

Forum Train Europe FTE

The European coordination platform of railway undertakings



FORUM TRAIN EUROPE

PLANNING TRAINS TO CONNECT EUROPE



Overview of Reciprocal Commercial Conditions






Version 0.3



This overview might be subject to update. If so, the latest version is uploaded [here](#).

About this document

- > Purpose of this document is to give interested stakeholders an overview of collected existing/proposed national reciprocal commercial conditions (CC) systems in Europe. The reimbursement of bus replacement services is out of the scope of the overview.
- > Disclaimer: FTE takes no responsibility for correctness and up-to-dateness of the collected input. There also might be more examples which are not listed in this document.
- > To explore the RU Vision and other documents related to CC, visit our dedicated webpage: <https://www.forumtraineurope.eu/services/capacity-projects/commercial-conditions>

	Who?	Component	Target 
1		Motivational incentive mechanism	Reduce changes and make them as soon as possible
2		Standardised compensation	Compensate additional and not envisaged costs, due to IMS' decisions after contract-signatures
3		Multi-annual commitment charge	Avoid strategical capacity booking
4		Traction support	Keep railway competitive even during big TCRs



The components complement (not exclude!) each other!

Abbreviations:

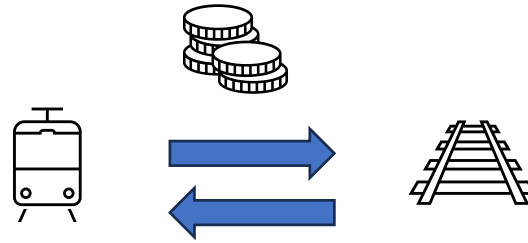
TCR – Temporary Capacity Restriction
CC – Commercial Conditions
TAC – Track Access Charges
IM – Infrastructure Manager
RU – Railway Undertaking
PSO – Public service obligation
X-M – “X” Annual timetable change, “M” number of months in advance

For countries standard ISO 3166 is used for 2 letter abbreviations.

General comparison of Commercial Conditions for IMs

- > The RU Vision is inspired by the best elements in each of the national systems. None of these systems are considered to 1-to-1 match the market needs expressed in the Vision.

Country	Freight / Passenger	Motivation incentive	Compensation aspect	Penalty scope	Standardised flat rate / formula usage	Notes
UK	Both	Partially	Yes	From allocation	Yes	The gradation (increase) in the IM payment is linked to a very early TCR announcement deadline (X-12).
CH	Only F	Yes	Yes	From allocation	Yes	
ES	Only F	No	Yes	From allocation	Yes	Limited scope of application, questionable administrative burden on RUs.
FR	Both	Yes	Yes	From allocation	Yes	Compensation is a separate process with administrative burden on RUs.
IT	Both	Yes	No	From allocation	Yes	Compensation possible as result of a legal proceeding at court initiated by RUs.
SE	Both	Yes	Yes	Late changes only	Yes	
DE	Both	Yes	Yes	Late changes only	Yes	Newly introduced.
HU	Both	Yes	Partially	Late changes only	Yes	Only extra TAC and traction.
PT	Both	No	Yes	From allocation	No	Administrative burden on RUs.



Examples

UK: Schedule 4/Possessions Regime

- > The IM UK has an incentive to minimise the level of service disruption as a result of TCRs. There is a fund for the compensations, in case the IM pays less from the fund (due to better management of TCRs) can retain the money from the fund.
- > Passenger open-access and freight traffic:
 - Flat rate (minimal) compensation
 - Opportunity to have full compensation including revenue loss and additional costs, however, this is conditioned by payment of “access charge supplement” – higher track access charge
- > Passenger PSO traffic:
 - Full compensation, obligation to pay “access charge supplement”
 - The IM received “revenue loss discount” in case the TCR is announced earlier in time

2. Levels of compensation payable

There are four possible levels of compensation for freight operators:

- (a) Normal Planned Disruption Sum, which amounts to £336 per service.
- (b) Enhanced Planned Disruption Sum, which amounts to £894 per service.
- (c) Service Variation Sum, which amounts to £665 per service.
- (d) Late Notice Cancellation Sum, which amounts to £1749 (paid through Schedule 8).

In addition, for category 3 disruption, service variation and late notice cancellation, operators can also claim for actual costs incurred.

The table below sets out the level of compensation payable for each type of disruption event.

Table 4. Summary of freight operators' eligibility for Schedule 4 compensation

Possessions notified before T-12		Possessions notified after T-12	
Disruption faced	Sum payable	Disruption faced	Sum payable
Category 1 Disruption	Normal Planned Disruption Sum (£336 per service)	Service variation	Service Variation Sum (£665 per service) + actual cost compensation
Category 2 Disruption	Enhanced Planned Disruption Sum (£894 per service)	Late notice cancellation	Late notice cancellation Sum - (£1749 per service) + actual cost compensation
Category 3 Disruption	Enhanced Planned Disruption Sum (£894 per service) + actual cost compensation		

Note: all prices based on 2017/18 prices.

Switzerland: compensation regime for freight

- > CHF 800.00 /deviated train (also for over 30m planned delay)
- > CHF 1'500.00 /cancelled train (deviation not possible)
- > CHF 2'000.00 / deviated train (too late announcement of a TCR)
- > CHF 3'000.00 / cancelled train (too late announcement of a TCR)

- > Amount is a lump sum for each TCR with time effect of +30min and over
- > Main driver of this system is wish to keep it very simple, to limit administration costs.
- > No cancellation fees / modification fees in case of a disruption in the countries the train runs through
- > Track access charges are still paid for the used path
- > RUs themselves pay for the extra energy, more staff etc.

– Art. 10a²⁶ Anforderungen an Transportketten im Personenverkehr

(Art. 11b Abs. 6 NZV)

Beim Ersatzverkehr gelten Transportketten im Personenverkehr als gewährleistet, wenn sich die gesamte Reisezeit für Reisen:

- von bis zu einer Stunde planmässiger Dauer um höchstens 15 Minuten verlängert;
- von mehr als einer Stunde planmässiger Dauer um höchstens 30 Minuten verlängert.

²⁶ Fassung gemäss Ziff. I der V des BAV vom 20. Dez. 2024, in Kraft seit 1. Febr. 2025 (AS 2025 47).

– Art. 10b Kosten der Eisenbahnverkehrsunternehmen bei Kapazitätsbeschränkungen

(Art. 11c NZV)²⁷

Die Eisenbahnverkehrsunternehmen tragen bei Kapazitätsbeschränkungen die eigenen Kosten für:²⁸

- die Planung und Vorbereitung des Ersatzverkehrs und der Umleitungen;
- die zusätzlichen betrieblichen Leistungen;
- die Betreuung der Kundinnen und Kunden;
- die Distribution; und
- die Kommunikation.

²⁷ Fassung gemäss Ziff. I der V des BAV vom 20. Dez. 2024, in Kraft seit 1. Febr. 2025 (AS 2025 47).

²⁸ Fassung gemäss Ziff. I der V des BAV vom 20. Dez. 2024, in Kraft seit 1. Febr. 2025 (AS 2025 47).

– Art. 10c Entschädigung im übrigen Verkehr

(Art. 11c Abs. 4 NZV)²⁹

¹ Im Güterverkehr auf Normalspurbahnen entrichtet die Infrastrukturbetreiberin dem Eisenbahnverkehrsunternehmen bei Umleitungen auf der Schiene eine Entschädigung von 800 Franken pro betroffenen Zug, ausgenommen Dienstzüge. Umleitungen in Bahnhofsgebieten sind nur dann entschädigungspflichtig, wenn durch sie die maximale Zuglänge oder das maximale Zuggewicht reduziert wird.³⁰

² Ist eine Umleitung auf der Schiene nicht möglich, so beträgt die Entschädigung 1500 Franken pro betroffenen Zug.

³ Auf Schmalspurbahnen entspricht die Entschädigung den Mehrkosten, die dem Eisenbahnverkehrsunternehmen entstehen.

²⁹ Fassung gemäss Ziff. I der V des BAV vom 20. Dez. 2024, in Kraft seit 1. Febr. 2025 (AS 2025 47).

³⁰ Fassung gemäss Ziff. I der V des BAV vom 20. Dez. 2024, in Kraft seit 1. Febr. 2025 (AS 2025 47).

– Art. 10d³¹ Pauschale bei verspäteter Bekanntgabe einer Kapazitätsbeschränkung

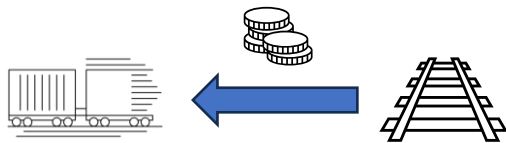
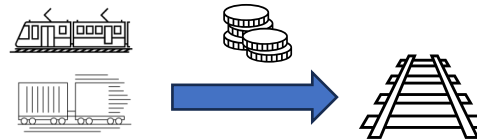
(Art. 11c Abs. 6 NZV)

¹ Bei verspäteter Bekanntgabe einer Kapazitätsbeschränkung entrichtet die Infrastrukturbetreiberin dem Eisenbahnverkehrsunternehmen eine Pauschale von 2000 Franken pro betroffenen Zug.

² Ist eine Umleitung auf der Schiene nicht möglich, so beträgt die Pauschale 3000 Franken pro betroffenen Zug.

Switzerland: compensation regime for freight

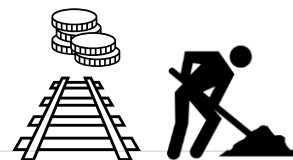
- > How much it actually is in relative terms?
- > The compensations are “negligible” in comparison to TAC and infrastructure expenses



CHF 8-11 M


Amount of compensation
paid annually by IMs
(depends on year)

7.0 % of freight Track Access Charges collected (2023)	MCHF 129
0.8 % of Track Access Charges collected (2023)	MCHF 1'300
0.005 % of SBB Infra maintenance budget (2025)	MCHF 2'000 – 2'300
0.0024 of Swiss expenses on rail infrastructure (2025, all IM's)	MCHF 4'100



Spain: standardised compensation

- > In 2025, Ministry of Transport of Spain introduced (Order TRM/124/2025) new standardised formula for compensations to be claimed by freight RUs.
- > The scope is very limited:
 - Only TCRs longer than 7 consecutive days
 - Only if TCR is not part of the maintenance windows
 - Re-routing must be longer by min 25km
 - empty trains travelling to pick up cargo are excluded
- > Currently uncertain how this system will be administrated (e.g. is it automated? Must RUs submit evidence?)
- > Calculation formula
 - Based on net weight (cargo weight)
 - Per train-km
 - Costs related to extended running time not considered
 - Maximum up to 30% of “standardised train costs”



BOLETÍN OFICIAL DEL ESTADO

Núm. 35 Lunes 10 de febrero de 2025 Sec. III. Pág. 18218

Tabla 1. Mérito ambiental y socioeconómico máximo (en c€/t-km neta)

Eficiencia	Tipo de tracción		
	Diésel 1 ⁽¹⁾	Diésel 2 ⁽²⁾	Eléctrica
< 20 %	–	–	–
20 % – 30 %	–	0,17	0,69
30 % – 40 %	0,28	0,45	0,78
≥ 40 %	0,46	0,59	0,78

1. Metodología de cálculo de las subvenciones.

Para el cálculo de las subvenciones, se distinguen tres supuestos: A, B y C, que se corresponden, de manera inequívoca, con los tres supuestos descritos en el artículo 4.2 de la presente orden:

- Supuesto A: Supresión.
- Supuesto B: Desvío.
- Supuesto C: Reducción de carga neta transportada.

France: reciprocal CC system

- > The IM FR under the Regulatory Body supervision introduced a reciprocal motivation incentive system in 2016, consequently, both RUs and the IM reduced the triggered timetable changes (called vibrations on the right).

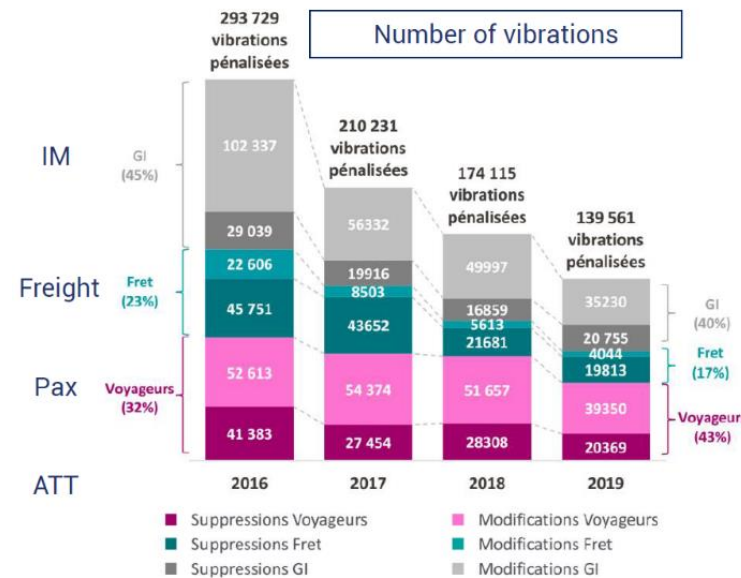
A separate process exists for claiming compensations, however, this is a lengthily process with no standardised flat rates, the administrative burden to proof the costs is on RUs.

3. The number of vibrations of allocated train paths has fallen sharply from 2016 to 2019 thanks to versions v0.1 & v1.x of the IR.



Reduce "vibrations" of allocated paths

- The number of vibrations penalised under the reciprocal incentive scheme has fallen steadily since 2016, both for the infrastructure manager and applicants. The number has fallen from 293,729 in 2016 to 139,561 in 2019, a drop of more than 50%.
- This decline remains hard to assess after 2020 due to the pandemic and the extension of the scope of the reciprocal incentive scheme.



"SNCF Réseau notes that the reciprocal incentive system has a positive operational impact on both the infrastructure manager and the applicant"
SNCF Réseau's answer to question no. 1 of ART's public consultation led for the 2022 review

France: reciprocal CC system

- > There is a daily-formula-based increase per path-kilometer. In this model every single day from the moment of the path allocation counts, making it every day a little bit more expensive for replanning (Continuous, growing and progressive scale).
- > The basis for the formula is a flat rate (not TAC).
- > The IM does not pay penalty, if the alternative offer does not change the timetable significantly:
 - Maximum prolongation of the journey time by 5-10 min for Passenger and 30-45 min for Freight
 - Maximum permitted change of departure/arrival times by 5-10 min for Passenger and 30-45 min for Freight
 - Re-routing with added less than extra 10 kms for Passenger and 45 km for Freight

1.4.3 SCALE OF PENALTIES APPLICABLE TO SNCF RÉSEAU PAYABLE TO TRAIN PATH APPLICANTS

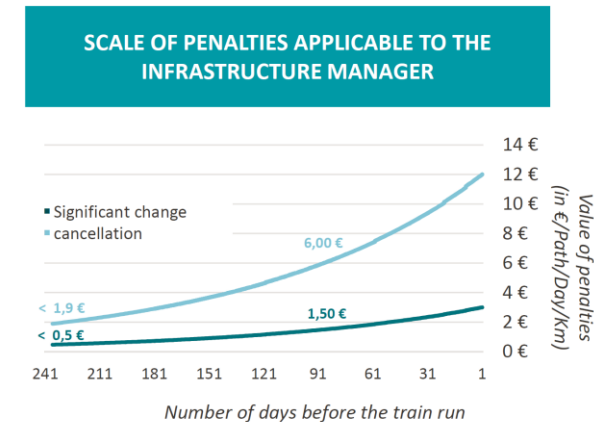
The formula is: $Penalty (D - n) = Penalty (D - 1) \times 2^{(1-n)/N}$

Per train path-day per kilometre	Allocated train path-days		Train path-days under examination	
	Significant change	Cancellation	Allocated	Non-allocated
On D-1	€ 3	€ 12	€ 2	€ 12
Doubling period	90 days		30 days	

The doubling period corresponds to the number of days necessary to divide the penalty by two.

Example: for a cancellation by SNCF Réseau conducted:

- on D-90, the penalty applied per train path-day kilometre is €6;
- on D-180, the penalty applied per train path-day kilometre is €3.



Italy: payment of penalties from RUs to IM

In Italy, the CC regime establishes the payment of a **percentage of the TAC** to IM in the event of:

- failure designation of/conclusion of the contract with the RU;
- failure to conclude a contract for the paths;
- failure to use the paths.

The NS establishes, in favour of RUs, an **exemption** relating to the estimated value of the gross TAC, excluding energy costs.

Regarding **passenger transport services** (including the HS), the exemption is gradually determined as follows:

Value of access contracts	% of exemption
X < 6 million €	3 %
6 million € < X < 100 million €	2 %
X > 100 million €	1 %



PERCENTAGE CHARGES PAYABLE TO THE IM			
	TRAIN PATHS	PATHS CONCERNED BY CONGESTED/LIMITED CAPACITY OR Hs/HC	CONSISTENTLY WITH A FRAMEWORK AGREEMENT
FAILED DESIGNATION OF/ CONCLUSION OF CONTRACT WITH THE RU	50% of the charge for the first 60 days	75% of the charge for the first 60 days	45% of the charge for the first 60 days
	<i>if the paths are reallocated on a later date, the penalty is calculated on 30 days</i>		
FAILURE TO CONCLUDE A CONTRACT FOR THE PATHS	50% of the charge for the first 60 days	75% of the charge for the first 60 days	45% of the charge for the first 60 days
	<i>if the paths are reallocated on a later date, the penalty is calculated on 30 days</i>		
FAILURE TO USE THE PATHS	For cancellation within 5 days:		30% of the charge
	0%	50% of the charge for the first 60 days	
	<i>if reallocated, on 30 days</i>		
	In the case of cancellations between 4 days and the departure time:		
30% of the charge	60% of the charge		
In the event of failure to cancel: 100% of the charge			

NS 2026, edition 15 of December 2024, par. 5.6.4.1

Example: value 90 million € \Rightarrow **Exemption** = $6 \cdot 3\% + 84 \cdot 2\% = 1,86$ million €

Italy: payment of penalties from IM to RUs

The NS establishes the payment of penalties related to the TAC by the IM in the following cases:

- Cancellation of the path by the IM (suppression);
- delays at destination.

The **IM does not benefit from the exemption** and pays from the first cancellation.



Path suppression caused by IM		
	<i>Communication to RU up to 4 days before departure time</i>	<i>Communication to RU from 4 days to the departure time</i>
Failure of IM to comply with obligatory information on TCR in line with timeline (NS 4.3.2.)	30% total/partial path TAC	60% total/partial path TAC
All other cases imputable to IM	30% total/partial path TAC	60% total/partial path TAC

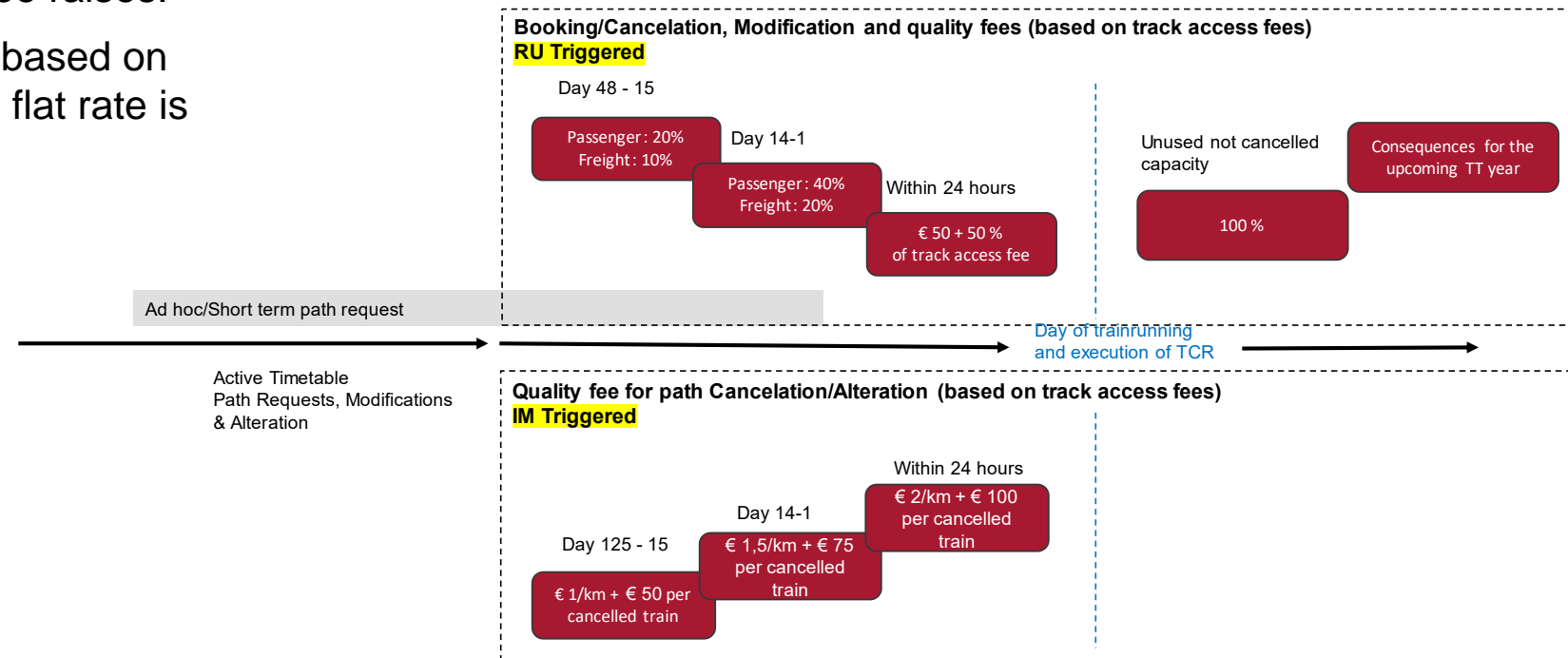


Delays caused by IM		
	<i>50% TAC path</i>	<i>100% TAC path</i>
Passenger	Delay between 60'- 119'	Delay ≥ 120'
Freight	Delay between 120'-179'	Delay ≥ 180'

Sweden: reciprocal motivational incentive




- > A motivation incentive was introduced in 2018 for both RUs and The IM SE.
- > The purpose is to incentivise earlier changes of timetables. The waterfall approach is used, where after certain deadlines the fee raises.
- > The level of the penalty for RUs is based on the Track Access Charges, while a flat rate is applicable for the IM.

Year	Total penalties (IM&RUs) in M €	Of which paid by the IM
2019	5.2	66%
2020	4.3	66%
2021	6.2	64%



Germany: compensation system for late TCRs

- > The IM DE introduced from December 2024 a simplified compensation system, where the “administrative burden” to proof the eligibility for the compensation is not anymore on the RUs, but the flat standardised rate system is used per extra train-km.
- > The compensation raises in time, but it is limited to cases, e.g. where the IM changes the path later than 15 weeks prior to the start of the TCR.

Kostensatz für Nichtbesetzung Stellwerke, Überziehung Baumaßnahmen und Infrastrukturmängel			
 SPNV	 SPFV	 SGV	
Basis: <u>Ausfall</u> kilometer	Basis: <u>Mehr</u> kilometer	Basis: <u>Mehr</u> kilometer	
<i>Entgangenes Bestellerentgelt und Fahrgeld</i>	<i>Zusätzl. Kosten Personal</i>	<i>Zusätzl. Kosten Personal</i>	
17,20 EUR	0,96 EUR ¹	0,83 EUR ²	
<i>abzgl. Energiekosten</i>	<i>Zusätzl. Energiekosten</i>	<i>Zusätzl. Energiekosten</i>	
-2,68 EUR	3,03 EUR	4,19 EUR	
<i>abzgl. Infrastrukturkosten</i>	<i>Zusätzl. Laufleistungsabhängige IH</i>	<i>Zusätzl. Laufleistungsabhängige IH</i>	
-6,71 EUR	2,50 EUR	1,00 EUR	
<i>abzgl. Vorsorge</i>	<i>Zusätzl. Fahrgastrechte</i>	<i>abzgl. Vorsorge</i>	
	0,17 EUR		
<i>Vermögensbetreuungspflicht</i>	<i>Vermögensbetreuungspflicht</i>	<i>Vermögensbetreuungspflicht</i>	
ca. 10 %	ca. 10 %	ca. 10 %	
Pauschaler Kostensatz	Pauschaler Kostensatz	Pauschaler Kostensatz	
7,00 EUR	6,00 EUR	5,40 EUR	
<small>(1) ≙ 3 Zugbegleiter (25 EUR/h), 1 TF (50 EUR/h), ≙-Geschw. 130 km/h (2) ≙ 1 TF (50 EUR/h), ≙-Geschw. 60 km/h</small>			
Kostensatz für Verfristung Fahrplandokumente (für SPNV, SPFV und SGV)			
ZvF-Endstück z-15	Übergabeblatt z-8	Fplo z-3	Verkehrstag z
z-15 - z-11 1 EUR	<z-11 - z-8 5 EUR	<z-8 - z-3 10 EUR	<z-3 20 EUR

Hungary: Traction compensation for late TCRs

- > Certain reciprocal commercial conditions are introduced also in Hungary. In case of very late TCR, announced less than 30 days in advance, the IMs refund part of the real RU extra unexpected costs, such as traction and extra track access charges due to re-routing.

Network Statement 4.3.2.1

If the infrastructure manager submits the non-annual track possession request to VPE at least 70 days before the start of the work, IM must make a statement at the same time that he has proposed to the customer a suitable alternative solution that does not increase the network access charges for the customer. If no such proposal has been made or the non-annual track possession request is submitted no later than 69 and at least 30 days before the start of construction works. Train run plan of track possession under the agreement of affected parties shall be submitted to VPE at the same time when track possession request. Train run plan shall comprise beyond the location and time of works also its influence on capacity.

Should the Infrastructure Manager submit its non-annual track possession request more than 50 days and less than 69 days prior to the scheduled start time of the works, **Infrastructure Manager shall refund to the Applicants additional costs resulting from the use of track because of track possession.**

Should the Infrastructure Manager submit its non-annual track possession request more than 30 days and less than 49 days prior to the scheduled start time of the works, **Infrastructure Manager shall refund to the Applicants additional costs resulting from the use of track and traction because of track possession.**

Portugal: compensation system

- > The IM PT pays compensation in case of path alteration offer that is not equivalent of the already allocated path.
- > Applicable for TCRs out of the reserved “maintenance windows”, and “maintenance widows” that are not confirmed on Monday two weeks in advance.
- > The “administrative burden” to proof the eligibility for the compensation is on the RUs.

outside the “blue areas”, the Applicants are entitled to a financial compensation for the costs associated with alternative transports, in the following terms and conditions:

- In case of use of alternative road services, IP will offer compensation for the procurement costs incurred in Portuguese territory.
- In case additional railway kilometres are required to enable the alternative transport service set, IP will not charge the usage fee and will cover the cost of energy used in the Portuguese territory.
- In case of changes to train routes, IP will cover the usage fee differential and the energy consumption differential in the Portuguese territory.
- The Applicant is responsible for justifying the above-mentioned costs, which will be verified by IP, and can be the object of further clarification or revise, without which IP will not accept to cover them.
- Where interventions require alternative transport services with a higher impact on the clients, IP will examine the possibility of associating itself with the Applicant in joint public information campaigns.

Any other additional costs incurred by the Railway Undertakings (particularly public information campaigns carried out on their own initiative or expenses with staff) and lost profits are not eligible.

RUs' postscript

1. The priority for RUs is to run trains (not to get penalty/compensation payment)
 2. Alternative capacity is better than no capacity.
 3. Earlier the alternative/adjusted TCR timetable is available, better for the customer/passenger – this is why we need good “motivation incentive component” of IMs’ commercial conditions.
 4. Once the IMs-RU sign the capacity contract (path/capacity specification), the market must have predictable costs/production. This is why need a “standardised compensation component”, in order that market is not exposed to higher additional costs due to IM decisions not anticipated at contract signing.
 5. Going to courts or submission of evidences of damages, are both very lengthy and administratively challenging processes. Both IMs and RUs should use resources on customer services, rather than on bureaucracy. This is why proofs to be better to use flat standardised rates per type of the negative impact.
 6. On the Swiss example, it can be demonstrated that a good “standardised compensation” does not negatively affect the state budgets, since the amounts are very negligible compared to the IMs’ budgets.
- > Technical details are described in the RU Vision:
<https://www.forumtraineurope.eu/services/capacity-projects/commercial-conditions>



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