




Procedure file

| Basic information | |
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| <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation 2023/0271(COD)</p> | Awaiting Council's 1st reading position |
| <p>Single European railway area: use of railway infrastructure capacity</p> <p>Repealing Regulation 2010/913 2008/0247(COD) Amending Directive 2012/34 2010/0253(COD)</p> <p>Subject 3.20.02 Rail transport: passengers and freight 3.20.11 Trans-European transport networks</p> <p>Legislative priorities Joint Declaration 2023-24</p> | |

| Key players | | | |
|--|---|--|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| |  Transport and Tourism | Greens/EFA METZ Tilly | 03/09/2024 |
| | Former committee responsible | | |
| |  Transport and Tourism |  | 20/07/2023 |
| Council of the European Union | | | |
| European Commission | Commission DG Mobility and Transport | Commissioner VĂLEAN Adina | |
| European Economic and Social Committee | | | |
| European Committee of the Regions | | | |

| Key events | | | |
|------------|---|---|---------|
| 11/07/2023 | Legislative proposal published | COM(2023)0443 | Summary |
| 02/10/2023 | Committee referral announced in Parliament, 1st reading | | |
| 04/03/2024 | Vote in committee, 1st reading | | |
| 05/03/2024 | Committee report tabled for plenary, 1st reading | A9-0069/2024 | |
| 12/03/2024 | Results of vote in Parliament |  | |

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| 12/03/2024 | Decision by Parliament, 1st reading | T9-0127/2024 | Summary |
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Technical information

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| Procedure reference | 2023/0271(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Regulation |
| | Repealing Regulation 2010/913 2008/0247(COD) Amending Directive 2012/34 2010/0253(COD) |
| Legal basis | Treaty on the Functioning of the EU TFEU 091 |
| Other legal basis | Rules of Procedure EP 165 |
| Mandatory consultation of other institutions | European Economic and Social Committee European Committee of the Regions |
| Stage reached in procedure | Awaiting Council's 1st reading position |
| Committee dossier | TRAN/9/12680 |

Documentation gateway

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|---|-------------------------------|------------|------|---------|
| Legislative proposal | COM(2023)0443 | 11/07/2023 | EC | Summary |
| Document attached to the procedure | SEC(2023)0443 | 12/07/2023 | EC | |
| Document attached to the procedure | SWD(2023)0443 | 12/07/2023 | EC | |
| Document attached to the procedure | SWD(2023)0444 | 12/07/2023 | EC | |
| Committee draft report | PE752.954 | 28/11/2023 | EP | |
| Amendments tabled in committee | PE757.085 | 07/12/2023 | EP | |
| Committee of the Regions: opinion | CDR4958/2023 | 01/02/2024 | CofR | |
| Committee report tabled for plenary, 1st reading/single reading | A9-0069/2024 | 05/03/2024 | EP | |
| Text adopted by Parliament, 1st reading/single reading | T9-0127/2024 | 12/03/2024 | EP | Summary |
| Commission response to text adopted in plenary | SP(2024)350 | 22/07/2024 | EC | |

Additional information

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|-------------------|--------------------------|------------|
| Research document | Briefing | 17/11/2023 |
|-------------------|--------------------------|------------|

Single European railway area: use of railway infrastructure capacity

PURPOSE: to improve the railway infrastructure capacity in the single European railway area.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the EU has already adopted legislation on rail infrastructure capacity management and rail traffic management - Directive 2012/34/EU establishing a single European railway area and Regulation (EU) No 913/2010 on rail freight corridors. This reflects the policy goal of bringing into being a single European railway area, in which railway undertakings are able to provide transport services, including

cross-border services, on an increasingly integrated and interoperable network.

EU action is necessary to remove obstacles in EU legislation that prevent the implementation of sector initiatives to modernise capacity management. Incentives and performance schemes could, in principle, be re-designed nationally, but would lack the scope necessary to tackle cross-border issues. More effective international coordination cannot be achieved without clear legal rights and obligations, which need to be harmonised, at least to a certain extent, across the EU. If not addressed at EU level, the lack of harmonisation/interoperability of digital tools could result in the deployment of divergent, incompatible systems in different Member States.

EU action will make it possible to put effective and efficient instruments in place to coordinate strategic infrastructure capacity planning, address potential gaps in the mandate of regulatory bodies with regard to cross-border rail traffic, and introduce harmonised rules incentivising the reduction of cancellations of and amendments to capacity requests.

This initiative will repeal the rail freight corridors Regulation and the provisions of Directive 2012/34/EU on the allocation of rail infrastructure capacity. Revised rules and procedures governing rail infrastructure capacity management and rail traffic management will be introduced in the form of this new regulation.

This legislative proposal is part of the Greening Freight Package of proposals covering several modes of transport. Its aim is to advance the decarbonisation of freight transport, promote intermodal transport and complete the single European railway area. In addition to this proposal, it includes:

- the revision of Council Directive 92/106/EEC (the Combined Transport Directive) to encourage the use of intermodal transport;
- the [proposed](#) revision of Council Directive 96/53/EC on weights and dimensions;
- the [proposal](#) for a regulation establishing a harmonised framework for GHG emissions from freight and passenger transport services (the CountEmissions EU initiative).

CONTENT: the Commission proposal aims to improve the existing rail capacity allocation framework and introduce new rules and procedures on rail infrastructure capacity management and rail traffic management for domestic and international rail services, including crisis management and performance management. It seeks to optimise the utilisation of the rail network and the quality of capacity and operations, thus improving the performance of rail transport services and accommodating larger amounts of traffic.

The proposal:

- describes the subject matter of the proposed Regulation, which lays down rules to allow rail infrastructure capacity and rail traffic to be managed in a way that optimises the networks use, thereby improving the quality of services and accommodating larger amounts of traffic;
- establishes the general responsibilities of rail infrastructure managers and the principles they must abide by in exercising their functions;
- sets out the general rules for capacity management in particular the three stages of the capacity planning and allocation process: (i) strategic capacity planning; (ii) scheduling and allocation of capacity; (iii) adaptation and rescheduling of capacity;
- contains obligations on infrastructure managers to jointly develop a European framework for capacity management. Specific provisions address the management of scarce infrastructure capacity and of capacity restrictions resulting from work on infrastructure and degraded infrastructure;
- introduces obligations concerning traffic management, disruption management and crisis management and requires infrastructure managers to jointly develop a European framework for cross-border coordination on these issues. Specific provisions ensure that in a crisis, Member States can apply emergency measures for the management of rail capacity and traffic;
- introduces a performance review framework. To improve the performance of rail infrastructure services in the EU, the European Network of Infrastructure Managers (ENIM) is given the task of monitoring different aspects of performance and producing annual public reports on performance. A newly created Performance Review Body will give advice and recommendations on performance-related matters;
- contains provisions on the regulatory oversight of capacity and traffic management, expanding the tasks and responsibilities of the European Network of Rail Regulatory Bodies (the ENRRB) with respect to EU and cross-border matters. To this end, the ENRRB will have a Board of Regulatory Bodies as a decision-making body and a Secretariat supporting the Board;
- supports the deployment of digital tools enabling better capacity and traffic management.

Single European railway area: use of railway infrastructure capacity

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 Unions 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.

| Transparency | | | | |
|--------------|------------|------|------------|-----------------------------------|
| METZ Tilly | Rapporteur | TRAN | 29/01/2024 | Société nationale SNCF |
| METZ Tilly | Rapporteur | TRAN | 23/01/2024 | Community of European Railway and |

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|---------------------|-------------------|------------|-----------------------------|--|
| | | | | Infrastructure Companies |
| LIBERADZKI Bogusław | Shadow rapporteur | TRAN | 23/01/2024 | The Community of European Railway and Infrastructure Companies (CER) |
| METZ Tilly | Rapporteur | TRAN | 22/01/2024 | EUROPEAN RAIL INFRASTRUCTURE MANAGERS |
| RIQUET Dominique | Shadow rapporteur | TRAN | 17/01/2024 | Community of European Railway and Infrastructure Companies |
| METZ Tilly | Rapporteur | TRAN | 16/01/2024 | EUROTRAN Conseil |
| METZ Tilly | Rapporteur | TRAN | 19/12/2023 | DG Move |
| METZ Tilly | Rapporteur | TRAN | 18/12/2023 | Netherlands? Ministry of Infrastructure and Water Management |
| METZ Tilly | Rapporteur | TRAN | 07/12/2023 | EUROPEAN RAIL INFRASTRUCTURE MANAGERS |
| METZ Tilly | Rapporteur | TRAN | 04/12/2023 | Forum Train Europe FTE |
| DALY Clare | Member | 12/02/2024 | EUROTRAN Conseil GETLINK | |
| SCHIEDER Andreas | Member | 23/01/2024 | ÖBB-Holding AG | |
| THALER Barbara | Member | 28/11/2023 | ÖBB-Holding AG | |
| SCHIEDER Andreas | Member | 28/11/2023 | Arbeiterkammer Wien | |
| SCHIEDER Andreas | Member | 28/11/2023 | ÖBB-Holding AG | |
| THALER Barbara | Member | 15/11/2023 | ÖBB-Holding AG | |
| SCHIEDER Andreas | Member | 24/10/2023 | ÖBB-Holding AG | |
| SCHIEDER Andreas | Member | 23/10/2023 | ÖBB-Holding AG | |