

Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (repealed)

CHAPTER I

**INTRODUCTORY PROVISIONS**

*Article 1*

**Scope**

1 This Directive concerns the principles and procedures to be applied with regard to the setting and charging of railway infrastructure charges and the allocation of railway infrastructure capacity.

Member States shall ensure that charging and capacity allocation schemes for railway infrastructure follow the principles set down in this Directive and thus allow the infrastructure manager to market and make optimum effective use of the available infrastructure capacity.

2 This Directive applies to the use of railway infrastructure for domestic and international rail services.

3 Member States may exclude from the scope of this Directive:

- a) stand-alone local and regional networks for passenger services on railway infrastructure;
- b) networks intended only for the operation of urban or suburban passenger services;
- c) regional networks which are used for regional freight services solely by a railway undertaking that is not covered by the scope of Directive 91/440/EEC until capacity on that network is requested by another applicant;
- d) privately owned railway infrastructure that exists solely for use by the infrastructure owner for its own freight operations.

4 Transport operations in the form of shuttle services for road vehicles through the Channel Tunnel are excluded from the scope of this Directive.

*Article 2*

**Definitions**

For the purpose of this Directive:

- a) 'allocation' means the allocation of railway infrastructure capacity by an infrastructure manager;
- b) 'applicant' means a licensed railway undertaking and/or an international grouping of railway undertakings, and, in Member States which provide for such a possibility, other persons and/or legal entities with public service or commercial interest in procuring infrastructure capacity, such as public authorities under Regulation (EEC)

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- No 1191/69<sup>(1)</sup> and shippers, freight forwarders and combined transport operators, for the operation of railway service on their respective territories;
- c) ‘congested infrastructure’ means a section of infrastructure for which demand for infrastructure capacity cannot be fully satisfied during certain periods even after coordination of the different requests for capacity;
  - d) ‘capacity enhancement plan’ means a measure or series of measures with a calendar for their implementation which are proposed to alleviate the capacity constraints leading to the declaration of a section of infrastructure as ‘congested infrastructure’;
  - e) ‘coordination’ means the process through which the allocation body and applicants will attempt to resolve situations in which there are conflicting applications for infrastructure capacity;
  - f) ‘framework agreement’ means a legally binding general agreement on the basis of public or private law, setting out the rights and obligations of an applicant and the infrastructure manager or the allocation body in relation to the infrastructure capacity to be allocated and the charges to be levied over a period longer than one working timetable period;
  - g) ‘infrastructure capacity’ means the potential to schedule train paths requested for an element of infrastructure for a certain period;
  - h) ‘infrastructure manager’ means any body or undertaking that is responsible in particular for establishing and maintaining railway infrastructure. This may also include the management of infrastructure control and safety systems. The functions of the infrastructure manager on a network or part of a network may be allocated to different bodies or undertakings;
  - i) ‘network’ means the entire railway infrastructure owned and/or managed by an infrastructure manager;
  - j) ‘network statement’ means the statement which sets out in detail the general rules, deadlines, procedures and criteria concerning the charging and capacity allocation schemes. It shall also contain such other information as is required to enable application for infrastructure capacity;
  - k) ‘railway undertaking’ means any public or private undertaking, licensed according to applicable Community legislation, the principal business of which is to provide services for the transport of goods and/or passengers by rail with a requirement that the undertaking must ensure traction; this also includes undertakings which provide traction only;
  - l) ‘train path’ means the infrastructure capacity needed to run a train between two places over a given time-period;
  - m) ‘working timetable’ means the data defining all planned train and rolling-stock movements which will take place on the relevant infrastructure during the period for which it is in force.

### *Article 3*

#### **Network statement**

1 The infrastructure manager shall, after consultation with the interested parties, develop and publish a network statement obtainable against payment of a duty which may not exceed the cost of publishing that statement.

2 The network statement shall set out the nature of the infrastructure which is available to railway undertakings. It shall contain information setting out the conditions for access to the relevant railway infrastructure. The content of the network statement is laid down in Annex I.

3 The network statement shall be kept up to date and modified as necessary.

4 The network statement shall be published no less than four months in advance of the deadline for requests for infrastructure capacity.

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- (1) Regulation (EEC) No 1191/69 of the Council of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway ([OJ L 156, 28.6.1969, p. 1](#)). Regulation as last amended by Regulation (EC) No 1893/91 ([OJ L 169, 29.6.1991, p. 1](#)).