

# Rail transport: European rail network for competitive freight

2008/0247(COD) - 22/02/2010 - Council position

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.