

CHAPTER 5 – ADIF SERVICES

5.3. Additional and Supplementary Services

Additional and Supplementary Services in the REFIG and its rail service areas, designed to facilitate the railway system operation, shall be provided to RU and other Applicants as set out in article 40 of LSF, amended by article 24 of Law 25/2009, of December 22nd (Ley Ómnibus) and amended by the twenty third and final provision of law 2/2011, of March 4th, on Sustainable Economy (Spanish official Gazette Nr. 55, of March 5th, 2011). Rail service areas shall be understood to be those referred to in article 9 of the LSF.

5.3.4. Supplementary Services

These services may include:

- Traction electricity supply.
- Fuel supply.
- Pre-heating of passenger trains.
- Shunting services and any others related to operations on railway rolling stock supplied at facilities for maintenance, repair, supply, as well as freight terminals and marshalling yards.
- Specific services to control dangerous freight transport and to assist special train traffic.

Additional Services in the REFIG and in rail service areas managed by **Adif** will be provided on the basis of Private Law and may be supplied:

- a) By **Adif** own means, or through indirect management via contractors selected according to Law 31/2007 of October 30th on procurement procedures of water, energy, transport and postal service industries; and in cases where it does not apply, according to private law with enforcement of the principles of advertising and competition. These contractors shall have an entitlement qualifying them to supply the corresponding supplementary service granted by the rail infrastructure manager; and they must act with application of the principles of equal treatment, transparency and non-discrimination. A condition considered to be essential for the activity is respect for the confidentiality of information that may be known during the course of the above regarding the operations of Railway Undertakings and Applicants, noncompliance with this being considered to be a serious infringement of those covered in section a) of article 89 of the LSF.

The criteria according to which the rail infrastructure manager shall provide these services will be determined by Order of the Ministry of Public Works.

Supplementary services offered at any time by **Adif**, through the Network Statement or an equivalent document must be provided upon request of the Railway Undertakings and other Entitled Applicants.

- b) Directly, at their own risk and responsibility, by supplier companies possessing the mandatory entitlement granted by the rail infrastructure manager, provided they have spaces, facilities or means necessary to supply the corresponding service, through the appropriate agreement or contract with that manager. In rail service areas managed by the public Rail Infrastructure Manager company, these companies providing services may not be linked to Railway Undertakings. The entitlement shall be regulated. The rail infrastructure manager shall grant this license to companies that

meet the requirements for obtaining the latter that the incumbent at the Ministry of Public Works establishes by regulation. Regulations shall establish the conditions by which the rail infrastructure manager signs agreements or contracts for the provision of spaces, facilities or means requested by companies providing the Supplementary Services, ensuring rail safety and proper use of facilities. The referred Supplementary Services must be provided upon request of the Railway Undertakings and other Applicants, with application of the principles of equal treatment, transparency and non-discrimination. A condition considered to be essential for the activity is respect for the confidentiality of information that may be known during the course of the above regarding the operations of Railway Undertakings and Applicants, noncompliance with this being considered to be a serious infringement of those covered in section a) of article 89 of the LSF.

- c) Railway Undertakings and Applicants owning rolling stock, whether or not they provide Supplementary Services under the aegis of the provisions in section b) above, may supply these Supplementary Services themselves provided they have signed the corresponding agreement or contract with the rail infrastructure manager on availability of spaces and, where appropriate, of facilities or means that may be requested by the Railway Undertaking or Applicant. Self supply of services may take place directly or through a contract with third parties. Autoservice may be directly carried out or by contract means with third parties. In this case, service suppliers shall hold the relevant entitlement granted by that manager. In this case, Railway Undertakings and other Applicants will not be allowed to supply Supplementary Services to different companies. Failure to fulfill this obligation will mean a serious infringement of those covered in section a) of article 89 of the LSF.

The use of spaces, facilities and means available in rail service areas managed by Adif will be regulated through the corresponding availability contract between the parties which will include, amongst others, the purpose, form and temporary nature of use of such means, the duration of the contract and its price.

Adif shall attend with objective, transparency, and non discrimination criteria all applications presented by the RUs and Applicants owners of rolling stock to allocate spaces and, given the case, to use the facilities and/or means, according to the operational procedure established, available on **Adif** Website, www.adif.es.

The provisions of the above paragraphs will not apply to privately owned railway infrastructure that complements the REFIG and is not located in rail service areas of the latter, with the exception of Additional Services for access to and from sidings, which will be covered by the provisions of article 40.2 of the LSF, amended by Law 25/2009 of December 22nd.

Services SC-3A, SC-5A, SC-2B, SC-3B and SC-5B will only be rendered in facilities with Iberian gauge, except on border points in Port-Bou and Irun.