

Press Release – Final agreement on Capacity Regulation may bring some progress if all actors are committed to make it work

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Last week, EU decision-makers concluded in trilogue a final agreement on the new Railway Infrastructure Capacity Regulation that should now be formally adopted by the two co-legislators. Even though the final version could have been more ambitious, especially in the timeline, it could mark a step in the right direction if all actors commit to make it work.

From the very beginning, the new Railway Infrastructure Capacity Regulation had a very ambitious aim that could only be partially fulfilled: moving from a manual, national and annual way of allocating and managing capacity to a new digital, European and multi-annual system. Capacity is a fundamental resource indispensable for trains to run. Railway undertakings are currently severely damaged by changes to already allocated paths, lack of quality and quantity of alternative routes, and a short-term national approach to infrastructure planning.

All the details of the agreement are not yet known but several elements inside the Regulation may bring some progress: penalties calculated on a fixed rate per kilometre, additional limitations to the possibility for infrastructure managers to derogate from temporary capacity restriction's deadlines compared to previous version of the text, the introduction of new Multi-Network Capacity Rights, and socio-economic criteria in case of capacity conflict.

Once finally adopted, the text will need the commitment of all actors to make it work. The Commission will have a key role, both when drafting the secondary legislation that will specify some details of the text and when controlling whether it will be properly enforced. National regulatory bodies will have to assess how penalties are applied in practice. ERFA urges both actors to strictly control the application of the text, otherwise it may quickly become toothless.

Infrastructure managers, working together within ENIM should deepen their cooperation and listen to network users represented in the new European Railway Platform (ERP). ERFA will demand a seat in the ERP to represent rail freight undertakings. We will support that Railway undertakings and infrastructure managers have a better dialogue together, make the best possible use of the network and respect their contractual obligations.

ERFA President, Dirk Stahl, stated, *“ERFA has historically been a strong supporter of this Regulation. The text agreed in trilogue marks a step forward and we would like to thank the negotiation teams. The implementation date 2030 is rather unambitious, regarding the tremendous capacity problems in the sector. We demand a step-by-step implementation which can already have first positive effects in the years 2027-2029.”*

ERFA Acting Secretary General, Josselin Petit, added, *“Railway undertakings are currently facing important economic and reputational damage because of too many changes to already allocated paths. The establishment of a penalty framework should improve the situation and be seen not as a punishment but rather as a way to further incentive good behaviours.”*

For more information, you can Contact:

European Rail Freight Association asbl, josselin.petit@erfarail.eu, Tel +32 470 93 76 16;
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