



# National Lobby Strategy

Railway  
Infrastructure  
Capacity Regulation



- Today, railway infrastructure management is handled by national infrastructure managers. Capacity planning is usually carried out in isolation meaning international paths are last paths developed.
- Capacity is offered and booked long before capacity is used, meaning that rolling planning/short-term bookings is not possible.
- Given that over 50% of rail freight crosses at least one national border and given that rail freight needs are much more volatile than passenger needs, the current capacity management system does not meet the needs of freight.
- Rail freight is operating an international business on a patchwork of national networks.



- The European Capacity Regulation, proposed in July 2023, looks to move capacity management from a national, manual and rigid system to an international, digital and flexible system.
- Regulation will:
  - Introduce international capacity supply plans, including rolling planning
  - Create a governance structure over Infrastructure Managers
  - Introduce commercial conditions which will incentivise good behaviour between infrastructure managers and railway undertakings (penalties for “hoarding” capacity or late cancellations by RUs/IMs)



- The [European Parliament has finalised its position](#) which is strongly in line with the ERFA Position.
- The Council (Member States) intends to finalise its position by 18 June. So far, Member States have looked to water down the Commission proposal, damaging the possibility of moving to a better capacity system.
- It is essential that **ERFA Members** take this up with their national ministries as this is a national discussion now as Member States are establishing their respective positions.
- Council intends to adopt position by 18 June so important steps are taking at national level now.





## Positives



Consensual conflict resolution and most parts of sector process remain



Capacity Needs Announcements added (Art 5, 12, 17)



Multinetwork Framework Agreements introduced (Art 31)



Requirement that IM shall attempt to accommodate all requests (Art 36)



Advisory („working“) groups to ENIM for RU consultation added (Art 56 (1a)), but with ambiguous wording



## Negatives



Much less European Rules

- European Frameworks only as unbinding guidance for IMs (Art 6 et al)
- National Rules over European more balanced allocation rules (as promoted by COM and EP) (Art 8, 25, 37)
- Member State guidance too detailed, e.g. specific timetable designs (Art 11)
- Possible improvements by means of European Acts reduced (e.g. in Delegated acts for TCR, strategic planning limited to timelines instead of process (Art 10, 11, 19, 21, 38, 39, 46, 52, Art 32+33), Implementing act on Rolling Planning deleted (Art 31 reference to Art 33))



IMs to decide on specific timetable concepts and path groupings (Art 20)



When IMs change paths due to TCR, they do not pay compensation for changes (except cancellations, Art 35)



Rejection of requests still in (Art 37) (although deleted from Art 32, 33)



## Rail Freight Demands

- Common European Process
- Single European Railway Area in Planning Perspective
- National Capacity Plans:
  - Align with Neighbours
  - Allow for Market Development and Flexibility
  - Facilitative Development of Plans in IM/RU Consultation

## Council Positions

- Weak, Non-binding, European Framework
- Reduced European Powers and Reduced Flexibility
- Member States have possibility to divert from most aspects of Regulation, leading to potential volatility



- Essential that if not already begun, national discussions begin now
- Focus should be on issues outlined in Slide 5 and Slide 6

### **Critical Points**

- Regulation not only about increasing capacity in network, but improving reliability of rail freight services
- This cannot be achieved without a framework for greater coordination in capacity development
- Introduction of commercial conditions is not a tool for generating money for railway undertakings, but rather to incentivise good behaviour by all actors







**Thank you  
for your  
attention!**

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