

Single European railway area: use of railway infrastructure capacity

2023/0271(COD) - 12/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 565 votes to 14, with 37 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the use of railway infrastructure capacity in the single European railway area, amending Directive 2012/34/EU and repealing Regulation (EU) No 913/2010.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter

Members stipulated that this Regulation should lay down rules and procedures for the implementation of an **integrated digital European rail traffic management system**.

Management of limited infrastructure capacity

Infrastructure managers should manage scarce capacity or resolve conflicts using objective, transparent and non-discriminatory procedures. Procedures should design **alternative scenarios** to address capacity conflicts between two requests that both are not consistent with the strategic capacity planning.

General responsibilities and principles

In fulfilling their responsibilities, infrastructure managers should:

- make **optimum effective use of the available infrastructure capacity** with the aim of increasing the share of rail transport, both for passenger and freight services in accordance with Union's climate targets;
- enable **seamless and punctual rail traffic** across more than one network and across borders by striving to eliminate bottlenecks and operational obstacles;
- contribute to the implementation and development of the **single European railway area**, in particular through common European technical and operational rules and standards, technical equipment requirements and staff certification.

Definitions

Members stated that '**force majeure**' should mean any unforeseeable, unavoidable or exceptional event or situation beyond the control of the infrastructure manager, the railway undertaking or the applicant, which cannot be overcome with reasonable foresight and diligence, cannot be solved by measures which are from a technical, financial or economic point of view reasonably possible including re-routing across borders. This event must have actually happened and needs to be objectively verifiable.

They also introduced the term '**applicant**' meaning a railway undertaking or an international grouping of railway undertakings or other persons or legal entities, such as competent authorities and shippers, freight forwarders and combined transport operators, with a public-service or commercial interest in procuring infrastructure capacity.

Capacity restrictions resulting from infrastructure work and degraded infrastructure

Member States should prevent the degrading of rail infrastructure and should minimise the impact of possible capacity restrictions by ensuring **adequate, stable and timely long-term funding** via multiannual performance agreements that should be concluded between Member State and the infrastructure manager for the period of at least five years.

Strategic capacity management

Member States should coordinate the timely provision of guidance to and ensure consistency between the respective strategic guidance they provide with a view to supporting the development of international passenger and freight rail services.

Member States should: (i) ensure advance allocation of financial resources for the infrastructure managers for regular maintenance of infrastructure and financial resources for infrastructure development described in the capacity strategy as referred to in the Regulation; (ii) coordinate their long-term strategic infrastructure and timetable plans, their infrastructure development based on these plans and coordinate the timelines of their implementation.

Strategic capacity planning should also take into account: (i) the **capacity needs** announced by operational stakeholders and the input from the consultation of current and potential applicants; (ii) as far as possible, the **socio-economic and environmental impact** of the use of infrastructure capacity. Strategic capacity planning should cover the Single European Railway Area.

Candidates, the European Rail Platform (ERP), rail users and their associations, and EU and Member State public authorities should be consulted during the strategic planning process.

Methods of capacity allocation

The infrastructure manager should be allowed to use, where relevant, specific timetabling approaches. If the infrastructure manager decides to pre-plan capacity by using systematic train paths with cross-border relevance, the infrastructure manager should coordinate with neighbouring infrastructure managers and other concerned infrastructure managers concerned to find mutually agreed solutions for cross-border traffic.

Network interruptions

In the case of a partial or total interruption of services caused by disruption of train operation due to a technical failure, incident or an accident on a cross-border line that lasts longer than 15 days, the impacted infrastructure managers should, within 30 days of the occurrence, prepare an **incident report**. The incident report should be made publicly available and shall be regularly updated until the interruption is lifted.

Performance Review Body

Members called for, by six months from the entry into force of this Regulation, a Performance Review Body to be established as an impartial, competent and self-standing body.

European Railway Platform (ERP)

To strengthen the role of Railway Undertakings and applicants, ERP is established as a **consultative body** to the European Network of Infrastructure Managers (ENIM). Operators of service facilities and

terminals, multimodal capacity stakeholder, such as sea and inland waterway ports and owners of other rail-related service facilities, might also be part of ERP.

ENIM should consult ERP before preparing adoption of the European frameworks for Capacity Management, Traffic Management and Performance Management. Furthermore, ERP could provide ENIM with a closer view on market developments and it could also issue own initiative opinions on any proposals or decisions by ENIM and European Railway Agency (ERA).

The ERA should provide support, at the Commission's request, for the drafting of the **implementing acts and specific delegated acts** provided for in the Regulation.

Lastly, the European Network of Rail Regulatory Bodies (ENRRB), should adopt a recommendation on the European framework for the review of performance by [six months from the entry into force of this Regulation]. While setting up and implementing the European framework for the review of performance, ERA shall take into account the recommendation issued by the ENRRB.