



Report on the activities 2020

Rail Transport Commission RailCom



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Kommission für den Eisenbahnverkehr RailCom
Commission des chemins de fer RailCom
Commissione del trasporto ferroviario ComFerr
Rail Transport Commission RailCom



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Foreword from the Chair

Dear reader

Around 20 years ago - on 1 January 2000 - RailCom started its activity, at that time under the name «Railways Arbitration Commission RACO». After having its remit extended on various occasions, RailCom's position as a regulatory authority has since been gradually strengthened. After Rail Reform 2 and the complete revision of the Federal Act on the Carriage of Goods by Rail and Navigation Companies (GCarA¹) in 2016, the latest step was the entry into force of the Federal Act on Organisation of Railway Infrastructure (ORI²) on 1 July 2020. This gave RailCom its current name and various new responsibilities which are outlined on pages 4 to 7 of this Activity Report.

One of these new responsibilities concerns last-mile rail freight services. To ensure we fulfil this new responsibility in an operationally relevant way, we used our symposium, held on 20 November 2020, to engage in discussion with various industry stakeholders. In Art. 6a of the Ordinance on the Carriage of Goods by Rail and Navigation Companies (GCarO³), the Federal Council made a transport service subject to the principle of non-discrimination for the first time. In rail transport, this principle only previously applied to access to rail infrastructure and to freight transport facilities subsidised by the Confederation. We also presented our activities concerning intermodal freight terminals to around 60 participants at a symposium and explained our principles and practices on pricing and discounts for handling services.

In our role as a supervisory authority, we have gradually introduced the instrument of 'ongoing supervision' over recent years. Our aim is to identify and eliminate any discrimination at the earliest possible stage in interaction with the rail industry. Measures are drawn up and implemented with the participation of the ac-



tors concerned. For example, we carried out such 'ongoing supervision' during the year under review in relation to the Traffic Control Center (TCC) project of SBB Infrastructure (see section on 'Improving SBB's integrated rail performance' on page 9) and in the area of prime contractorship (see section 'System tasks concerning railway infrastructure' on page 5).

I would like to take this opportunity to thank the Commission and staff of the Secretariat for their outstanding commitment and professionalism.

Patrizia Danioth Halter
Chair

¹ GCarA; SR 742.41

² AS 2020 1889; BBl 2016 8661

³ GCarO; SR 742.411



Management Summary

As an independent commission, RailCom, the Rail Transport Commission, ensures non-discriminatory access to

- the rail infrastructure,
- intermodal freight terminals and sidings subsidised by the Confederation and
- last-mile rail freight services (i.e. rail services in freight transport between railway infrastructure and sidings or intermodal freight terminals).

The entry into force of the Federal Act on Organisation of Railway Infrastructure gave RailCom new responsibilities concerning tasks in the field of rail infrastructure (as of 1 July 2020) and the right of participation in investment planning by infrastructure operators (as of 1 January 2021).

RailCom conducts its activities in three areas:

- As a specialist court, it rules on complaints from railway undertakings and other transport companies.
- As a supervisory authority, it conducts ex officio investigations and takes measures to ensure non-discrimination. In this respect, it carries out market monitoring and market surveillance activities.
- RailCom cooperates with other regulatory authorities at international level, in particular on rail freight corridors.

RailCom conducted **investigations** in four cases in the year under review after being contacted by companies with specific queries. After RailCom's investigations, the companies decided against taking further legal action. RailCom did not have to adjudicate on any complaints or appeals.

As part of its **market monitoring** activities, RailCom addressed the following issues:

- RailCom evaluated the management process of the infrastructure operators for the ancillary service 'Stabling of railway vehicles' and adopted measures to reduce discrimination potential.
- RailCom supported SBB with the implementation of the agreed measures for the Traffic Control Center (TCC) project.
- RailCom carried out the annual assessment of the publication instruments of the major infrastructure operators. It also assessed the fulfilment of the publication obligation by other infrastructure operators with relevant network usage by third parties.

At its annual **symposium**, RailCom provided a virtual discussion platform for dialogue on non-discriminatory access to intermodal freight terminals and last-mile rail freight services. RailCom presented its activities in these areas to around 60 event participants and outlined its principles and procedures on the pricing and discounting of handling services.

As part of its **market surveillance** activities, RailCom analysed the figures on national transport services and monitored current rail industry issues.



Legal aspects

General

RailCom is an independent commission in accordance with Art. 8a para. 3 of the Government and Administration Organisation Ordinance (GAOO⁴). It guarantees non-discriminatory access to the rail infrastructure, to intermodal freight terminals and sidings subsidised by the Confederation and to last-mile rail freight services. As a market-oriented commission, RailCom supervises and provides support to ensure the efficient performance of the rail market (AArt. 8m let. b GAOO).

RailCom fulfils its legal mandate as follows:

- As a specialist court, it rules on appeals and complaints, for example from railway undertakings and other transport companies.
- As a supervisory authority, it conducts ex officio investigations and implements measures to ensure non-discrimination. In this role, it carries out market monitoring and market surveillance activities. Within its remit as a supervisory authority, RailCom also uses the instrument of 'ongoing supervision'. This aims to ensure any discrimination is identified and eliminated at an early stage in interaction with the parties concerned. Measures are drawn up and implemented with the participation and consultation of the actors concerned.
- RailCom cooperates with other foreign regulatory authorities at international level, in particular on rail freight corridors.

Changes as a result of the Federal Act on Organisation of Railway Infrastructure (ORI)

General

The Federal Act on Organisation of Railway Infrastructure (ORI) was adopted in the autumn session of 2018. As a result, various federal government ordinances had to be amended.⁵ RailCom also participated in the office consultation procedure and undertook a complete revision of its Governance Regulation to bring them into line with the ORI.⁶ The new provisions came into force on 1 July 2020 and 1 January 2021 respectively (see below). This strengthened RailCom's position as a regulatory authority and gave it its current name. The following three sections explain its new responsibilities in relation to system tasks concerning railway infrastructure, the right of participation in investment planning by infrastructure managers (IM) and access to last-mile rail freight services. The following changes also came into force with the ORI on 1 July 2020:

- Transport companies are now also obliged to submit the data required for official transport statistics to RailCom (see section 'Data transfer to RailCom', page 13).⁷
- RailCom is authorised to impose an administrative penalty on the company concerned in the event of an infringement of the non-discrimination principle. This penalty is equal to the amount of revenue generated as a result of the discrimination.⁸

RailCom's activities

With regard to the FOT and the system leader SBB Infrastructure, RailCom ensured that the key principles of non-discrimination were incorporated into contracts for systemtasks in the following four areas:

- Traction current 16.7 Hz
- Technical specifications for interoperability (TSI), TAF and TAP¹²
- European Train Control System (ETCS)
- Customer information

RailCom will monitor the implementation of these systemtasks and impose measures if necessary.

- RailCom may charge fees for its rulings based on time requirements.⁹ As before, RailCom charges a court fee for complaint and appeal procedures which are primarily based on the amount in dispute in the complaint or appeal.¹⁰

Superordinate tasks relating to rail infrastructure

Summary of the new area of responsibility

There are two types of superordinate tasks relating to rail infrastructure: systemtasks are assigned to a system leader by the Federal Office of Transport (FOT) based on a mandate. In the case of sector solutions, the sector agrees to assign the task to a particular company without a mandate from the FOT. System leaders are obliged to perform their tasks in a non-discriminatory manner. Since 1 July 2020, RailCom has been monitoring the relationship between system leaders and the companies concerned and adjudicates on any disputes. In the case of sector solutions, RailCom is responsible for ensuring that the industry leader involves all railway undertakings concerned (RU) in development activities in a non-discriminatory manner.¹¹ Further information on this subject can be found on RailCom's website in the relevant factsheet.

⁴ GAOO; SR 172.010.1

⁵ AS 2020 1915

⁶ SR 742.101.4

⁷ AArt. 40a^{quater} of the Railways Act (RailA; SR 742.101)

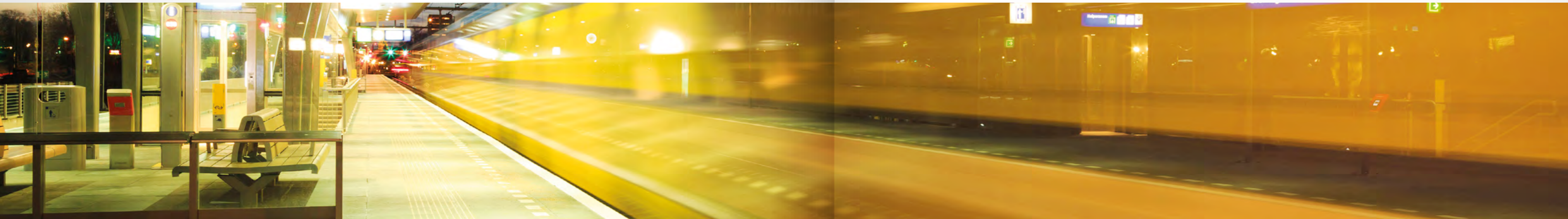
⁸ Art. 40a^{sexies} RailA

⁹ Art. 40a^{septies} RailA. The implementing provisions were incorporated into the 'Gebührenverordnung für den öffentlichen Verkehr' (Ordinance on Fees and Charges for Public Transport) (GebV-öV, SR 742.102).

¹⁰ Art. 40a^{quinquies} RailA in conjunction with AArt. 63 of the Administrative Procedure Act (APA); SR 172.021

¹¹ Art. 36 and 37 RailA

¹² Agreed rail vehicle requirements for international traffic in the European Economic Area. TAF = telematics applications for freight, TAP = telematics applications for passengers.



Participatory rights in investment planning by infrastructure managers (IM)

Summary of the new area of responsibility

Since 1 January 2021, IMs have been obliged to grant a right of participation to railway undertakings and sidings operators affected by the short and medium-term planning of investments on their network.¹³ The IMs are obliged to publish their investment plans periodically and to consult the railway undertakings and sidings operators. They are entitled to request information and explanations about the projects in the investment plans and to submit position statements.¹⁴ The IMs must provide them with the required information about the projects.

Railway undertakings or sidings operators can submit complaints to RailCom about violations of their right to information and participation. RailCom is responsible for ensuring the implementation of the non-discriminatory process of participation and can rule on whether the participation process was discriminatory not just upon submission of complaints, but also as part of ex officio investigations. It is the FOT that is responsible for assessing the content of investment projects not RailCom.¹⁵ Further information on this subject can be found on RailCom's website in the relevant factsheet.

RailCom's activities

RailCom notified the IMs about the new legal obligations and the principles governing the implementation of the process of participation in their investment planning. It also contacted industry stakeholders about the drafting of an industry standard. From 2021, RailCom will monitor whether the IMs are granting the right of participation.

Access to last-mile rail freight services

Summary of the new area of responsibility

In relation to rail freight transport, RailCom has been responsible for ensuring non-discriminatory access to last-mile rail freight services since 1 July 2020. This covers services related to the transportation of trains, wagons or sets of wagons between rail infrastructure, on the one hand, and sidings or intermodal freight terminals on the other. In accordance with Art. 6a of the Ordinance on the Carriage of Goods by Rail and Navigation Companies (GCarO), companies providing these services are obliged,

- to implement the rules that apply to third parties to the provision of services and the calculation of prices for their own requirements;
- to treat third parties equally under the same conditions with regard to the provision of services, the allocation of resources and the calculation of prices;
- to publish the general conditions for the provision of services and planning and allocation of resources and the general principles on the calculation of prices.

RailCom's activities

RailCom conducted a review of railway undertakings that provide last-mile rail freight services for their own requirements or for third parties and addressed the new legal obligations in accordance with Art. 6a GCarO at its symposium on 20 November 2020 (see page 10).

Proceedings

RailCom conducted investigations in four cases as it was contacted by companies with specific queries. Two of these queries concerned network access, while the other two involved access to intermodal freight terminals and sidings. RailCom carried out investigations and notified the companies concerned of the options available to them. None of the four investigations resulted in formal proceedings as the companies were satisfied with RailCom's investigations and did not wish to take legal action.

RailCom did not have to adjudicate on any complaints or appeals in the year under review.

¹³ Art. 37a RailA in conjunction with Art. 24 para. 4 to 6 of the Ordinance on the Award of Concessions for and the Planning and Financing of Railway Infrastructure (CPFO; SR 742.120)

¹⁴ Art. 37a RailA and Art. 24 para. 4 CPFO

¹⁵ Art. 24 para. 5 CPFO



Market monitoring

General

As part of its market monitoring activities, RailCom systematically assesses whether there is any potential for discrimination in its areas of responsibility or whether cases of unjustified unequal treatment are occurring. On an annual basis, it monitors in particular

- the network access conditions that apply to the timetable period
- train path allocation in the annual timetable
- areas of responsibility and operational procedures in the marshalling yards
- access to subsidised intermodal freight terminals.

RailCom also performs other key activities during each business year.

If new potential for discrimination in the railway sector is accentuated due to developments – such as increasing levels of digitalisation – RailCom uses the instrument of ongoing supervision. RailCom draws up measures – together with the companies concerned – at the earliest possible stage to prevent any potential unequal treatment and to implement an adequate solution that complies with the law. RailCom conducted such ongoing supervision activities in 2019 and 2020, for example in relation to SBB Infrastructure's Traffic Control Center (TCC) project (see section on 'Improving SBB's integrated rail performance' on page 9).

Train path allocation in the 2021 annual timetable

During the train path allocation process for the 2021 annual timetable, Swiss train paths Ltd. had to reject applications in a total of nine cases whereby a bidding procedure took place on three occasions. RailCom found no grounds for discrimination that would have necessitated intervention.

The coronavirus pandemic resulted in a delay to various construction measures on the rail networks which impacted on train path allocation in the 2021 annual timetable.

Network access conditions in 2021 and 2022

RailCom carried out the annual assessment of the publication instruments amongst the major infrastructure operators SBB, BLS and SOB, and found no evidence of discrimination. RailCom also assessed the fulfilment of the publication obligation by other infrastructure operators with relevant network usage by third parties and identified a need for improvement. The infrastructure operators supplemented and updated their publications in accordance with RailCom's requirements.

Ancillary service 'Energy'

RailCom has supported a consumption-based system for the billing of railway electricity for several years. In 2017, as part of an ex officio investigation it determined that the flat-rate energy tariff for long-distance freight trains was discriminatory (ruling of 8 June 2017). Based on this ruling, the infrastructure operators adjusted the tariff and, in cooperation with RailCom, drew up a concept in which the billing of missing or incorrect measurements is based on substitute values. These substitute values are based on empirical figures per company, train types and routes travelled (ratios). The concept will come into effect from the 2022 annual timetable and will also be used for the billing of the ancillary service 'energy'. When drawing up the concept, RailCom contended that the billing of the ancillary service 'energy' should be based on consumption and that the potential for discrimination should be reduced. It will continue to support infrastructure operators in implementing the concept.

Ancillary service 'Stabling of railway vehicles'

RailCom prioritised the ancillary service 'Stabling of railway vehicles' in its market monitoring activities. The aim was to analyse the management process of the infrastructure operators for this ancillary service and to evaluate it in terms of potential discrimination. RailCom made contact with the infrastructure operators (SBB, BLS and SOB), Swiss train paths Ltd. and certain railway undertakings. It evaluated the processes, the tools used and the interaction between the parties concerned. RailCom also assessed the pricing concept and conducted interviews with certain railway undertakings which use this ancillary service. RailCom has adopted measures to

- ensure that the ordering procedure is carried out on a non-discriminatory basis with the tools available,
- increase transparency with regard to the provision of stabling capacity and
- improve the transparency of planning decisions on allocation, particularly at operating points with high and varied demand.

Marshalling yards

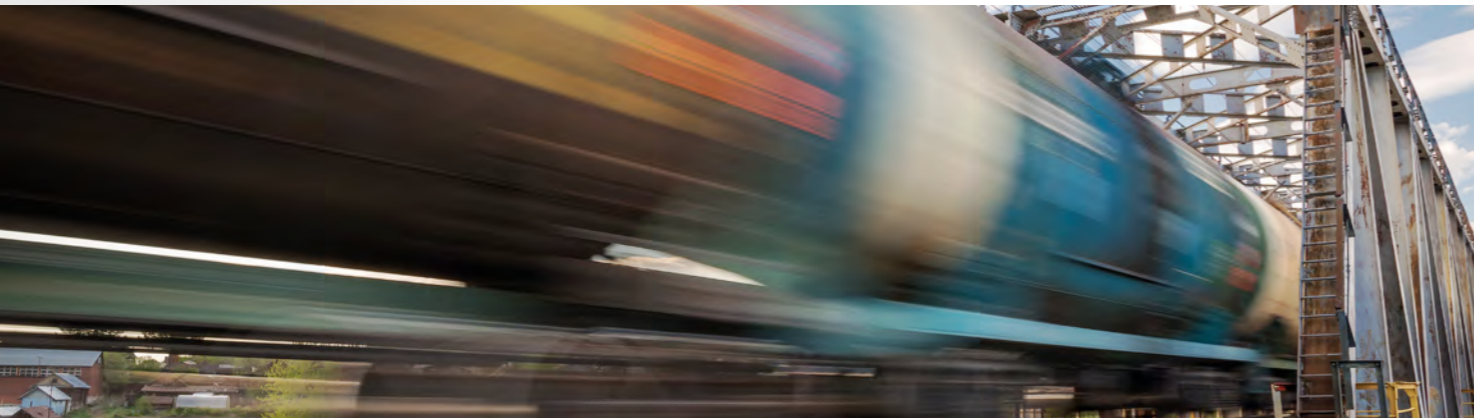
RailCom is responsible for ensuring non-discriminatory access to the five marshalling yards at Basel, Buchs SG, Chiasso, Lausanne and Limmattal. RailCom consults with SBB Infrastructure, the infrastructure owner.

For several years SBB Infrastructure has delegated the marshalling operations in Buchs to SBB Cargo which manages these activities remotely from its headquarters at Zurich Airport. SBB Infrastructure has not had any of its own staff at the marshalling yard in Buchs since 2019. RailCom found no evidence of potential disadvantages to third parties.

Improving SBB's integrated railway performance

SBB Infrastructure controls the traffic on its network from four operations centres (Lausanne, Olten, Zurich Airport and Pollegio). As part of the Traffic Control Center (TCC) project, SBB Passenger Services employees, who are responsible for the management of trains and customer information, have been posted to the control rooms of these operations centres. SBB hopes to achieve significant synergies through this centralisation, in particular in the event of disruptions. In 2019, RailCom analysed the project to ensure that it meets the requirements of Rail Reform 1 according to which railway undertakings must separate the divisions of infrastructure and transport services organisationally and in terms of financial accounting. In early 2020, RailCom agreed various measures with SBB Infrastructure to reduce the potential for discrimination. One of these measures involves all transport undertakings that use SBB Infrastructure's network having the opportunity to relocate individual workplaces to the control rooms of the SBB operations centres. Further measures aim to ensure that employees of SBB Infrastructure are independent of railway undertakings in their decision-making and receive specific training on ensuring non-discrimination. In autumn 2020, SBB Infrastructure reported to RailCom on the status of the project and the implementation of the measures agreed.

RailCom also took part in several meetings of an emergency committee during the year under review which addressed the management of the coronavirus pandemic and a train accident. RailCom found no evidence of unequal treatment of individual companies by SBB Infrastructure in the procedures of this emergency committee.



Intermodal freight terminals

RailCom analysed the pricing and discount systems of the operators of subsidised intermodal freight terminals. Some operators charge standardised prices and do not grant any discounts. Other operators use graduated discount models depending on handling volumes. RailCom will continue its analysis in 2021 to establish whether the operators are meeting the legal requirements on non-discriminatory pricing and discount structures. Prices and discounts are non-discriminatory if all users pay the same price for the same service and under the same conditions. The calculation of prices must be independent of whether the service is provided for the operator's own requirements or for third parties and whether the customer is travelling via road, rail or ship. Price differences for the same or comparable services must be justified objectively and transparently. Further information on this subject can be found on RailCom's website in the relevant factsheet.

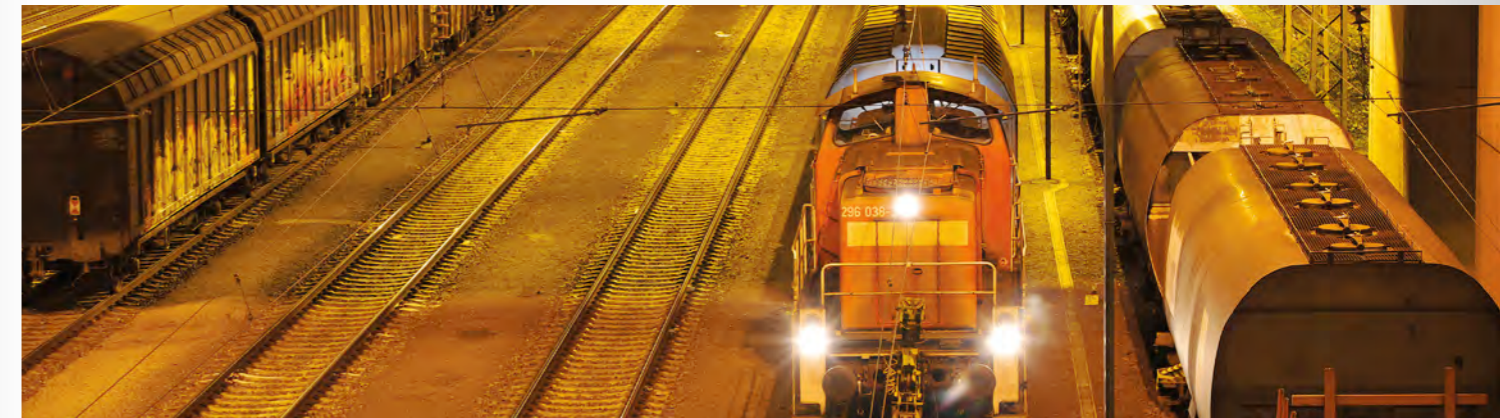
Based on Art. 40a^{ter} RailA, RailCom monitored the Gateway Basel Nord GBN project and carried out supervision in a proactive and ongoing manner. However, the implementation of the project has been delayed by various legal proceedings.

STEP review

Priorities for the expansion of the rail network are defined as part of the Strategic Expansion Programme (STEP) for long-term network development. There is a risk of the railway undertakings involved being treated unequally. In view of this, RailCom analysed STEP and assessed it in terms of discrimination potential. It focused on governance and the key role of SBB in the overall process to show how SBB Infrastructure can meet the requirement to separate infrastructure and transport services as consistently as possible in accordance with Art. 64 RailA. RailCom fed its findings and evidence into the review process and report of an external body which analysed STEP on behalf of the FOT.

Symposium

On 20 November 2020, RailCom organised a virtual symposium on the topic of non-discriminatory access to intermodal freight terminals and last-mile rail freight services. RailCom presented its activities in these areas to around 60 event participants and outlined its principles and procedures concerning the pricing and discounting of handling services. The presentations and a summary of the panel discussion can be found on RailCom's website.



Market surveillance

General

As part of its market surveillance activities, RailCom analyses the development of competition and non-discrimination on the Swiss rail network. It provides the railway sector and the general public with an insight into its activities on its website and via a newsletter.

In 2020, passenger numbers on public transport services fell steeply after the Federal Council declared an extraordinary situation in March due to the coronavirus pandemic. Public transport services were also gradually reduced during the extraordinary situation. Compared with 2019, the number of passenger kilo-

Development of transport capacity in regional and long-distance traffic

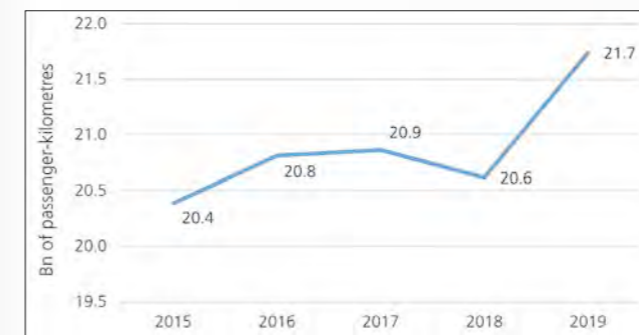


Figure 1: Transport capacity in regional and long-distance services 2015–19. Source: FSO.

Transport capacity on the Swiss rail network

Figure 1 shows the development of regional and long-distance rail traffic from 2015 to 2019. Transport capacity rose by 5.5% between 2018 and 2019 and the 21-billion-passenger-kilometres mark was exceeded for the first time. This increase is made up of a rise of 0.8 billion in long-distance traffic and of 0.3 billion in passenger kilometres. Overall, both passenger travel (+4.7%) and train kilometres (+1.5%) increased.

Development of transport capacity in rail freight traffic



Figure 2: Transport capacity in rail freight traffic (domestic, import/export and transit traffic) 2015–19. Source: FSO.

metres travelled fell by 9.7% in the first quarter 2020, by 63.1% in the second quarter and by 31.3% in the third quarter.¹⁶

Figure 2 shows the development of transport capacity in rail freight traffic between 2015 and 2019. The sharp decline in 2017 was due to an interruption on the German Rhine Valley section near Rastatt. Transport capacity has since remained at a lower level. In 2019, there was a slight decline by 0.1 billion tonne kilometres (0.9%) in comparison with 2018. This saw transport

¹⁶ Source: provisional data from FSO, publication of 17 December 2020.



capacity fall to the level of 2017. This is due to a slight overall decrease in the number of train kilometres travelled and tonnes transported.

In 2020, transport capacity in freight traffic fell compared with 2019, but less sharply than in passenger traffic: -3.7% in the first quarter, -14.1% in the second quarter and -2.3% in the third quarter.¹⁷ This decrease is primarily due to the fall in the number of tonnes transported.

Conceptual development of market surveillance

RailCom implemented a new system for data collection and evaluation in the year under review. This focuses on three areas where the most meaningful key performance indicators are defined:

- Non-discriminatory access to the Swiss rail network;
- Competition in freight and passenger services on the Swiss rail network and
- Non-discriminatory access to the intermodal freight terminals and sidings subsidised by the Confederation.

RailCom gathered data for the first two areas in 2020. It will do the same for the third area in 2021. This has generated facts and figures that describe the status and development of competition and non-discriminatory access to the Swiss rail network. They have been published on RailCom's website.

¹⁷ Source: provisional data from FSO, publication of 17 December 2020.

Data transfer to RailCom

The Federal Statistical Office (FSO) collects data annually from all transport companies operating in Switzerland with licences or permits and publishes 'public transport' statistics. Since 1 July 2020, the transport companies have been obliged to also submit information and other documents required for the official transport statistics to RailCom (and not only to the FOT).

RailCom has optimised the processes for the collection and transfer of this data with the FOT and FSO to keep to a minimum the effort involved for all parties concerned. To avoid having to resubmit the data already collected, the transport companies can provide a declaration of consent authorising the FSO to transfer the data to RailCom and to the FOT to allow them to perform their supervisory duties. The Federal Statistics Act restricts the use of this data. It may only be used for statistical purposes unless a federal act expressly provides for different usage or the party concerned consents to different usage in writing.

Selected key topics

Federal Supreme Court judgment regarding half-hourly services on the S3 railway line

In its judgment of 25 June 2020, the Federal Supreme Court ruled in favour of passenger services in a train path allocation dispute between passenger and freight services on the section between Zürich Hardbrücke and Bülach.¹⁸ Based on the network usage concept, the IMs drew up network usage plans for the timetable years 2019 to 2024 and received approval from the FOT. Complaints against this approval were submitted to the Federal Administrative Court and its decision of May 2019 was then appealed to the Federal Supreme Court. In its judgment of 25 June 2020, the Federal Supreme Court confirmed the decision of the Federal Administrative Court and awarded the train paths to the S3 railway line at peak times for a half-hourly service. The Federal Supreme Court noted that the network usage concept did not contain any clear provision on allocation to a particular type of service (passenger or freight services). This left scope to weigh up interests in relation to network usage plans which, in the view of the Federal Supreme Court, the Federal Administrative Court had done lawfully in its decision.

¹⁸ BGE 146 II 384



SBB and BLS infrastructure licences renewed

On 25 September 2020, the Federal Council decided to retain the existing organisation of rail infrastructure using several infrastructure operators, and renewed the infrastructure licences of the two main IMs (SBB and BLS Netz AG).

The Federal Council also initiated preparations to convert federal loans to BLS Netz AG into equity capital as agreed when the company was founded. This means that in future the Confederation will hold two-thirds of the equity in BLS Netz AG. It currently has a slim majority holding. BLS Netz AG's infrastructure licence will initially only be renewed for three years in view of this equity conversion. A new shareholder agreement is to be negotiated and the future governance model established during this period.

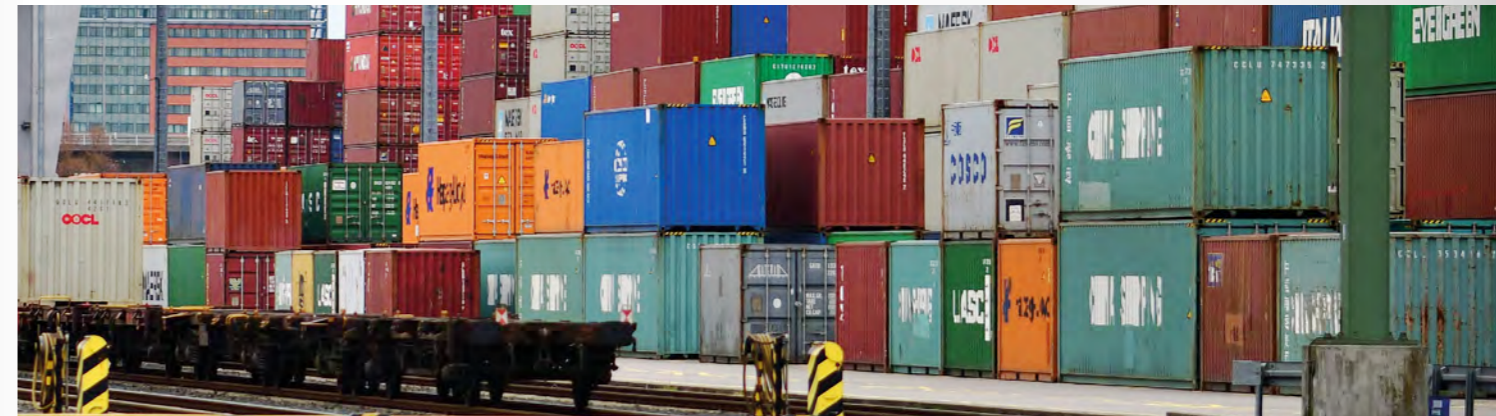
Cargo sous terrain (Underground freight transport infrastructure)

On 28 October 2020, the Federal Council adopted the Dispatch on the Underground Freight Transport Act draft law and submitted it to Parliament.¹⁹ The Federal Council aims for this act to lay the foundations for the Cargo sous terrain (Underground Freight Transport Infrastructure) project and ensure that all parties are able to access underground infrastructure under the same conditions. The operators of this infrastructure are to provide their transport services and access to their infrastructure in a non-discriminatory manner. RailCom will be responsible for monitoring this and adjudicating on any disputes.

Multimodal mobility and NaDIM

The Federal Council is seeking to facilitate the combination of various modes of transport and to create suitable data infrastructure. On 1 July 2020, it gave the Federal Department of the Environment, Transport, Energy and Communications (DE-TEC) the task of drawing up a dispatch to facilitate the exchange of mobility data via a 'national data infrastructure for mobility' (NaDIM). NaDIM is to be structured in an independent, reliable, non-discriminatory, transparent, non-profit-oriented and technically flexible way and to enable companies to develop relevant solutions, such as apps. The opening-up of public transport ticketing to actors outside of the sector is to be implemented via industry regulations as proposed by the public transport sector during the consultation procedure.

¹⁹ BBI 2020 8849



International affairs

Independent Regulators' Group – Rail (IRG-Rail)

RailCom is responsible for the evaluation and preparation of data from Switzerland for IRG-Rail's market monitoring report. In 2020, the activities of the Working Group Access focused on participation in the redesign of the international timetable process (TTR) from the specific perspective of the regulators.

Rail freight corridors (RFC)

The aim of the rail freight corridors (RFC) is to promote international rail freight traffic. Switzerland is part of RFC 1 (Rhine-Alpine) and RFC 2 (North Sea-Mediterranean). Due to the coronavirus pandemic, only the regular exchange between national regulators and the C-OSS in RFC 1 took place in 2020 where stagnating traffic levels were discussed.



RailCom

Commission

RailCom was established on 1 January 2000. Its members are appointed by the Federal Council and the Commission's seat is in Bern. Administratively, RailCom is attached to the Federal Department of the Environment, Transport, Energy and Communications. In 2020, RailCom was made up of the following members:



RailCom (from left to right): Anna Ciaranfi Zanetta, Werner Grossen, Peter Bösch, Giuliano Montanaro, Patrizia Danioth Halter, Christof Böhler and Prof. Dr. Markus Kern

Function	Name	Background
Chair	Patrizia Danioth Halter	lic. iur., lawyer and notary, LL.M., Altdorf
Vice-Chair	Markus Kern	Prof. Dr. iur., LL.M., Assistant Professor of Constitutional and Administrative Law, Institute of Public Law, University of Bern, Bern
Member	Peter Bösch	Logistics expert, Binningen
Member	Anna Ciaranfi Zanetta	lic. iur., lawyer, Dalpe
Member	Werner Grossen	Business economist NDS HF, head of waste management and recycling Berne, Thierachern
Member	Giuliano Montanaro	Ing. civil dipl. EPF/SIA, CEO of alius consulting GmbH, Zurich

Specialist secretariat

The specialist secretariat supports the Commission with the tasks of the specialist court, carries out supervisory activities and represents RailCom internationally in working groups. During the year under review, the staff of the specialist secretariat was made up of the following members:

Function	Name	Background
Manager	Christof Böhler	Master in International Affairs HSG
Deputy	Andreas Oppliger	lic. phil. nat.
Staff member	Ursula Erb	Dr. oec. publ.
Staff member	Fabia Portmann	lic. iur., lawyer
Staff member	Katrin Suter-Burri	Dr. sc. nat. Federal Institute of Technology Zurich



Outlook

Superordinate tasks concerning rail infrastructure

RailCom assumed responsibility for superordinate tasks concerning rail infrastructure on 1 July 2020 (see page 5). In 2021 RailCom will monitor the non-discriminatory performance of system tasks by the system leaders and will also inspect their agreements with the companies concerned. These agreements must govern the system task of the participation of the companies concerned and the distribution of costs.

Right of participation in investment planning by infrastructure managers (IM)

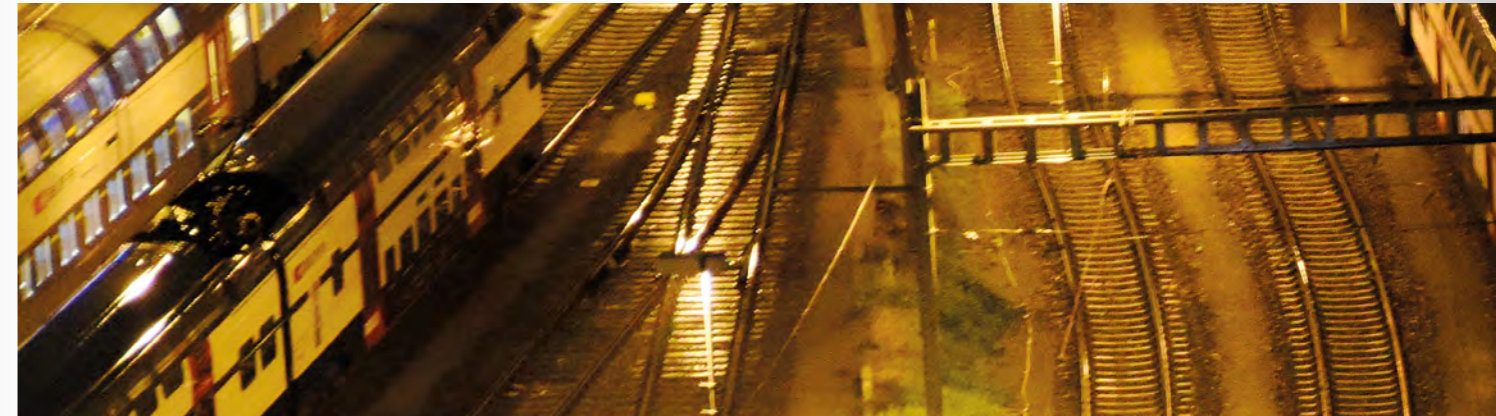
Since 1 January 2021, RailCom has been responsible for adjudicating on disputes concerning the right of participation in short and medium-term investment planning by IMs (see page 6). RailCom will assess the guarantee of a non-discriminatory process of participation by the IMs and take measures where necessary.

Access to last-mile rail freight services

Since 1 July 2020, RailCom has been responsible for non-discriminatory access to last-mile rail freight services and regularly engaged in dialogue with the companies concerned during the year under review (see page 6). In 2021, RailCom will set out the legal requirements in specific terms using principles and further regulations if required to support railway undertakings and other companies with the implementation of the legal provisions.

Capacity restrictions caused by construction work and maintenance activities

As part of its market monitoring activities in 2021, RailCom will focus on capacity management in relation to construction work. It will analyse how IMs define, plan, publish and implement maintenance activities of the infrastructure and thereby involve the railway undertakings concerned in establishing alternative concepts and train paths. Based on this analysis, RailCom will evaluate any discrimination potential and agree measures with the actors concerned.



Glossary

Abbreviation	Meaning
BLS	Bern-Lötschberg-Simplon Railway
CHF	Swiss franc
C-OSS	Corridor One-Stop-Shop
CPFO	Ordinance on the Award of Concessions for and the Planning and Financing of Railway Infrastructure
DETEC	Federal Department of the Environment, Transport, Energy and Communications
FOT	Federal Office of Transport
FSO	Federal Statistical Office
GAOO	Government and Administration Organisation Ordinance
GCarA	Federal Act on the Carriage of Goods by Rail and Navigation Companies
GCarO	Ordinance on the Carriage of Goods by Rail and Navigation Companies
GebV-öV	Gebührenverordnung für den öffentlichen Verkehr (Ordinance on the Fees and Charges for Public Transport)
IRG-Rail	Independent Regulators' Group-Rail
IM	Infrastructure manager
IFT	Intermodal freight terminal
RailA	Railways Act
RU	Railway undertaking



Abbreviation	Meaning
ORI	Federal Act on Organisation of Railway Infrastructure
RFC	Rail freight corridors
RNE	Rail Net Europe
SBB	Swiss Federal Railways
SOB	Schweizerische Südostbahn
SR	Classified compilation of Swiss Federal Law
STEP	Strategic Expansion Programme for long-term network development
TTR	Redesign of the international timetable process
UGüTG	Gesetz für unterirdische Gütertransportanlagen (Act on underground freight transport infrastructure)

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