



Railways main policy

Legal Experts Group

IDEA II

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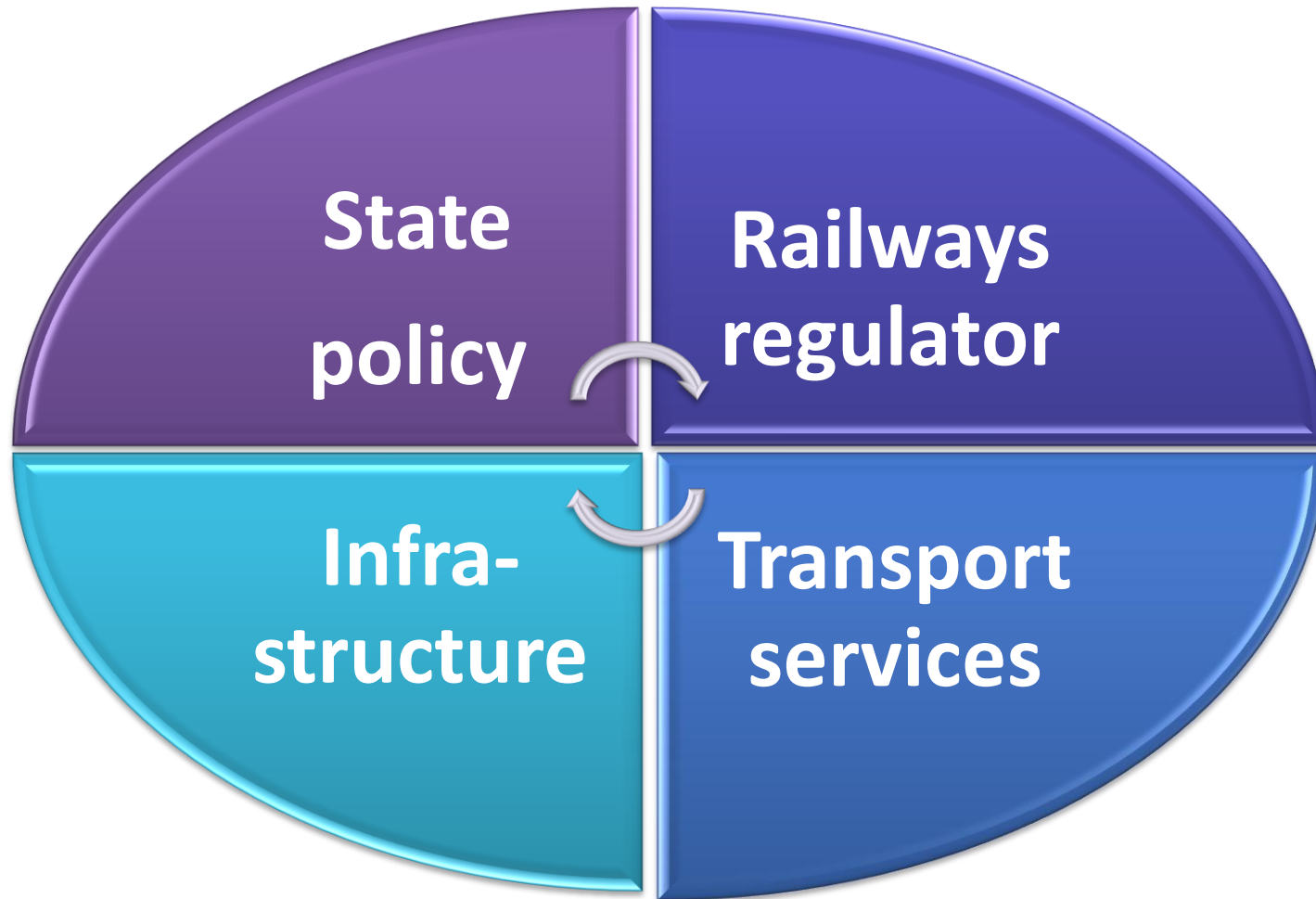
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WHY IT IS A NEED OF NEW LAW ON RAILWAYS?

- NEW Constitution
- NEW international agreements
- NEW legal national framework
- NEW market environment

WHAT ARE THE MAIN COMPONENTS OF RAILWAYS?



THE GOVERNMENT

Policy level: Long term policy for development of the railway industry
Strategy for implementation

Secondary legislation issued by the Government: Rules and Procedures for the Railway Regulator; determination of fees for licenses and certificates

THE MINISTER OF TRANSPORT

Long term program for the development of railway transport and infrastructure

Action plan – next 3-5 years concrete actions to implement the strategy

Secondary legislation – authorised by the Railways Act

RAILWAYS REGULATOR

There are **2 main groups of functions:**

- Monitoring and regulating
- Licensing and certification

The Railways Regulator is:

- **Organisational independent**
- **Responsible for the safety and economic regulation**

RAILWAYS INFRASTRUCTURE

Two main components: **Land and Railways** - the railway lines and the relevant equipment and facilities of the railway infrastructure, available for use by all traffic subject to the same terms and conditions

The railway infrastructure facilities and the land on which they are built, or which is intended for their construction, shall be **STATE PROPERTY** and shall be used by the State or by concessionaire commercial entities

There are 3 main activities:

Construction and reconstruction

Rehabilitation

Maintenance

RAILWAYS INFRASTRUCTURE MANAGEMENT

“Infrastructure manager” – state enterprise and/or concessionaire

Safety Certificate

Business plan, designed with the purpose of ensuring:

- optimal and efficient *use and development* of the infrastructure and financial sustainability
- details of proposed *investment and financial* programmes
- the means by which *the objectives set out* are to be achieved

USE OF RAILWAYS INFRASTRUCTURE

Railway operators – tracks, depots, sidings and stations

Passengers and general populous – railway stations

Heavy Industry - Bulk freight terminals, private sidings and yards

Shippers and forwarders – cargo storage and the facilities for cargo handling

RAILWAY OPERATORS

“Railway undertaking” – legal entity providing transport services

Safety Certificate and license

Locomotives and Rolling stock – safety certificated

Staff – train driving licences and certificates

A SEPARATION BETWEEN INFRASTRUCTURE MANAGEMENT AND TRANSPORT SERVICES

clear delineation between
management of the infrastructure
and transport services

monitoring of the observance of
PSO (public service obligations)

planning future development

statistics

PUBLIC SERVICE OBLIGATIONS

Public service obligation is an arrangement in which the authority offers an auction for subsidies, thereby permitting the winning company a monopoly to operate a specified service of public transport for a specified period of time for the given subsidy. This is done in cases where there is not enough revenue for routes to be profitable in a free market, but where there is a socially desirable advantage in this transport being available.

"obligation for operation"

"obligation for transportation"

"tariff obligation"

THE CONCESSIONAIRE:

Where the state has the obligation to implement a policy which needs: large investments, professional management, trained staff, financial discipline

The target is common for the state and the concessionaire

The responsibility is shared

RAILWAY ACCIDENT INVESTIGATION

The term "**accident**" shall be used to denote *an unwanted or unintended* sudden event or series of such events having harmful consequences to the railway system. Accidents shall be: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion, fires, etc.

Railway accident Unit

Organisational independence – report directly to the Minister:

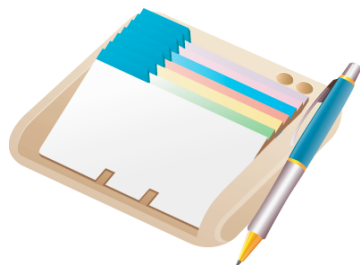
- Final report for each investigation
- Annual Safety Recommendations Report - all the safety actions taken by the addressees

Railway accident investigators

Rail Transport Act (Bulgaria)

Promulgated, State Gazette No. 97/28.11.2000, effective 1.01.2002, amended and supplemented, SG No. 47/10.05.2002, amended, SG No. 96/11.10.2002, SG No. 70/10.08.2004, effective 1.01.2005, SG No. 115/30.12.2004, effective 1.01.2005, supplemented, SG No. 77/27.09.2005, effective 27.09.2005, amended, SG No. 88/4.11.2005, No. 36/2.05.2006, effective 1.07.2006, SG No. 37/5.05.2006, effective 1.07.2006, supplemented, SG No. 62/1.08.2006, effective as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union - 1.01.2007, amended and supplemented, SG No. 92/14.11.2006, effective 14.11.2006, amended, SG No. 108/29.12.2006, effective 1.01.2007, amended and supplemented, SG No. 22/24.03.2009, amended, SG No. 35/12.05.2009, effective 12.05.2009, SG No. 74/15.09.2009, effective 15.09.2009, amended and supplemented, SG No. 81/13.10.2009, SG No. 87/5.11.2010, SG No. 47/21.06.2011, effective 21.06.2011

Thank you!



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