

## Information regarding intended significant changes to the charging schemes for mark-ups in the 2022 track access charge model

(As at 11 September 2020)

### 1. Pending proceedings affecting mark-ups for the 2018, 2019, 2020 and 2021 working timetable periods

On 9 September 2016, ÖBB-Infrastruktur AG informed railway undertakings active in Austria about the intended 2018 track access charge model, by public notice in accordance with § 67d, Section 7 EISbG.

This notice declared ÖBB-Infrastruktur AG's intention to introduce an adapted track access charge model which would take effect for the 2018 working timetable period (10 December 2017). ÖBB-Infrastruktur AG also expressly indicated that

*“the following information reflects the current planning status of the track access charge model. Changes may in particular result due to pending decisions from the Railway Control Commission or the bmvit.”* (Emphasis added)

There are currently no legally binding decisions regarding the amount for mark-ups for the 2018, 2019, 2020 and 2021 working timetable periods. As previously indicated in 2016, this could make changes to the track access charge model necessary. It should be noted that – within the approval process for alternative calculations of mark-ups for the 2018 and 2019 working timetable periods – the Railway Control Commission (Schienen-Control Kommission – SCK) requested and encouraged ÖBB-Infrastruktur AG to introduce to the process contingency proposals (essentially, expert opinions) in accordance with interim results of the deliberations. By providing appropriate new calculations and contingency proposals, ÖBB-Infrastruktur AG has complied with these requests.

### 2. Intended procedure for the 2022 working timetable period

At the moment, the approval procedure concerning mark-ups in the 2022 working timetable period is pending. Together with the requested decision from the SCK for the 2021 working timetable period, the imminently expected decisions in the first instance regarding the level of mark-ups for the 2018, 2019 and 2020 working timetable periods may thus have an impact on the intended track access charge model for the 2022 working timetable period. In particular, changes to the market segmentation, the amount of the costs directly incurred as a result of operating the train service, or the mark-ups for each individual RU may arise.

To accommodate the interim results of the deliberations in the pending approval procedure concerning mark-ups for the 2018 and 2019 working timetable periods and the related request by the SCK to develop and put forward new calculations and contingency proposals, for the 2022 working timetable period ÖBB-Infrastruktur AG is providing from the outset a range of contingency and “sub-contingency” proposals consistent with the interim results of the abovementioned deliberations (essentially, expert opinions).

This information is published in German and English.  
In the event of discrepancies between the English and  
German versions, the German version will prevail.

Furthermore, ÖBB-Infrastruktur AG expressly reserves the right to make changes (including interim changes, upwards or downwards) regarding the actual amount of the track access charge for each market segment if the SCK and entities verifying these decisions choose to diverge from contingency and “sub-contingency” proposals for the 2022 working timetable period. In particular, changes to the amount of the costs directly incurred as a result of operating the train service (“direct costs”) or the mark-ups may also be necessary as a result of these decisions.

With this in mind, ÖBB-Infrastruktur AG intends to proceed as follows:

On the basis of the free choice of method incumbent upon it alone, ÖBB-Infrastruktur AG intends in principle to use the **same track access charge model** for the 2022 working timetable period (with effect from 12 December 2021) as for the preceding years (cf. 2018 NS, 2019 NS, 2020 NS and 2021 NS or § 3 a. below). As already applied for the 2020 and 2021 working timetable period, this will be based on data (e.g. price elasticity of end-customer demand; proportion of RUs’ totals costs made up by the track access charge) obtained from an up-to-date primary analysis of the Austrian rail market.

### 3. Presentation of the track access charges

The charges are presented in the same way as published in the 2022 Network Statement, i.e. in €/train-kilometres (train-kilometre components – consisting of direct costs and mark-ups) and €/gross-tonne kilometres (gross-tonne-kilometre components – consisting of direct costs).

#### a. 2022 track access charges based on the current request for the approval of mark-ups

The track access charges described below are based on the ÖBB-Infrastruktur AG's request submitted to the SCK on September 2020 for the approval of mark-ups.

Market segments	Unit	Direct costs excl. 20% VAT	Mark-ups excl. 20% VAT	Charge in € excl. 20% VAT
<b>Train-kilometre components</b>				<b>(z)</b>
Commercial passenger traffic	Train-km	0,629	0,670	1,299
Public service long-distance passenger traffic	Train-km	0,629	0,651	1,280
Short-distance traffic high	Train-km	0,700	1,446	2,146
Short-distance traffic low	Train-km	0,700	1,328	2,028
Freight traffic manipulated	Train-km	0,705	-	0,705
Freight traffic non-manipulated	Train-km	0,705	-	0,705
Service train <sup>1</sup>	Train-km	0,705	-	0,705
<b>Gross-tonne-kilometre components</b>				<b>(btk)</b>
Commercial passenger traffic	Gt-km	0,001965	-	0,001965
Public service long-distance passenger traffic	Gt-km	0,001965	-	0,001965
Short-distance traffic high	Gt-km	0,002763	-	0,002763
Short-distance traffic low	Gt-km	0,002763	-	0,002763
Freight traffic manipulated	Gt-km	0,001639	-	0,001639
Freight traffic non-manipulated	Gt-km	0,001639	-	0,001639
Service train <sup>2</sup>	Gt-km	0,001639	-	0,001639

<sup>1</sup> Service trains (empty passenger trains and trainsets composed of multiple traction units) do not represent a separate market segment.

<sup>2</sup> Service trains (empty passenger trains and trainsets composed of multiple traction units) do not represent a separate market segment.

### b. Alternative track access charge 2022 based on current contingency and “sub-contingency” proposals regarding the approval of mark-ups

The track access charges below arise from the contingency and “sub-contingency” components of ÖBB-Infrastruktur AG’s proposal to the SCK regarding the approval of mark-ups, of 9 September 2020. They will apply **only in the case** of a future official approval of mark-ups.

Market segments	Unit	Direct costs excl. 20% VAT	Mark-ups excl. 20% VAT	Charge in € excl. 20% VAT
<b>Train-kilometre components</b>				<b>(z)</b>
Commercial passenger traffic	Train-km	0,629	1,032	1,661
Public service long-distance passenger traffic	Train-km	0,629	1,044	1,673
Short-distance traffic high	Train-km	0,700	1,567	2,267
Short-distance traffic low	Train-km	0,700	0,910	1,610
Freight traffic manipulated	Train-km	0,705	-	0,705
Freight traffic non-manipulated	Train-km	0,705	0,431	1,136
Service train <sup>3</sup>	Train-km	0,705	-	0,705
<b>Gross-tonne-kilometre components</b>				<b>(btk)</b>
Commercial passenger traffic	Gt-km	0,001965	-	0,001965
Public service long-distance passenger traffic	Gt-km	0,001965	-	0,001965
Short-distance traffic high	Gt-km	0,002763	-	0,002763
Short-distance traffic low	Gt-km	0,002763	-	0,002763
Freight traffic manipulated	Gt-km	0,001639	-	0,001639
Freight traffic non-manipulated	Gt-km	0,001639	-	0,001639
Service train <sup>4</sup>	Gt-km	0,001639	-	0,001639

Naturally, all RUs are in principle free to plan as they deem necessary. However, as ÖBB-Infrastruktur AG considers that a legally binding approval of mark-ups would permit mark-ups to be either increased or decreased, and as there is no high court ruling on the issue, all RUs are advised to base their planning for the 2022 working timetable period on the assumption of the highest track access charge that may be derived from the proposal (see point 3.a) or the contingency proposal (see point 3.b.) for the market segment concerned. In doing so, they should apply the principles of commercial prudence in respect of the possible increases or decreases as laid out in the proposal under point 3.a.

<sup>3</sup> Service trains (empty passenger trains and trainsets composed of multiple traction units) do not represent a separate market segment.

<sup>4</sup> Service trains (empty passenger trains and trainsets composed of multiple traction units) do not represent a separate market segment.