



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council
Subject: Proposal for a Regulation of the European Parliament and of the Council
concerning a European rail network for competitive freight
- Outcome of the European Parliament's first reading
(Strasbourg, 21 to 24 April 2009)

I. INTRODUCTION

The Rapporteur Mr Petr DUCHOŇ (EPP-ED - CZ) presented a report on behalf of the Committee on Transport and Tourism consisting of 70 amendments (amendments 1-70) to the proposal for a Regulation. In addition, the EPP-ED political group tabled one amendment (amendment 71).

II. DEBATE

The Rapporteur Mr Petr DUCHOŇ (EPP-ED - CZ) opened the debate, which took place on 22 April 2009, and:

- pointed out that the report was a good compromise that clarified the proposal of the Commission and enjoyed broad support;
- stated that the proposal aimed at optimising rail transport while offering the necessary degree of flexibility to Member States;

- pointed out that the proposal kept the role of Member States in relation with rail corridors and strengthened the management system; and
- emphasised that cooperation with third countries was covered and that a good balance had been struck between freight and passenger transport;

Speaking on behalf of the European Commission, Commissioner for Transport Mr Antonio TAJANI:

- said that the proposal promoted further integration of the railway sector in Europe, which is very much needed;
- stated that operators should be encouraged to invest in rail infrastructure so as to improve the competitiveness of the sector;
- pointed out that the proposal will, by promoting intermodality, improve the integration of freight and passenger transport by rail;

Speaking on behalf of the EPP/ED political group, Mr Georg JARZEMBOWSKI (EPP/ED - DE):

- expressed his gratitude to the Commission and the rapporteur for their work;
- stated that the sector needed enhanced efficiency;
- noted that Member States should provide corridors to enhance that efficiency; and
- rejected giving the Commission power to define such corridors.

Speaking on behalf of the PES political group, Ms Lily JACOBS (PES - NL):

- stressed the lack of efficiency of freight transport by rail in Europe;
- noted that this lack of efficiency could be corrected by a better coordination of investments between Member States for the implementation of transborder corridors;
- stated her satisfaction with the compromise that had been reached; and
- noted that the PES political group could not support amendment 71.

Speaking on behalf of the Greens/EFA political group, Mr Michael CRAMER (Greens/EFA - DE):

- noted that the improvement of freight transport could not be done at the expense of passenger transport;
- stated that one-stop-shops should be made a facility throughout Europe; and
- urged the Commission to stop Member States from reserving rail networks for State-owned companies free of cost.

Mr Ulrich STOCKMANN (PES - DE):

- stressed that only at European level will rail freight have a chance to be competitive;
- noted that the relation between freight and passenger transport should be measured;
- underlined that the overall capacity of the rail network should not be lessened; and
- thanked the rapporteur for achieving a very good compromise.

Mr Gabriele ALBERTINI (EPP-ED - IT):

- stated the importance for the EPP group of amendment 71 in relation to Art. 14 paragraph 2;
- noted that the amendment ensures that priority of freight over passenger transport would not apply during peak periods to be defined nationally.

Commissioner Antonio TAJANI once more took the floor and:

- stated his positive impression with the debate;
- stressed that the debate gave a message to Member States in the sense of promoting coordination of freight transport at European level; and
- noted that the Commission could accept the amendments linked to priorities between freight and passenger transport.

The Rapporteur, Mr Petr DUCHOŇ (EPP-ED - CZ), again took the floor and:

- stated that in his opinion there was a broad agreement in the Parliament, except for the issue of the balance between freight and passenger transport;
- rejected however the possibility of major problems arising in relation to such balance; and
- thanked all MEPs for their work.

III. VOTE

When it voted on 23 April 2009, the plenary adopted 69 out of 70 amendments tabled by the committee (amendments 1-61 and 63-70). In addition, the plenary adopted one amendment tabled by the EPP-ED political group (amendment 71) by 291 votes in favour, 290 votes against and 1 abstention; this adoption made amendment 62, that had been tabled by the Committee, fall.

The text of the legislative resolution is annexed to this note.

European rail network for competitive freight ***I

European Parliament legislative resolution of 23 April 2009 on the proposal for a regulation of the European Parliament and of the Council concerning a European rail network for competitive freight (COM(2008)0852 – C6-0509/2008 – 2008/0247(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0852),
 - having regard to Article 251(2) and Article 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0509/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A6-0220/2009),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Although liberalisation of rail freight traffic has made it possible for new operators to enter the network, market mechanisms are not sufficient to organise, regulate and secure rail freight traffic. Optimisation and ensuring its reliability imply in particular strengthening procedures for cooperation and allocation of the train paths between infrastructure managers.

Amendment 2

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The rail network for competitive freight should be set up in a manner consistent with the *Transeuropean* Transport Network ("TEN-T"). To that end, the coordinated development of the *two* networks is necessary, and in particular the integration of the international corridors for rail freight into the existing TEN-T. Furthermore, *uniform* rules relating to these freight corridors should be established at Community level. If necessary, the creation of these corridors *could* be supported financially within the framework of the TEN-T *programme*.

Amendment

(7) The **European** rail network for competitive freight should be set up in a manner consistent with the *Trans-European* Transport Network ("TEN-T") **and the European Railway Traffic Management System ("ERTMS") corridors**. To that end, the coordinated development of the networks is necessary, and in particular the integration of the international corridors for rail freight into the existing TEN-T **and the ERTMS corridors**. Furthermore, *harmonising* rules relating to these freight corridors should be established at Community level. If necessary, the creation of these corridors *should* be supported financially within the framework of the TEN-T, **research and Marco Polo programmes, and other Community policies and funds, such as the Cohesion Fund**.

Amendment 3

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The creation of a freight corridor should take into account the particular importance of the planned extension of the TEN-T network to the European Neighbourhood Policy countries with a view to ensuring better interconnections with the rail infrastructure of third countries.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Within the framework of a freight corridor, good coordination between the

Amendment

(8) Within the framework of a freight corridor, good coordination between the

Member States and the infrastructure managers concerned should be ensured, sufficient **priority** given to rail freight traffic, effective and adequate links to other modes of transport set up and conditions created which are favourable to the development of competition between rail freight service providers.

Member States and the infrastructure managers concerned should be ensured, **better and sufficient facilitation** given to rail freight traffic, effective and adequate links to other modes of transport set up **in order to develop an efficient and integrated freight transport network**, and conditions created which are favourable to the development of competition between rail freight service providers.

Amendment 5

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) The creation of a freight corridor should be **examined and** approved at **Community** level in accordance with a clearly-defined and transparent procedure **and** criteria **which allow** Member States and infrastructure managers sufficient decision-making and management scope **so that they can take measures adapted to their specific needs.**

Amendment

(9) The creation of a freight corridor should be **based on proposals made by Member States in consultation with the infrastructure managers. In the second phase it should be** approved at **European** level in accordance with a clearly-defined and transparent procedure. **The criteria for the creation of freight corridors should be defined in a way adapted to the specific needs of the** Member States and **of the** infrastructure managers **that allows them** sufficient decision-making and management scope.

Amendment 6

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) In order to stimulate coordination between the Member States **and the** infrastructure managers, each freight corridor should be supported by a governance body comprised of the various infrastructure managers who are involved with the freight corridor.

Amendment

(10) In order to stimulate coordination between the Member States, infrastructure managers **and railway undertakings**, each freight corridor should be supported by a governance body comprised of the various infrastructure managers who are involved with the freight corridor.

Amendment 7

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to meet market needs, the methods for creating a freight corridor should be presented in an implementation plan which should include identifying and setting a schedule for measures which would improve the performance of rail freight. Furthermore, to ensure that planned or implemented measures for the creation of a freight corridor meet the needs or expectations of ***all of the users of the freight corridor, the latter*** must be regularly consulted in accordance with ***clearly defined*** procedures.

Amendment

(11) In order to meet market needs, the methods for creating a freight corridor should be presented in an implementation plan which should include identifying and setting a schedule for measures which would improve the performance of rail freight. Furthermore, to ensure that planned or implemented measures for the creation of a freight corridor meet the needs or expectations of ***the market, all user railway undertakings*** must be regularly consulted in accordance with ***appropriate procedures defined by the governance body***.

Amendment 8

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to guarantee the consistency and continuity of the infrastructure capacities available along the freight corridor, investment in the freight corridor should be coordinated between Member States ***and*** the infrastructure managers concerned, and planned in a way which meets the needs of the freight corridor. The schedule for carrying out the investment should be published to ensure that ***applicants who*** may operate in the corridor are well-informed. The investment should include projects relating to the development of interoperable systems and the increase in capacity of the trains.

Amendment

(12) In order to guarantee the consistency and continuity of the infrastructure capacities available along the freight corridor, investment in the freight corridor should be coordinated between Member States, the infrastructure managers ***and the railway undertakings*** concerned, ***as well as, if applicable, between Member States and third countries***, and planned in a way which meets the needs of the freight corridor. The schedule for carrying out the investment should be published to ensure that ***railway undertakings that*** may operate in the corridor are well-informed. The investment should include projects relating to the development of interoperable systems and the increase in capacity of the trains.

Amendment 9

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In view of the different programming schedules for timetables for the different types of traffic, it should be ensured that the requests for infrastructure capacity for freight traffic are ***not unduly restricted by*** requests for passenger transport, particularly in regard to their respective socio-economic values. Fees for using the infrastructure should vary according to the quality and reliability of the train path allocated.

Amendment

(17) In view of the different programming schedules for timetables for the different types of traffic, it should be ensured that the requests for infrastructure capacity for freight traffic are ***compatible with the*** requests for passenger transport, particularly in regard to their respective socio-economic values. Fees for using the infrastructure should vary according to the quality and reliability of the train path allocated.

Amendment 10

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Trains carrying goods which are very sensitive in terms of ***the*** journey time and punctuality should be able to enjoy sufficient priority if there are traffic problems.

Amendment

(18) Trains carrying goods which are very sensitive in terms of journey time and punctuality, ***as defined by the governance body,*** should be able to enjoy sufficient priority if there are traffic problems.

Amendment 11

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) To guarantee the development of competition between suppliers of rail freight services in the freight corridor, ***it seems desirable to authorise*** applicants other than railway undertakings or their groupings to request infrastructure capacity.

Amendment

(19) To guarantee the development of competition between suppliers of rail freight services in the freight corridor, applicants other than railway undertakings or their groupings ***should be able*** to request infrastructure capacity.

Amendment 12

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In order to objectively measure the benefits of the measures aimed at the creation of the freight corridor and to guarantee efficient monitoring of such measures, performance indicators for the service along the freight corridor should be introduced and published regularly.

Amendment

(22) In order to objectively measure the benefits of the measures aimed at the creation of the freight corridor and to guarantee efficient monitoring of such measures, performance indicators for the service along the freight corridor should be introduced and published regularly. ***The definition of performance indicators should be formulated in consultation with the stakeholders providing and using rail freight services.***

Amendment 13

**Proposal for a regulation
Recital 23**

Text proposed by the Commission

(23) With the aim of improving the dissemination of good practices and ensuring efficient monitoring of the management of the European rail network for competitive freight, it is desirable to enhance cooperation between all of the Community infrastructure managers with the support of the Commission.

Amendment

deleted

Amendment 14

**Proposal for a regulation
Recital 27 a (new)**

Text proposed by the Commission

Amendment

(27a) The aim of this Regulation is to improve the efficiency of rail freight transport relative to other modes of transport, but this objective has to be pursued also through political actions and the financial involvement of the Member States and the European Union. Coordination should be ensured at the highest level between Member States in order to guarantee the most efficient functioning of freight corridors. Financial commitment in infrastructure

and in technical equipment like ERTMS should aim at increasing rail freight capacity and efficiency in parallel with the aims of this Regulation.

Amendment 15

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down the rules for the creation and organisation of the European rail network for competitive freight ***which is made up of*** international rail corridors for competitive freight (hereinafter referred to as “freight corridors”). It sets out the rules for the selection and organisation of freight corridors and ***harmonised*** principles relating to investment planning, and capacity and traffic management.

Amendment

1. This Regulation lays down the rules for the creation and organisation of the European rail network for competitive freight ***in*** international rail corridors for competitive freight (hereinafter referred to as “freight corridors”). It sets out the rules for the selection and organisation of freight corridors and ***cooperative*** principles relating to investment planning, and capacity and traffic management.

Amendment 16

Proposal for a regulation Article 1 – paragraph 2 – point a

Text proposed by the Commission

a) stand-alone local and regional networks for passenger services using the railway infrastructure;

Amendment

a) stand-alone local and regional networks for passenger services using the railway infrastructure, ***except where the services operate on part of a freight corridor***;

Amendment 17

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

a) "freight corridor" shall mean all of the railway lines created on the territory of Member States and, where necessary, third European countries linking **one** or more strategic terminals **to one or more other strategic terminals** including a principal axis, alternative routes and paths linking them, and railway infrastructure and its equipment in the freight terminals, marshalling yards and train formation facilities, **and** branch lines to the latter;

Amendment

a) "freight corridor" shall mean all of the railway lines created on the territory of Member States and, where necessary, third European countries linking **two** or more strategic terminals, including a principal axis, alternative routes and paths linking them, and railway infrastructure and its equipment in the freight terminals, marshalling yards and train formation facilities, **as well as** branch lines to the latter, **including all rail related services as set out in Annex II to Directive 2001/14/EC**;

Amendment 18

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

c) "heavy maintenance work" shall mean any intervention or repair to the railway infrastructure and its equipment which is necessary for running the trains along the freight corridor and involving reservations on the capacities for the infrastructure in accordance with Article 28 of Directive 2001/14/EC;

Amendment

c) "heavy maintenance work" shall mean any intervention or repair to the railway infrastructure and its equipment, **planned at least one year in advance**, which is necessary for running the trains along the freight corridor and involving reservations on the capacities for the infrastructure in accordance with Article 28 of Directive 2001/14/EC;

Amendment 19

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

e) "strategic terminal" shall mean the terminal of the freight corridor which is open to all the applicants and which plays an important role in the rail transport of freight along the freight corridor;

Amendment

e) "strategic terminal" shall mean the terminal of the freight corridor which is open to all the applicants and which **already plays, or is scheduled to play**, an important role in the rail transport of

freight along the freight corridor;

Amendment 20

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

f) "one-stop shop" shall mean the joint entity set up by infrastructure **managers** of the freight corridor which offers applicants the opportunity to request ***in a single place and a single operation*** a train path for a journey crossing at least one border.

Amendment

f) "one-stop shop" shall mean the joint entity set up by ***each*** infrastructure **manager** of the freight corridor which offers applicants the opportunity to request a train path for a journey crossing at least one border.

Amendment 21

Proposal for a regulation

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. The freight corridor shall allow international and national rail freight services to be operated ***on the territory of at least two Member States***. It shall have the following characteristics:

Amendment

1. The freight corridor shall ***link at least two Member States and*** allow international and national rail freight services to be operated. It shall have the following characteristics:

Amendment 22

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

a) it shall be part of the TEN-T;

Amendment

a) it shall be part of, ***or at least compatible with***, the TEN-T ***or, where applicable, with the ERTMS corridors. If necessary, certain sections not included in the TEN-T, with high or potentially high volumes of freight traffic, may also form part of the corridor;***

Amendment 23

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) it shall allow significant development of rail freight traffic;

Amendment

(b) it shall allow significant development of rail freight traffic **and take account of major trade flows and goods traffic**;

Amendment 24

Proposal for a regulation

Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

ca) it shall allow better interconnections between border Member States and neighbouring third countries;

Amendment 25

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. The creation or modification of a freight corridor shall be **proposed** by the Member States concerned. **For this purpose** they **shall send** the Commission a proposal drawn up with the infrastructure managers concerned, taking into account the criteria set out in the Annex.

Amendment

2. The creation or modification of a freight corridor shall be **decided** by the Member States concerned, **after they have notified** the Commission **of their intentions, accompanied by** a proposal drawn up with the infrastructure managers concerned **and** taking into account **the initiatives and opinions of railway undertakings that use the corridor or are interested in doing so and** the criteria set out in the Annex. **Interested railway undertakings may participate in the process, whenever substantial investments concern them.**

Amendment 26

Proposal for a regulation

Article 3 – paragraph 3 – point a

Text proposed by the Commission

(a) at the latest one year after the entry into force of this Regulation, the territory of each Member State which has at least two **land borders** with other Member States must allow at least one proposal for a freight corridor;

Amendment

(a) at the latest one year after the entry into force of this Regulation, the territory of each Member State which has at least two **direct rail links** with other Member States must allow at least one proposal for a freight corridor;

Amendment 27

Proposal for a regulation

Article 3 – paragraph 3 – point b

Text proposed by the Commission

b) at the latest three years after the entry into force of this Regulation, the territory of each Member State must allow at least:

i) one freight corridor,

ii) two freight corridors if the annual performance of rail freight in the Member State concerned is greater than or equal to 30 billion tonne-kilometres,

iii) three freight corridors if the annual performance of rail freight in the Member State concerned is greater than or equal to 70 billion tonne-kilometres.

Amendment

b) at the latest three years after the entry into force of this Regulation, the territory of each Member State must allow at least one freight corridor.

Amendment 28

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

4. The Commission shall **examine** the proposals for the creation of the freight corridors referred to in paragraph 2 and, **in compliance with the regulatory procedure referred to in Article 18(3), adopt a decision relating to an initial network of freight corridors at the latest one year after the entry into force of this**

Amendment

4. The Commission shall **note** the proposals for the creation of the freight corridors referred to in paragraph 2 and **shall examine their consistency with the assessment criteria set out in the Annex. It may state objections or propose modifications in line with what it**

Regulation. As part of this examination, the criteria shown in the Annex shall be taken into consideration.

considers appropriate.

Amendment 29

Proposal for a regulation

Article 3 – paragraph 6

Text proposed by the Commission

6. The network of freight corridors referred to in paragraph 4 shall be progressively modified and supplemented on the basis of proposals for the creation or modification of a freight corridor, and after a Commission decision has been adopted in compliance with the regulatory procedure referred to in Article 18(3). The proposals from Member States shall be examined taking into consideration the criteria set out in the Annex.

Amendment

deleted

Amendment 30

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. For each freight corridor the infrastructure managers concerned, as defined in Article 2 of Directive 2001/14/EC, shall create a governance body responsible for defining and steering the performance and updating of the implementation plan for the freight corridor. The governance body shall make regular reports on its activity to the Member States concerned and, where necessary, to the European coordinators of the TEN-T priority projects referred to in Article 17a of Decision No 1692/96/EC of the European Parliament and of the Council involved in the freight corridor.

Amendment

2. For each freight corridor the infrastructure managers concerned, as defined in Article 2 of Directive 2001/14/EC, shall create a governance body responsible for defining and steering the performance and updating of the implementation plan for the freight corridor. ***The interested railway undertakings or groupings of railway undertakings using the corridor regularly participate in this body on a consultative basis.*** The governance body shall make regular reports on its activity to the Member States concerned and, where necessary, to the ***Commission and the*** European coordinators of the TEN-T priority projects referred to in Article 17a of Decision No 1692/96/EC of the European Parliament and of the Council involved in the freight corridor.

Amendment 31

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Member States concerned may set up an executive board responsible for authorising the corridor implementation plan by the governance body and supervising its execution. In that case, the individual members of the executive board shall be mandated by the competent authorities.

Amendment 32

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. A working group made up of managers and owners of the strategic terminals of the freight corridor, referred to in Article 9, shall be set up. It may issue an opinion on any proposal by the governance body which has direct consequences for investment and the management of strategic terminals. The governance body may not take any decision contrary to that opinion.

5. A working group made up of managers and owners of the strategic terminals of the freight corridor, ***including sea and inland waterway ports***, referred to in Article 9, shall be set up. It may issue an opinion on any proposal by the governance body which has direct consequences for investment and the management of strategic terminals. The governance body may not take any decision contrary to that opinion.

Amendment 33

Proposal for a regulation Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The implementation plan, approved by the governance body, shall include:

1. The implementation plan, approved ***and regularly adjusted*** by the governance body, shall include ***at least***:

Amendment 34

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

a) a description of the characteristics of the freight corridor, and the implementation programme for the measures necessary for ***creating the freight corridor***;

Amendment

a) a description of the characteristics of the freight corridor, ***including potential bottlenecks***, and the implementation programme for the measures necessary for ***facilitating its creation***;

Amendment 35

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

c) the objectives of the governance body ***in terms of performance of the freight corridor expressed as the quality of the service and the capacity of the freight corridor*** in accordance with the provisions referred to in Article 16;

Amendment

c) the objectives of the governance body ***and its programme for improvement*** of performance of the freight corridor in accordance with the provisions referred to in Article 16;

Amendment 36

Proposal for a regulation

Article 5 – paragraph 1 – point d

Text proposed by the Commission

d) the programme for the creation and improvement of performance in the freight corridor, as referred to in paragraph 3.

Amendment

deleted

Amendment 37

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The implementation plan shall be regularly adjusted taking into account progress made with carrying out the measures it contains, the rail freight market on the freight corridor and

Amendment

deleted

performance measured in accordance with the provisions referred to in Article 16(2).

Amendment 38

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. A market study shall be carried out relating to the observed and expected changes in the traffic in the freight corridor and those parts of the transport system which are connected to it. It shall examine changes in the different types of traffic, ***both regarding the transport of freight and the transport of passengers. It shall include the main features of the socio-economic analysis referred to in Article 3(c). It shall be updated at least once a year. The results of this study shall be used to adjust the implementation plan for the freight corridor.***

Amendment

3. A market study shall be carried out ***and periodically updated***, relating to the observed and expected changes in the traffic in the freight corridor and those parts of the transport system which are connected to it, ***with a view to developing or adapting, if necessary, its implementation plan***. It shall examine changes in the different types of traffic ***and*** include the main features of the socio-economic analysis referred to in Article 3(c), ***as well as the possible scenarios as regards costs and benefits and the long-term financial impact.***

Amendment 39

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. A programme shall be drawn up for creating and improving performance in the freight corridor. In particular this programme shall include the common objectives, the technical choices and the schedule for necessary measures in respect of the railway infrastructure and its equipment in order to implement all of the measures referred to in Articles 7 to 16.

Amendment

4. A programme shall be drawn up for creating and improving performance in the freight corridor. In particular this programme shall include the common objectives, the technical choices and the schedule for necessary measures in respect of the railway infrastructure and its equipment in order to implement all of the measures referred to in Articles 7 to 16. ***These measures shall avoid or minimise any restrictions affecting rail capacity.***

Amendment 40

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. Applicants for the use of the freight corridor shall be consulted by the governance body before the implementation plan is approved and when it is updated. In the event of a disagreement between the governance body and the applicants, the latter may **contact the Commission, which shall consult the committee referred to in Article 18(1), in accordance with the procedure referred to in Article 18(2), on this matter.**

Amendment

2. Applicants for the use of the freight corridor, **including rail freight operators, passenger operators, shippers, forwarders and their representative bodies,** shall be consulted by the governance body before the implementation plan is approved and when it is updated. In the event of a disagreement between the governance body and the applicants, the latter may **refer the matter to the regulatory bodies referred to in Article 17.**

Amendment 41

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The investment plans shall list the projects planned for the extension, renewal or redeployment of railway infrastructure and its equipment along the corridor **and** the relevant financial requirements.

Amendment

The investment plans shall list the projects planned for the extension, renewal or redeployment of railway infrastructure and its equipment along the corridor, the relevant financial requirements **and sources of funding.**

Amendment 42

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. The investment plans referred to in paragraph 1 above shall include a strategy relating to the deployment of interoperable systems along the freight corridor which satisfies the essential requirements and the technical specifications for interoperability which apply to the rail networks as defined in Directive 2008/57/EC. This strategy shall be based on a cost-benefit analysis of the use of these systems. It must be consistent with national and European

Amendment

2. The investment plans referred to in paragraph 1 above shall include a strategy relating to the deployment of interoperable systems along the freight corridor which satisfies the essential requirements and the technical specifications for interoperability which apply to the rail networks as defined in Directive 2008/57/EC. This strategy shall be based on a cost-benefit analysis of the use of these systems. It must be consistent with national and European

plans for the deployment of interoperable systems, in particular with the deployment plan for the European Rail Traffic Management System (ERTMS).

plans for the deployment of interoperable systems, in particular with the deployment plan for the European Rail Traffic Management System (ERTMS), **as well as with cross-border interconnections and interoperable systems with third countries, where applicable.**

Amendment 43

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. Where applicable, investment plans shall refer to the Community contribution envisaged under the TEN-T programme and prove that their strategy is consistent with *it*.

Amendment

3. Where applicable, investment plans shall refer to the Community contribution envisaged under the TEN-T programme **or any other policies, funds or programmes,** and prove that their strategy is consistent with *them*.

Amendment 44

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

4. The investment plans referred to in paragraph 1 shall **also** include a strategy for the growth of the capacity of freight trains which may run in the freight corridor. The strategy may **be based on increasing** the length, gauge or axle load authorised for the trains running in the freight corridor.

Amendment

4. The investment plans referred to in paragraph 1 shall include a strategy for the growth of the capacity of freight trains which may run in the freight corridor, **in other words, for removing the identified bottlenecks, upgrading existing infrastructure and building new infrastructure.** The strategy may **include measures to increase** the length, **track gauge, loading gauge, speed management, load hauled** or axle load authorised for the trains running in the freight corridor.

Amendment 45

Proposal for a regulation Article 8 – Title

Text proposed by the Commission

Heavy maintenance work

Amendment

Coordination of works

Amendment 46

Proposal for a regulation Article 8

Text proposed by the Commission

The infrastructure managers in the freight corridor shall coordinate ***at least once a year*** their schedule for carrying out ***heavy maintenance work*** on the infrastructure and its equipment.

Amendment

The infrastructure managers in the freight corridor shall coordinate, ***in accordance with an appropriate manner and timeframe and in line with their respective contractual agreements as defined in Article 6 of Directive 2001/14EC***, their schedule for carrying out ***all the works*** on the infrastructure and its equipment ***that would restrict available capacity on the network***.

Amendment 47

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. In agreement with the working group referred to in Article 4(5), the governance body shall draw up ***a*** strategy for the development of strategic terminals to enable them to meet the needs of rail freight running on the freight corridor.

Amendment

1. In agreement with the working group referred to in Article 4(5), the governance body shall draw up ***an integrated*** strategy for the development of strategic terminals to enable them to meet the needs of rail freight running on the freight corridor, ***in particular as intermodal hubs along the freight corridors. This shall include co-operation with regional, local and national authorities; the sourcing of land to develop rail freight terminals and facilitating access to funds in order to encourage such developments. The governance body shall ensure that sufficient terminals are created in strategic locations, based on the expected***

volume of traffic.

Amendment 48

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. The governance body shall put in place a one-stop shop **for** requests for train paths for freight trains crossing at least one border along the freight corridor.

Amendment

1. The governance body shall put in place a one-stop shop **to reply to** requests for train paths for freight trains crossing at least one border along the freight corridor **or using several networks.**

Amendment 49

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Individual infrastructure managers of a freight corridor may be assigned to function as the front office of the one-stop shop for the applicants requesting train paths.

Amendment 50

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. All requests for train paths for a freight train crossing at least one border or using several networks along the freight corridor must be made to the one-stop shop referred to in paragraph 1 above.

Amendment

deleted

Amendment 51

Proposal for a regulation

Article 11 – title

Text proposed by the Commission

Priority freight

Amendment

Standard categories of train paths in the freight corridors

Amendment 52

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. The governance body shall define the standard categories of freight **traffic**, which shall be valid in the whole of the freight corridor. At least one of these categories (hereinafter referred to as "**priority freight**") shall include **goods whose transportation is very time-sensitive and which therefore require** an efficient transport time and guaranteed punctuality.

Amendment

1. The governance body shall define **and periodically update** the standard categories of freight **train paths**, which shall be valid in the whole of the freight corridor. At least one of these categories (hereinafter referred to as "**facilitated freight**") shall include, **among these categories of paths, a train path with** an efficient transport time and guaranteed punctuality.

Amendment 53

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. The criteria defining the standard categories of freight traffic shall be adopted, **where applicable, in compliance with the regulatory procedure referred to in Article 18(3).**

Amendment

2. The criteria defining the standard categories of freight traffic shall be adopted **by the governance body after consultation of the applicants likely to use the freight corridor as defined in Article 2 of Directive 2001/14/EC.**

Amendment 54

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. **Notwithstanding** Article 20(2) of Directive 2001/14/EC, the infrastructure managers **of the freight corridor** shall reserve the capacity **needed for priority** freight traffic for the coming financial year, prior to the annual exercise to define the working timetable referred to in Article 18 of Directive 2001/14/EC and using as a basis the freight traffic observed and the market study defined in Article 5(1).

Amendment

1. **In addition to the cases referred to in** Article 20(2) of Directive 2001/14/EC, the infrastructure managers **concerned** shall reserve the capacity, **on the basis of the evaluation of market needs for capacity reserve, and publish the working timetable of the route needed to meet the requirements of international facilitated** freight traffic for the coming financial year, prior to the annual exercise to define the working timetable referred to in Article 18 of Directive 2001/14/EC and using as a basis the freight traffic observed and the

market study defined in Article 5(1).

Amendment 55

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. The infrastructure managers shall keep a reserve **of capacity** within the final working timetable to allow them to respond quickly and appropriately to ad hoc requests for capacity as referred to in Article 23 of Directive 2001/14/EC. ***This capacity must be sufficient to allow requests for train paths to be met while guaranteeing a sufficient level of quality for the allocated train path in terms of journey times on the train path and timetables adapted to freight traffic.***

Amendment

2. The infrastructure managers shall keep, ***following the preliminary evaluation of the appropriate need to constitute a reserve of capacity for ad hoc requests, such a reserve, whilst guaranteeing a sufficient level of quality of the allocated train path for journey time and timetables adapted for international facilitated freight traffic*** within the final working timetable to allow them to respond quickly and appropriately to ad hoc requests for capacity as referred to in Article 23 of Directive 2001/14/EC.

Amendment 56

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

4. Train paths allocated to freight operations may be of a different quality in terms of journey times. Fees for the use of the infrastructure relating to these train paths may vary according to the level of quality proposed in accordance with Articles 7 and 8 of Directive 2001/14/EC.

Amendment

deleted

Amendment 57

Proposal for a regulation Article 12 – paragraph 5

Text proposed by the Commission

5. Save in the case of *force majeure*, a train path allocated to a ***priority*** freight operation may not be cancelled less than ***three months*** before its working timetable if the applicant concerned does not give

Amendment

5. Save in the case of *force majeure*, a train path allocated to a ***facilitated*** freight operation ***pursuant to this Article*** may not be cancelled less than ***one month*** before its working timetable if the applicant concerned does not give their approval for

their approval for such cancellation.

such cancellation. *The applicant may refer the matter to the regulatory body. As referred to in Article 27 of Directive 2001/14/EC, infrastructure managers may specify in their network statement conditions whereby they shall take account of previous levels of utilisation of facilitated freight train paths in determining priorities for the allocation process.*

Amendment 58

Proposal for a regulation Article 12 – paragraph 6

Text proposed by the Commission

6. Infrastructure managers in the freight corridor and the working group referred to in Article 4(5) shall put in place procedures to ensure optimal coordination of the allocation of *railway infrastructure* capacity *and* strategic *terminal capacity*, as referred to in Article 9.

Amendment

6. Infrastructure managers in the freight corridor and the working group referred to in Article 4(5) shall put in place procedures to ensure optimal coordination of the allocation of *the* capacity *in line with this Article, taking into account access to the* strategic *terminals*, as referred to in Article 9.

Amendment 59

Proposal for a regulation Article 12 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Infrastructure managers shall include in their conditions of use a fee for paths that are allocated but ultimately not used. The level of this fee shall be appropriate, dissuasive and effective.

Amendment 60

Proposal for a regulation Article 13

Text proposed by the Commission

Notwithstanding Article 16(1) of Directive 2001/14/EC, applicants other than railway undertakings and the international groupings that they make up, may request

Amendment

Notwithstanding Article 16(1) of Directive 2001/14/EC, applicants other than railway undertakings and the international groupings that they make up, may request

train paths for freight transport where the latter concern **one or more** sections of the freight corridor.

train paths for freight transport where the latter concern **several** sections of the freight corridor.

Amendment 61

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. **The** infrastructure managers of the freight corridor shall draw up and publish the rules of priority between the different types of **traffic** in the event of traffic disruption **in** the freight corridor in the network statement referred to in Article 3 of and Annex I to Directive 2001/14/EC.

Amendment

1. **Following a proposal of the governance body of the freight corridor as well as respecting the principles and plans referred to in paragraph 2, the** infrastructure managers of the freight corridor shall draw up and publish the rules of priority between the different types of **train paths, in particular on the train paths allocated to delayed trains, in the event of traffic disruption for each part of** the freight corridor in the network statement referred to in Article 3 of and Annex I to Directive 2001/14/EC.

Amendment 71

Proposal for a regulation

Article 14 - paragraph 2

Text proposed by the Commission

2. The rules of priority referred to in paragraph 1 above must at least provide that the train path allocated to a **priority** freight train complying with the initial provisions for its train path **may neither be reallocated to another train, nor modified, except where the initial holder of the train path agrees to reallocation to another train or modification of the train path.**

Amendment

2. The rules of priority referred to in paragraph 1 above must at least provide, **with the exception of peak hours when this paragraph does not apply,** that the train path allocated to a **facilitated** freight train complying with the initial provisions for its train path **shall be respected as far as possible or at least minimise overall delays while focusing on facilitated freight train delays. The governance body shall, in conjunction with applicants, develop and publish:**

a) train regulation principles that shall ensure that facilitated freight trains receive the best treatment possible regarding the allocation of the reduced capacity;

b) contingency plans in case of disruption on the corridor that are based on these principles.

Each Member State through the infrastructure manager shall define the peak hours in the network statement. Peak hours shall apply only to working days and shall be limited to a maximum of 3 hours in the morning and to a maximum of 3 hours in the afternoon. In defining the peak hours regional and long distance passenger traffic shall be considered.

Amendment 63

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. The infrastructure managers for the freight corridor shall ensure consistency between the performance schemes along the freight corridor, as defined in Article 11 of Directive 2001/14/EC.

Amendment

1. The infrastructure managers for the freight corridor shall ensure consistency between the performance schemes along the freight corridor, as defined in Article 11 of Directive 2001/14/EC. ***This consistency shall be overseen by the regulatory bodies, which shall cooperate with regard to this oversight in accordance with Article 17(1).***

Amendment 64

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. In order to measure the quality of the service and the capacity for international and national rail freight services in the freight corridor, the governance body shall **define** the performance indicators in the freight corridor and publish them at least once a year.

Amendment

2. In order to measure the quality of the service and the capacity for international and national rail freight services in the freight corridor, the governance body shall **consult applicants likely to use the corridors and users of rail freight services on** the performance indicators in the freight corridor. **After this consultation, the governance body shall define** and publish them at least once a year.

Amendment 65

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The implementation rules for these indicators shall be laid down, where applicable, in accordance with the regulatory procedure referred to in Article 18(3).

Amendment

deleted

Amendment 66

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. The regulatory bodies referred to in Article 30 of Directive 2001/14/EC which are responsible for the freight corridor shall cooperate to supervise the international activities of the infrastructure managers and applicants in the freight corridor. They shall consult each other and exchange information. Where necessary, they shall request the necessary information from infrastructure managers in the Member State for which they are responsible.

Amendment

1. The regulatory bodies referred to in Article 30 of Directive 2001/14/EC which are responsible for the freight corridor shall cooperate to supervise the international activities of the infrastructure managers and applicants in the freight corridor. They shall consult each other and exchange information. Where necessary, they shall request the necessary information from infrastructure managers in the Member State for which they are responsible.
Infrastructure managers and other third parties involved in international capacity

allocation are obliged to provide the regulatory bodies concerned without delay with all the information that is needed on the international train paths and capacity they are responsible for.

Amendment 67

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. In the event of a complaint from an applicant regarding international rail freight services, or within the framework of a routine enquiry, the regulatory body concerned shall consult the regulatory body of any other Member State on the territory of which the freight corridor concerned passes and **request** the necessary information **from them** before taking its decision. The other regulatory bodies shall provide all the information that they themselves have the right to request under their national legislation. Where necessary, the regulatory body receiving the complaint or having initiated the routine enquiry shall transfer the file to the regulatory body responsible in order to take measures regarding the parties concerned.

Amendment

2. In the event of a complaint from an applicant regarding international rail freight services, or within the framework of a routine enquiry, the regulatory body concerned shall consult the regulatory body of any other Member State on the territory of which the freight corridor concerned passes and **ask it for** the necessary information before taking its decision. The other regulatory bodies shall provide all the information that they themselves have the right to request under their national legislation. Where necessary, the regulatory body receiving the complaint or having initiated the routine enquiry shall transfer the file to the regulatory body responsible in order to take measures regarding the parties concerned **in accordance with the procedure established in Article 30(5) and (6) of Directive 2001/14/EC.**

Amendment 68

Proposal for a regulation Article 19

Text proposed by the Commission

The infrastructure managers shall cooperate to implement this Regulation. They shall exchange information concerning best practices in order to coordinate them throughout the Community. The Commission shall support them in these tasks. For this purpose, it shall set up and chair a working group of infrastructure

Amendment

deleted

managers.

Amendment 69

Proposal for a regulation Article 23

Text proposed by the Commission

If, where the guidelines for TEN-T are reviewed in accordance with the procedures referred to in Article 18(3) of Decision No 1692/96/EC, the Commission concludes that it is appropriate to adapt this Regulation to those guidelines, it shall present to the European Parliament and the Council a proposal on amending this Regulation accordingly.

Amendment

If, where the guidelines for TEN-T are reviewed in accordance with the procedures referred to in Article 18(3) of Decision No 1692/96/EC, the Commission concludes that it is appropriate to adapt this Regulation to those guidelines, it shall present to the European Parliament and the Council a proposal on amending this Regulation accordingly. ***Similarly, certain decisions taken under this Regulation may entail the need to revise the TEN-T guidelines.***

Amendment 70

Proposal for a regulation Annex – point b

Text proposed by the Commission

b) the freight corridor must be part of the TEN-T;

Amendment

deleted