

Rail transport: European rail network for competitive freight

2008/0247(COD) - 22/09/2010 - Final act

PURPOSE: to lay down rules for a European rail network for competitive freight which is made up of freight corridors.

LEGISLATIVE ACT: Regulation (EU) No 913/2010 of the European Parliament and of the Council concerning a European rail network for competitive freight.

CONTENT: the Council adopted a regulation on the creation of a European rail network of international freight corridors, approving all amendments voted by the European Parliament at second reading.

This Regulation lays down rules for the establishment and organisation of international rail corridors for competitive rail freight 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 indicative investment planning of freight corridors. The Regulation shall apply to the management and use of railway infrastructure included in freight corridors.

The main elements of the Regulation may be summarised as follows:

Designation of initial freight corridors: the Member States referred to in Annex I shall make operational by 10 November 2013 or 10 November 2015, the initial freight corridors set out in the Annex.

Further freight corridors: each Member State with a rail border with another Member State shall participate in the establishment of at least one freight corridor, unless this obligation has already been met under this Regulation. In addition, Member States shall, upon request from a Member State, participate in the establishment of the freight corridor or the prolongation of an existing corridor, in order to allow a neighbouring Member State to fulfil its obligation of putting in place at least one corridor.

Derogations to these obligations are possible under certain conditions, notably where a Member State considers, after having provided a socio-economic analysis, that the establishment of a freight corridor would not be in the interest of the applicants likely to use the freight corridor or would not bring significant socio-economic benefits or would cause a disproportionate burden.

Governance of freight corridors: for each freight corridor, Member States concerned shall establish an **executive board** responsible for defining the general objectives of the freight corridor, supervising and taking the measures as expressly provided for in this Regulation. The management board shall be composed of the representatives of the infrastructure managers. It shall set up an advisory group made up of managers and owners of the terminals of the freight corridor including, where necessary, sea and inland waterway ports. The management board shall coordinate in accordance with national and European deployment plans the use of interoperable IT applications or alternative solutions that may become available in the future to handle requests for international train paths and the operation of international traffic on the freight corridor. It shall draw up an implementation plan at the latest 6 months before making the freight corridor operational and shall submit it for approval to the executive board.

Investment planning: the management board shall draw up and periodically review an investment plan, which includes details of indicative medium and long-term investment for infrastructure in the freight corridor, and shall submit it for approval to the executive board. This plan shall include, inter alia, a plan

for the management of the capacity of freight trains which may run on the freight corridor, which includes removing the identified bottlenecks.

One-stop shop for application for infrastructure capacity: the management board for a freight corridor shall designate or set up a joint body for applicants to request and to receive answers, in a single place and in a single operation, regarding infrastructure capacity for freight trains crossing at least one border along the freight corridor. The activities of the one-stop shop shall be carried out in a transparent and non-discriminatory manner. To this end a register shall be kept which shall be made freely available to all interested parties. It shall contain the dates of the requests, names of the applicants, details of documentation supplied and of incidents which have occurred.

Capacity allocated to freight trains: the executive board shall define the framework for the allocation of the infrastructure capacity on the freight corridor. It shall evaluate the need for capacity to be allocated to freight trains running on the freight corridor.

Infrastructure managers shall jointly define the reserve capacity for international freight trains running on the freight corridors recognising the need for capacity of other types of transport, including passenger transport and keep this reserve available within their final working timetables to allow for a quick and appropriate response to ad hoc requests for capacity as referred to in Directive 2001/14/EC. This capacity shall be reserved until the time limit before its scheduled time as decided by the management board. This time limit shall not exceed 60 days. Infrastructure managers may include in their conditions of use a fee for train paths that are allocated but ultimately not used. The level of this fee shall be appropriate, dissuasive and effective.

Authorised applicants: applicants other than railway undertakings or the international groupings that they make up, such as shippers, freight forwarders and combined transport operators, may request international pre-arranged train paths. In order to use such a train path for freight transport on the freight corridor these applicants shall appoint a railway undertaking to conclude an agreement with the infrastructure manager.

Traffic management: the management board of the freight corridor shall put in place procedures for coordinating traffic management along the freight corridor. The management boards of connected freight corridors shall put in place procedures for coordinating traffic along such freight corridors.

Report: the Commission shall periodically examine the application of this Regulation. It shall submit a report to the European Parliament and the Council, for the first time by 10 November 2015, and every three years thereafter.

ENTRY INTO FORCE: 09/11/2010.