

# Rail transport: European rail network for competitive freight

2008/0247(COD) - 15/06/2010 - Text adopted by Parliament, 2nd reading

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.