

Press Release – Greater Ambition Needed on Commission Proposal on Railway Infrastructure Capacity in SERA

01 September 2023

On 11 July, the European Commission presented its proposal for a Regulation on Railway Infrastructure Capacity in the Single European Railway Area (SERA). ERFA appreciates the general objectives of the Regulation but believes significant improvements are needed if the Regulation is to have a real and tangible impact on growing rail freight volumes. The proposal as tabled by the European Commission will most likely only lead to minor improvements in rail freight services and not before 2030.

The proposal of the European Commission includes some positive elements which will assist the growth of rail freight. The inclusion of rolling planning, multi-network capacity rights and reciprocal commercial conditions will assist in the growth of rail freight in Europe. It is important however that the focus is not solely on the positives within the Regulation, but also where further improvements are required.

It is essential that the implementation date of the Regulation is revised. Under the current proposal, the provisions of the Regulation will not come into force until 2030. Whereas it is understandable that some aspects within the Regulation will require sufficient time for development, others can be implemented directly after adoption of the Regulation. Implementation dates within the Regulation should therefore be staggered. Subject to a first reading adoption, points such as capacity rights and methods of capacity allocation as well as rights on compensation for changes to capacity could already be introduced from 2025.

Rights of capacity requests need to be improved. Under the proposal, Infrastructure Managers have a right to refuse capacity requests if they do not comply with the capacity supply plan. Such a system does not cater for the flexibility needed by rail freight. There should instead be an obligation to offer capacity which is aligned as much as possible with the received capacity request. Rejection of requests should only occur where no capacity is available. Additionally instruments to secure reserved capacities for freight traffic on main corridors for the mid-long term should be implemented.

The Regulation is also missing a neutral oversight body and any official role of users in decision making processes. Whilst a decentralized approach to capacity management, built upon existing Infrastructure Management Networks, is correct; this must be joint by clearly defined rules, a mechanism for user input and an independent oversight body to deliver trust in the system.

For more information, you can Contact:

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ERFA President, Dirk Stahl, stated, *“A Regulation which delivers benefits to the market only from 2030 onwards is not acceptable. We need a pragmatic approach which looks to deliver short and long-term goals. We believe this is achievable. If we are to proceed with a decentralized approach on capacity management, we need a clear and ambitious legal framework established at European Union level”*.

ERFA Secretary General, Conor Feighan, concluded, *“It is essential that work on this file begins quickly. The Commission proposal provides a sound basis on which to work. It is clear though that significant improvements are needed. We believe the ERFA position clarifies on the needed improvements in sufficient detail”*.

Please find the ERFA position [here](#).