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## **PROPOSAL**

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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	13 July 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	ANNEXES to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the use of railway infrastructure capacity in the single European railway area, amending Directive 2012/34/EU and repealing Regulation (EU) No 913/2010

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Delegations will find attached document Annexes to COM(2023) 443 final.

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Encl.: Annexes to COM(2023) 443 final



Strasbourg, 11.7.2023  
COM(2023) 443 final

ANNEXES 1 to 10

**ANNEXES**

**to the**

**Proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the use of railway infrastructure capacity in the single European railway area,  
amending Directive 2012/34/EU and repealing Regulation (EU) No 913/2010**

{SEC(2023) 443 final} - {SWD(2023) 443 final} - {SWD(2023) 444 final}

## ANNEX I

### DELIVERABLES AND SCHEDULE FOR CAPACITY MANAGEMENT

#### REFERRED TO IN ARTICLES 11, 16, 18 AND 38

**1. DELIVERABLES TO BE PREPARED BY INFRASTRUCTURE MANAGERS IN STRATEGIC CAPACITY PLANNING REFERRED TO IN ARTICLES 11, 16, 17 AND 18**

<b>Deliverable</b>	<b>Contents</b>
Capacity strategy (Article 16)	<ul style="list-style-type: none"><li>– Planned development of physical infrastructure, including new construction, upgrades, renewals and closures /decommissioning;</li><li>– Forecasted development of demand for rail transport services;</li><li>– Strategic guidance on capacity utilisation by Member States, including an outlook on the evolution on public service obligations;</li><li>– Capacity allocated in framework agreements and capacity required to provide transport services under public service contracts;</li><li>– Infrastructure declared highly utilised or congested;</li><li>– Major capacity restrictions resulting from infrastructure works.</li></ul>
Capacity model (Article 17)	<ul style="list-style-type: none"><li>– All information included in the capacity strategy, where relevant updated and further detailed</li><li>– Volume of capacity available to applicants by rail transport market segment and/or by allocation process</li><li>– Volume of capacity required for infrastructure works by impact on traffic (categories)</li><li>– Geographical scope: at least the lines included in the TEN-T core and extended core network</li><li>– Geographical detail: breakdown in appropriate planning sections reflecting infrastructure and demand characteristics</li><li>– Temporal scope: one working timetable period</li><li>– Temporal detail: at least annual overview (capacity restrictions) and one or more representative day/days (capacity available for requests)</li></ul>
Capacity supply plan (Article 18)	<ul style="list-style-type: none"><li>– All information included in the capacity model, where relevant updated further detailed</li><li>– Prep-planned capacity available for requests, defined in the</li></ul>

	<p>form of capacity objects</p> <ul style="list-style-type: none"> <li>– Capacity restrictions, defined in the form of capacity objects</li> <li>– Alternative capacity available during capacity restrictions</li> <li>– Alternative capacity available in the event of network disruptions</li> </ul>
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**2. SCHEDULE FOR STRATEGIC CAPACITY MANAGEMENT REFERRED TO IN ARTICLES 11, 16, 17 AND 18**

1. When preparing the deliverables of strategic capacity planning for a given working timetable period, infrastructure managers shall respect the schedule set out in this section.

Infrastructure managers may define earlier deadlines. Such deadlines shall be harmonised at EU level and included in the European framework for capacity management referred to in Article 6.

The consultation of stakeholders shall be carried out in accordance with Article 54 and shall involve at least railway undertakings and other applicants, operational stakeholders and public authorities. Infrastructure managers shall coordinate the deliverables on a continuous basis when coordinating in accordance with Article 53.

<b>Deliverable</b>	<b>Milestone</b>	<b>Deadline (at latest)</b>
Capacity strategy (Article 16)	Publication of the first elements of the capacity strategy	X-60
	First consultation of stakeholders	X-58
	Publication of the draft strategy and second consultation of stakeholders	X-38
	Publication of final capacity strategy following final coordination between infrastructure managers	X-36
Capacity model (Article 17)	Start of preparation	X-36
	Consultation of applicants and operational stakeholders	X-24
	Publication of draft capacity model	X-21
	Coordination with applicants and operational stakeholders	X-19
	Publication of final capacity model following final coordination between infrastructure managers	X-18

Capacity supply plan (Article 18)	Start of preparation	X-18
	Consultation of applicants and operational stakeholders	X-14
	Publication of capacity restrictions referred to in point (1) of section (3) of this Annex	X-12
	Publication of final capacity supply plan following final coordination between infrastructure managers	X-11
	Publication of capacity restrictions referred to in point (5) of section (3) of this Annex	X-4
	Re-purposing of capacity reserved for allocation through the working timetable for other allocation processes	X-2
	Update of capacity supply plan to reflect any changes to pre-planned or allocated capacity	Until X+12 without delay
<p>Note:</p> <p>(1) 'X-m' means 'm' months before the date of entry into force of the working timetable ('X'), in accordance with section 4.</p>		

2. By way of derogation to point 1, the following simplified and shortened schedule applies to the deliverable 'Capacity strategy' in relation to the working timetable periods starting in December 2029 and December 2030:

Capacity strategy (Article 16)	Publication of the draft strategy and consultation of stakeholders	X-38
	Publication of final capacity strategy following final coordination between infrastructure managers	X-36

**3. SCHEDULE FOR COORDINATION, CONSULTATION AND PUBLICATION OF CAPACITY RESTRICTIONS RESULTING FROM INFRASTRUCTURE WORKS REFERRED TO IN ARTICLES 10 AND 35**

1. As regards temporary restrictions of the capacity of railway lines, for reasons such as infrastructure works, including associated speed restrictions, axle load, train length, traction, or structure gauge ('capacity restrictions'), of a duration of more than 7 consecutive days and for which more than 30 % of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes of transport, the infrastructure managers concerned shall publish all capacity restrictions and the

preliminary results of a consultation with the applicants for a first time at least 24 months and, in an updated form, for a second time at least 12 months before the change of the working timetable concerned. These infrastructure restrictions shall be included in the capacity supply plan referred to in Article 18.

2. As part of the coordination between infrastructure managers in accordance with Article 53, the entities designated in paragraph 5 of that Article shall also jointly discuss those capacity restrictions, if the impact of the capacity restrictions is not limited to one network, with interested applicants and the main operators of service facilities concerned when they are published for the first time.
3. When publishing capacity restrictions in accordance with point (1) for a first time, the infrastructure manager shall launch a consultation with the applicants and the main operators of services facilities concerned on the capacity restrictions. Where a coordination in accordance with point (4) is required between the first and second publication of capacity restrictions, the entities designated in accordance with Article 53(5) shall consult with applicants and the main operators of service facilities concerned a second time between the end of that coordination and the second publication of the capacity restriction.
4. Before publishing capacity restrictions in accordance with point (1), if the impact of the capacity restrictions is not limited to one network, the entities designated in accordance with Article 53(5), including infrastructure managers that might be impacted by the rerouting of trains, shall coordinate between themselves capacity restrictions that could involve a cancellation, re-routing of a train path or a replacement by other modes.

The coordination before the second publication shall be completed:

- (a) no later than 18 months before the change of the working timetable if more than 50% of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes of transport for a duration of more than 30 consecutive days.
- (b) no later than 13 months and 15 days before the change of the working timetable period if more than 30% of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes of transport for a duration of more than 7 consecutive days.
- (c) no later than 13 months and 15 days before the change of the working timetable period if more than 50% of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes of transport for a duration of 7 consecutive days or less.

The entities performing the coordination between infrastructure managers in accordance with Article 53(5) shall, if necessary, invite the applicants active on the lines concerned and the main operators of service facilities concerned to get involved in that coordination.

5. As regards capacity restrictions of a duration of 7 consecutive days or less that need not be published in accordance with point (1) and for which more than 10% of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes, that occur during the following timetable period and that the infrastructure manager becomes aware of no later than 6 months and 15 days before the change of the working timetable, the infrastructure manager shall consult the applicants concerned on the envisaged capacity restrictions and communicate the

updated capacity restrictions at least four months before the change of the working timetable. The infrastructure manager shall provide details on the offered train paths for passenger trains no later than four months and for freight trains no later than one month before the beginning of the capacity restriction, unless the infrastructure manager and the concerned applicants agree on a shorter lead time.

6. Infrastructure managers may decide to apply more stringent thresholds for capacity restrictions based on lower percentages of estimated traffic volumes or shorter durations than indicated in section 3 of this Annex or to apply criteria in addition to the ones mentioned in this Annex, pursuant to a consultation with applicants and facility operators. They shall publish the thresholds and criteria for clustering capacity restrictions in their network statements under point 3 of Annex IV of Directive 2012/34/EU.
7. Without prejudice to Article 40, the infrastructure manager may decide not to apply the periods laid down in points (1) to (5), if the capacity restriction is necessary to re-establish safe train operations, the timing of the restrictions is beyond the control of the infrastructure manager, the application of those periods would be cost ineffective or unnecessarily damaging in respect of asset life or condition, or if all concerned applicants agree. In those cases and in case of any other capacity restrictions that are not subject to consultation in accordance with other provisions of this Annex, the infrastructure manager shall consult the applicants and the main operators of service facilities concerned forthwith.
8. The information to be provided by the infrastructure manager when acting in accordance with points (1), (5) or (7) shall include:
  - (a) the planned day;
  - (b) time of day, and, as soon as it can be set, the hour of the beginning and of the end of the capacity restriction;
  - (c) the section of line affected by the restriction;
  - (d) where applicable, the capacity of diversionary lines.

The infrastructure manager shall publish that information, or a link where it can be found, in its network statement as referred to in point (3) of Annex IV of Directive 2012/34/EU. The infrastructure manager shall keep this information updated. In addition, infrastructure managers shall publish this information in digital format in accordance with Article 9 and 62.

9. As regards the capacity restrictions of a duration of at least 30 consecutive days and affecting more than 50% of the estimated traffic volume on a railway line, the infrastructure manager shall provide the applicants upon their request during the first round of consultation with a comparison of the conditions to be encountered under at least two alternatives of capacity restrictions. The infrastructure manager shall design those alternatives on the basis of the input provided by the applicants at the time of their requests and jointly with them.

The comparison shall, for each alternative, include at least:

- (a) the duration of the capacity restriction,
- (b) the expected indicative infrastructure charges due,
- (c) the capacity available on diversionary lines,

- (d) the available alternative routes, and
- (e) the indicative travel times.

Before making a choice between the alternatives of capacity restrictions, the infrastructure manager shall consult the interested applicants and take into account the impacts of the different alternatives on those applicants and on the users of the services.

The analysis of alternative capacity restrictions shall include situations concerning more than one infrastructure manager. In this case, the infrastructure managers shall coordinate the planning of alternative of the capacity restriction in accordance with Article 53.

- 10. As regards the capacity restrictions of a duration of more than 30 consecutive days and affecting more than 50 % of the estimated traffic volume on a railway line, the infrastructure manager shall establish criteria for which trains of each type of service should be re-routed, taking into account the applicant's commercial and operational constraints, unless those operational constraints result from managerial or organisational decisions of the applicant, and without prejudice to the aim of reducing costs of the infrastructure manager in accordance with Article 30(1) of Directive 2012/34/EU. The infrastructure manager shall publish in the network statement those criteria.
- 11. ENIM shall publish the information required under point (8) on its website.
- 12. The Commission shall review the implementation of section 3 of this Annex until 31 December 2024 and propose a legislative proposal if necessary.

**4. SCHEDULE FOR CAPACITY ALLOCATION THROUGH THE ANNUAL ALLOCATION PROCESS REFERRED TO IN ARTICLES 32 AND 38**

- 1. The infrastructure manager and the applicants shall comply with the following schedule:

<b>Milestone or time period</b>	<b>Deadline or duration<sup>(1)</sup></b>
Period of validity of the working timetable ('working timetable period')	One year
Entry into force of the working timetable	Midnight on the second Saturday in December
Publication of capacity supply plan	In accordance with section 2 of this Annex
Publication of capacity restrictions resulting from infrastructure works	In accordance with sections 2 and 3 of this Annex
Deadline for applicants to submit requests for capacity rights	X-8.5

Preparation of draft working timetable Deadline for infrastructure manager(s) to submit draft capacity offer to applicants	X-6.5
Finalisation of coordination with applicants	X-6
Deadline for infrastructure manager(s) to submit final capacity offer to applicants	X-5.5
Publication of final working timetable Deadline for infrastructure manager to allocate capacity rights to applicants	X-5.25
Conversion of capacity specifications in train paths	To be specified in the European framework for capacity management referred to in Article 6
<p>Note:</p> <p>(1) ‘X-m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’)</p>	

2. Infrastructure managers shall allocate capacity requests received in accordance with Article 32(8) on the basis of the first come, first served principle.
3. The deadline for applicants to submit requests for capacity rights laid down in the table under point 1 shall be the deadline for requests for infrastructure capacity referred to in Article 27(4) of Directive 2012/34/EU.

**5. SCHEDULE FOR CAPACITY ALLOCATION THROUGH FRAMEWORK AGREEMENTS REFERRED TO IN ARTICLES 31 AND 38**

1. The infrastructure manager shall comply with the following schedule:

<b>Time period</b>	<b>Duration<sup>(1)</sup></b>
Standard period of validity of framework agreements	5 years
Conversion of capacity specifications in train paths	Between X-8.5 and X-6.5 (jointly with coordination under the annual allocation process referred to in section 4)
<p>Note:</p> <p>(1) ‘X-m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’) in accordance with section 4</p>	

**6. SCHEDULE FOR THE ROLLING PLANNING CAPACITY ALLOCATION PROCESS REFERRED TO IN ARTICLES 33 AND 38**

1. The infrastructure manager and the applicants shall comply with the following schedule during the rolling planning process,:

<b>Milestone or time period</b>	<b>Deadline or duration<sup>(1)</sup></b>
Earliest point in time for applicants to submit capacity requests under the rolling planning allocation process	4 months before the first train run
Latest point in time for applicants to submit capacity to requests under the rolling planning allocation process	1 month before the first train run
Maximum duration of capacity rights granted under the rolling planning allocation process	36 months starting from the first train run
Conversion of capacity specifications in train paths for capacity rights granted in accordance with paragraph 2, point (a) of Article 33	Between X-8.5 and X-6.5 (jointly with coordination under the annual allocation process referred to in section 4)
Conversion of capacity specifications in train paths for capacity rights granted in accordance with paragraph 2, point (b) of Article 33	To be specified by the infrastructure managers taking into account the European framework for capacity management referred to in Article 6
<p>Note:</p> <p>(1) 'X-m' means 'm' months before the date of entry into force of the working timetable ('X') in accordance with section 4</p>	

2. Infrastructure managers shall allocate capacity through the rolling planning process based on the first come, first served principle.

**7. SCHEDULE FOR CAPACITY ALLOCATION THROUGH THE AD HOC PROCESS REFERRED TO IN ARTICLES 34 AND 38**

When allocating infrastructure capacity through the ad hoc process, the infrastructure manager shall comply with the following schedule:

<b>Time period</b>	<b>Duration</b>
Maximum period for infrastructure managers to prepare an offer of capacity rights concerning a single network	1 day
Maximum period for infrastructure managers to prepare an offer of multi-network capacity rights	5 days

**8. SCHEDULE FOR CHANGES TO CAPACITY ALLOCATED REFERRED TO IN ARTICLE 39**

When changing infrastructure capacity rights, the infrastructure manager shall comply with the following schedule:

<b>Milestone or time period</b>	<b>Deadline or duration</b>
Maximum time for the infrastructure manager to offer an alternative capacity right involving a single network	24 hours
Maximum time for infrastructure managers concerned to offer an alternative multi-network capacity right	5 days

## ANNEX II

### Highly utilized and congested infrastructure referred to in Article 20

#### 1. THRESHOLDS FOR THE DECLARATION OF HIGHLY UTILISED AND CONGESTED INFRASTRUCTURE

Utilisation	Classification	Capacity utilisation	Reference period
Heterogenous traffic	Highly utilised	> 65% of theoretical capacity	More than 4 hours for more than 200 days per year
Heterogenous traffic	Congested	> 95% of theoretical capacity	More than 4 hours for more than 250 days per year
Homogeneous traffic	Highly utilised	> 80% of theoretical capacity	More than 4 hours for more than 200 days per year
Homogenous traffic	Congested	> 95% of theoretical capacity	More than 4 hours for more than 250 days per year

Capacity utilisation means the ratio between capacity allocated, or for previous timetable periods, the actual number of trains running and the theoretical capacity available on an element of infrastructure on the basis of the methodology referred to in section 2.

‘Homogenous traffic’ means that trains on the section concerned generally have similar characteristics relevant for capacity utilisation, in particular speed, stopping pattern and acceleration.

‘Heterogenous traffic’ means that trains on the section concerned differ in characteristics relevant for capacity utilisation, in particular speed, stopping pattern and acceleration.

#### 2. PROCEDURES AND METHODS TO CALCULATE THE DEGREE OF CAPACITY UTILISATION

Infrastructure managers shall assess the degree of capacity utilisation on the basis of objective, transparent and appropriate procedures and methods.

Infrastructure managers may continue to use existing procedure and methods that meet these criteria. At the latest 3 years of the entry into force of this Regulation, ENIM shall prepare a recommendation on the use of a harmonised EU procedure and method to assess the utilisation of rail infrastructure capacity.

Alternatively, capacity utilisation can be assessed as the ratio between the demand for capacity (observed / past or estimate of future demand) and capacity available in the capacity utilisation plan in accordance with Article 18.

**ANNEX III**  
**CONTENTS OF THE EUROPEAN FRAMEWORK FOR CAPACITY**  
**MANAGEMENT**  
**REFERRED TO IN ARTICLE 6**

The European framework for capacity management referred to in Article 6 shall contain at least the following elements:

<b>Element</b>	<b>Reference(s)</b>
Procedures and methodologies to manage and allocate scarce infrastructure capacity on the basis of socio-economic and environmental criteria.	Article 8(5), Article 8(6)
Types and description of rail transport services to be used for the purposes of strategic planning of rail infrastructure capacity.	Article 12(2)
Common principles, procedures and methodologies for strategic capacity planning, including for the coordination between infrastructure managers and the consultation of stakeholders.	Article 12(9), Article 13, Article 14
Means for publication of the capacity supply plan and process for consultation of applicants	Article 18(10)
Rules and procedures for the allocation of pre-planned capacity included in the capacity supply plan.	Article 20(3)
Characteristics of capacity specifications	Article 26(1)
Ranges for threshold quotas applicable to the cancelation of unused capacity rights	Article 27(6)
Procedures and methods to coordinate the allocation of multi-network capacity rights, including minimum quality requirements.	Article 28(5)
Guidelines on the limits regarding the differences between capacity requests by applicants and infrastructure capacity proposed by infrastructure managers in the consensual conflict resolution process.	Article 36(2)
Procedures to manage changes to capacity rights after allocation.	Article 39(8)
Conditions giving rise to compensation for changes to capacity rights.	Article 40(3)
Principles, rules and procedures to manage and allocate infrastructure capacity in the event of a network disruption.	Article 41(2)

## ANNEX IV

### Contents of the Network Statement referred to in Article 27 of Directive 2012/34/EU – section on capacity management and traffic management

The network statement referred to in Article 27 of Directive 2012/34/EU shall contain:

- (1) A section setting out the nature of the infrastructure, which is available to railway undertakings and the conditions of access to it. This section shall refer to information available in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.
- (2) A section on the principles and criteria for capacity management. This shall set out the general capacity characteristics of the infrastructure, which is available to railway undertakings and any restrictions relating to its use, including likely capacity requirements for maintenance. It shall also specify the procedures and deadlines which relate to the capacity management process. It shall contain specific criteria, which are employed during that process, in particular:
  - (a) the procedures according to which applicants are consulted on strategic capacity planning;
  - (b) the procedures according to which applicants may request capacity from the infrastructure manager;
  - (c) the requirements governing applicants;
  - (d) the schedule for strategic capacity planning, for application, allocation, adaptation and rescheduling processes and the procedures which shall be followed to request information on the scheduling and the procedures for scheduling planned and unforeseen maintenance work;
  - (e) the principles governing the consensual conflict resolution mechanism referred to in Article 36, including the dispute resolution system made available as part of this process, and the formal conflict resolution mechanism referred to in Article 37;
  - (f) the structure and level of compensations for changes to capacity rights;
  - (g) the procedures which shall be followed and criteria used where infrastructure is highly utilised or congested;
  - (h) details of restrictions on the use of infrastructure;
  - (i) an explanation for any deviations from the European framework referred to in Article 6.
- (3) A section on operations, including on traffic management, disruption management and crisis management. This shall set out the implementation of requirements laid out in this Regulation and in Directive (EU) 2016/797, Directive (EU) 2016/798 and Directive 2007/59/EC, including:
  - (a) operational rules, including priority rules or priority principles for traffic management, a list of or references to technical, operational and safety rules and to rules relating to operational staff;

- (b) operational measures, including rules and procedures for disruption management and crisis management, operational communication and data exchange with railway undertakings and other operational stakeholders;
  - (c) a list of and references to information systems used in operations;
  - (d) an explanation for any deviations from the European framework referred to in Article 44.
- (4) A section on the key elements of performance management, including in particular:
- (a) references to performance objectives set out in the business plan referred to in Article 8(2) of Directive 2012/34/EU and in the contractual agreement referred to in Article 30 of that Directive;
  - (b) procedures to monitor and report on progress towards the achievement of the targets, to identify the causes of performance deficiencies with operational stakeholders and to design and implement remedial measures to improve performance;
  - (c) an explanation for any deviations from the European framework referred to in Article 50.

## ANNEX V

### CONTENTS OF THE EUROPEAN FRAMEWORK FOR THE CROSS-BORDER COORDINATION OF TRAFFIC MANAGEMENT, DISRUPTION MANAGEMENT AND CRISIS MANAGEMENT REFERRED TO IN ARTICLE 44

The European framework for the coordination of cross-border traffic, disruption and crisis management shall contain at least the following elements:

<b>Element</b>	<b>Reference(s)</b>
Common principles for traffic management, disruption management and crisis management to be taken into account by infrastructure managers when setting out rules and procedures for traffic management.	Article 43
Common rules and procedures for the coordination of traffic management, disruption management and crisis management between infrastructure managers and with operational stakeholders.	Article 42, Article 43, Article 45, Article 46, Article 47, Article 48
Common rules and procedures for managing and allocating capacity in the event of network disruptions and crisis situations.	Article 41(1)
Definition of responsibilities of operational stakeholders involved in the management of cross-border traffic, based on a set of agreed operational procedures, milestones and interfaces.	Article 45
Procedures, rules, tools and interfaces for communication and the exchange of information, including harmonised digital tools and interfaces, between infrastructure managers, operational stakeholders and other stakeholders concerned, in particular public authorities.	Article 45, Article 48, Article 62
Principles to establish dedicated coordination groups in relation to traffic management, disruption management and crisis management.	Article 53(2)
Arrangements for simulation and training, in particular in relation to network disruptions and crisis situations.	Article 42, Article 46, Article 47
Arrangements to review the performance of traffic management, disruption management and crisis management, including the coordination between operational stakeholders.	Article 50, Article 51

**ANNEX VI**  
**Network Disruptions**  
**referred to in Article 46**

<b>Type of incident</b>	<b>Estimated likely duration</b>	<b>Estimated likely impact</b>
Network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	<ul style="list-style-type: none"> <li data-bbox="788 465 1391 613">– 50% or more of the trains on the affected section operating on a single network need an operational treatment</li> <li data-bbox="788 629 1391 815">– Less than 50% of trains on the affected section that operate on more than one network need or are expected to need an operational treatment</li> </ul>
Multi-network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	<ul style="list-style-type: none"> <li data-bbox="788 846 1391 994">– 50% or more of trains on the affected section that operate on more than one network need or are expected to need an operational treatment</li> </ul>

The conditions on duration and the likely impact on traffic are cumulative.

## **ANNEX VII**

### **Performance areas subject to performance review referred to in Article 50**

<b>Performance area</b>	<b>Relevant issues (indicative)</b>
Infrastructure and equipment	<ul style="list-style-type: none"><li>– Capacity and capabilities of the physical infrastructure and its equipment, including deployment of TEN-T standards</li><li>– Reductions in infrastructure capacity or capability due to deferred infrastructure renewal, maintenance or repair</li></ul>
Infrastructure capacity	<ul style="list-style-type: none"><li>– Capacity offer in terms of quantity and quality</li><li>– Capacity utilisation, spare capacity to accommodate traffic growth</li><li>– Consistency between available capacity (planned or unplanned) and market needs</li><li>– Stability of the capacity offer, in particular in connection with infrastructure works</li><li>– Congested infrastructure</li><li>– Planned dwelling times of trains at border stations</li></ul>
Traffic management	<ul style="list-style-type: none"><li>– Punctuality / delays of different types of rail services, at origin, intermediate stops and destination and at operationally important locations</li><li>– Train cancellations</li><li>– Actual dwelling times of trains at border stations</li></ul>
Disruption management and crisis management	<ul style="list-style-type: none"><li>– Share of traffic that could be re-routed or re-scheduled during the disruption or crisis</li><li>– Impact of disruptions on rail traffic in terms of delays and cancellations</li><li>– Impact of disruptions on operators of rail services and their customers</li><li>– Specific issues encountered (qualitative)</li></ul>
Deployment and performance of digital services, tools and interfaces	<ul style="list-style-type: none"><li>– Support of the processes related to capacity management, traffic management and disruption management</li><li>– Completeness and quality of the information and data provided</li><li>– Alignment with European architecture developed in ERJU and with the relevant technical specifications in accordance with Directive (EU) 2016/797</li></ul>

Compliance with regulation; regulatory oversight	<ul style="list-style-type: none"><li data-bbox="523 170 1374 241">– Process indicators monitoring compliance with rules and procedures</li><li data-bbox="523 259 1353 297">– Complaints lodged with regulatory bodies and ENRRB</li></ul>
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## **ANNEX VIII**

### **Information to be provided to operational stakeholders referred to in Article 48**

The following information provided in accordance with Directive (EU) 2016/797 and relevant implementing acts under that Regulation shall be in the scope of Article 48:

- Train running number
- Train reporting
- Consignment Note data
- Path Request and path allocation
- Train Preparation
- Train Running Information and Train Running Forecast
- Service Disruption Information
- Shipment Estimated Time of Departure (ETD), Estimated Time of Interchange (ETI), Estimated Time of Arrival (ETA)
- Wagon Movement
- Data Exchange for Quality Improvement

**ANNEX IX**

**List of issues for coordination between infrastructure managers  
referred to in Article 53**

<b>Issues for coordination</b>	<b>Provisions to be covered by coordination</b>
Strategic capacity planning	Section 1 of Chapter II, in particular: – Article 10 Section 2 of Chapter II, in particular: – Article 11 – Article 13 – Article 14 – Article 15 – Article 16 – Article 17 – Article 18 – Article 19 – Article 21 – Article 22 – Article 25
Scheduling, capacity allocation and rescheduling	Section 3 of Chapter II, in particular: – Article 27 – Article 28 – Article 31 – Article 32 – Article 33 – Article 34 – Article 35 – Article 36 – Article 37 Section 4 of Chapter II – Article 39 – Article 40 – Article 41
Traffic management, disruption management	Chapter III, in particular:

and crisis management	<ul style="list-style-type: none"> <li>– Article 45</li> <li>– Article 46</li> <li>– Article 47</li> </ul>
Performance review	<p>Chapter IV, in particular:</p> <ul style="list-style-type: none"> <li>– Article 51</li> </ul>
Deployment of digital services, tools and interfaces; contribution to development of technical specifications	<ul style="list-style-type: none"> <li>– Article 9(2)</li> <li>– Article 20(4)</li> <li>– Article 27(4)</li> <li>– Article 29(5), Article 29(6)</li> <li>– Article 42(3), point (c)</li> <li>– Article 45, point (c)</li> <li>– Article 48(2), Article 48(3)</li> <li>– Article 62</li> </ul>

**ANNEX X**  
**Correlation Tables**

**1. CORRELATION TABLE FOR THE PROVISIONS DELETED IN DIRECTIVE 2012/34/EU**

<b>Directive 2012/34/EU</b>	<b>This Regulation</b>
Article 2(6)	Article 36(2)
Article 3, point 20	Article 21
Article 3, point 22	Article 36
Article 3, point 23	Article 31
Article 3, point 27	Article 4, point 8
Article 3, point 28	Article 4, point 13
Article 7b(1)	Article 3(1)
Article 7b(2)	Article 3(2)
Article 7b(3)	Article 3(3) and Article 2(3), point b
Article 36	Article 40
Article 38(1)	Article 26(1), second subparagraph and Article 26(6)
Article 38(2)	Article 26(3)
Article 38(3)	Article 26(4)
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Article 39(1)	Article 11(3)
Article 39(2)	Article 27(3)
Article 40(1)	Article 14(2), (3) and Article 28
Article 40(2)	Article 55(7), Article 57(2), Article 63(1), (4), Article 64(1) and (7)
Article 40(3)	Article 55 (2), (5) and (7)
Article 40(4)	Article 57(1)
Article 40(5)	
Article 41(1)	Article 7(1)

Article 41(2)	Article 7 (2)
Article 41(3)	Article 7(3)
Article 42(1)	Article 31(1)
Article 42(2)	Article 31(4)
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Article 42(4)	Article 31(5) and (6)
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Article 42(6)	Article 31(8)
Article 42(7)	Article 31(10)
Article 42(8)	Article 31(11)
Article 43(1)	Article 38(1), Article 32(6), (7), (8) and Article 33(1) and (2)
Article 43(2)	Article 10(8), Article 11(2), Article 21(9), Article 38(3), and Article 39(9)
Article 43(3)	n/a
Article 44(1)	Article 26(1)
Article 44(2)	Article 32(7) and 32(8)
Article 44(3)	Article 31(2)
Article 44(4)	Article 28
Article 45(1)	Article 32(2)
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Article 46(4)	Article 36(4)
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Article 49(2)	Article 24(2)
Article 49(3)	Article 24(3)
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Article 50(2)	Article 22(2)
Article 50(3)	Article 22(1)
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Article 51(3)	Article 23(4)
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Article 52(1)	Article 12(8)
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## 2. CORRELATION TABLE FOR REGULATION (EU) NO 913/2010

<b>Regulation (EU) No 913/2010</b>	<b>This Regulation</b>
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Article 8	Articles 55(1) to (4), (6), (7) and (8) and Article 56(1)(a) to (c), (f) and (2)
Article 9(1)	Article 14(1), Article 22(3) and (4), Article 23(3) and Article 57
Article 9(1)(a), (c), (d), (e), (2), (3), (4) and (5)	
Article 9(1)(b)	Article 15 and Article 22(3) and (4)
Article 10	
Article 11	Article 55(1) to (4), (6), (7) and (8)
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