

**ADDITIONAL PRINCIPLES AND CRITERIA REGULATING  
ACCESS TO THE NATIONAL RAILWAY SYSTEM**  
based on the outcome of the survey initiated by Decision no 127/2016

**REGULATORY MEASURES**

## **I — TECHNICAL AND LEGAL MEASURES**

### **1. Specification of annual publication obligations concerning network development and enhancement**

- 1.1 With reference to the existing information obligations for rail infrastructure renewal, the Infrastructure Manager (hereinafter: IM) is required to specify in the Network Statement (hereinafter: NS), upon the ordinary annual update, i.e. by the 30<sup>th</sup> of June each year:
  - a) its network development and enhancement plans, covering a scenario of at least five years of the date of publication;
  - b) with reference to the same time horizon, any experimentation that has already been started or is intended to be started on the rail network, aimed at modifying its operational conditions (concerning infrastructure, facilities, and equipment) and/or traffic and maintenance management processes.
- 1.2 To provide railway undertakings with adequate information — with a view to allowing medium- to long-term planning and a definition of investment plans based on infrastructure developments — for each of the actions or experiments referred to under (a) and (b) of measure 1.1 which impact on the service of these railway undertakings, the IM shall:
  - a) specify the underlying performance targets (e.g.: network reliability and availability, increase in infrastructure capacity, punctuality, speeds impacting on travel time, etc.) through appropriate indicators or quantitative indices;
  - b) highlight the planned infrastructure works for adaptation to the Technical Interoperability Specifications (TIS) defined at EU level (e.g.: extension of tracks or platforms having a height of 55 cm);
  - c) provide railway undertakings with any relevant information to assess direct and indirect impacts on their activity.
- 1.3 The information referred to under measures 1.1 and 1.2, in line with the contents of the Programme Contract referred to in art. 15 of Legislative Decree no 112/2015 and subject to the information obligations related to those contents, includes the relevant sources of funding for each action or experimentation, and any impact on the structure of the operating costs related to the Minimum Access Package (hereinafter: MAP) or other services.

- 1.4 The format of the information referred to in measures 1.1, 1.2 and 1.3 (data breakdown, description of actions, functional schemes, plans, etc.), on the basis of a technical specification proposed by the IM by the 26<sup>th</sup> of January 2018, shall be approved by the Authority within the following two months.
- 1.5 The information referred to in measures 1.1, 1.2 and 1.3 shall be published by the IM, in a manner that ensures its traceability, on the PIR WEB platform.

## **2. Specification of interim reporting obligations on network development and enhancement**

- 2.1 With reference to the existing information obligations regarding the renewal of railway infrastructure, any planning of actions or experiments for renewal or upgrading of the railway infrastructure arising from new needs of railway undertakings, applicants or third parties in general, that is not already included in the documentation published annually pursuant to measure no 1 above, shall be promptly published — and in any case at least 60 days before the start of the relevant activities — by the IM on the PIR WEB platform, having informed the Authority and taking steps to ensure its traceability and the adoption of a format in line with measure no 1.

## **3. Specification of publication obligations on access to station facilities**

- 3.1 For stations where passenger services are operated, the IM shall, in accordance with the current procedures and timetables, publish on the PIR WEB platform and keep updated, with reference to each arrival/departure track, all useful information for service planning, including at least:
  - a) useful length of the track;
  - b) useful length of the platform, and its height.

## **4. Operational management of the service**

- 4.1 Concerning the operation of multiple-unit passenger trainsets, based on the potential impacts on service regularity — as acknowledged by statistical and stochastic estimation methods derived from best practices that may be identified at international level, too — the IM, taking into account the heavier weight and the greater number of passengers carried by this type of train, shall identify the necessary additions to the infrastructure clearance system.
- 4.2 These additions shall be published by the IM under sub-section 2.4.4 of the NS 2019, and in sub-section 2.4.8 of the NS 2018.

- 4.3 In order to ensure that the activities referred to in measure 4.1 are effectively performed by the IM, the railway undertakings are required to provide the latter with the necessary information on the suitability of the equipment used for assistance of any type of train, by specifying, among the information, also the suitability of the maximum performance of the locomotives used in connection with their emergency system, specifying the push/pull adequacy of the entire train, and by ensuring, in the event of deterioration of any of the trains in push-pull configuration, that the performance of the other train is such as to ensure the pushing/pulling of the entire train.

## **II — ECONOMIC MEASURES**

### **5. Pricing criteria for A3 sub-component of MAP charge**

- 5.1 Under measure 28, as approved by ART Decision no 96/2015, the  $W_{A3}$  coefficient, function of the wear and tear of the overhead contact line by the rolling stock, shall be broken down by the IM into three classes:
- a) the first one for non-electrical traction rolling stock (in this case the coefficient equals zero);
  - b) the remaining two, by applying equitable, non-discriminatory, transparent, and easily applicable criteria, to be adopted by the IM to introduce appropriate differentiation for electric traction rolling stock, based on the lower or higher wear and tear of the overhead contact line, including in relation to the number of pantographs that are simultaneously in operation.

### **6. Compensation criteria for PSO-Regional and Freight market segments**

- 6.1 To neutralise the effects of measure 5.1 for PSO-Regional and Freight market segments, with reference to measure no 29, approved by ART Decision No 96/2015, the  $J_B$  coefficient – derived by the product of the individual coefficients relating to the pairs originating from the market segmentation – shall be determined by introducing, where necessary, additional pairs (e.g. electric rolling stock with lower wear and tear of the overhead contact line ↔ electric rolling stock with higher wear and tear of the overhead contact line), paying attention to set the values of  $J_{min}$  and  $J_{max}$  according to the aforementioned purpose of neutralisation.

## **7. Pricing criteria for B1 sub-component of MAP charge**

7.1 With reference to measure 29, approved by ART Decision no 96/2015, the coefficient  $J_B$  - derived by the product of the individual coefficients relating to the pairs originating from the market segmentation – shall take into account, for the *Open Access National Premium* market segment, an additional pair, linked to the number of seats offered to passengers (services with fewer seats ↔ services with higher number of seats) paying attention to: (i) define a threshold for the number of seats offered, so as to establish clusters of homogeneous services; (ii) set the corresponding values of  $J_{min}$  and  $J_{max}$ , on the basis of the criteria laid down in measure 29, so as to take account of the productivity gains achieved by railway undertakings.

## **8. Pricing for the supply of traction current**

8.1 As regards the price regulation criteria referred to in measure no. 48 approved by ART Decision no 96/2015, with reference to the price set by the IM for the supply of traction current (as published in paragraph 6.3.3.1 of the NS), taking prior account of the two market partitioning arising from the application of the provisions of Article 19 (7) of Law no. 167/2017 on the subsidised tariff regime – that include "*passenger transport services performed on lines which are specifically built for high speed and electrified with AC 25 kV*", and the remaining passenger and freight services, respectively, a tariff modulation shall be adopted aimed at more closer correlation with the actual energy consumption of each train, through the adoption of equitable, non-discriminatory, transparent, and easily applicable criteria.

8.2 In this respect, the IM, with reference to each of the two market partitioning referred to in paragraph 8.1, shall carry out the following:

- a) appropriately classify the rolling stock used in the respective market partitioning on the basis of energy consumption (e.g. on a parametric basis), both on account of its type and operating mode;
- b) apply to each consumption  $j$  class, referred to under (a) above, a multiplication coefficient  $s_j$ , in order to differentiate its price-related component associated with the electric energy cost, so that, having defined

$$T_{ue,j} = s_j \cdot C_{ue}$$

the following equation is verified:

$$\sum_{j=1}^n (T_{ue,j} \cdot P_j) = C_{ue} \cdot P$$

where:

- $C_{ue}$  unit cost of energy applied to each of the two segments resulting from the prior market partitioning referred to under measure 8.1, whose best estimate is published annually by the IM in the table referred to in paragraph 6.3.3.1 of the NS;
- $T_{ue,j}$  unit price of energy, as defined above, to be applied to the rolling stock in  $j$  consumption class;
- $s_j$  multiplication coefficient applied to  $j$  consumption class;
- $n$  number of consumption classes;
- $P_j$  total annual *train-km* provided by the IM and related to the rolling stock in  $j$  consumption class;
- $P$  total annual *train-km* provided by the IM and related to each of the two segments resulting from the prior market partitioning referred to under measure 8.1.

## 9. Implementing procedures

- 9.1 By 26 January 2018, as part of an extraordinary update of the 2019 NS, the IM shall publish the new charging system for the working timetable 2018/2019, that is drawn up in accordance with the principles and criteria set out under these measures.
- 9.2 The IM applies the new charging system referred to in provision 9.1 to the services operated from the 1<sup>st</sup> of January 2019.
- 9.3 For the verification of compliance, the IM shall submit to the Authority the following documentation within the same deadline referred to in paragraph 9.1:
- explanatory report on the choices adopted for the application of the principles and criteria of charge calculation set out under these measures;
  - for each year of the regulatory period referred to in measure 58 of Decision no 96/2015, calculation of the unit charges for each type of service, on the basis of the principles and criteria set by the Authority;
  - simulation of the effects of the application of the new charging system on the costs for railway undertakings, based on the traffic planned for the whole 2018, and comparison with the system referred to in Decision no 75/2016;
  - monitoring programme for verification of the criteria adopted for the modulation of charges.

- 9.4 Within two months of the submission referred to in measure 9.3 above, having carried out the necessary checks, including by involving the interested parties, the Authority shall adopt a decision to certify the compliance of the new charging system with its principles and criteria, and prescribe, if deemed necessary, remedial measures, if any.
- 9.5 If remedial measures are prescribed, the IM shall redraft the new charging system and have it re-submitted to the verification of compliance, in accordance with the procedures and deadlines identified by the Authority in the decision referred to under 9.4.
- 9.6 The new charging system for 2018/2019 working timetable, if amended following the verification, shall be published within 15 days of the Authority's final decision on compliance, in an extraordinary update of the 2019 NS.