

PRESS RELEASE

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AUSTRIA: Rail incumbent has overcharged new entrant operators for station access

For the past seven years, the Austrian rail infrastructure manager ÖBB-Infrastruktur AG – part of the vertically integrated national rail incumbent ÖBB-Holding AG – has been overcharging passenger rail operators to stop at railway stations.

Being in a dominant position, ÖBB Infrastruktur has always argued that the “minimum access package” to railway stations does in fact not allow operators the ability to embark or disembark passengers. Consequently, they have been charged an additional fee for this for every single service since 2012.

Of course, this has never been a problem for ÖBB’s in-house rail operators. Being vertically integrated, any such additional fees are simply made up for by the sister company ÖBB Infrastruktur.

However, not only have these additional fees had no justification, but they have also proven to be a big financial hit for new entrant operators in Austria, with the potential to drive them out of business and leave just one rail operator left over: ÖBB itself.

Therefore, ALLRAIL’s rail operators **welcome the new ruling by the European Court of Justice (ECJ)**, which found that the ability to embark and disembark passengers should indeed **be included in the “minimum access package”** for railway stations¹.

Having overcharged operators for many years, incumbent ÖBB now will have to refund the money². ALLRAIL Secretary General Nick Brooks states: “Apart from having no justification, such additional fees have adversely affected new entrant operators”.

If the European Union is serious about its commitment to achieve modal shift to rail - **by encouraging more competition** - then it needs to ensure that such hurdles put in place by market dominant rail incumbents (such as ÖBB) are **resolutely eliminated**.

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¹ Core of the judgement are paragraphs 24 until 27 of this document:

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=92EB41900CFE26DAC1E770BFEC890CA8?text=&docid=216045&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=1893319>

² <https://www.railjournal.com/regions/europe/ecj-rules-westbahn-cannot-be-charged-extra-for-station-access/>