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## POSITION PAPER

### Commission proposal for a Regulation on the use of railway infrastructure capacity in the single European railway area

CLECAT represents the interests of freight forwarders, transport and customs related services in Europe. As important clients of rail freight transport - in particular to carry out longer distances – freight forwarders have an interest in improving the general conditions of rail freight to ensure that its capacity is better utilised.

CLECAT welcomes the Commission proposal for a Regulation on the use of railway infrastructure capacity in the single European railway area and its goal to lay down a framework to allow infrastructure capacity and traffic to be managed more efficiently. This should ultimately improve the quality of services and accommodate more traffic on the rail network. CLECAT agrees with the Commission that the full potential of international rail freight has not been exploited so far, especially regarding dedicated rail freight capacity, coordination of work and coordination of traffic management.

CLECAT in particular welcomes the purpose of the Commission's proposal which seeks to allow for flexible capacity requests, streamlining operations, and enabling efficient future planning for rail operators. The proposed **Multi-network Capacity Rights (article 27.2)** is highly beneficial, as it simplifies the process for railway undertaking to request multi-network capacity, encouraging greater use of rail by economic operators. Rolling planning, including the **multiannual safeguarding of capacity (Article 33)** and **rights for multiannual framework agreements (Article 31)** is also welcomed. CLECAT equally appreciates the **regular updating of Infrastructure Managers' Strategic Planning taking into consideration developments in market demand (Article 12.8)** and the introduction of an **Independent Performance Review body and mechanism (Articles 49-52)**.

#### Earlier implementation of important provisions for freight

CLECAT is however of the view that further improvements to the proposal are essential to deliver tangible benefits for rail freight within an acceptable timeframe. The proposal, as it stands, will not bring the intended increase in rail freight volumes by 2030. While some provisions of the proposal need time for implementation, others such as provisions on capacity rights; capacity allocation, and performance review, could be implemented shortly after the publication of the Regulation.

The proposal offers a solid foundation, and we consider it feasible to amend specific aspects of the text to better align with the interests of rail freight. We therefore consider that the proposal needs an impartial oversight body for ENIM (European Network of Rail Infrastructure Managers) performance and conflict resolution.

### **Adequate capacity, harmonisation and innovation**

As indicated in the Commission's Impact Assessment, the current framework for rail infrastructure does not serve all rail market segments equally well, particularly for freight and cross-border transport, as they struggle to get capacity of adequate quantity and quality to meet customers' demands. For example, in cases of disruptions, such as strikes, freight customers do not have the same pattern as passengers who usually opt for alternative modes of transportation temporarily, before returning to use train once the services return to normal. Instead, for rail freight operators to transition significant cargo volumes to an alternative mode, in the event of a supply chain disruption, is both costly and time-consuming. To address the pressing need for increased rail freight capacity and rail freight volumes in Europe, prioritising freight by allocating sufficient capacity aligned with market demands is essential.

Recognising the limited success of the Rail Freight Corridors (RFC), CLECAT called over recent years for stronger governance of the RFC, which could be achieved by improving operational decision making for international freight trains, strengthen the cooperation between the RFC coordinators to ensure consistencies in approach, and enable cross-corridor liaison.

The possibility for freight forwarders to request capacity later in the year is welcomed, as it enables them to predict and plan their operations more effectively, aligning capacity with their customers' actual demands. The use of rolling planning will enable rail operators to reserve additional capacity for allocation at a later date. Continuous planning processes should also streamline the establishment of new regular services more rapidly, thanks to the earlier certainty about available capacity. Additionally, meeting common punctuality targets for freight trains is essential for improving the rail freight sector. CLECAT therefore supports innovation in the area of capacity planning.

### **Multi-network Capacity Rights**

The text proposed by the European Commission outlines that Infrastructure Managers have the authority to decline annual timetable path requests if they do not align with their capacity supply plan. Furthermore, if a request is rejected, the Infrastructure Manager must notify the applicant about their intention to decline the capacity request. Nonetheless, this approach fails to consider the unique context of rail freight adequately, as many companies in this sector require customised capacity solutions that take into account specific customer requirements. Currently, the system is overly rigid and does not accommodate potential shifts in market demand.

Instead, CLECAT is of the view that when a railway undertaking request does not align with the capacity supply plan, Infrastructure Managers should be required to offer alternative solutions. Only in cases where no suitable capacity is available, the capacity request can be declined. As a result, CLECAT supports the need for a flexible and adaptable capacity request management system, considering it a crucial element for the rail freight industry to meet the ever-changing needs of its customers.

### **Independent body to oversight ENIM**

The proposed governance structure fails to establish a neutral supervisory body. Even if a decentralised approach to capacity management is better suitable to improve international capacity management, the need for a neutral supervisory body remains key for CLECAT. Even if the overall



function of ENIM can be supported, there are nonetheless concerns regarding the impartiality of the Network Coordinator, since it is directly appointed by ENIM and mandated to act on its behalf.

CLECAT believes that, under the current text, the role of the Network Coordinator appears to offer limited value, when instead the introduction of a neutral oversight body would be more important and recommended. This new body should be responsible for monitoring ENIM's performance, mediating conflict resolution and addressing complaints impartially. Such approach will ensure that capacity management remains decentralised, while individual Infrastructure Managers retain responsibility for developing network capacity. At the same time, the establishment of a robust and independent supervisory body would effectively monitor ENIM's performance.

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