

Single European railway area: use of railway infrastructure capacity

2023/0271(COD) - 11/07/2023 - Legislative proposal

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 network's 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.