

Rail transport: European rail network for competitive freight

2008/0247(COD) - 04/05/2010

The Committee on Transport and Tourism adopted the report drawn up by Marian-Jean MARINESCU (EPP, RO) on the Council position at first reading for adopting a regulation of the European Parliament and of the Council concerning a European rail network for competitive freight. It recommended that the European Parliament's position at second reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Council position as follows:

Purpose: Members clarified that the Regulation lays down rules for the establishment and organisation of international rail corridors for competitive railfreight (referred to as "freight corridors") with a view to the development of a European Rail Network for Competitive Freight. It sets out rules for the selection, organisation, management and the investment planning of freight corridors.

Definition: the committee inserted a definition for "one - stop shop" which means the joint entity set up by the management board of each freight corridor which offers applicants the opportunity to request in a single place and in a single operation a train path for a journey crossing at least one border.

Designation of initial freight corridors: the report specifies that the Member States referred to in Annex I must draw up, at the **latest six months** after the entry into force of the Regulation the implementation plan of the freight corridors referred to in Annex I. The implementation plan, drawn up by the management board, shall include also the determination of the corridor routing after consultation of the advisory groups. Members deleted the derogation in the Council's position on the establishment of freight corridors. They also state as follows:

- following the information by Member States on the establishment of freight corridors, the Commission shall, by means of delegated acts, adopt a decision relating to an initial network of freight corridors including the corridors approved in Annex I at the latest six months after the establishment of the freight corridors;
- the network of freight shall be progressively modified and supplemented on the basis of proposals for the creation or modification of freight corridors, and after a Commission decision has been adopted by means of delegated acts. The proposals from Member States shall be examined taking into consideration the criteria set out in the provisions regarding the selection of further freight corridors.

Selection of freight corridors: the committee made some changes on the criteria, which are transferred from the Annex II to a new article. The validation of the list of corridors and the selection of further corridors must be made according to a shorter timetable than the one proposed by Council, in order to allow a more rapid implementation of the Regulation;

Modification of the freight corridors and reconciliation: the committee deleted these provisions in the Council's position.

Governance of freight corridors: Member States and infrastructure managers concerned by a freight corridor shall cooperate within the executive board and management board to ensure the development of the freight corridor in accordance with its implementation plan. The report provides that the management board shall take its decisions, including decisions regarding its legal status, the establishment of its organisational structure, resources and staffing, on the basis of mutual consent of the infrastructure

managers concerned. The management board shall be an independent legal entity. It may take the form of a European economic interest grouping within the meaning of Council Regulation (EEC) No 2137/85 on the European Economic Interest Grouping (EEIG).

Whilst the management board may set up an advisory group, the final decision shall be taken by the management board. In the event of disagreement between the management board and the advisory group, the latter may refer the matter to the executive board. The executive board shall act as an intermediary and provide its opinion in due time.

The management board shall carry out and periodically update a transport market study which shall also review the socio-economic costs and benefits stemming from the establishment of the freight corridor

Measures for implementing the freight corridor plan: a new clause states that a programme shall be drawn up for defining and improving performance in the freight corridor. In particular this programme shall include the common objectives, the technical choices and the schedule for the necessary measures in respect of the railway infrastructure and its equipment in order to implement all of the measures referred to in Chapter III on investment in freight corridors and Chapter IV on management of the corridors. These measures shall avoid or minimise any restrictions affecting rail capacity.

Consulting applicants: Members insert a provision stating that in the event of a disagreement between the management board and the applicants, the latter may refer the matter to the regulatory bodies referred to in the text.

Investment planning: Members reinstate Parliament's wording on first reading. The investment plans shall include a strategy for the growth of the capacity of freight trains which may run along the freight corridor, namely, for removing the identified bottlenecks, upgrading existing infrastructure and building new infrastructure. The strategy may include measures to increase the length, track gauge, loading gauge, speed management, load hauled or axle load authorised for the trains running along the freight corridor. The plans must form part of the implementation plan for the freight corridor.

One-stop shop for application for infrastructure capacity: the one-stop shop display infrastructure capacity available at the time of request and its characteristics in accordance with pre-defined parameters, such as speed, length, loading gauge or axle load authorised for trains running on the freight corridor. The activities of the one-stop shop shall be carried out in a transparent manner; to this end a register, made freely available to all interested parties to prevent any discrimination, shall be kept wherein the date requests, the names of the applicants, details of documentation supplied and of incidents are noted. Furthermore, the one-stop shop shall take a decision with regard to applications for facilitated freight train paths and for the reserve for capacity specified in the text. It shall inform the competent infrastructure managers of these applications and the decision taken, without delay.

Standard categories of train paths in the corridors: a new article states that the management board shall define and periodically update the standard categories of freight train paths, which shall be valid throughout the freight corridor. At least one of these categories (referred to as "facilitated freight") shall include a train path with an efficient transport time and guaranteed punctuality.

Capacity allocated to freight trains: this will be the task of the Management Board rather than Member States. The management board of the freight corridor and the advisory group shall put in place procedures to ensure optimal coordination of the allocation of railway infrastructure capacity and terminal capacity.

On international pre-arranged train paths, Members state that among these pre-arranged train paths, in accordance with the capacity available, there shall be a number of facilitated freight paths.

Infrastructure managers shall include in their conditions of use a fee for paths that are allocated but ultimately not used. The level of this fee shall be appropriate, dissuasive and effective.

Authorised applicants: a new provision states that **applicants other than railway undertakings and the international groupings** that they make up, may request train paths for freight transport where the latter concern several sections of the freight corridor.

Traffic management: the management boards of connected freight corridors shall put in place procedures for coordinating traffic along several freight corridors.

Traffic management in the event of disturbance: the management board shall draw up and publish in the network statement referred to in Annex I to Directive 2001/14/EC the rules of priority between the different types of traffic in the event of traffic disruption in the freight corridor. The Council had allocated this to infrastructure managers.

Quality of service in the freight corridor: the committee specifies that in order to measure the quality of the service and the capacity for international and national rail freight services in the freight corridor, the management board and the advisory group shall define the performance indicators in the freight corridor and publish them at least once a year. The implementation rules for these indicators shall be laid down, where applicable, in accordance with the regulatory procedure.

Regulatory bodies: new wording states that the regulatory bodies shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Directive 2001/14/EC. In order to foster free and fair competition on the railway market in Europe a comparable regulatory level shall be established throughout Europe. Regulatory bodies shall be easily accessible by the market players. They shall be able to take decisions independently and efficiently. They shall have sufficient financial and competent human resources to enable them to investigate all complaints within two months of receipt of all relevant information. The committee felt that divergent regulatory standards favour unfair competition in the rail market. In order to ensure non-discriminatory access to the corridor a comparable regulatory level must be established in all Member States.

Review: the report reinstates Parliament's first reading position. If, where the TEN-T guidelines are reviewed in accordance with the procedures referred to in Decision No 1692/96/EC, the Commission concludes that it is appropriate to adapt the Regulation to those guidelines, it shall present to the European Parliament and the Council a proposal on amending this Regulation accordingly. Similarly, certain decisions taken under this Regulation may entail the need to revise the TEN-T guidelines.

Annex on the list of principal routes of freight corridors: Members made some amendments to this list.

Comitology: the wording on these provisions is adapted to the provisions of the Lisbon Treaty.