

The organisation chart of Jernbaneverket as from 1 May 2003 is showed in the following figure.



Source: annual report Jernbaneverket 2003

Income and expenses

Jernbaneverket is given an allocation from the state budget (to cover operating and maintenance costs plus investments), which forms the largest section of their income. Once the government has decided on the budget allocation, Jernbaneverket decides on its programme of work¹. Should any large investment projects be required, Jernbaneverket proposes the work to the Ministry of Transport and Communications, which then decides whether to release any additional funding. Jernbaneverket is also obliged to charge the Train Operating Companies performing traditional wagonload (freight) for their use of infrastructure capacity (access charges), although this additional income typically represents less than 3 per cent of costs. The level of the access charges is decided upon by the Norwegian Parliament on an annual base.

Jernbaneverket's budget allocations for 2002 under section 1350, expenditure and section 4350, income, were NOK 4244.9 million (EURO 522.240) and NOK 469.4 million (EURO 57.749) respectively. The budget allocations are (amongst others) based on the 'Blue Book 2002'. The final budget approved and published by the Norwegian Parliament for the coming fiscal year is known as the 'Blue Book'. It sets out the national budget, including social security expenditure and also specifies financial parameters for government departments and agencies. Individual ministries make budget allocations to their subordinate agencies on the basis of the 'Blue Book'. A summary of the budget allocations for 2002 is given in the following table (see glossary for conversion rate).

Section 1350: Expenditure (NOK million)					
Item	Description	"Blue Book" for 2002	Adjustments	Approved budget	Accounts
23	Operations and maintenance	2 864.9	-6.6	2 858.3	3 094.4
25	Operations and maintenance, Gardermoen line	88.5	9.8	98.3	99.4
30	Investment in railway lines	1 288.3	0.0	1 288.3	1 208.9
	Total, section 1350	4 241.7	3.2	4 244.9	4 402.6

Section 4350: Income (NOK million)					
Item	Description	"Blue Book" for 2002	Adjustments	Approved budget	Accounts
01	Track charges	61.8	0.0	61.8	36.5
02	Sale of equipment, services, etc.	133.9	0.0	133.9	304.3
06	Resale of electricity for train operations	155.9	0.0	155.9	169.4
07	Payment for use of Gardermoen line	88.5	0.0	88.5	72.8
15	Reimbursement for employment creation schemes	0.0	0.0	0.0	0.1
16.11	Reimbursement of salaries	0.0	0.0	0.0	5.3
16.12	Reimbursement of employer contributions	0.0	0.0	0.0	0.7
17	Reimbursement for apprentices	0.0	0.0	0.0	1.2
18.11	Reimbursement of sick pay	0.0	0.0	0.0	37.0
18.12	Reimbursement of employer contributions on sick pay	0.0	0.0	0.0	5.3
37	Contribution to infrastructure works	29.3	0.0	29.3	29.1
91	Repayment of loan to Bane Tele AS	196.0	-196.0	0.0	0.0
	Total, section 4350	665.4	-196.0	469.4	661.5

Source: Annual Report Jernbaneverket 2002

See for more detailed information: <http://www.jernbaneverket.no/english/>

¹ Note that the State has no contract with Jernbaneverket specifying a minimum provision of service and there are no plans to do so.

Number of employees

At 31 December 2003, Jernbaneverket had 3446 employees in total.

Legal constitution

Jernbaneverket was established on 1 December 1996. It is an agency under the Ministry of Transport and Communications (MoTC) and operates under the instruction of the MoTC. The state/government has complete responsibilities for all the infrastructure providers' liabilities.

Clients

The main clients of Jernbaneverket are the railway operators.

Contact details for clients

Head Office of the Norwegian National Rail Administration

P.O. Box 1162, Sentrum

NO-0107 Oslo

Tel: +47-22.45.51.00

One Stop Shop (OSS) Activities

Several European Infrastructure Managers have signed an agreement on a common sales and marketing organisation for international infrastructure capacity called RNE – RailNetEurope.

The members of RNE are:

- Banestyrelsen (Denmark);
- Banverket (Sweden);
- BLS Lötschbergbahn AG (Switzerland);
- DB Netz AG (Germany);
- Győr-Sopron-Ebenfurti Vasút Rt. / Raab-Oedenburg-Ebenfurter Eisenbahn AG (Hungary/Austria);
- Jernbaneverket (Norway);
- Network Rail (former Railtrack PLC: UK);
- Österreichische Bundesbahnen (Austria);
- ProRail (former Railned BV: Netherlands);
- Ratahallintokeskus (Finland);
- Red Nacional de los Ferrocarriles Españoles (Spain);
- Rede Ferroviária Nacional, E.P. (Portugal);
- Réseau Ferré de France & Société Nationale des Chemins de fer Français (France);
- Rete Ferroviaria Italiana SpA (Italy);
- Schweizerische Bundesbahnen / Chemins de Fer Fédéraux suisses / Ferrovie Federali Svizzere (Switzerland);
- Société Nationale des Chemins de fer Belges / Nationale Maatschappij der Belgische Spoorwegen (Belgium);

- Société Nationale des Chemins de fer Luxembourgeois (Luxembourg);
- Železnice Slovenskej republiky (Slovakia).

These Infrastructure Managers have set up One Stop Shops working as a network of single customer contact points within the framework of RNE. For international path requests, the Railway Undertaking needs only to contact one of these One Stop Shops, which will co-ordinate the whole international path allocation process.

The contact One Stop Shop will:

- Offer customer attention and information on the full product and service range of the Infrastructure Managers;
- Supply all the information required to gain access to and use the infrastructure of any Infrastructure Manager participating in RNE-RailNetEurope;
- Handle requests for any international train path within RNE-RailNetEurope;
- Make sure that requests for the next timetable period are duly taken into account in the yearly Forum Train Europe timetabling process;
- Provide train path offers for the whole international journey;
- Finalise the access contracts;
- Give assistance to the customer in the billing and payment procedure.

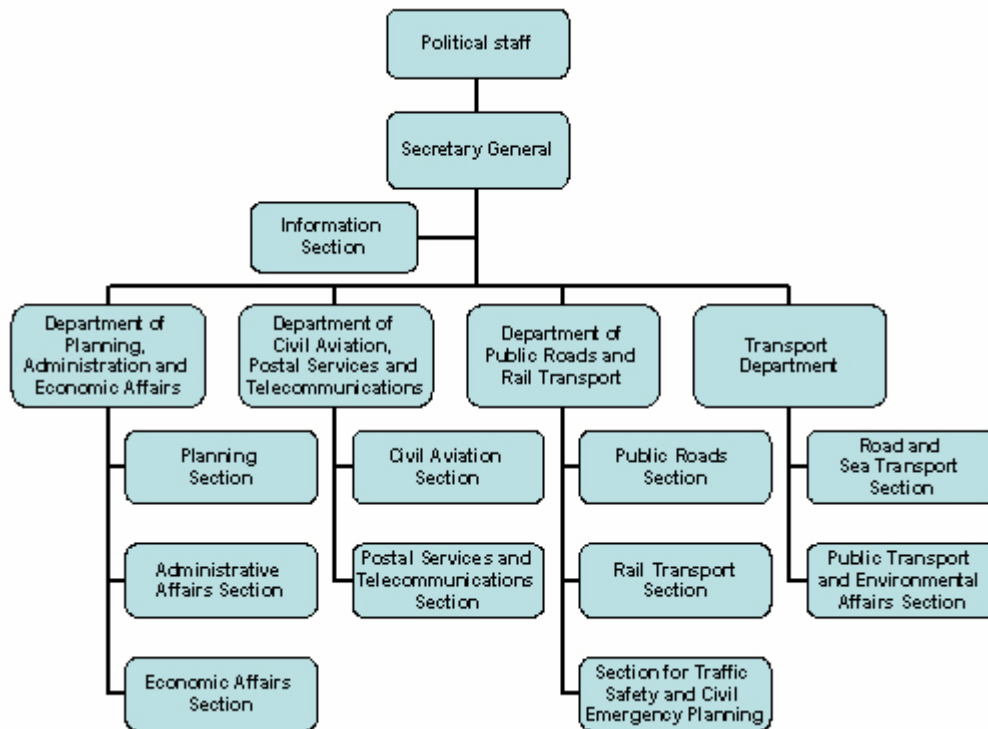
Autonomy of organisation

Jernbaneverket reports directly to the Ministry of Transport and Communications. The Ministry **monitors** the activities of Jernbaneverket through regular departmental meetings and four-monthly reports from Jernbaneverket.

The infrastructure management Jernbaneverket is a civil service organised directly under the Ministry. Jernbaneverket is an administrative agency in its own right, but its budget is part of the government budget. This is the traditional way of organizing public services in Norway. As a public service institution Jernbaneverket is not supposed to work on a profit-maximizing basis. The government and the Parliament set its objectives, both with regard to quality and financial aspects. The Director General of Jernbaneverket has full responsibility to reach these objectives. Long-term plans and the annual government budgets determine Jernbaneverket's work in terms of operation, maintenance and investment in railway infrastructure. Specific objectives for each project, including expenditures and progress, are incorporated in the annual government budget. Before a project starts, an independent adviser, hired directly by the Ministry, will evaluate the risks involved. There are specific efficiency objectives. To meet these objectives, Jernbaneverket has organised their production and service providers as independent service enterprises.

1.1.2 Ministry of Transport and Communications (MoTC)

Organisation chart



Income and expenses

As of 1 January 2003, the Ministry had an operating budget of NOK 92,1 million (EUR 11,2 million).

Number of employees

As of 1 January 2003 the Ministry had 135 employees: 32 managers, 93 advisers/executive officers and 10 office staff.. At the moment (May 2004) 13 people are working at the Rail Transport Section.

Legal constitution

State administration

Clients

In this context, the main clients are the railway operators.

Contact details for clients

P.O. Box 8010 Dep.

N-0030 OSLO

Tel: +47. 22 .24. 90. 90

Fax: +47.22. 24. 95. 72

Web site: www.sd.dep.no

E-mail: postmottak@sd.dep.no

Autonomy of organisation

Under direct order of the Minister of Transport and Communications.

1.1.3 Railway Inspectorate

Organisation chart

The Inspectorate has a managing director and is organised as a separate administrative body under the Ministry of Transport and Communications.

Income and expenses

Key figures Railway Inspectorate	
Appropriations over the Government budget for 2003	
Total expenditure	NOK 21,2 million (EUR 2,6 million)

Number of employees

Since 2003 the Inspectorate has ca. 20 employees (full-time equivalents).

Legal constitution

The Norwegian Railway Inspectorate is an administrative agency subordinate to the Ministry of Transport and Communications.

Clients

The main clients of the Railway Inspectorate are the railway undertakings and the Railway Administration.

Contact details for clients

Issuing Office:

The Norwegian Railway Inspectorate – Statens Jernbanetilsyn

Wergelandsveien 3

N- 0167 OSLO

Tel: +47-22.995900

Fax: +47-22.995903

E-mail: post@sjt.no

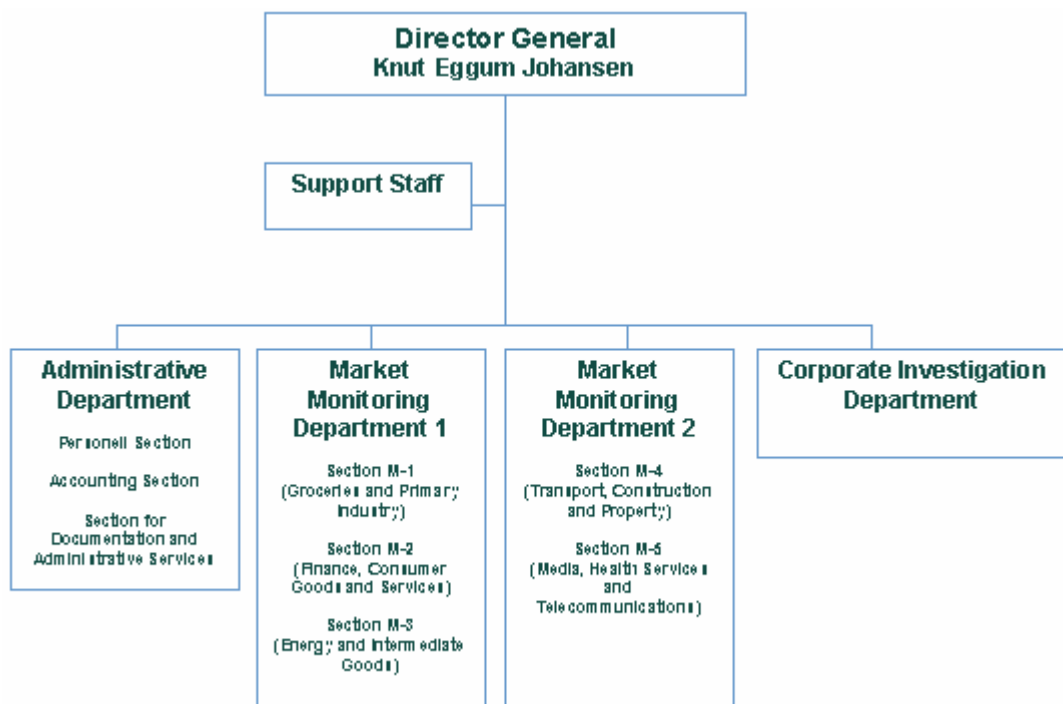
Autonomy of organisation

The Inspectorate reports directly to the Ministry of Transport and Communications and its budget is part of the government budget.

1.1.4 The Norwegian Competition Authority (NCA)

The full name of the Competition Authority is Konkurransetilsynet

Organisation chart



Source: www.konkurransetilsynet.no

The 'Market Monitoring Department 2' handles transport cases.

Director: Lasse Fridstrom.

Income and expenses

Not available

Number of employees

The NCA has approximately 100 employees

Legal constitution

The NCA was established on 1 January 1994, at the same time as the Competition Act.

The Norwegian competition act gives the NCA authorisation to intervene in businesses that abuse market power, or in other ways reduce competition in the market.

Clients

The clients of the Norwegian Competition Authority are, in the railway sector, the railway operators (passengers and freight) and the general public on issues related to general competition law.

Contact details for clients

Norwegian Competition Authority

Postboks 8132 Dep.

0033 Oslo

Tel: +47-22.40.09.00

Fax: +47-22.40.09.99

E-mail: post@konkurransetilsynet.no

Head of Information:

Elin K. Kleven

Tel: +47-22.00.48.29

Mobile Phone: +47-951.29.204

Autonomy of organisation

The Norwegian Competition Authority is a government agency and falls under the Ministry of Labour and Governmental Administration.

The Ministry of Labour and Governmental Administration provides the framework for the NCA's activities. It is the appellate body of the NCA's decisions.

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 already in place in Norway, e.g. an independent safety authority (Railway Inspectorate) and an independent investigation body (Accident Investigation Board/Norway).

In autumn 2004, the Ministry of Transport and Communications, which is responsible for implementation of the safety directive 2004/49/EC, has started the implementation procedure together with the Norwegian Railway Inspectorate. The directive will be transposed in Norwegian legislation at the latest 30 April 2006.

2 ORGANISATION OF PUBLIC TASKS

2.1 Separation, licensing and charging

2.1.1 Investigation of accidents (2001/12)

Responsible organisation

Accident Investigation Board/Norway. The Board has 16 employees in total and a budget of 20,2 million NOK (2,5 million euro) in 2003

Objectives, tasks and responsibilities

In Norway there is one common national commission for investigating accidents in civil aviation and railway, the Accident Investigation Board.

The Accident Investigation Board / Norway is a separate administrative body subject to the authority of the Ministry of Transport and Communications but, in all professional matters, is independent. The board has responsibility for investigating civil aviation- and railway accidents and incidents. The purpose of the investigations is to reveal the causes of accidents and incidents, and to provide recommendations for the improvement of air and railway safety. The investigations do not aim to apportion blame or liability.

There are discussions to expand this commission with road and possibly sea transport accidents.

Procedure

Not available

Legal basis of procedure

Act on the Establishment and Operation of Railways, including Tramways, Underground Railways and Suburban Railways etc. (Railway Act).

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

Responsible organisation

Railway Inspectorate

Objectives, tasks and responsibilities

- The Inspectorate is the responsible body for the security-certification of operators.
- It also enforces and monitors the safety standards and rules set by the Ministry.
- Besides, it monitors Jernbaneverket. Both the infrastructure manager and the train operators have to report all physical deviations in railway operations to the Inspectorate. Rolling stock also has to be approved by the Inspectorate.

Procedure

The procedure for safety certification is:

- Enquiry for national license and application for certificate;
- Jernbaneverket issues a rolling stock declaration, which is sent to the Railway Inspectorate;
- The Railway Inspectorate grants a safety certificate.

Legal basis of procedure

Authorisation Regulations

2.1.3 Licensing of railway undertakings (2001/13)

Responsible organisation

Railway Inspectorate issues licenses

Objectives, tasks and responsibilities

The mission of the Railway Inspectorate is to promote the interests of the general public, including the safety of passengers and railway personnel, wherever private or public railways, tramways, underground railways and suburban railways are established and operated.

Procedure

Preparation of applications:

The duration of a license depends on the companies' applications. They are valid up to the date requested by companies as long as they fulfil the obligations set by the Ministry of Transport and Communications. If the company is out of business for more than 6 months, they will have to apply for a new approval. In the process of licensing the economic evaluation of companies is focused on the status of insurance and/or own capital to cover costs of possible accidents.

Legal basis of procedure

Authorisation regulations, especially chapters 4 to 6.

2.1.4 Track access (2001/12)

Responsible organisation

MoTC

Objectives, tasks and responsibilities

MoTC provides access to the national railway network in accordance with chapter 2 of the Authorisation Regulations.

Procedure

The procedures concerning access to the national railway network are described in section 2-1 in the Authorisation Regulations and is related to undertakings which have access to the national railway network. Section 2-2 describes the procedures for undertakings which may apply to the Ministry for access to the national railway network.

Legal basis of procedure

Authorisation Regulations, especially sections 2-1 and 2-2

2.1.5 Developing the capacity allocation framework (2001/14)

Responsible organisation

Jernbaneverket

Objectives, tasks and responsibilities

Jernbaneverket is responsible for allocating capacity among railway companies (path allocation authority).

Procedure

The procedures follow directive 2001/14

Where the infrastructure has been declared to be congested and it is necessary to employ priority criteria to allocate infrastructure capacity, the infrastructure manager shall employ infrastructure capacity in such a way as to take maximum possible account of the importance of a service to society relative to any other service, which will consequently be excluded or supplanted. With reference to the provision of the first paragraph, cf. third paragraph, the following guidelines apply, in order of priority, to the allocation of infrastructure capacity:

1. Infrastructure capacity to public services. On the stretch Asker-Gardermoen the feeder service to Oslo International Airport shall have the same priority as public services;
2. Infrastructure capacity that is included in framework agreements;

3. Infrastructure capacity reserved for use of particular types of traffic on infrastructure described in section 7-12;
4. Infrastructure capacity for international goods transport and international combined transport;
5. Other goods transport;
6. Other passenger transport.

The infrastructure manager may deviate from the above sequence of priorities if such deviation will result in higher overall utilisation of the total infrastructure capacity. The infrastructure manager may also take account of previous levels of utilisation of allocated train paths when deciding on priorities and shall in such case establish rules in this respect.

Legal basis of procedure

Allocation regulations, chapter 7

2.1.6 Publishing of capacity allocation framework (2001/14)

Responsible organisation

Jernbaneverket is responsible for publishing the Network Statement.

Objectives, tasks and responsibilities

The Network Statement is published for the use of applicants for capacity for each timetable period.

Procedure

The Network Statement can be found on the website of Jernbaneverket:

http://www.jernbaneverket.no/marked/Network_Statement/

Legal basis of procedure

The Network Statement requirement comes from chapter 2 of the Allocation Regulations.

2.1.7 Setting of infrastructure charges (2001/14)

Responsible organisation

The Ministry of Transport and Communications reviews infrastructure charges every year (as part of the process of setting the budget).

Objectives, tasks and responsibilities

The Ministry of Transport and Communications sets tariffs for infrastructure charges and the specific rules governing such charges.

Procedure

The infrastructure charges are determined on the basis of marginal cost pricing principles including external costs (pollution, noise and accidents). However, also the non-discriminatory taxation between modes is taken into account.

Since passenger bus transport and road haulage do not pay their external costs, the infrastructure charges for track usage are also lowered in order not to distort intermodal competition. The infrastructure charges are paid to the infrastructure manager.

Procedure Access Charging: Formally there is an access charge for passenger services, but it is set to NOK 0. All trains using the airport express line (Gardermobanen) are charged a train/km fee, based on total coverage of maintenance costs. Freight trains are charged a gross ton/km fee, which is based on marginal costs.

Standard Tariff for Freight Transport (per gross tonne-km)

Year	Tariff in NOK
1999	NOK 0.00978
2000	NOK 0.01
2001	NOK 0.01029
2002	NOK 0.01059
2003	NOK 0.01100
2004	NOK 0.014

Tariff for Combined Freight Transports – i.e. Use of Containers and Swap Bodies (per train-kilometre)

Year	Tariff in NOK
1999	NOK 0.0
2000	NOK 0.0
2001	NOK 0.0
2002	NOK 0.0
2003	NOK 0.0
2004	NOK 0.0

Tariff for Passenger Transport (per train-kilometre)

Year	Tariff in NOK
1999	NOK 0.0
2000	NOK 0.0
2001	NOK 0.0
2002	NOK 0.0
2003	NOK 0.0
2004	NOK 0.0

Legal basis of procedure

Allocation regulations, (Fordelingsforskriften), chapter 4

2.1.8 Collection of infrastructure charges (2001/14)

Responsible organisation

The infrastructure manager, Jernbaneverket

Objectives, tasks and responsibilities

Jernbaneverket is responsible for the collection of infrastructure charges from train operators.

Procedure

Jernbaneverket bills for all services. Billing occurs monthly. The rail operators are obliged to provide the necessary information for calculating the charge.

Legal basis of procedure

Allocation regulations, chapter 4

2.1.9 Publishing of charging framework (2001/14)

Responsible organisation

Jernbaneverket

Objectives, tasks and responsibilities

The Network Statement is issued in order to ensure railway undertakings and other interested parties an equivalent degree of insight into and information about both the rules for access to the railway's infrastructure and knowledge about the infrastructure as such.

Procedure

The charging framework, part of the Network Statement, is published at the website of Jernbaneverket:

http://www.jernbaneverket.no/marked/Network_Statement/

Legal basis of procedure

The Network Statement requirement comes from chapter 2 in the Allocation Regulations.

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

Responsible organisation

Norwegian Railway Inspectorate

Objectives, tasks and responsibilities

The Railway Inspectorate is the appeal body for decisions taken by the infrastructure manager related to charging and capacity allocation.

Procedure

Appeals shall be decided on within two months (after all necessary information has been produced).

Legal basis of procedure

Allocation regulations, section 9-4.

2.2 Interoperability and safety

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

Responsible organisation

AEIF is the joint representative body mandated by the EU Commission to lay down the Technical Specifications for Interoperability (TSIs).

AEIF brings together representatives of the infrastructure managers, railway companies and industry. It is co-founded by UIC, UNIFE and UITP and is supported by the European Commission

Objectives, tasks and responsibilities

During the last four years AEIF was engaged in the development of the TSIs required by the Directive 96/48 (Interoperability of the Trans-European high speed railway system). AEIF has also been entrusted with the task of setting up the TSIs for conventional rail according to the approved Directive on Interoperability of Conventional Rail.

Procedure

The technical specifications for interoperability (TSI's) for the several railway sub-systems of the High-Speed railway network can be found on www.aeif.org. (they are also published in the Official Journal of the European Union L245, Volume 45, 12 September 2002, p. 1 – 506).

Legal basis of procedure

Regulations concerning interoperability in the trans-European conventional network.

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

Responsible organisation

MoTC

Objectives, tasks and responsibilities

The Advisory Committee shall assist the Commission concerning the implementation of the two Directives and the achievement of interoperability of the rail system.

The Committee is composed of the representatives of the Member States and chaired by the representative of the Commission.

Procedure

Not available

Legal basis of procedure

Regulations concerning high-speed train and trans-European conventional network (only available in Norwegian).

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

Responsible organisation

MoTC

Objectives, tasks and responsibilities

The MoTC is responsible for rail transport policy issues, including legislation. This means that the MoTC is the railway regulator.

Procedure

Follows the procedures in the directives 96/48 and 2001/16.

Legal basis of procedure

Regulations concerning high-speed train and trans-European conventional network (only available in Norwegian).

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

Responsible organisation

The Norwegian Railway Inspectorate

Objectives, tasks and responsibilities

For putting a subsystem into service on the state-owned rail network, an authorisation is required from the Norwegian Railway Inspectorate.

Procedure

Not available

Legal basis of procedure

Regulations concerning high-speed train and trans-European conventional network (only available in Norwegian).

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

Responsible organisation

The Norwegian Railway Inspectorate; The MoTC can request the Inspectorate to carry out supervision.

Objectives, tasks and responsibilities

The Norwegian Railway Inspectorate is, amongst others, responsible for supervising and ensuring that railway operators comply with the Railway Act.

Procedure

Not available

Legal basis of procedure

Regulations concerning high-speed train and trans-European conventional network (only available in Norwegian).

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

MoTC

Objectives, tasks and responsibilities

The MoTC is the responsible for the approval of Notified Bodies.

Procedure

Not available

Legal basis of procedure

Regulations concerning high-speed train and trans-European conventional network (only available in Norwegian).

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

Responsible organisation

MoTC

Objectives, tasks and responsibilities

MoTC is responsible for the supervision of the Notified body.

Procedure

Not available

Legal basis of procedure

Directives 96/48 and 2001/16

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

Responsible organisation

Notified Bodies are responsible for carrying out the procedure for the assessment of conformity and/or suitability for use of the interoperability constituents and for EC verification of subsystems (Art. 20.1).

So far Norway has approved one notified body, SINTEF Jernbanesettrifisering. The relevant task is related to control-command and signalling sub-system of the trans-European high-speed rail system.

Objectives, tasks and responsibilities

To assess conformity and/or suitability of (sub)systems for use

Procedure

Not available

Legal basis of procedure

Directives 96/48 and 2001/16

2.3 State aid, competition and public service obligations

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

Responsible organisation

The Norwegian Competition Authority has the general responsibility for dealing with competition issues, including railways.

However, the Ministry of Transport and Communications has the regulatory responsibility within the railway act, which also deals with access rights to the railway network.

Objectives, tasks and responsibilities

The primary task of the Norwegian Competition Authority is to enforce the Norwegian Competition Act for the benefit of consumers and society. The act gives the Norwegian Competition Authority a mandate to intervene against businesses, which abuse their market power or in other ways conduct their operations in a manner liable to restrict competition in the markets.

Procedure

Not available

Legal basis of procedure

The competition authority shall according to section 2.2 of the Competition Act survey competition in the various markets².

2.3.2 Enforcing of competition (01/2003)

Responsible organisation

The Norwegian Competition Authority

Objectives, tasks and responsibilities

The Norwegian Competition Authority's (NCA) main task is to enforce competition

Procedure

Not available

² On the 9th of April 2003, the Competition Law Reform Commission submitted its proposal for a new Competition Act. The proposal includes no material changes in the rules of merger control, but includes among others obligation to notify concentrations above a certain threshold. The new Competition Act is expected to enter into force in May 2004.

Legal basis of procedure

The Norwegian competition act gives the NCA authorisation to intervene in businesses that abuse market power, or in other ways reduce competition in the market.

2.3.3 Complaint handling related to competition (01/2003)

Responsible organisation

The Norwegian Competition Authority

Objectives, tasks and responsibilities

See 2.3.1 and 2.3.2

Procedure

Not available

Legal basis of procedure

Competition Act

2.3.4 Evaluation of annual PSO claims (1191/69)

Responsible organisation

MoTC

Objectives, tasks and responsibilities

The MoTC negotiates with the NSB AS about the annual compensation for PSO's. In this context, the Ministry also performs the necessary evaluations and monitors the railway operator(s).

Procedure

See below

Legal basis of procedure

Not available

- What kind of PSO's are concluded for Railway Passenger Transport?
The only operator currently receiving compensation for PSO's is NSB AS.
The national government has three contracts for public service obligations with NSB:
 1. General objectives framework contract: this contract outlines NSB's objectives.
The contract has no specific time frame;
 2. A framework contract: this contract provides a long-term framework for NSB by outlining intended developments in services and expenditures over a 4 year time period;

3. The main contract: every year the government negotiates this main PSO contract with NSB. The contract specifies the minimum service levels and the maximum fares that NSB can charge for the year and linked to these minimum standards, the level of contributions to be paid to NSB by the state. The contributions are specified in advance on a net costs basis.

- Is a distinction made between long distance and regional/urban transport?
We make a distinction between urban transport, InterCity transport and regional-/local transport.
- Who are the contracting authorities?
The Ministry of Transport and Communications
- What is the total contracting sum?
The contracting sum is 1,436 billion NOK (176 million euro) in 2004.
- What is the length of the contract?
The length of the contract is one year.
- Are the PSO awarded via public procurement procedures?
Passenger transport on a regional line (Gjøvikbanen) is exposed to competition and will be awarded via public procurement procedures. The start of traffic on this line is summer 2006. The rest of the PSO's are at the moment not awarded via public procurement procedures.
- What percentage of the market is covered via PSO's?
Ca. 86 percent of the market (seat-kilometers) is covered via PSO's.

2.4 Statistics

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

Responsible organisation

MoTC

Objectives, tasks and responsibilities

MoTC collects financial data from all the railway undertakings (see section 3.1 for a complete list)

Procedure

Not available

Legal basis of procedure

Directive 1192/69

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

Responsible organisation

MoTC

Objectives, tasks and responsibilities

MoTC receives financial data from the infrastructure manager.

Procedure

Not available

Legal basis of procedure

Directive 1108/70

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

Responsible organisation

The Norwegian Railway Inspectorate and the national bureau of Statistics, 'Statistics Norway'.

Objectives, tasks and responsibilities

The responsible organisation concerning incidents and accidents is the Norwegian Railway Inspectorate (annex H in regulation 91/2003). The National Bureau of Statistics is responsible for the transport statistics (all the other annexes in regulation 91/2003) and the national contribution to Community statistics on rail transport to Eurostat.

Procedure

Not available

Legal basis of procedure

Directive 91/2003

3 TRAIN OPERATING COMPANIES

3.1 List of train operating companies

In 2003, the following train companies held licenses to operate on Norway's national rail network:

Freight operations

- CargoNet AS
CargoNet AS is a partly owned subsidiary of NSB AS, which holds 55 percent of the share interest and the Swedish rail company Green Cargo AB, which holds 45 percent;
- Malmtrafikk AS (MTAS)
In 1996 the MTAS was founded by the Norwegian State Railways (NSB), the Swedish State Railways (SJ) and the LKAB Iron-ore mining company. The new MTAS company is responsible for the iron-ore freight from Kiruna in Sweden to Narvik in Norway (Ofotline).
- Green Cargo AB (from 12 December 2003)

Passenger operations

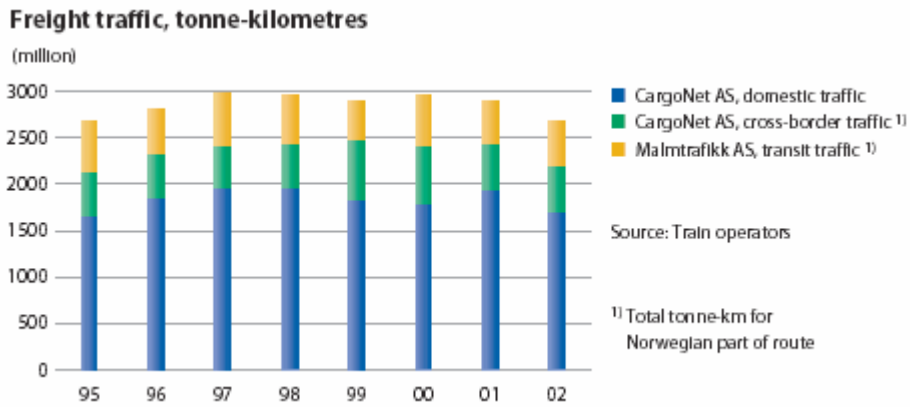
- NSB AS;
- Flytoget AS;
- Ofotbanen AS (Ofotline);
- Connex Tog AS
- Linx AB (operates under NSB's licence)
- Flåm Utvikling AS (operates under NSB's licence)
- GM-gruppen
- Has permission to run excursion and charter trains on the entire national railroad system
- Valdresbanen AS

3.2 Safety license

All the operating companies have a safety license.

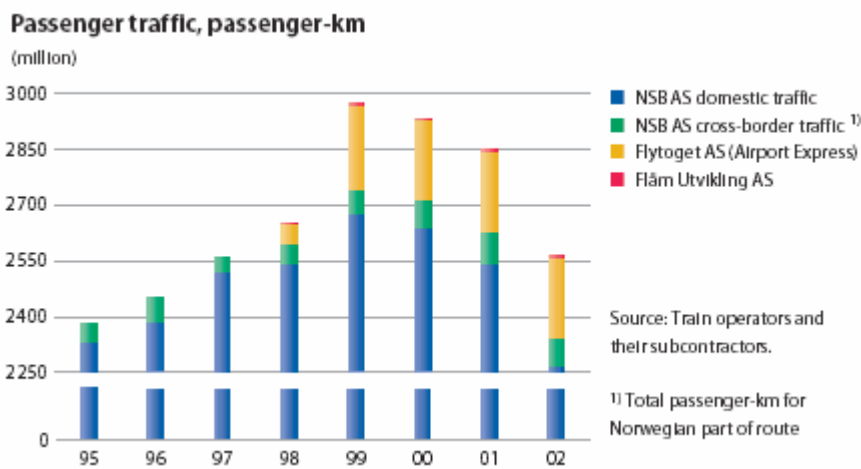
3.3 Market shares/transport volumes

Freight operations



Source: Annual Report Jernbaneverket 2002

Passenger operations



Source: Annual Report Jernbaneverket 2002

The train companies have supplied the following data (source: annual report Jernbaneverket 2003):

Freight traffic

Tonnes transported by rail (1000)

	1996	1997	1998	1999	2000	2001	2002	2003
Norwegian domestic traffic	4 947	5 038	5 802	6 024	5 890	6 300	5 894	4 589
Including:								
NSB AS	4 947	5 038	5 802	6 024	5 890	6 300	*	*
CargoNet AS ¹	*	*	*	*	*	*	5 894	4 589
Cross-border traffic	14 612	16 709	15 533	13 599	15 745	14 081	14 534	16 556
Including:								
NSB AS	1 521	1 538	1 656	2 075	2 069	1 891	*	*
CargoNet AS ¹	*	*	*	*	*	*	1 760	2 826
Malmtrafikk AS	13 091	15 171	13 877	11 524	13 676	12 190	12 774	13 730
Other operators	*	*	*	*	*	*	*	**
Total	19 559	21 747	21 335	19 623	21 635	20 381	20 428	21 145

Tonne-kilometres (million)

	1996	1997	1998	1999	2000	2001	2002	2003
Norwegian domestic traffic	1 835	1 949	1 934	1 817	1 775	1 933	1 686	1 559
Including:								
NSB AS	1 835	1 949	1 934	1 817	1 775	1 933	*	*
CargoNet AS ¹	*	*	*	*	*	*	1 686	1 559
Cross-border traffic [*]	969	1 026	1 014	1 077	1 180	954	1 002	1 068
Including:								
NSB AS	472	450	487	639	623	479	*	*
CargoNet AS ¹	*	*	*	*	*	*	504	533
Malmtrafikk AS	497	576	527	438	557	475	498	535
Other operators	*	*	*	*	*	*	*	**
Total	2 804	2 975	2 948	2 894	2 955	2 887	2 688	2 627

Passenger traffic

Passenger journeys (1000)

	1996	1997	1998	1999	2000	2001	2002	2003
Norwegian domestic traffic	40 571	44 634	48 207	54 268	55 141	54 032	50 314	49 201
Including:								
NSB AS	40 571	44 634	46 856	49 780	50 600	49 330	45 806	44 783
Flytoget AS	*	*	1 000	4 118	4 166	4 085	3 961	3 870
Flåm Utvikling AS	*	*	351	370	375	398	415	417
Linx AB	*	*	*	*	*	219	132	131
Cross-border traffic	130	110	116	120	200	294	398	420
Including:								
NSB AS	130	110	116	120	200	70	0	25
Linx AB	*	*	*	*	*	224	398	356
Other operators	*	*	*	*	*	*	*	39
Total	40 701	44 744	48 323	54 388	55 341	54 326	50 712	49 621

Passenger-kilometres (million)

	1996	1997	1998	1999	2000	2001	2002	2003
Norwegian domestic traffic	2 384	2 514	2 602	2 845	2 781	2 739	2 509	2 436
Including:								
NSB AS	2 384	2 514	2 540	2 610	2 558	2 491	2 264	2 196
Flytoget AS	*	*	55	228	216	220	219	214
Flåm Utvikling AS	*	*	7	7	7	8	8	8
Linx AB	*	*	*	*	*	20	18	18
Cross-border traffic ^{**}	65	47	50	64	76	66	55	51
Including:								
NSB AS	65	47	50	64	76	45	0	1
Linx AB	*	*	*	*	*	21	55	48
Other operators	*	*	*	*	*	*	*	2
Total	2 449	2 561	2 652	2 909	2 857	2 805	2 564	2 487

* Total tonne-km for Norwegian part of route.

** Total passenger-km for Norwegian part of route.

¹ CargoNet AS was hived off from NSB AS with effect from 1 January 2002. Since that date, NSB has operated passenger services only.

* = Not applicable
 - = Zero
 ** = Figures not available
 0 = Less than 0.5

These figures show that CargoNet and NSB are the dominant suppliers of freight and passenger services respectively. At the end of 2003, one more Train Operating Company (Green Cargo, Sweden) entered the Norwegian Rail Freight market. In April 2004 another Swedish freight Train Operating Company, Tågåkeriet i Bergslagen AB, entered the Norwegian Rail Freight market.

Increased competition is the main policy issue for the Norwegian railways. The aim is to put all PSO operations out to tender. The intention is that in 2005 the tendering process will start with two local services and once lessons from this initial stage have been drawn, the intention is to roll out competitive tendering across the network.

The first round of tendering concerns the Gjøvik line and the following train companies have prequalified: Arriva Tog Norge AS, Connex Tog AS, DSB Gjøvikbanen AS, Keolis Gjøviksbanen AS, NSB AS, NSB Anbud AS and Ofotbanen AS.

The performance of tendering in Sweden and Denmark is also being monitored and will be important in deciding on competitive tendering in Norway (Nera, 2003).

4 NGO'S

The following NGOs are active:

4.1 User groups

Consumer organisations

Forbrukerombudet (Consumer Ombudsman)

The Consumer Ombudsman (CO) is an independent administrative body with the responsibility of supervising measures in the market and seeking to exert influence on traders to observe the regulatory framework.

Postboks 4597, Nydalen
N - 0404 OSLO
Norway

Forbrukerrådet (Norwegian Consumer Council)

Postboks 3595, Nydalen
N - 0404 OSLO
Norway

4.2 Trade unions

NHO: The Confederation of Norwegian Business and Industry

NHO is the main organisation for Norwegian employers in manufacturing industries, services and crafts. Membership consists of more than 16 000 enterprises ranging from small family-owned businesses to large industrial enterprises.

NHO's activities cover three main areas:

1. Promoting legislation and industrial policies that are conducive to a prosperous business climate and ensuring that framework conditions for business and industry are consistent with this goal.
2. Representing employers in collective bargaining
3. Advising member companies on a wide range of issues. Long-term goals include promoting the competitiveness, profitability and increased internationalisation of Norwegian companies.

The Norwegian Union of Railway Workers (Norsk Jernbaneforbund, NJF)

NJF unionises most employees in NSB BA and the Norwegian Railway Administration, with the exception of train/locomotive operators. It is affiliated to the Norwegian Confederation of Trade Unions (Landsorganisasjonen I Norge, LO). NJF also unionises employees in subsidiary companies of NSB BA and comprises 9500 members in employment.

The Norwegian Union of Locomotivemen (Norsk Lokotivmannsforbund, NLF) unionises train/locomotive operators and comprises 1200 members. NLF is also a LO member union.

There is a high union density in the Norwegian railway sector. Around 90% of employees in NSB BA and the Norwegian Railway Administration are unionised.

5 FURTHER FACTS AND STATISTICS

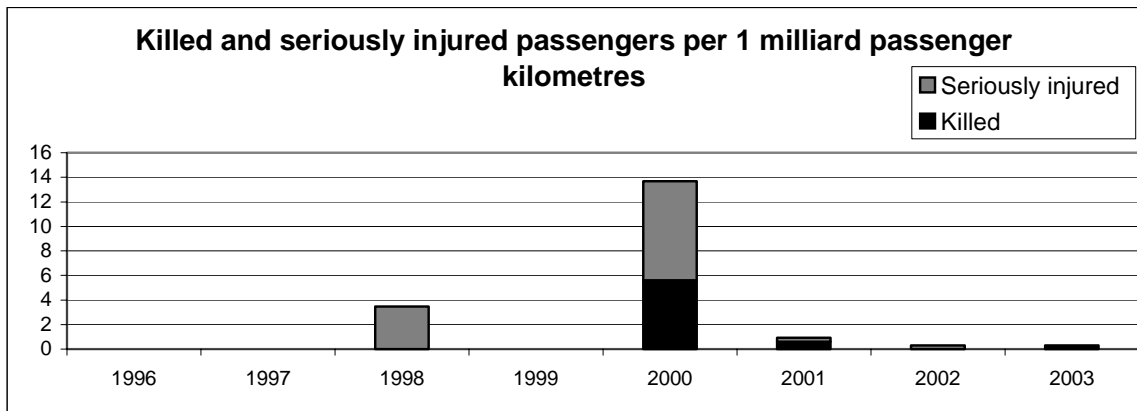
5.1 Complaint statistics and information

In 2002, the Norwegian Competition Authority handled 261 consultation matters calling attention to the restraining effects of public measures.

In one of those expert opinion documents, the Competition Authority took a positive view of opening up competition on the Norwegian railways. It will be essential to create an institutional framework conducive to competition on equal terms, in order to realise the potential for greater efficiency inherent in exposure to competition.

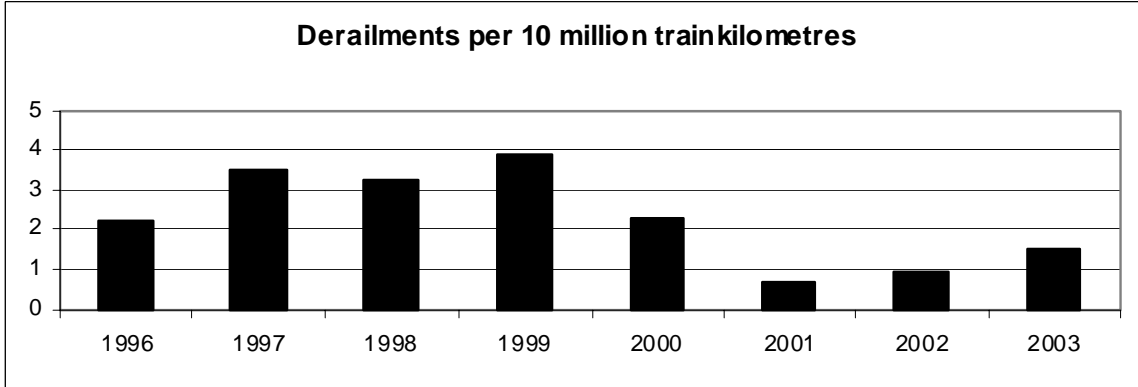
5.2 Railway accident statistics

Below are some figures from the Norwegian Railway Inspectorate that illustrate the numbers of deaths and serious injuries to passengers relative to passenger kilometres and accidents of different categories relative to the train activity in Norway. Accidents and injuries to shunting are not included.

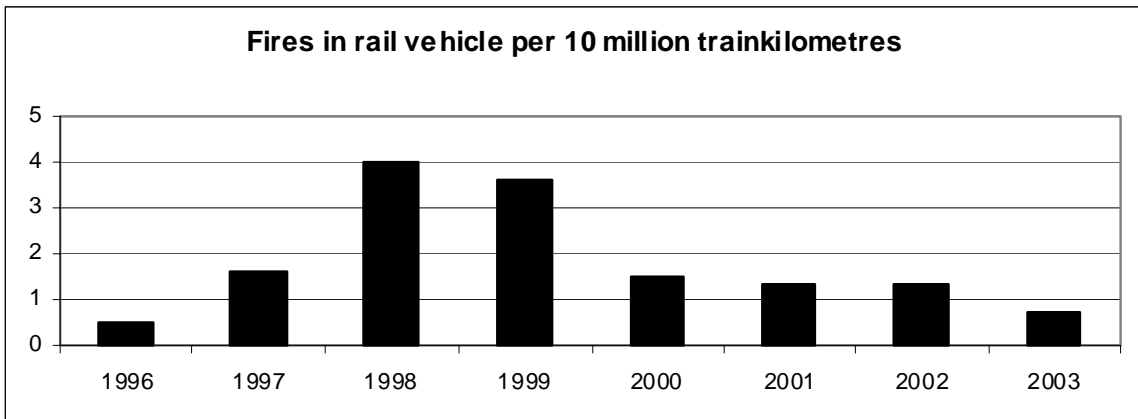


5.2.1 Injuries

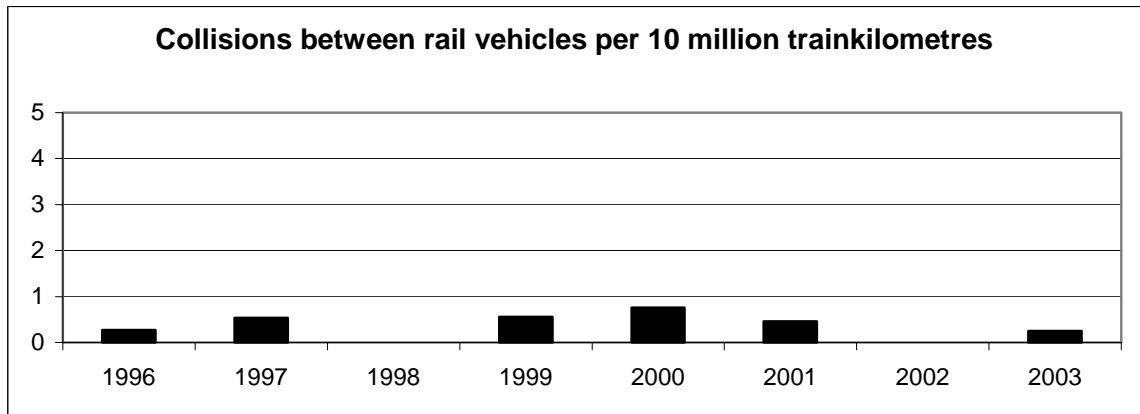
5.2.2 Derailments



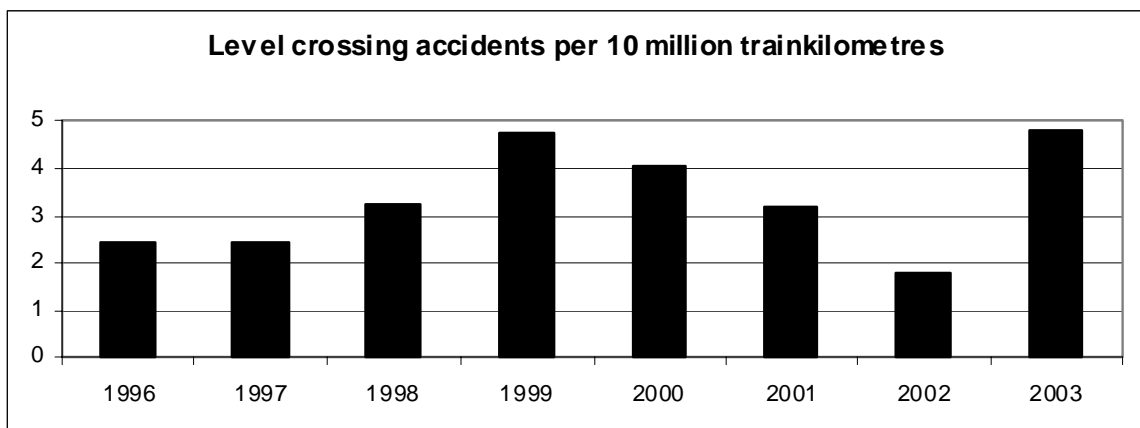
5.2.3 Fires



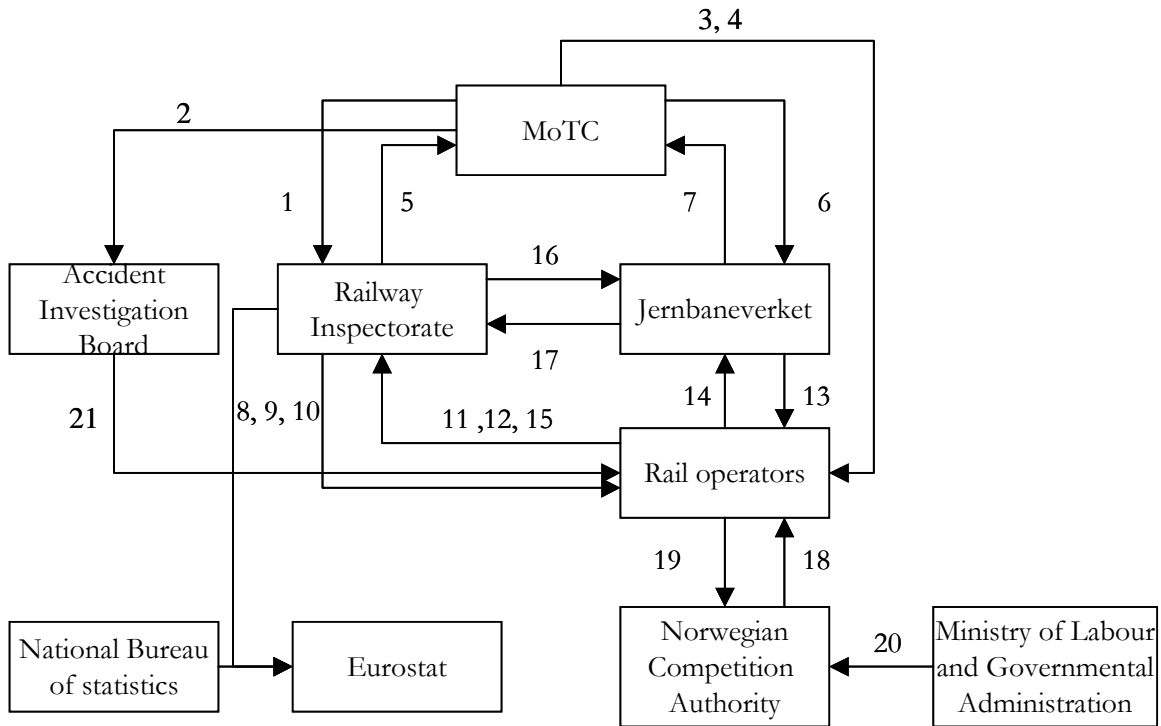
5.2.4 Collisions between rolling stock



Level crossing accidents



6 GRAPHICAL OVERVIEW



- 1) The Railway Inspectorate is an agency under the MoTC. MoTC sets safety standards and rules, which the railway inspectorate has to enforce;
- 2) The Accident Investigation Board is subordinate to the MoTC.
- 3) The MoTC is for 100% owner of the two railway operators, NSB AS and Flytoget AS.
- 4) The MoTC negotiates and finances PSO's.
- 5) The Inspectorate reports directly to the MoTC and its budget is part of the government budget;
- 6) Jernbaneverket is an agency under the MoTC and operates under instruction of MoTC. The State/Government has complete responsibilities for all the infrastructure providers' liabilities;
- 7) Jernbaneverket reports directly to the MoTC and its budget is part of the government budget;
- 8) The Inspectorate is responsible for the safety certification of operators;
- 9) The Inspectorate enforces and monitors safety standards and rules set by the MoTC;
- 10) The Inspectorate has to approve rolling stock;
- 11) Rail operators have to report all physical deviations in railway operations to the Inspectorate

- 12) Rail operators have to apply at the Railway Inspectorate for an operating licence.
- 13) Jernbaneverket allocates the railway capacity among the operators in the form of train paths;
- 14) Rail operators have to pay the infrastructure manager infrastructure charges;
- 15) The Inspectorate is the appeal body for decisions related to charging and capacity allocation;
- 16) The Inspectorate monitors Jernbaneverket;
- 17) The Infrastructure manager has to report all physical deviations in railway operations to the Inspectorate;
- 18) The Competition Authority monitors and enforces competition in the railway sector;
- 19) Rail operators can complain about competition issues in the railway sector;
- 20) The Competition Authority is a government agency and falls under the Ministry of Labour and Governmental Administration.
- 21) The Accident Investigation Board investigates accidents in civil aviation and railways.
- 22) The Norwegian Railway Inspectorate and the national bureau of statistics Norway are responsible for national contribution to Community Statistics on rail transport.