




# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2008/0247(COD) Procedure completed
Rail transport: European rail network for competitive freight Amended by <a href="#">2011/0302(COD)</a>	
Subject 3.20.02 Rail transport: passengers and freight 3.20.11 Trans-European transport networks	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>TRAN</b> Transport and Tourism		01/09/2009
		PPE <a href="#">MARINESCU Marian-Jean</a>	
		Shadow rapporteur S&D <a href="#">LIBERADZKI Bogusław</a> ALDE <a href="#">BILBAO BARANDICA Izaskun</a> Verts/ALE <a href="#">CRAMER Michael</a> ECR <a href="#">EPPINK Derk Jan</a>	
	Former committee responsible		
	<b>TRAN</b> Transport and Tourism		05/01/2009
		PPE-DE <a href="#">DUCHOŇ Petr</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">3032</a>	13/09/2010
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2995</a>	22/02/2010
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2949</a>	11/06/2009
European Commission	Commission DG	Commissioner	
	<a href="#">Mobility and Transport</a>	KALLAS Siim	

Key events			
11/12/2008	Legislative proposal published	<a href="#">COM(2008)0852</a>	Summary
13/01/2009	Committee referral announced in Parliament, 1st reading		
31/03/2009	Vote in committee, 1st reading		Summary

02/04/2009	Committee report tabled for plenary, 1st reading	<a href="#">A6-0220/2009</a>	
22/04/2009	Debate in Parliament		
23/04/2009	Results of vote in Parliament		
23/04/2009	Decision by Parliament, 1st reading	<a href="#">T6-0285/2009</a>	Summary
22/02/2010	Council position published	<a href="#">11069/5/2009</a>	Summary
25/02/2010	Committee referral announced in Parliament, 2nd reading		
04/05/2010	Vote in committee, 2nd reading		Summary
17/05/2010	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A7-0162/2010</a>	
14/06/2010	Debate in Parliament		
15/06/2010	Decision by Parliament, 2nd reading	<a href="#">T7-0203/2010</a>	Summary
13/09/2010	Act approved by Council, 2nd reading		
22/09/2010	Final act signed		
22/09/2010	End of procedure in Parliament		
20/10/2010	Final act published in Official Journal		

### Technical information

Procedure reference	2008/0247(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by <a href="#">2011/0302(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/00356

### Documentation gateway

Legislative proposal	<a href="#">COM(2008)0852</a>	11/12/2008	EC	Summary
Document attached to the procedure	<a href="#">SEC(2008)3028</a>	11/12/2008	EC	
Document attached to the procedure	<a href="#">SEC(2008)3029</a>	11/12/2008	EC	
Committee draft report	<a href="#">PE418.273</a>	27/01/2009	EP	
Amendments tabled in committee	<a href="#">PE420.117</a>	10/03/2009	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0220/2009</a>	02/04/2009	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T6-0285/2009</a>	23/04/2009	EP	Summary

Commission response to text adopted in plenary	<a href="#">SP(2009)3507</a>	25/06/2009	EC	
Economic and Social Committee: opinion, report	<a href="#">CES1199/2009</a>	15/07/2009	ESC	
Committee of the Regions: opinion	<a href="#">CDR0102/2009</a>	07/10/2009	CofR	
Council statement on its position	<a href="#">05999/2010</a>	12/02/2010	CSL	
Council position	<a href="#">11069/5/2009</a>	22/02/2010	CSL	Summary
Commission communication on Council's position	<a href="#">COM(2010)0068</a>	24/02/2010	EC	Summary
Committee draft report	<a href="#">PE439.390</a>	12/03/2010	EP	
Amendments tabled in committee	<a href="#">PE440.164</a>	28/04/2010	EP	
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A7-0162/2010</a>	17/05/2010	EP	
Text adopted by Parliament, 2nd reading	<a href="#">T7-0203/2010</a>	15/06/2010	EP	Summary
Commission opinion on Parliament's position at 2nd reading	<a href="#">COM(2010)0457</a>	30/08/2010	EC	Summary
Draft final act	<a href="#">00028/2010/LEX</a>	22/09/2010	CSL	
Follow-up document	<a href="#">COM(2018)0189</a>	16/04/2018	EC	Summary
Follow-up document	SWD(2018)0101	16/04/2018	EC	

#### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

#### Final act

[Regulation 2010/913](#)  
[OJ L 276 20.10.2010, p. 0022](#) Summary

[Corrigendum to final act 32010R0913R\(01\)](#)  
[OJ L 325 23.11.2012, p. 0019](#) Summary

## Rail transport: European rail network for competitive freight

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

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**CONTEXT:** within the framework of the Lisbon Strategy for growth and employment and the sustainable development strategy of the Community, the creation of an internal rail market, in particular with regard to freight transport, is an essential factor in making progress towards sustainable mobility. In this context, the creation of a European rail network for competitive freight on which freight trains can run in good conditions and easily pass from one national network to another would allow improvements in the conditions of use of the infrastructure.

Many initiatives have already been taken in recent years, both at national and Community level, to ensure that the service provided by the infrastructure managers becomes more efficient. They must be increased and their pace accelerated to ensure that the progress necessary for integrating rail transport and developing freight becomes a reality. In the first place this means improving or increasing :

- cooperation between infrastructure managers in order to eliminate border effects for freight traffic and optimising their investment and the use of their capacities at an international level, initially on the most important routes;
- development and management of the intermodal terminals used for the railways;
- the quality and reliability of the infrastructure capacities allocated to freight.

The Commission undertook, in its Communication of 18 October 2007 "Towards a rail network giving priority to freight", to present in 2008 proposals for the creation, in a coordinated manner, of international rail corridors giving priority to freight. This option was favoured over the creation of rail corridors dedicated to freight, which was deemed too one-sided, expensive and slow to implement. Further to making this commitment, the Commission carried out a large-scale consultation of all of the stakeholders concerned. The main conclusion is that the

short-term creation of international rail corridors for competitive freight would contribute substantially to improving the competitiveness of rail transport.

CONTENT: the Commission proposal relates in particular to the procedures for the selection of corridors, together with the governance of all the corridors, and to the characteristics that these corridors must have. It is based on the continuance of the initiatives and provisions quoted above, such as the TEN-T programme, the ERTMS corridors and current Community legislation relating to rail transport.

The main points are as follows :

Design and governance of the European rail network for competitive freight: the proposal stipulates the obligations of the Member States in terms of creating international rail corridors for competitive freight and the procedure for selecting these corridors. These provisions must guarantee both the quality of the proposed corridors and consistency between the different corridors proposed. They also provide for all of the Member States which do not have specific geographical features incompatible with this objective to participate in the creation of the European rail network for competitive freight.

The proposed method is as follows:

- (a) the legislation lays down a general obligation for the Member States to create freight corridors within the TEN-T;
- (b) the Member States together define the corridors that they would like to create;
- (c) this choice is validated at Community level, in the comitology procedure, after examining the relevance of the proposed corridor and the consistency between all of the freight corridors proposed.

With regard to governance, it is proposed to put in place an international structure capable of encouraging coordination between Member States and infrastructure managers along a corridor.

Investment: the proposal specifies the obligations to be complied with regarding a freight corridor in terms of coordinating and programming investment and developing interoperability between the different networks covered and improving the capacity for the trains. Developing interoperability will enable significant gains to be made in terms of journey times, capacity and the productivity of rail freight. Increasing train capacity, for example by increasing the maximum length of the trains which can run along the whole corridor, will also improve the productivity of rail freight.

The Commission also proposes defining a network of strategic terminals for each corridor. Each corridor must have an effective strategy regarding the development of intermodal terminals in particular, and also the adequacy of their capacity in terms of the needs of freight running along the corridor.

The operation of a freight corridor: the proposal concerns six essential points:

- the development of interoperable procedures;
- improving coordination of traffic operations between infrastructure managers on the one hand, and infrastructure and terminal managers on the other hand;
- enhancing access to infrastructure and terminals;
- preferential treatment of freight trains in terms of allocating trainpaths and managing traffic; - monitoring the quality of the service along a freight corridor;
- cooperation between regulatory bodies.

Better coordination of the operation of the freight corridor should lead to the improved performance of international freight transport along the corridor for a limited cost. For example, it involves applicants being provided with a one-stop shop for all requests for train paths across several networks. It would lead in particular to a reduction in waiting times for trains accessing the terminals or the main infrastructure from the terminals.

With regard to the balance between freight trains and passenger trains, the objective is to ensure that freight trains have access to good-quality, reliable train paths and that, for international train paths, national train paths are consistent amongst themselves. All these measures must produce positive effects on the performance of freight rail transport which must be measured and regularly analysed. Accordingly, each corridor must define performance indicators which are regularly updated.

## Rail transport: European rail network for competitive freight

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The Committee on Transport and Tourism adopted the report drawn up by Petr DUCHO? (EPP-ED, CZ) amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council concerning a European rail network for competitive freight.

Purpose: the aim of this Regulation is to improve the efficiency of rail freight transport relative to other modes of transport, but this objective has to be pursued also through political actions and the financial involvement of the Member States and the European Union. Coordination should be ensured at the highest level between Member States in order to guarantee the most efficient functioning of freight corridors.

Financial commitment in infrastructure and in technical equipment like the European Rail Traffic Management System (ERTMS) should aim at increasing rail freight capacity and efficiency in parallel with this Regulation.

Moreover, MEPs believe it is necessary to envisage the development of rail freight in a cooperative approach between infrastructure managers.

Freight corridors: according to MEPs, the freight corridors have to contribute to the creation of an integrated and intermodal transport system, in particular by focusing on the major role of strategic terminals in the development of intermodal transport and logistics.

The freight corridor shall link at least two Member States. It shall be part of, or at least compatible with, the TEN-T or, where applicable, with

the ERTMS corridors. It should take account of major trade flows and goods traffic and allow better interconnections between border Member States and neighbouring third countries.

The creation or modification of a freight corridor shall be decided by the Member States concerned, after they have notified the Commission of their intentions. Interested railway undertakings may participate in the process, whenever substantial investments concern them.

Governance of freight corridors: MEPs consider that the steering role and the respective responsibilities of Member States along a corridor should be clarified. They therefore stress the need to distinguish between a 'governance body' of which only infrastructure managers and railway undertakings should be member and an "executive board" of which only Member State representatives can be member.

Measures for implementing the freight corridor: some flexibility in the definition of the implementation plan should be guaranteed to the governance bodies of the corridors, in order to allow them to define their needs and procedures. The content of and the procedure establishing the market study should be defined in a flexible way and should be adapted to the needs of the governance body.

Consulting applicants: applicants, including rail freight operators, passenger operators, shippers, forwarders and their representative bodies, for the use of the freight corridor shall be consulted by the governance body before the implementation plan is approved and when it is updated.

Investment planning: the investment plans referred to in paragraph 1 shall include a strategy for the growth of the capacity of freight trains which may run in the freight corridor (in other words, 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 and load hauled.

Coordination of works: infrastructure managers should coordinate all their works on the infrastructure as soon as these works may restrict the available capacity. Works should be coordinated according to multi-annual agreements (or multi-annual contracts) agreed by infrastructure managers in application of Directive 2001/14/EC.

Strategic terminals: the freight corridors have to contribute to the creation of an integrated and intermodal transport system, in particular by focusing on the major role of strategic terminals in the development of intermodal transport and logistics.

One-stop shop for requests for international train paths: the use of one-stop-shop should not be made mandatory for the requests of train paths for freight trains, but should remain optional. Individual infrastructure managers of a corridor may be assigned to function as the front office of the one-stop shop for the applicants requesting train paths.

Facilitated freight: the categories of goods transported by rail should be defined in a broad and flexible way. According to MEPs, the term 'priority freight' is not appropriate and could lead to a misleading interpretation of the objectives of these categories. They prefer the term 'facilitated freight'.

Train paths allocated to freight trains: the requests for freight train paths have to be made in the most compatible way with passenger traffic, in order to create as little traffic disruption as possible for passenger trains. 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.

Traffic management: in case of disturbance, infrastructure managers should give priority to 'priority freight' trains. In this context, the governance body shall, in conjunction with applicants, develop and publish: (a) train regulation principles that shall ensure that facilitated freight trains receive the best treatment possible regarding the allocation of the reduced capacity; (b) contingency plans in case of disruption on the corridor.

Quality of service: the definition of performance indicators should be formulated in consultation with the stakeholders providing and using rail freight services.

Financial support: the report stresses that the creation of freight corridors should be supported financially within the framework of the TEN-T, research and Marco Polo programmes, and other Community policies and funds, such as the Cohesion Fund. The creation of a freight corridor should take into account the particular importance of the planned extension of the TEN-T network to the European Neighbourhood Policy (ENP) countries with a view to ensuring better interconnections with the rail infrastructure of third countries.

## Rail transport: European rail network for competitive freight

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The European Parliament adopted by 532 votes to 19, with 42 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council concerning a European rail network for competitive freight.

The main amendments were as follows:

Purpose: the aim of this Regulation is to improve the efficiency of rail freight transport relative to other modes of transport, but this objective has to be pursued also through political actions and the financial involvement of the Member States and the European Union. Coordination should be ensured at the highest level between Member States in order to guarantee the most efficient functioning of freight corridors.

Financial commitment in infrastructure and in technical equipment like the European Rail Traffic Management System (ERTMS) should aim at increasing rail freight capacity and efficiency in parallel with this Regulation.

Moreover, MEPs believe it is necessary to envisage the development of rail freight in a cooperative approach between infrastructure managers.

Freight corridors: according to MEPs, the freight corridors have to contribute to the creation of an integrated and intermodal transport system, in particular by focusing on the major role of strategic terminals in the development of intermodal transport and logistics.

The freight corridor shall link at least two Member States. It shall: (i) be part of, or at least compatible with, the TEN-T or, where applicable, with the ERTMS corridors. If necessary, certain sections not included in the TEN-T, with high or potentially high volumes of freight traffic, may also form part of the corridor; (ii) take account of major trade flows and goods traffic; (iii) allow better interconnections between border Member States and neighbouring third countries.

The creation or modification of a freight corridor shall be decided by the Member States concerned, after they have notified the Commission of their intentions. Interested railway undertakings may participate in the process, whenever substantial investments concern them.

Governance of freight corridors: MEPs consider that the steering role and the respective responsibilities of Member States along a corridor should be clarified. They therefore stress the need to distinguish between a "governance body" of which only infrastructure managers and railway undertakings should be member and an "executive board" of which only Member State representatives can be member. The executive board shall be responsible for authorising the corridor implementation plan by the governance body and supervising its execution.

Measures for implementing the freight corridor: some flexibility in the definition of the implementation plan should be guaranteed to the governance bodies of the corridors, in order to allow them to define their needs and procedures. The implementation plan, approved and regularly adjusted by the governance body, shall include at least: (i) description of the characteristics of the freight corridor, including potential bottlenecks; (ii) the objectives of the governance body and its programme for improvement of performance of the freight corridor.

The content of and the procedure establishing the market study relating to the observed and expected changes in the traffic in the freight corridor should be defined in a flexible way and should be adapted to the needs of the governance body.

Consulting applicants: applicants, including rail freight operators, passenger operators, shippers, forwarders and their representative bodies, for the use of the freight corridor shall be consulted by the governance body before the implementation plan is approved and when it is updated.

Investment planning: the investment plans shall include a strategy for the growth of the capacity of freight trains which may run in the freight corridor (in other words, 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 and load hauled.

Coordination of works: infrastructure managers should coordinate all their works on the infrastructure as soon as these works may restrict the available capacity. Works should be coordinated according to multi-annual agreements (or multi-annual contracts) agreed by infrastructure managers in application of Directive 2001/14/EC.

Strategic terminals: the governance body shall draw up an integrated strategy for the development of strategic terminals to enable them to meet the needs of rail freight running on the freight corridor, in particular as intermodal hubs along the freight corridors. This shall include co-operation with regional, local and national authorities; the sourcing of land to develop rail freight terminals and facilitating access to funds in order to encourage such developments. The governance body shall ensure that sufficient terminals are created in strategic locations, based on the expected volume of traffic.

One-stop shop for requests for international train paths: the use of one-stop-shop should not be made mandatory for the requests of train paths for freight trains, but should remain optional. Individual infrastructure managers of a corridor may be assigned to function as the front office of the one-stop shop for the applicants requesting train paths.

Standard categories of train paths in the freight corridors: the categories of goods transported by rail should be defined in a broad and flexible way. According to MEPs, the term "priority freight" is not appropriate and could lead to a misleading interpretation of the objectives of these categories. They prefer the term "facilitated freight".

Train paths allocated to freight trains: the requests for freight train paths have to be made in the most compatible way with passenger traffic, in order to create as little traffic disruption as possible for passenger trains. 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.

Traffic management: the rules of priority must at least provide, with the exception of peak hours, that the train path allocated to a facilitated freight train complying with the initial provisions for its train path shall be respected as far as possible or at least minimise overall delays while focusing on facilitated freight train delays. The governance body shall, in conjunction with applicants, develop and publish: (a) train regulation principles that shall ensure that facilitated freight trains receive the best treatment possible regarding the allocation of the reduced capacity; (b) contingency plans in case of disruption on the corridor that are based on these principles.

Each Member State through the infrastructure manager shall define the peak hours in the network statement. Peak hours shall apply only to working days and shall be limited to a maximum of 3 hours in the morning and to a maximum of 3 hours in the afternoon. In defining the peak hours regional and long distance passenger traffic shall be considered.

Quality of service: the definition of performance indicators in the freight corridor should be formulated in consultation with the stakeholders providing and using rail freight services.

European Neighbourhood Policy: a new recital stresses that the creation of a freight corridor should take into account the particular importance of the planned extension of the TEN-T network to the European Neighbourhood Policy countries with a view to ensuring better interconnections with the rail infrastructure of third countries.

## Rail transport: European rail network for competitive freight

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In establishing its position at first reading, the Council has taken full account of the proposal of the Commission and of the European Parliament's opinion at first reading. With respect to the amendments proposed by the European Parliament, the Council observes that a number of amendments have - in spirit, partially or fully - already been included in its position at first reading.

The main elements of the common position are the following:

Selection of freight corridors: the Council adopted another solution which consists in the establishment, within certain time-limits specified, of initial freight corridors according to the list of principal routes of corridors set out in Annex I to the Regulation and the obligation for the Member States not mentioned in that list to participate in the establishment of at least one freight corridor. Member States shall also participate in the establishment of the corridor or in the prolongation of an existing corridor, in order to guarantee a neighbouring Member State to fulfil the obligation to establish at least one freight corridor.

The above solution includes two possible derogations from the obligation to participate in the establishment of a freight corridor:

1. the first derogation would be justified under certain conditions such as the lack of interest of applicants likely to use the corridor, no socio-economic benefits or a disproportionate burden to establish the corridor. This derogation is subject to a decision by the Commission according to the comitology procedure;
2. the second derogation might apply to a Member State with a rail network which has a track gauge different from that of the main rail network within the Union.

Governance of freight corridors: the Council modified the Commission proposal and decided that, 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 specified measures with regard to implementation and investment planning. The executive board shall be composed of representatives of the authorities of the Member States concerned.

Moreover, for each freight corridor, the infrastructure managers concerned shall establish a management board responsible for taking specified measures with regard to implementation, investment planning, infrastructure capacity and quality of service. The management board shall be composed of the representatives of the infrastructure managers.

The management board shall also set up an advisory group made up of managers and owners of the terminals of the freight corridor. This advisory group may issue an opinion on any proposal by the management board which has direct consequences for investment and the management of terminals. It may also issue own-initiative opinions. The management board shall take any of these opinions into account.

Strategic terminals and priority freight: the Council in its position at first reading deleted the articles proposed by the Commission on the following issues: (i) strategies for the development of strategic terminals drawn up by governance bodies; (ii) define the standard categories of freight traffic, which should be valid in the whole of the freight corridor. At least one of these categories, referred to as "priority freight", should include goods whose transportation is very time-sensitive and which therefore require an efficient transport time and guaranteed punctuality. Concerning strategic terminals, it was considered that it should be up to the market to decide on this issue. On priority freight, it was agreed that it might discriminate, in particular, towards the passenger trains.

One-stop shop for requests for international train paths: the Council did not agree on the mandatory procedure proposed by the Commission and decided instead that the management board for a freight corridor shall designate or establish a joint body and/or an information system through collaboration between infrastructure managers which should offer the applicants the opportunity to request in a single place and a single operation infrastructure capacity for freight trains crossing at least one border along the freight corridor.

Authorised applicants: the Council deleted the article concerning authorised applicants as proposed by the Commission. Instead, the Council only accepts the possibility for applicants other than railway undertakings and their international groupings to request infrastructure for certain sections of train paths, in the case these paths are located in Member States where national law accepts those requests.

Traffic management in the event of disturbance: the Commission proposed that the infrastructure managers of the freight corridor should draw up and publish the rules of priority between the different types of traffic in the event of traffic disruption in the freight corridor. The Council revised the Commission proposal and decided that the management board shall adopt common targets for punctuality and/or guidelines for traffic management in the event of disturbance to train movements on the freight corridor. Based on these targets and/or guidelines, each infrastructure manager concerned shall thereafter draw up priority rules for the management between the different types of traffic in the freight corridor. The principles for establishing the priority rules shall aim at minimising the overall network recovery time with regard to the need of all types of transport.

Derogation: The Commission proposed that a Member State might derogate, where applicable, from the provisions of the Regulation by sending a substantial request for derogation to the Commission. The Commission should adopt a decision on that request, in compliance with a defined consultation procedure, taking into consideration the geographical situation and the development of rail freight transport services in the Member State which has requested derogation. The Council deleted the above provision proposed by the Commission. Instead, it agreed on an article concerning "transitional measures" which lays down that the obligation to implement this Regulation shall not apply to the Republic of Cyprus and the Republic of Malta for as long as no railway system is established within their territory.

Further amendments not included in the Council position at first reading concern in particular:

- a reference to optimisation and reliability of rail freight traffic;
- research and Marco Polo programmes, and other Union policies and funds, such as the Cohesion Fund;
- the setting up of effective and adequate links to other modes of transport in order to develop an efficient and integrated freight transport network;
- the procedure for the definition of performance indicators;
- modifications to the definitions set out in Article 2;
- the adjustment of the implementation plan;
- the inclusion of a reference to potential bottlenecks;
- a programme for improvement of the freight corridor;
- a market study to be periodically updated;
- programmes for creating and improving performance in the freight corridor;
- applicants who intend to use the freight corridor;
- the strategy for investment plans;
- investment plans;
- a reserve of capacity;
- a fee for paths that are allocated but not used;
- the rules of priority;

- consistency between different performance schemes;
- the information to be provided by the infrastructure managers and other third parties involved in international capacity allocation to the regulatory bodies.

## Rail transport: European rail network for competitive freight

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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.

## Rail transport: European rail network for competitive freight

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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.

## Rail transport: European rail network for competitive freight

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The European Parliament adopted a legislative resolution setting out its position at second reading under the ordinary legislative procedure (formerly known as the codecision procedure) 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. The amendments made in plenary are the result of a compromise between Parliament and Council and these amendments modify the Council's position as follows :

**Purpose and scope:** it is specified that the 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 will apply to the management and use of railway infrastructure included in freight corridors.

**Freight corridor:** the definition is clarified. A freight corridor is defined as all designated railway lines, including railway ferry lines, on the territory of or between Member States, and, where appropriate, European third countries, linking two or more terminals, along a principal route and, where appropriate, diversionary routes and sections connecting them.

**Designation of initial freight corridors:** the Member States referred to in Annex I shall make operational by the dates set out therein the freight corridors set out in that Annex, and inform the Commission about the establishment of the freight corridors.

**Criteria for freight corridors:** the amended text states that the selection of further freight corridors and the modification of freight corridors shall take account of the following criteria:

- the crossing by the freight corridor of the territory of at least three Member States, or of two Member States if the distance between the railway terminals served by the freight corridor is greater than 500 km;
- the consistency of the freight corridor with the TEN-T, the ERTMS corridors and/or the corridors defined by Rail Net Europe (RNE);
- the integration of TEN-T priority projects into the freight corridor;
- the balance between the socio-economic costs and benefits stemming from the establishment of the freight corridor;
- the consistency of all of the freight corridors proposed by the Member States in order to set up a European rail network for competitive freight;
- the development of rail freight traffic and major trade flows and goods traffic along the freight corridor;
- if appropriate, better interconnections between Member States and neighbouring third countries;
- the interest of the applicants in the freight corridor;
- the existence of good interconnections with other modes of transport, in particular due to an adequate network of terminals, including in the maritime and inland ports.

**Selection of further freight corridors:** the text stipulates that the creation of a freight corridor shall be proposed by the Member States concerned. For this purpose they shall send jointly the Commission a letter of intent including a proposal drawn up after consultation of the infrastructure managers and applicants concerned taking into account the criteria applicable.

**Governance of freight corridors:** Member States and infrastructure managers concerned by a freight corridor shall cooperate within the boards to ensure the development of the freight corridor in accordance with its implementation plan. The management board shall take its decisions, including decisions regarding the establishment of its organisational structure, and it may be an independent legal entity. It may take the form of a European economic interest grouping (EEIG).

The management board 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. 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 final decision however shall be taken by the management board.

The management board shall set up an advisory group made up of railway undertakings interested to use the freight corridor. The advisory group may issue an opinion on any proposal by the management board which has consequences for these undertakings. The advisory group may also issue own-initiative opinions. The management board shall take any of these opinions into account.

The management board shall coordinate in accordance with national and European deployment plans the use of interoperable IT applications or alternative solutions available in the future to handle requests for international train paths and the operation of international traffic on the freight corridor.

**Measures for implementing the freight corridor plan:** the management board shall draw up an implementation plan at the latest six months before making operational the freight corridor and shall submit it for approval to the executive board.

The management board shall carry out and periodically update a transport market study relating to the observed and expected changes in the traffic in the freight corridor, as a consequence of its being established, covering the different types of traffic, both regarding the transport of freight and the transport of passengers. This study shall also review, where necessary, the socio-economic costs and benefits stemming from the establishment of the freight corridor.

**Investment planning:** the management board shall draw up and periodically review an investment plan, including indicative medium and long term investment for infrastructure in the freight corridor, and shall submit it for approval to the executive board. The plan must include, inter alia, a plan for the management of the capacity of freight trains which may run in the freight corridor, including 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 one-stop shop shall, as a coordination tool, also provide basic information concerning the allocation of the infrastructure capacity, including the information. It shall display infrastructure capacity available at the time of

request and its characteristics in accordance to pre-defined parameters, such as speed, length, loading gauge or axle load authorised for trains running in the freight corridor.

The one-stop shop shall take a decision with regard to applications for pre-arranged train paths and for reserve for capacity. It shall allocate the capacity in line with provision regarding capacity allocation as set in Directive 2001/14/EC and inform the competent infrastructure managers of these applications and the decision taken without delay.

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 occurred.

Capacity allocated to freight trains: infrastructure managers of the freight corridor shall facilitate journey times, frequencies, times of departure and destination and routings suitable for freight transport services with a view to increasing the transport of goods by freight trains running on the freight corridor. Infrastructure managers may 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 clause states that 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 and reserve of capacity. To use this train path for freight transport in the freight corridor these applicants shall charge a railway undertaking to conclude a contract with the infrastructure managers.

Quality of service in the freight corridor: the management board of the freight corridor shall promote compatibility between the performance schemes along the freight corridor.

Regulatory bodies: Member States, in order to foster free and fair competition on the freight corridors, shall endeavour to establish a comparable regulatory level. Regulatory bodies shall be easily accessible by the market players. They shall be able to take decisions independently and efficiently.

List of initial freight corridors (Annex): the text makes some amendments to this list as well as the date of establishment of corridors.

## Rail transport: European rail network for competitive freight

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The European Parliament position, which was put to the vote on 15 June 2010, is the result of the compromise reached at the last trilogue, mainly regarding access to the corridor, through the setting-up of a one-stop shop and the reservation of train paths by undertakings other than railway undertakings ('authorised applicants'). This compromise was ratified by the Council in June, subject to a draft declaration by the Commission.

The Commission agrees to amend its proposal as indicated above. It also makes the following declaration: the Commission underlines that the one-stop-shop is a joint body set up or designated by the management board of each corridor; its function is that of a coordination tool. It may be a technical body within the corridor management structure or one of the infrastructure managers concerned.

## Rail transport: European rail network for competitive freight

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**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.

## Rail transport: European rail network for competitive freight

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Corrigendum to Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (Regulation first published in OJ L 276, 20.10.2010).

Corrigenda to the Regulation concern the following articles:

- Criteria for further freight corridors (Article 4, paragraph a) and b);
- Governance of freight corridors (Article 8, paragraph 9);
- One stop shop for application for infrastructure capacity (Article 13, paragraph 1 and paragraph 3);
- Capacity allocated to freight trains (Article 14, paragraphs 5, 7, 8 and 9).

## Rail transport: European rail network for competitive freight

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The Commission presented a report on the application of Regulation (EU) No 913/2010 on the European rail network for competitive freight, which entered into force in November 2010.

The Regulation lays down rules for the establishment and organisation of international rail corridors (rail freight corridors) with a view to creating a European rail network for competitive freight. It encourages cooperation between the main rail freight stakeholders and promotes, in particular, coordination in the areas of capacity offer, traffic management, infrastructure works and investment planning.

The nine initial rail freight corridors provided for in the Regulation have been implemented (six rail freight corridors were established in November 2013 and the last three in November 2015) and are now fully operational. One additional rail freight corridor is under establishment and another one has been proposed by the Member States concerned and Serbia.

This report was to be submitted for the first time no later than 10 November 2015. It is submitted with some delay as the Commission wanted to fully reflect the feedback received from those rail freight corridors only established at the end of 2015 and because it was decided to launch a large stakeholder consultation in 2016.

Initial conclusions: the report concludes that the implementation of the Regulation has clearly created a momentum for the development of international rail freight. The implementation of rail freight corridors has helped to strengthen the cross-border cooperation that was lacking in the rail freight sector before the entry into force of the Regulation, in particular as regards the management of operational infrastructure.

The report refers in particular to facilitating operational contacts at international level or encouraging the development of coordination processes and IT tools, for example within RailNetEurope.

Progress to be made: some areas have mixed or modest results, e.g. dedicated rail freight corridor capacity, coordination of works or

coordination of traffic management. These are key areas where progress is needed to improve the quality and reliability of cross-border rail freight services.

The report highlights the following points:

- the services and capacity products offered by the rail freight corridors are within the spirit of the Regulation but feedback or a limited uptake by the market suggest that they are not sufficiently adapted to the needs of the rail freight customers;
- in general nationally oriented rules and processes continue to hamper more efficient and seamless international freight traffic;
- more experience is needed on issues such as coordination of work and capacity management across borders. Processes and tools in these areas are still being developed or planned;
- a standardised approach cannot be applied for an ambitious implementation of rail freight corridors as regional diversities have to be taken into account as regards, for example, market expectations or the availability of infrastructure capacity;
- the provisions of the Regulation can be implemented in different ways - more or less ambitious - which have an impact on the attainment of the general objectives of the Regulation;
- as a market tool a rail freight corridor can offer quality and competitive services to direct and end customers. As a policy/cooperation tool their role is to improve the operational conditions along the corridor, including coordination/harmonisation of national practices in many areas. The degree to which one or the other approach is used varies between rail freight corridors;
- the effectiveness of the rail freight corridor concept depends to a large extent on the commitment of the participating parties to its effective implementation, if necessary through high-level support with the clear aim to make changes happen, in particular through changes in mind-set and in nationally oriented processes;
- the rail freight situation in Europe remains fragile: rail freight competitiveness is also influenced by exogenous factors such as the wider economy, industry patterns, the state of the infrastructure and related investments, the degree of fair competition between transport modes, the degree of ambition of national rail freight policies, etc.

A formal Commission evaluation of the Regulation will be conducted in 2019, fully taking into account the latest developments and ongoing sector initiatives undertaken to implement the Rotterdam Sector Statement adopted in 2016.