

# Rail transport: European rail network for competitive freight

2008/0247(COD) - 24/02/2010 - Commission communication on Council's position

The Commission considers that, despite being too political in its approach and not sufficiently geared towards the actual needs of the market and although lacking in ambition with regard to the additional guarantees given by the infrastructure to freight trains, the Council's position adopted unanimously at first reading can contribute to achieving the general objectives of its proposal.

The Commission notes that some elements – corridor selection, cooperation between infrastructure managers and the priority accorded to transporting goods – have been watered down.

Moreover, other elements – such as the provisions on authorised applicants and the requirement to use one-stop shops for requests for international train paths – have been removed altogether.

The Commission expresses its reservations about the framework introduced by the Council with regard to the use of delegated acts by the Commission.

Despite these differences, the Commission still considers the Council's position at first reading to be consistent with the objectives of its original proposal.

Parliamentary amendments incorporated in full or in part in the Council's position at first reading are as follows:

- **Governance of corridors:** two bodies are responsible for organising corridor governance: the management board, made up of representatives of the infrastructure managers, and the executive board, made up of representatives of the Member States. The Commission's original proposal provided for only one body, composed of representatives of the infrastructure managers. The Commission considers that additional supervision by Member States is possible, provided it does not jeopardise the managerial independence of the infrastructure managers.
- **Traffic management rules:** Parliament and the Council have relaxed the traffic management rules in the event of disturbance. The Commission can accept that the rule 'a punctual freight train should remain on time' should apply 'as far as possible', and not systematically. However, the Commission cannot accept that this rule should not be applied at peak times, i.e. during periods of the day when it can be activated. Moreover, it is of the opinion that the objective of restoring the situation to normal as quickly as possible is already covered by existing legislation. Consequently, including this objective in the text serves no purpose.

Parliamentary amendments approved by the Commission and not incorporated in the Council's position at first reading are as follows:

- **Allocation of capacity:** Parliament's amendments in this respect do not alter the substance of the Commission's original proposal. However, the Council's position at first reading contains references to passenger transport which muddle the message and appear out of place in a legal instrument designed to give more guarantees to freight trains.
- **Selection of corridors:** the Council's position at first reading is different to Parliament's position in that it introduces an annex with a list of corridors agreed under the co-decision procedure.

