



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 June 2009**

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**Interinstitutional File:  
2008/0247 (COD)**

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**10323/09**

**LIMITE**

**DOCUMENT PARTIALLY  
ACCESSIBLE TO THE PUBLIC**

**TRANS 219  
CODEC 774**

**REPORT**

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from: The Presidency

to: COREPER

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No. prev. doc. : 10175/09 TRANS 213 CODEC 750

No Cion prop. : 17324/08 TRANS 485 CODEC 1860

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Subject: ***Preparation of the Council meeting (Transport, Telecommunications and Energy) on 11 and 12 June 2009***  
Proposal for a Regulation of the European Parliament and of the Council concerning a European rail network for competitive freight (LA)  
- *Political agreement*

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**A. INTRODUCTION**

On 11 December 2008, the Commission submitted the above mentioned proposal. The objective of the proposed Regulation is to create a European rail network for competitive freight consisting of international corridors providing operators with an efficient, high-quality freight transport infrastructure. As a result, rail operators should be able to offer an efficient, high-quality service and be more competitive on the goods transport market. To this end, the proposal sets out the rules for the creation and the modification of freight corridors, their organisation and governance, and measures for implementing freight corridors, investment planning, and capacity and traffic management.

On 23 April 2009, the European Parliament (rapporteur Mr Petr Duchoň (EPP-ED)) voted on the proposal at first reading. The EP opinion consists of 70 amendments.

Under the Czech Presidency, the Council Working Party on Land Transport started, on 20 January 2009, the examination of the proposal. In line with the Inter-institutional Approach to Impact Assessments<sup>1</sup>, the Working Party also discussed and evaluated the Commission's impact assessment. The discussion at the level of the Working Party has since the beginning revealed different views among Member States on main aspects of the proposal. The Presidency has therefore been seeking to find compromise solutions to those issues which would form a basis of a draft political agreement. However, some of them still remain unresolved.

Furthermore, the Working Party also considered the result of the first reading vote of the EP. The current text fully includes the following amendments of the European Parliament's first reading: 41, 45, 50, 56, 65 and 68. Nevertheless, main ideas of a number of EP amendments are in principle covered in the current text. In order to avoid pre-judging the outcome of any future discussions with the Parliament on this dossier, the Presidency suggests only incorporating the above mentioned amendments, which are acceptable to the Council, at this stage of the procedure.

The result of the work done by the Working Party appears in annex to this report.

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<sup>1</sup> Better Regulation: Inter-Institutional Common Approach to Impact Assessment (IA)  
14901/05 JUR 486 COMPET 263

## **B. OUTSTANDING ISSUES**

### **Key issues:**

- 1. The establishment of freight corridors** (Articles 3 and 4, Annexes I and II, footnotes 6, 7, 8, 9 and 10, pages 9 and 10)

The Commission initially proposed a procedure according to which each Member State would have to create at least one corridor with other Member State(s) concerned. Furthermore, some Member States would be obliged to create at least 2 or 3 corridors on the basis of the annual performance of rail freight in those Member States.

Following certain concerns expressed by several Member States on this proposal, the Working Party discussed other possible options for the establishment of freight corridors with the aim to create market driven freight corridors:

- establishment of a large number of freight corridors on the basis of an exhaustive list of principal routes of these corridors at the latest on the date indicated in this list specifically for each corridor;
- establishment of initial freight corridors according to a list of the principal routes of these corridors in a first stage and obligation for Member States, which are not mentioned in the list, to establish at least one freight corridor in the second stage;
- establishment of freight corridor on the basis of socio-economic needs.

However, none of the discussed possibilities has got the support of a clear majority of delegations because of different concerns expressed by Member States. Several Member States criticised their non participation in the list of principal routes of freight corridors. Several Member States raised concerns about the risk of remaining isolated. Other Member States were, mainly for reasons of time constraints, worried about the need to establish on their territory more corridors. Some Member States preferred no list of principal routes of freight corridors in the Regulation and supported the establishment of freight corridors on the basis of market needs.

The Presidency therefore tried to suggest a viable compromise solution which would constitute a minimum basis reflecting the main concerns of Member States. The Presidency compromise solution, to be discussed by Coreper, consists in the setting up of initial freight corridors according to the list of principal routes of these corridors (Article 3 and Annex I) and obligatory establishment of further corridors for the Member States not being mentioned in the list (Article 4). Member States shall also participate in the establishment of the corridor, in order to guarantee a neighbouring Member State to fulfil the obligation to establish at least one freight corridor.

The compromise solution includes two possible derogations from the obligation to establish the freight corridor. The first derogation could take place on the basis of the fulfilment of specific conditions (no applicants' interested, no socio-economic benefits or a disproportionate burden), subject to a decision according to the comitology procedure. The second derogation might take place on the basis of different technical criteria.

**2. Impact on passenger transport** (Article 13, paragraphs 3 and 5, footnotes 28, 29, 32, 33 and 35, pages 18 and 19)

One of the main reservations of several Member States, expressed already at the beginning of the examination of the proposed Regulation, consists in their concern about a potential negative impact of capacity reservation for freight trains on the passenger transport. Some Member States as well as the Commission however believe that the Regulation should guarantee a necessary priority for freight trains running on freight corridors in relation to the passenger transport.

On the basis of above mentioned concerns, the Presidency suggests a compromise solution which aims to maintain the specific measures regarding capacity allocation and to ensure at the same time that the need for capacity of other types of transport, including the passenger transport, will be respected. Furthermore, the Presidency suggests the addition of a new recital underlining that an effective allocation of capacity for other types of transport, including the passenger transport, should also be respected.

**3. Procedure for the reservation of capacity for ad hoc requests for capacity for international freight trains running on freight corridors** (Article 13, paragraph 5, footnotes 31 and 34, page 19)

The rules for the reservation of capacity for ad hoc requests for international freight trains running on freight corridors also raised doubts. These doubts concern in particular the fact that the specific requirements to define and keep the reserve capacity for international freight trains running on the freight corridors might block the capacity necessary for other types of transport and lead to inefficient use of scarce available capacity.

Since ad hoc requests constitute an important means for the provision of freight transport, the Presidency suggests, as a compromise, that the creation of the reserve capacity is based on the evaluation of the need for capacity to be allocated to freight trains running on the freight corridor and the transport and traffic study and is linked to real market needs. Moreover, the compromise provision lays down a flexible time limit until when the reserve capacity shall be kept by specifying only a maximum limit (which shall not be longer than 90 days). The concrete time limit will be decided by the management board of the freight corridor concerned.

**4. Authorised applicants** (original Article 13, footnote 38, page 20)

The initial Commission proposal established the right of applicants other than railway undertakings and the international groupings that they make up to request train paths for freight transport where the latter concern one or more sections of the freight corridor.

This would mean modification of the applicable provision of Directive 2001/14/EC (Article 16(1)). While the current Community law allows Member States to decide about other possible applicants, the new Commission proposal establishes the obligation for Member States to accept other applicants. The acceptance of this measure would mean the modification of the Directive 2001/14/EC which would be however valid only for freight corridors.

Therefore the Presidency suggests deletion of the Article 13 in the Commission proposal. The possibility for applicants other than railway undertakings and their international groupings to request infrastructure would be, however, maintained for the sections of trains paths located in the Member States that accept such requests on the basis of their national law. Moreover the issue of the other applicants should be further discussed during the revision of the first rail package.

### **Other issues:**

Apart from the above key issues of the proposal, several other issues linked to specific requests or reservations raised by some Member States still need to be decided and in particular:

- *one-stop shop for application for infrastructure capacity (Article 12, paragraph 1)* – compromise proposal suggested by the Presidency to solve some concerns of Member States;
- *traffic management in the event of disturbance (Article 14a)* – request by DE to change priority rules to priority targets in Article 14a and a new change in paragraph 3 of this Article on the basis of a comment by IT;
- *compromise proposal suggested by the Presidency on Article 1, paragraph 2.*

Other concerns and reservations expressed by delegations appear in the footnotes of the Annex.

All delegations have a general scrutiny reservation on the new Presidency compromise proposals.

## **C. CONCLUSION**

The Permanent Representatives Committee is invited to examine the text as set out in the Annex to this report and if possible to resolve the outstanding issues with a view to allowing the Council to reach a political agreement on the text at its session on 11 June 2009.

CHAPTER I

GENERAL

*Article 1*

**Purpose and scope**

1. This Regulation lays down rules for the establishment and organisation of international rail corridors for competitive rail freight. It sets out rules for the selection, organisation and management of freight corridors.
2. This Regulation shall apply to the management and use of railway infrastructure in freight corridors.<sup>2 3 4</sup>

*Article 2*

**Definitions**

1. For the purposes of this Regulation, the definitions laid down in Article 2 of Directive 2001/14/EC shall apply.

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<sup>2</sup> **DELETED** suggests the following new paragraph: "*This Regulation is without prejudice to existing EC railway legislation in particular with regard to the allocation of train paths and infrastructure capacity and the role of infrastructure managers.*"

The Presidency suggests, as a compromise, to accept the text suggested by **DELETED** (see footnote 4).

<sup>3</sup> **DELETED** has a reservation on paragraph 2 and wishes to include "international".

<sup>4</sup> **DELETED**, with contribution from **DELETED**, wishes to include the following text into the recitals: "*Whereas nothing in this Regulation should be understood to mean that the rights and obligations of infrastructure managers under Directive 91/440 and Directive 2001/14 are not to be fully respected. Instead these acts remain intact including in respect of provisions which affect freight corridors, in particular in respect of the right of infrastructure manager to refuse or accept applications for capacity from legal entities other than railway undertakings.*"

2. In addition to the definitions referred to in paragraph 1:

- a) "freight corridor" shall mean all designated railway lines in Member States and, where necessary, third European countries, linking terminals-along the principal route of the freight corridor, including the railway infrastructure and its equipment, marshalling yards and train formation facilities and, where necessary, diversionary routes;<sup>5</sup>
- b) "implementation plan" shall mean the document presenting the strategy, measures and means that the parties concerned intend to implement in order to develop over a specified period the measures which are necessary and sufficient to establish the freight corridor;
- c) "terminal" shall mean the installation provided along the freight corridor which has been especially arranged to allow either the loading and/or the unloading of goods onto/from freight trains, and the integration of rail freight services with road, maritime, river and air services, and either the forming or modification of the composition of freight trains; and, where necessary, performing border procedures at the borders of third European countries.

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<sup>5</sup> **DELETED** has a scrutiny reservation on this definition. **DELETED** wishes to keep the previous wording of this definition: *"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 terminals to one or more other 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."*



CHAPTER II  
DESIGNATION AND GOVERNANCE OF THE  
INTERNATIONAL RAIL CORRIDORS FOR COMPETITIVE FREIGHT

*Article 3<sup>6</sup>*

**Designation of initial freight corridors**

1. The Member States referred to in Annex I shall establish at the latest three years after entry into force of this Regulation the freight corridors along the principal routes set out in that Annex. The Member States concerned shall inform the Commission about the establishment of the freight corridors.
2. **By derogation from paragraph 1 the freight corridors along the principal route set out in points 3 and 8 of Annex I shall be established at the latest 5 years after the entry into force of this Regulation.**

*Article 4<sup>7</sup>*

**Selection of further freight corridors**

1. Each Member State with a rail border with another Member State shall participate in the establishment of at least one freight corridor, unless this obligation has already been met under Article 3.
2. **Notwithstanding paragraph 1**, Member States shall, upon request from a Member State, participate in the establishment of ~~more than one~~ **the** freight corridor as referred to in paragraph 1 **or prolongation of existing corridor**, in order to allow a neighbouring Member State to fulfil its obligation under that paragraph.<sup>8</sup>

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<sup>6</sup> **DELETED** and **DELETED** have a reservation on Article 3. **DELETED** have a reservation until a decision is taken on the content of Annex I.

<sup>7</sup> **DELETED** (until a decision is taken on the content of Annex I) and **DELETED** have a reservation on Article 4. **DELETED** have a scrutiny reservation.

<sup>8</sup> **DELETED** wishes to delete this paragraph; **DELETED** wishes to add: “...or if the freight corridor would bring significant socio-economic benefits” or to delete “in order to allow a neighbouring Member State to fulfil its obligation under that paragraph”.

3. If a Member State considers that the establishment of a freight corridor would not be in the interest of the applicants likely to use the freight corridor or would not bring significant socio-economic benefits or would mean disproportionate burden, the Member State concerned shall not be obliged to participate as referred to in paragraphs 1 and 2, subject to a decision of the Commission acting in accordance with procedure referred to in Article 18(2).<sup>9</sup>
4. A Member State shall not be obliged to participate as referred to in paragraphs 1 and 2 if it has a rail network which has a track gauge different from that of the main rail network within the Community.
5. In order to meet the obligation under paragraphs 1 and 2, the Member States concerned shall jointly propose to the Commission the establishment of freight corridors after consultation of the infrastructure managers and applicants concerned at the latest two years<sup>10</sup> after the entry into force of this Regulation, taking into account the criteria set out in Annex II.
6. The Commission shall examine the proposals for the establishment of freight corridor(s) referred to in paragraph 35 and, in accordance with the regulatory procedure referred to in Article 18(3), adopt a decision on compliance of such proposals with this Article at the latest nine months after submission of the respective proposals.
7. The Member States concerned shall establish the freight corridor at the latest three years after the decision of the Commission referred to in paragraph 56.
8. The measures designed to amend non-essential elements of this Regulation relating to the adaptation of Annex II shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(4).

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<sup>9</sup> **DELETED** have a reservation on this procedure

<sup>10</sup> **DELETED** prefer three years.

*Article 5<sup>11</sup>*

**Modification of the freight corridors**

1. The freight corridors referred to in Articles 3 and 4 may be modified on the basis of a joint proposal by Member States concerned to the Commission after consultation of the infrastructure managers and applicants concerned.
2. The Commission shall in accordance with the regulatory procedure referred to in Article 18(3) adopt a decision on the proposal taking into account the criteria set out in Annex II.

*Article 6<sup>12</sup>*

**Reconciliation**

When two or more Member States concerned do not agree on the establishment or modification of a freight corridor, and with regard to the railway infrastructure located on their territory, the Commission, at the request of one of the Member States concerned, shall consult the committee referred to in Article 18 on this matter. The opinion of the Commission shall be sent to the Member States concerned. The Member States concerned shall take this opinion into account in order to find a solution and shall take a decision on the basis of mutual consent.

*Article 7<sup>13</sup>*

**Governance of freight corridors**

1. For each freight corridor, Member States concerned shall establish an executive board responsible for defining the general objectives of the freight corridor, supervising and taking the measures as expressly provided for in Articles 8, 10 and 19. The executive board shall be composed of representatives of the authorities of the Member States concerned.<sup>14</sup>

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<sup>11</sup> **DELETED** have a scrutiny reservation on Article 5, **DELETED** has a reservation on this Article.

<sup>12</sup> **DELETED** has a scrutiny reservation on Article 6.

<sup>13</sup> **DELETED** has a scrutiny reservation on Article 7.

<sup>14</sup> **DELETED** to insert the last sentence into a recital.

2. For each freight corridor, the infrastructure managers and, where relevant, the allocation bodies as referred to in Article 14(2) of the Directive 2001/14/EC concerned shall establish a management board responsible for taking the measures as expressly provided for in paragraph 6 and Articles 8, 10, 12(1), 13(2), (5) and (6), 14bis(1), 15 and 16(2) and (3). The management board shall be composed of the representatives of the infrastructure managers.
3. The executive board shall take its decisions on the basis of mutual consent of the representatives of the authorities of the Member States concerned.
4. The management board shall take its decisions, including decisions regarding its legal status, resources and staffing<sup>15</sup>, on the basis of mutual consent of the infrastructure managers concerned.
5. The responsibilities of the executive and management boards shall be without prejudice to the independence of infrastructure managers as provided for in Article 4(2) of Directive 91/440/EC.
6. The management board shall<sup>16</sup> set up an advisory group made up of managers and owners of the terminals of the freight corridor. This advisory group may issue an opinion on any proposal by the management board which has direct consequences for investment and the management of terminals. It may also issue own-initiative opinions. The management board shall take any of these opinions into account.

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<sup>15</sup> Cion has a reservation on paragraph 4.

<sup>16</sup> **DELETED** wish to replace "shall" by "may".

## *Article 8*

### **Measures for implementing the freight corridor**

1. The management board shall draw up an implementation plan and shall submit it for approval to the executive board. This plan shall include:
  - a) a description of the characteristics of the freight corridor, including bottlenecks, and the programme of measures necessary for creating the freight corridor;
  - b) the essential elements of the transport and traffic study referred to in paragraph 34;
  - c) the objectives for the freight corridors, in particular 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;
  - d) the investment plan referred to in Article 10;
  - e) the measures to implement the provisions referred to in Articles 10 to 16.;
2. The management board shall periodically review the implementation plan taking into account progress made in its implementation, the rail freight market on the freight corridor and performance measured in accordance with the objectives referred to in paragraph 1(c).
3. The management board shall periodically carry out a transport and traffic study relating to the observed and expected changes in the traffic in the freight corridor, covering the different types of traffic, both regarding the transport of freight and the transport of passengers.
4. The implementation plan shall take into account the development of terminals to meet the needs of rail freight running on the freight.

*Article 9<sup>17</sup>*

**Consulting applicants**

The management board shall introduce consultation mechanisms with a view to the proper participation of the applicants likely to use the freight corridor. In particular, it shall ensure that applicants are consulted before the implementation plan referred to in Article 8 is submitted to the executive board.

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<sup>17</sup> **DELETED** has a reservation on this Article and wishes to refer as well to Articles 10 and 16.

## CHAPTER III

### INVESTMENT IN THE FREIGHT CORRIDOR

#### *Article 10*

#### **Investment planning**

1. The management board shall draw up and periodically review an investment plan and shall submit it for approval to the executive board. This plan shall include:
  - a) the list of the projects foreseen for the extension, renewal or redeployment of railway infrastructure and its equipment along the freight corridor and the relevant financial requirements and sources of finance <sup>18</sup>;
  - b) a deployment plan relating to the interoperable systems along the freight corridor which satisfies the essential requirements and the technical specifications for interoperability which apply to the network as defined in Directive 2008/57/EC <sup>19</sup>. This deployment plan shall be based on a cost-benefit analysis of the use of interoperable systems;
  - c) a plan for the management of the capacity of freight trains which may run in the freight corridor. This plan may be based on increasing the length, loading gauge or axle load authorised for the trains running in the freight corridor;<sup>20 21</sup>
  - d) where applicable, reference to the Community contribution envisaged under Community financial programmes.
  
2. The application of this Article shall be without prejudice to Member States competence regarding planning of and funding to rail infrastructure.

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<sup>18</sup> **DELETED** have a scrutiny reservation on the reference to "sources of finance".

<sup>19</sup> OJ L 191, 18.7.2008, p. 1.

<sup>20</sup> **DELETED** wishes this subparagraph to start with "if necessary".

<sup>21</sup> **DELETED** suggests the following new paragraph: "*In accordance with effective allocation of capacity for passenger trains referred to in Article 13(6) when examining the demand for further growth in capacity of the initial freight corridors referred to in Annex I marginal costs and proportionality of the investment shall be taken into account.*"

*Article 11*

**Coordination of works**

The infrastructure managers concerned shall coordinate and publish, according to an appropriate manner and timeframe, their schedule for carrying out all the works on infrastructure and its equipment that would restrict available capacity on the freight corridor.



## CHAPTER IV

### MANAGEMENT OF THE FREIGHT CORRIDOR

#### *Article 12*

##### **One-stop shop for application for infrastructure capacity**

1. The management board for a freight corridor shall designate or establish a joint body and/or **collaboration between infrastructure managers via an** information system offering applicants the opportunity to request in a single place and a single operation infrastructure capacity for freight trains crossing at least one border along the freight corridor (hereinafter referred to as "one-stop shop").<sup>22</sup>
2. The one-stop shop shall also provide basic information concerning the allocation of the infrastructure capacity, including the information referred in Article 15.
3. The one-stop shop shall forward any application<sup>23</sup> for infrastructure capacity without any delay to the competent infrastructure managers who shall take a decision on that application in accordance with Article 13 and Chapter III of Directive 2001/14.
4. The activities of the one-stop shop shall be carried out under transparent and non-discriminatory conditions and are subject to control of the regulatory bodies.<sup>24</sup>

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<sup>22</sup> **DELETED** wish to add "*Several infrastructure managers of a corridor may be assigned to function as the front office of the one-stop shop for the applicants requesting train paths*".

**DELETED** support this text except for "several".

<sup>23</sup> **DELETED** has a scrutiny reservation on "any application".

<sup>24</sup> **DELETED** has a reservation on paragraph 4.

**Capacity allocated to freight trains**<sup>26</sup>

1. Member States shall cooperate on defining the framework for the allocation of the infrastructure capacity in the freight corridor in accordance with their competences as set out in Article 14(1) of Directive 2001/14/EC.
2. The management board shall evaluate the need for capacity to be allocated to freight<sup>27</sup> trains running on the freight corridor taking into account the transport and traffic study referred to in Article 8(4), the requests for infrastructure capacity relating to the past and present working timetables and the framework agreements.
3. On the basis of the evaluation specified in paragraph 2, infrastructure managers of the freight corridor shall jointly define and organise international prearranged train paths for freight trains following the procedure referred to in Article 15 of Directive 2001/14/EC respecting recognizing the need for capacity of other types of transport, including<sup>28</sup> the passenger transport<sup>29</sup>. These pre-arranged paths shall be published not later than three<sup>30</sup> months before the final date for receipt of requests for capacity referred to in Annex III of Directive 2001/14/EC. The infrastructure managers of several freight corridors may, if necessary, coordinate international prearranged train paths offering capacity on the freight corridors concerned.
4. Infrastructure managers of the freight corridor shall allocate these pre-arranged paths first to freight trains which cross at least one border.

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<sup>25</sup> **DELETED** have a scrutiny reservation on Article 13.

<sup>26</sup> **DELETED** wishes to make a reference to "international freight trains".

<sup>27</sup> **DELETED** wish to retain the reference to passenger trains.

<sup>28</sup> **DELETED** prefers to retain "in particular".

<sup>29</sup> **Cion, DELETED** have a reservation on the reference to "passenger transport".

<sup>30</sup> **DELETED** prefers one month.

5. ~~On the basis of the evaluation specified in paragraph 2,~~ Infrastructure managers shall<sup>31</sup> jointly define the reserve capacity for international freight trains running on the freight corridors respecting the need for capacity of other types of transport, including<sup>32</sup> the passenger transport<sup>33</sup> and keep this reserve available within their final working timetables 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 shall be reserved until the time limit before its scheduled time as decided by the management board. This time limit shall not be longer than 90 days.<sup>34</sup>

**The determination of the reserve capacity shall be based on the evaluation specified in paragraph 2 and it shall be only made available provided that there is real market need.**

- ~~6. This procedure shall not affect effective allocation of capacity for passenger transport taking into account the transport and traffic study.<sup>35</sup>~~
6. The management board shall promote coordination of priority rules relating to capacity allocation on the freight corridor.
7. Save in the case of *force majeure*, a train path allocated to a freight operation under this Article may not be cancelled less than one month before its scheduled time in the working timetable except if the applicant concerned gives its approval for such cancellation. In such a case the infrastructure manager concerned shall make an effort to propose to the applicant a train path of an equivalent quality and reliability. This shall not affect the applicant's right referred to in Article 19(1) of Directive 2001/14 and the right to refuse the cancellation.<sup>36</sup>

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<sup>31</sup> **DELETED** prefer "may".

<sup>32</sup> **DELETED** prefers to retain "in particular".

<sup>33</sup> Cion, **DELETED** have a reservation on the reference to "passenger transport".

<sup>34</sup> **DELETED** has a reservation on paragraph 5. **DELETED** has a scrutiny reservation on the second sentence of this paragraph.

<sup>35</sup> **DELETED** wish to retain this paragraph. **DELETED** prefer to include the text in a recital. The Presidency suggests, as a compromise, the following recital: "*The management of freight corridors should also include procedure for the allocation of the infrastructure capacity for international trains running on such corridors. This procedure should **respect recognize** effective allocation of capacity for other types of transport, including the passenger transport.*"

<sup>36</sup> **DELETED** has a reservation on paragraph 7.

8. The infrastructure managers of the freight corridor and the advisory group referred to in Article 7(6) shall put in place procedures to ensure optimal coordination of the allocation of capacity between infrastructure managers, both for requests as referred to in Article 12(1) and for requests received by infrastructure managers concerned. This shall also take account of access to terminals.<sup>37</sup>

*Article 13*<sup>38</sup>

~~Authorised applicants~~

~~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.~~

*Article 14*

**Traffic management**

1. Infrastructure managers of the freight corridor shall put in place procedures for coordinating traffic management along the freight corridor. ~~and, if necessary~~ **Infrastructure managers of the freight corridor may put in place procedures for coordinating traffic management along several freight corridors.**
2. The infrastructure managers of the freight corridor and the advisory group referred to in Article 7(6) shall put in place procedures to ensure optimal coordination between the operation of the railway infrastructure and the terminals.

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<sup>37</sup> **DELETED** has a scrutiny reservation on this paragraph.

<sup>38</sup> **DELETED** would like to retain this article. **DELETED** prefer to delete it.

*Article 14a*<sup>39</sup>

**Traffic management in the event of disturbance**

1. The management board shall adopt common targets for punctuality and/or principles for priority rules<sup>40</sup> in the event of disturbance to train movements on the freight corridor.
2. Each infrastructure manager concerned shall draw up priority rules for the management between the different types of traffic in the freight corridor in accordance with the common targets and/or principles referred to in paragraph 1. These priority rules shall be published in the network statement referred to in Article 3 of the Directive 2001/14/EC.
3. The priority rules shall at least provide that the train path referred to in Article 13(3) and 13(5) allocated to freight trains which comply with their scheduled time in the working timetable shall not be modified, as far as possible. The priority rules shall aim at minimising the overall network recovery time **with regard to the need of all types of transport**. For this purpose, infrastructure managers may coordinate the management between the different types of traffic along several freight corridors.

*Article 15*

**Information on the conditions of use of the freight corridor**

The management board shall draw up, regularly update and publish a document containing:

- a) all the information contained in the network statement for national networks regarding the freight corridor, drawn up in accordance with the procedure set out in Article 3 of Directive 2001/14/EC;
- b) the list and characteristics of terminals, in particular information concerning the conditions and methods of accessing the terminals;
- c) the information concerning the procedures referred to in Articles 13(8) and 14(~~5~~2);
- d) the implementation plan.

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<sup>39</sup> **DELETED** has a reservation on Article 14a. **DELETED** has a scrutiny reservation.

<sup>40</sup> **DELETED** prefers "targets".

## Article 16

### Quality of service in the freight corridor

1. Infrastructure managers of the freight corridor shall ensure consistency<sup>41</sup> between the performance schemes referred to in Article 11 of Directive 2001/14/EC.<sup>42</sup>
2. The management board shall monitor the performance of rail freight services in the freight corridor and publish the results of this monitoring once a year.
3. The management board shall organise a satisfaction survey of the users of the freight corridor and shall publish the result of it once a year.

## Article 17

### Regulatory bodies<sup>43 44</sup>

1. The regulatory bodies referred to in Article 30 of Directive 2001/14/EC shall cooperate to monitor the competition in the rail freight corridor. In particular, they shall ensure non-discriminatory access to the corridor and shall be the appeal bodies provided under Article 30(2) of Directive 2001/14/EC. They shall exchange the necessary information obtained from infrastructure managers and other relevant parties.
2. In the event of a complaint to a regulatory body from an applicant regarding international rail freight services, or within the framework of an own initiative investigation by a regulatory body, this regulatory body shall consult the regulatory bodies of all other Member States through which the international **train** path for freight **train** concerned runs and request all necessary information from them before taking its decision.

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<sup>41</sup> **DELETED** wish to replace the wording "ensure consistency" with "*promote compatibility*".

<sup>42</sup> **DELETED** wishes to include the following new Recital: "*Whereas without prejudice to art 7(5) of 2001/14/EC performance schemes could take into account incentives to reduce external effects of rail freight traffic including railway noise.*"

<sup>43</sup> **DELETED** has a scrutiny reservation on Article 17.

<sup>44</sup> **DELETED** wishes to delete Article 17.

3. The regulatory bodies consulted under paragraph 2 shall provide all the information that they themselves have the right to request under their national legislation to the regulatory body concerned. This information may only be used for the purpose of the handling of the complaint or the investigation referred to in paragraph 2.
4. The regulatory body receiving the complaint or having initiated the own initiative investigation shall transfer relevant information to the regulatory body responsible in order for that body to take measures regarding the parties concerned.
5. Any associated representatives of infrastructure managers as referred to in Article 15(1) of Directive 2001/14 shall ensure provision, without delay, of all the information necessary for the purpose of the handling of the complaint or the investigation referred to in paragraph 2 and requested by a the regulatory body of the Member State in which the associated representative is located. This regulatory body shall be entitled to transfer such information regarding the international path concerned to the regulatory bodies mentioned in paragraph 2.<sup>45</sup>

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<sup>45</sup> **DELETED** wish to delete paragraph 5.

## CHAPTER V

### FINAL PROVISIONS

#### *Article 18*

##### **Committee**

1. The Commission shall be assisted by the Committee referred to in Article 11(a) of Directive 91/440/EEC.
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The deadline provided for in Article 5(6) of Decision 1999/468/EC is set at three months.
4. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

#### *Article 19*

##### **Monitoring implementation**

The executive board shall present every two years from the time of the establishment of a freight corridor the results of the implementation of the corridor concerned to the Commission. The Commission shall analyse this file and notify the Committee referred to in Article 18 of its analysis.



*Article 20*

**Report**

The Commission shall periodically examine the application of this Regulation. It shall draw up a report for the European Parliament and the Council, initially within five years of the entry into force of this Regulation, and subsequently every three years.

*Article 21*

**Transitional measures**

The obligation to implement this Regulation shall not apply to the Republic of Cyprus and the Republic of Malta for as long as no railway system is established within their territory.

*Article 22*

**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*

*For the Council*

*The President*

*The President*

**List of principal routes of freight corridors**

	<i>Member States</i>	<i>Principal routes</i> <sup>47</sup>
1.	NL, BE, DE, IT	Zeebrugge - Antwerp/Rotterdam- -Duisburg-[ <i>Basel</i> ]-Milan- Genova
2.	NL, BE, FR, LU	Rotterdam-Antwerpen-Luxemburg-Metz-Dijon-Lyon/[ <i>Basel</i> ]
3.	SE, DK, DE, AT, IT	Stockholm-Malmö-Copenhagen-Hamburg-Innsbruck-Verona- Palermo
4.	PT, ES, FR	Sines-Lisboa/Leixões -Madrid-San Sebastian-Bordeaux-Paris- Metz Sines-Elvas/Algeciras
5.	PL, CZ, SK, AT, IT, SI	Gdynia-Katowice-Ostrava/Zilina-Vienna-Trieste/ Koper
6.	ES FR IT SI HU	Valencia-Barcelona-Lyon-Turin-Udine-Trieste/ Koper-Ljubljana- Budapest
7.	CZ AT SK HU RO BG EL	Prague-Vienna/Bratislava-Budapest-Bucharest-Constanta-Sofia - Athens
8.	DE NL BE PL LT	Bremerhaven/Rotterdam/Antwerp-Aachen -Berlin-Warsaw- Kaunas

<sup>46</sup> **DELETED** have a reservation on Annex I.

<sup>47</sup> "/" means alternative routes

**The criteria to take into account as set out in Articles 4 and 5:**

- (a) The consistency of the freight corridor with the TEN-T, the ERTMS corridors and / or the corridors defined by RailNetEurope;
- (b) The integration of TEN-T priority projects<sup>49</sup> into the freight corridor;
- (c) The crossing by the freight corridor of the territory of three Member States or two Member States, if the distance between the railway terminals served by the freight corridor is greater than 500 km;
- (d) The interest of the applicants in the in the freight corridor;
- (e) The balance between the socio-economic costs and benefits stemming from the establishment of the freight corridor ;
- (f) The consistency of all of the freight corridors proposed by the Member States in order to set up an European rail network for competitive freight;
- (g) The existence of good interconnections with other modes of transport, in particular thanks to an adequate network of terminals, including in the maritime and inland ports.
- (h) If appropriate, better interconnections between Member States and neighbouring third countries.**

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<sup>48</sup> **DELETED** has a reservation on Annex II.

<sup>49</sup> See Annex III to Decision No 1692/96/EC.