

## **Response to the new DB Netz commercial conditions (cancellation fees) for timetable 2024**

Mr. Berthold Huber, DB AG  
Mr. Philipp Nagl, DB Netz AG

Dear Berthold, dear Philipp

On the 30th of March, the Bundesnetzagentur (BNetzA) approved the Track Access Charges (TAC) of DB Netz for 2024. The TAC contains a new set of cancellation fees (Commercial Conditions – CC). During the consultation, sector representatives voiced their concern with the proposals that were on the table at that time. However, it seemed that thresholds would be less damaging and/or that a certain amount of low-cost cancellations would remain. Unfortunately, the new set of CC was proposed to BNetzA, approved, and is now to be implemented in Timetable 2024. Therefore, the Rail Freight Forward coalition (RFF) again draws the attention of DB Netz to the serious negative and undesirable effects of these measures on the rail freight sector as a whole.

The newly proposed CC will have a detrimental effect on Railway Undertakings (RUs) with not entirely fixed concepts, pushing them out of the Annual Timetable (ATT) towards later orders. This approach seemingly aims to avoid unnecessary planning in the ATT but it poses significant risks to RUs and to the market share of rail freight in general. Worse still, due to the central position of Germany in the European Rail Freight network, these effects will not only be felt in Germany but also far beyond its borders.

One of the key motivations behind the request for Rolling Planning (RP) within the Timetable Redesign (TTR) was to ensure quality safeguarded capacity, which would be available four to one month before the day of operation. The intent was to move away from relying solely on leftover capacity and instead provide a reliable planning mechanism after the ATT. Unfortunately, despite the request for RP, we have not received any indication from Infrastructure Managers (IMs), including DB Netz, when they intent to implement RP.

The absence of RP, in combination with the new CC set to be implemented by DB Netz in 2024, puts the RUs in the paradoxical situation that either option harms their business prospects. On one hand, if they wish to offer their customers certainty on quality capacity they are forced to remain within the ATT. However, subsequent

changes needed to satisfy the customer's demand will result in high charges, which may not be acceptable to the market. Escalating prices for rail transport increase the risk of traffic shifting to road transportation. On the other hand, if RUs choose to wait and order ad hoc requests only once their traffic concepts are finalized, there is a high risk of not obtaining suitable capacity (getting the "leftovers") or no capacity at all. This further elevates the risk of traffic being diverted to road transportation. Either way, RUs will likely incur significant losses. To maintain, let alone increase, the modal share of national and international rail freight traffic—aligned with the political ambitions of both the German government and the European Union—the risk of high losses must be avoided.

In light of this situation, RFF calls upon DB Netz to reconsider and moderate the proposed set of CC – cancellation fees. It is essential that alternative solutions be provided to RUs to ensure fair and sustainable operations. Our primary recommendation is to implement RP, which would address the concerns outlined above. RP would enable RUs to access capacity in a timely manner and avoid the negative consequences associated with the current CC, as well as supporting DB Netz's goal in avoiding unnecessary replanning, so being beneficial for RUs and IMs.

We believe that TTR is not only in the best interest of IMs and RUs but also aligns with the European goals of efficiency, competitiveness, and environmental sustainability. By implementing especially the RP aspect of TTR, DB Netz would demonstrate its commitment to supporting the railway sector and fostering a favorable business environment.

We kindly request a response outlining the position of DB Netz on TTR including RP and a timeline for its implementation while at the same time moderating the CC – cancellation fees.

Thank you for your attention to this matter. We look forward to your favorable response and the opportunity to engage in further dialogue to reach a mutually beneficial resolution.



Dr. Sigrid Evelyn Nikutta  
Chairwoman of the RFF coalition

## About Rail Freight Forward

Rail Freight Forward is a coalition of European rail freight companies that are committed to drastically reducing the negative impact of freight transport on the environment through innovations and an intelligent transport mix. The coalition aims to increase the modal share of rail freight in Europe to 30% by 2030 as the better macro-economic solution for European growth. It mobilises railway undertakings, infrastructure providers and politicians in Europe to take action in order to realise this modal shift. Rail Freight Forward is a large coalition that is constantly growing.

The coalition is composed of rail freight companies and is supported by the associations CER, UIC, EFRA and VDV. The current members of Rail Freight Forward are BLS Cargo, CD Cargo, CFL cargo, CIT, DB Cargo, Fret SNCF, FTE, Green Cargo, Lineas, LTE Group, LTG Cargo, MEDWAY, Mercitalia, Ost-West Logistik, PKP Cargo, ÖBB Rail Cargo Group, Renfe Mercancias, SBB Cargo, and ZSSK Cargo.

