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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	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 - Preparation for the trilogue

I. INTRODUCTION

1. On 11 July 2023, the Commission submitted to the Council and the European Parliament a proposal[1] for a Regulation 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. The proposal is based on Article 91 of the Treaty on the Functioning of the European Union (TFEU) and is negotiated under the ordinary legislative procedure.

2. It proposes a single regulatory framework for the organisation of rail network capacity that should increase the availability of infrastructure through better planning and allocation processes, and improved cross-border coordination. The proposal builds on the industry-led TimeTable Redesign project (TTR), aiming at providing infrastructure managers with greater flexibility for both longer-term strategic planning and shorter-term allocation of capacity through a new planning and allocation process. The rules on capacity allocation set out in Directive 2012/34/EU are replaced by those set out in this Regulation. In terms of

[1] ST 11718/23 + ADD 1 to 4

organisation, the proposal of the Commission reinforces the centralisation at EU level, with additional functions for the European Network of Infrastructure Managers (ENIM) and the creation of new entities like the Network Coordinator and the Performance Review Body. The Regulation (EU) 913/2010 on the rail freight network is repealed as it has been demonstrated that managing separately the capacity on the rail freight corridors and on the rest of the network is inefficient.

3. The Council adopted its general approach at the TTE (transport) Council on 18 June 2024. Work in the Council focused on simplifying the Commission's proposal regarding the planning and allocation process and reducing the administrative workload. It introduced more flexibility to define general objectives and policy orientations for rail capacity management in the strategic guidance, while including sufficient safeguards to ensure the required harmonisation at EU level. The Council position ensures performance review without having to create a dedicated performance review body.

4. The European Parliament allocated the file to the Committee on Transport and Tourism (TRAN) and designated Ms Tilly Metz (Green, LU) as the rapporteur. The Parliament adopted its negotiating mandate at the plenary session on 12 March 2024. The Parliament proposes to further increase the centralisation of capacity management at EU level. It also proposes to create a "European Railway Platform" as a consultative body to ENIM to better involve railway undertakings and other stakeholders in the planning process. The European Railway Agency (ERA)is also attributed additional task which would require amending the ERA regulation on its competences.

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II. NEGOTIATIONS WITH THE EUROPEAN PARLIAMENT

5. A first trilogue was organised on 19 November 2024 giving an overall mandate to the technical level.

6. Since, two trilogues have been organised on 3 March 2025 and 10 June 2025. There have been 32 interinstitutional technical meetings (ITMs) and several drafting sessions.

7. The fourth trilogue is scheduled for 18 November 2025. The objective of this trilogue is to finalise the negotiations and come to a provisional agreement on all outstanding issues listed below.

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III. PREPARATION FOR THE FOURTH TRILOGUE

a) Subject matter and scope

8. Article 1 provides for exemptions and possibilities for Member States to exclude specific rail services. The Parliament disagrees with the Council's amendment in Article 1(5) [line 48a] to safeguard essential security or defence interests and measures to ensure that military have sufficient access to railway infrastructure, for military operations and training. The Presidency is aware this is an essential element for the Council and will seek to maintain it. This also applies to line 354a, where the Commission asked to add additional text to facilitate moving military equipment, and it is important to state that this will be without prejudice to the exemption in Article 1(5).

9. Other exemptions in Article 1 confirm exemptions that are already possible under Directive (EU) 2012/34. Those should be maintained, in particular the one related to the operation of the Channel Fixed Link.

10. The Presidency proposes to maintain the exemption for the Channel Fixed Link related to the issue of highly utilised and congested infrastructure in Article 21 [line 277b] as well.

b) Funding

11. The Parliament is asking for more funding for railway infrastructure. The Parliament introduced requests for more funding for infrastructure in a recital [line 18b], in Article 10 [line 127 and 129a], in Article 11 [line 154], in Article 23 [line 306a], in Article 62 [line 649p] and Article 63 [line 653a]. Funding is out of the scope of this Regulation. In the general approach, it is clarified in line 48b that this Regulation *"does not lay down any financial obligations as regards the financing of infrastructure development and maintenance"*. The Presidency cannot agree with this request for more funding. Still, the Presidency is confident to find a satisfactory outcome on this issue with a language in the recitals about the importance of long-term planning, while clarifying that the amount of funding that is allocated to railway infrastructure should not be part of this Regulation.

c) Refusal or withdrawal of capacity rights on public order or public security grounds

12. Given the challenges faced by the EU, the Council finds it essential to introduce a new Article 10a [line 138e-138i] about ensuring that infrastructure manager can refuse to grant, or withdraw, capacity rights to an applicant in case of serious and grave risk for public order or public security, including to national security and defence. The Presidency did include additional safeguards to avoid the abuse of this Article by a Member State to protect its national market. While the language in line 138i might still be redrafted, the Presidency will insist on maintaining this principle.

d) Penalties

13. Article 40 introduces a penalty system when an allocated capacity right is not respected by either the infrastructure manager or the applicant. There is a common understanding that a penalty should only be due when there is a significant change, which in the worst case can end up being a cancellation of the capacity right. There is also an agreement that the penalty to be paid by the applicant should be differentiated according to the market segment, whereas the penalty due by the infrastructure manager should not be differentiated. This is to avoid that the infrastructure manager would prefer to make changes in those services (either freight or passenger services) that would lead to the lowest penalty.

14. The Presidency is seeking clarity on the amount of the penalty, how to ensure its dissuasive effect, how to calculate it, if there is a need for modulation to consider if a reasonable alternative was found or when the change was requested and whether there should be a cap. In the case of multi-network capacity rights, for train services crossing different networks or crossing different Member States, it will be equally important to introduce some safeguards to protect the smaller infrastructure managers from disproportionate high penalties. The Presidency finds it important to agree that even when there is a significant change there might be need for exemptions in very specific cases where it would not be possible to uphold the deadlines for allocated capacity right. That leaves a matrix with a couple of variables where the Presidency will insist on an outcome that is balanced and proportionate.

e) Annex I, section 3, section 4, section 8

15. The Presidency has returned to the structure of the Commission's proposal for section 3 and this section is no longer linked to penalties. The exemptions in this section [line 775] have been integrated in Article 35(6a) [line 426a]. It is the Presidency's understanding that Annex I, section 3 will be accepted by the Parliament. However, as regards the exemptions in Article 35, the Presidency may need to be flexible and redraft and reduce the number of exemptions in line 426a.

16. As regards Annex I, section 4, the Parliament has argued that the working timetable needs to be published earlier to allow railway companies to sell their tickets as early as possible. However, the Presidency understands that this is not the real problem for companies to offer the tickets in advance. If the publication of the working timetable would go closer to 5 months, the phases before would need to be moved with the same number of weeks to leave sufficient time for each phase.

17. As regards section 8, the Commission will make changes to introduce the concept of rescheduling windows, where an infrastructure manager can plan to do several smaller works that could not be planned before the publication of the working timetable. The Commission would be asked to adopt a delegated act within 18 months of the entry into force of the Regulation [line 464].

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f) Deadlines for the European frameworks

18. The European framework for capacity management shall be adopted by ENIM by 18 months after the entry into force of the Regulation because this framework is the most important for infrastructure managers to start preparing the planning of the timetable. As regards the other two frameworks, it is proposed to finish them gradually and have different deadlines for each of the two as to allow ENIM to better organise the work. Otherwise ENIM risks not managing all the work and the operational stakeholders also risk not to provide quality input to the consultations. The Presidency proposes 24 months for the European framework for the coordination of cross-border traffic management, disruption management and crisis management [line 505] and 30 months for the European framework for performance review [line 549].

g) Crisis situations

19. With the introduction of the exemption for military operations and training in Article 1(5), there is an overlap with the emergency measures that a Member States can take in crises situations (Article 47 [line 525]). Therefore, the Presidency proposes to delete the reference in line 525 to '*defence or security*' to ensure consistency and avoid confusion when having to apply the rules of the Regulation. The Parliament would also like to see a mechanism to ensure that when specific emergency measures have an impact on cross-border traffic, the Commission can issue a recommendation with solutions. The Presidency has proposed a change in line 535 excluding defence and security while giving a role to the Commission.

h) Organisation of ENIM and the Network Coordinator / Common structure of the network statement

19. In the governance chapter, several issues remain. Those relate mainly to the role of the Commission: When ENIM should adopt its rules of procedure [line 599]; how the Network Coordinator should be appointed or replaced [line 617, 618 and 620] and the tasks of the Network Coordinator [line 618, 622 and 623]. The Parliament finds it important for the Commission to approve the rules of procedure of ENIM, to appoint the Network Coordinator and for the Commission to consent with the change of the Network Coordinator. For the Council, it is important that ENIM and the Network Coordinator can perform their work in an independent way. The Presidency is confident that a solution can be found that will strike a balance in the role for the Commission.

20. As regards the common structure for the network statement [line 637], it will be important to find a reasonable deadline for ENIM to finalise this common structure, at a moment which is early enough for the infrastructure managers to use the common structure to prepare their network statement.

i) ENRRB

21. The Parliament would like to have the Commission's oversight on the rules of procedure for the ENRRB and the chairmanship of the ENRRB [line 683a and 683c]. The Presidency is seeking flexibility to find a balanced solution to ensure the functioning and independence of the ENRRB.

j) Empowerments - Implementing and delegated acts

24. Most of the issues related to empowerments have been resolved. Based on a conceptual agreement on the conditional empowerments related to the European frameworks, the text of Article 70a and 70b has been finalised. The only issue remaining is the deadline for the report of the Advisory Performance Panel. As regards the nature of the empowerment, the Parliament insists on delegated acts; the Commission and the Council agree it should be implementing acts. The Presidency will also insist on the examination procedure [line 710] and the non-opinion clause [line 710a].

25. In Article 19 [line 267], the Presidency proposes an implementing act only for situations which have a potential impact on cross-border traffic.

26. In Article 46 [line 523], the Council will not agree to having a delegated act to amend Annex VI as for the Council the threshold values in table 12 are important.

k) Report and review

27. The Council asked in the general approach that the Commission should present a report evaluating the impact of the Regulation 10 years after the entry into force. The Presidency proposes that the report should come 5 years after the full application of the Regulation [line 712]. This should be sufficient to have enough data and evidence on the impact of the new rules.

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l) Repeal of the rail freight corridors

28. As regards transitional measures before the repeal of Regulation (EU) No 913/2010, the Presidency proposes to maintain the original Commission's proposal and repeal the rail freight corridor regulation on the day of the publication of the first working timetable under the new rules of the Regulation on railway infrastructure capacity.

m) Entry into force and application

28. As regards the entry into force and application, the Presidency understands it can be flexible while remaining reasonable, to allow sufficient time for work to be done after the entry into force.

n) Annex II, table 9

30. Presidency understands there is very little margin to go down from the numbers in the general approach.

IV. CONCLUSION

21. The Permanent Representatives Committee is invited to provide the Presidency with a mandate for fourth trilogue on 18th November 2025 based on the main issues outlined in point III above and the 4-column table in the Annex.

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Proposal for a REGULATION 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 (Text with EEA relevance)

		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
	Formula					
G	1	2023/0271 (COD)	2023/0271 (COD)	2023/0271 (COD)	2023/0271 (COD)	G
	Proposal Title					
G	2	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 (Text with EEA relevance)	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 (Text with EEA relevance)	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 (Text with EEA relevance)	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 (Text with EEA relevance)	G
	Formula					
G	3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	G
	Citation 1					
G	4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C-, **C/2024/891, 6.2.2024**~~, p. .~~	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C, ~~*C/2024/891, 6.2.2024*~~***, p. .***
Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C-, **C/2024/1982, 18.3.2024**~~, p. .~~	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C, ~~*C/2024/1982, 18.3.2024*~~***, p. .***
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas:
Recital 1				
11	(1) The Commission Communication 'The European Green Deal'[1] sets a climate	(1) The Commission Communication 'The European Green Deal'[1] sets a climate	(1) The Commission Communication 'The European Green Deal'[1] sets a climate	(1) The Commission Communication 'The European Green Deal'[1] sets a climate

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	neutrality objective to be achieved by the Union by 2050 as well as a clear objective to reduce net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. It calls for a 90% reduction in greenhouse gas emissions from transport, while working towards the zero-pollution ambition[2] to reduce the health impacts of air pollutant emissions by more than 55% and the share of people chronically disturbed by transport noise by 30% by 2030. Transport represents around 25% of the Union's total greenhouse gas emissions, and these have increased over recent years. The European Green Deal prioritises the shift onto rail and inland waterways of a substantial part of the 75% of inland freight carried today by road. Rail being a largely electrified and energy efficient mode of transport, greater use of rail services should contribute to reducing transport's emissions and energy consumption. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European	neutrality objective to be achieved by the Union by 2050 as well as a clear objective to reduce net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. It calls for a 90% reduction in greenhouse gas emissions from transport, while working towards the zero-pollution ambition[2] to reduce the health impacts of air pollutant emissions by more than 55% and the share of people chronically disturbed by transport noise by 30% by 2030. Transport represents around 25% of the Union's total greenhouse gas emissions, and these have increased over recent years. The European Green Deal prioritises the shift onto rail and inland waterways of a substantial part of the 75% of inland freight carried today by road. Rail being a largely electrified and energy efficient mode of transport, greater use of rail services should contribute to reducing transport's emissions and energy consumption. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European	neutrality objective to be achieved by the Union by 2050 as well as a clear objective to reduce net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. ~~It~~**Both objectives are enshrined in Regulation (EU) 2021/1119 of the European Parliament and of the Council. The European Green Deal** calls for a 90% reduction in greenhouse gas emissions from transport, while working towards the zero-pollution ambition[2] to reduce the health impacts of air pollutant emissions by more than 55% and the share of people chronically disturbed by transport noise by 30% by 2030. Transport represents around 25% of the Union's total greenhouse gas emissions, and these have increased over recent years. The European Green Deal prioritises the shift onto rail and inland waterways of a substantial part of the 75% of inland freight carried today by road. Rail being a largely electrified and ~~energy efficient~~**energy-efficient** mode of transport, greater use of rail services should contribute to	neutrality objective to be achieved by the Union by 2050 as well as a clear objective to reduce net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. Both objectives are enshrined in Regulation (EU) 2021/1119 of the European Parliament and of the Council. The European Green Deal calls for a 90% reduction in greenhouse gas emissions from transport, while working towards the zero-pollution ambition[2] to reduce the health impacts of air pollutant emissions by more than 55% and the share of people chronically disturbed by transport noise by 30% by 2030. Transport represents around 25% of the Union's total greenhouse gas emissions, and these have increased over recent years. The European Green Deal prioritises the shift onto rail and inland waterways of a substantial part of the 75% of inland freight carried today by road. Rail being a largely electrified and energy-efficient mode of transport, greater use of rail services should contribute to reducing transport's

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	Economic and Social Committee and the Committee of the Regions 'The European Green Deal', COM(2019)640 final of 11 December 2019. 2. Commission Communication 'Pathway to a Healthy Planet for All EU Action Plan: "Towards Zero Pollution for Air, Water and Soil"', COM(2021) 400 final of 12 May 2021.	Economic and Social Committee and the Committee of the Regions 'The European Green Deal', COM(2019)640 final of 11 December 2019. 2. Commission Communication 'Pathway to a Healthy Planet for All EU Action Plan: "Towards Zero Pollution for Air, Water and Soil"', COM(2021) 400 final of 12 May 2021.	reducing transport's emissions and energy consumption. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions 'The European Green Deal', COM(2019)640 final of 11 December 2019. 2. Commission Communication 'Pathway to a Healthy Planet for All EU Action Plan: "Towards Zero Pollution for Air, Water and Soil"', COM(2021) 400 final of 12 May 2021.	emissions and energy consumption. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions 'The European Green Deal', COM(2019)640 final of 11 December 2019. 2. Commission Communication 'Pathway to a Healthy Planet for All EU Action Plan: "Towards Zero Pollution for Air, Water and Soil"', COM(2021) 400 final of 12 May 2021. Provisionally agreed by email 3/11
Recital 2				
12	(2) The Communication on Sustainable and Smart Mobility Strategy[1] sets out milestones to show the Union transport system's path towards achieving the objectives of a sustainable, smart and resilient mobility. It envisages that rail freight traffic should increase by 50% by 2030 and double by 2050; traffic on high-speed rail should double by 2030 and triple by 2050 and scheduled collective travel under 500 km should be carbon-neutral by 2030 within the Union. To achieve these goals, rail transport must become	(2) The Communication on Sustainable and Smart Mobility Strategy[1] sets out milestones to show the Union transport system's path towards achieving the objectives of a sustainable, smart and resilient mobility. It envisages that rail freight traffic should increase by 50% by 2030 and double by 2050; traffic on high-speed rail should double by 2030 and triple by 2050 and scheduled collective travel under 500 km should be carbon-neutral by 2030 within the Union. To achieve these goals, rail transport must become	(2) The Communication on Sustainable and Smart Mobility Strategy[1] sets out milestones to show the Union transport system's path towards achieving the objectives of a sustainable, smart and resilient mobility. It envisages that rail freight traffic should increase by 50% by 2030 and double by 2050; traffic on high-speed rail should double by 2030 and triple by 2050 and scheduled collective travel under 500 km should be carbon-neutral by 2030 within the Union. To achieve these goals, rail transport ~~musts~~**should**	(2) The Communication on Sustainable and Smart Mobility Strategy[1] sets out milestones to show the Union transport system's path towards achieving the objectives of a sustainable, smart and resilient mobility. It envisages that rail freight traffic should increase by 50% by 2030 and double by 2050; traffic on high-speed rail should double by 2030 and triple by 2050 and scheduled collective travel under 500 km should be carbon-neutral by 2030 within the Union. To achieve these goals, rail transport should become

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	more attractive in terms of affordability, reliability, and services better adapted to the needs of travellers and freight shippers. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions 'Sustainable and Smart Mobility Strategy – putting European transport on track for the future', COM(2020) 789 final of 9 December 2020.	more attractive in terms of affordability, reliability ***and accessibility***, and services ***must be*** better adapted to the needs of travellers and freight shippers. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions 'Sustainable and Smart Mobility Strategy – putting European transport on track for the future', COM(2020) 789 final of 9 December 2020.	become more attractive in terms of affordability, reliability, and services better adapted to the needs of travellers and freight shippers. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions 'Sustainable and Smart Mobility Strategy – putting European transport on track for the future', COM(2020) 789 final of 9 December 2020.	more attractive in terms of affordability, reliability~~,~~ and ***accessibility. Rail transport*** services ***should also be*** better adapted to the needs of travellers and freight shippers. _____ ~~*1. Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions 'Sustainable and Smart Mobility Strategy – putting European transport on track for the future', COM(2020) 789 final of 9 December 2020.*~~
Recital 2a				
G 12a		***(2a) The underlying aim of this Regulation is to increase the utilisation of the rail infrastructure and thereby increase the modal share of rail. However, this Regulation alone cannot address Union's decarbonisation and modal shift targets by. Both Member States and the Commission should continue to work on numerous other elements that can help to further increase both rail infrastructure capacity and transport capacity, such as the bundling of train paths, speed harmonisation, efficient***		***(2a) The underlying aim of this Regulation is to increase the utilisation of the rail infrastructure by making a more efficient use of the railway infrastructure through better planning and allocation processes, and improved cross-border coordination, and thereby contribute to an increase of rail services in line with the Union's decarbonisation targets. However, further measures, beyond the scope of this Regulation, will be needed at all levels, to further enhance railway infrastructure capacity in order to*** G

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		passenger changeover, the use of longer trains with increased axle load, the roll-out of harmonised ERTMS across Europe, as well as automated trains operation.		***meet the increased demand for rail capacity, both by passenger and freight services and increase the overall competitiveness of rail.*** Provisionally agreed in ITM 32
Recital 2b				
12b		***(2b) Tackling the efficiency of rail in order to increase the multi-modal competitive aspect between different transport modes is important to facilitate a substantial modal shift and to reach the targets set in the Sustainable and Smart Mobility Strategy. Therefore, further measures to increase the competitiveness by rail, such as lower track access charges, should also be considered. With an increased demand for rail capacity by both passenger and freight services, investments will also be needed to realise those capacity enhancing measures.***		*deleted*
Recital 2c				
12c		***(2c) Shift-to-rail objectives on EU level require national targets based on concrete national plans***		*deleted*

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		developed by Member States following bottom-up approach.		
Recital 3				
13	*(3)* Directive 2012/34/EU of the European Parliament and of the Council[1] lays down the rules applicable to the management and operation of railway infrastructure and the principles and procedures applicable to the allocation of railway infrastructure capacity for domestic and international rail services. _____ 1. Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area the rules applicable to the management of railway infrastructure (OJ L 343 14.12.2012, p. 32).	(3) Directive 2012/34/EU of the European Parliament and of the Council[1] lays down the rules applicable to the management and operation of railway infrastructure and the principles and procedures applicable to the allocation of railway infrastructure capacity for domestic and international rail services. _____ 1. Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area the rules applicable to the management of railway infrastructure (OJ L 343 14.12.2012, p. 32).	(3) Directive 2012/34/EU of the European Parliament and of the Council[1] lays down the rules applicable to the management and operation of railway infrastructure and the principles and procedures applicable to the allocation of railway infrastructure capacity for domestic and international rail services. _____ 1. Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area ~~the rules applicable to the management of railway infrastructure~~ (OJ L 343 14.12.2012, p. 32).	(3) Directive 2012/34/EU of the European Parliament and of the Council[1] lays down the rules applicable to the management and operation of railway infrastructure and the principles and procedures applicable to the allocation of railway infrastructure capacity for domestic and international rail services. _____ 1. Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343 14.12.2012, p. 32).
Recital 4				
14	(4) Regulation (EU) No 913/2010 of the European Parliament and of the Council[1] provides for the establishment of rail freight corridors and one-stop shops to facilitate requests for infrastructure capacities for international rail freight services. _____	(4) Regulation (EU) No 913/2010 of the European Parliament and of the Council[1] provides for the establishment of rail freight corridors and one-stop shops to facilitate requests for infrastructure capacities for international rail freight services. _____	(4) Regulation (EU) No 913/2010 of the European Parliament and of the Council[1] provides for the establishment of rail freight corridors and one-stop shops to facilitate requests for infrastructure capacities for international rail freight services. _____	(4) Regulation (EU) No 913/2010 of the European Parliament and of the Council[1] provides for the establishment of rail freight corridors and one-stop shops to facilitate requests for infrastructure capacities for international rail freight services. _____

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	1. Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).	1. Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).	1. Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).	1. Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).
Recital 5				
15	(5) Rail infrastructure capacity and traffic management are crucial to the well-functioning of the rail sector. The operation of rail transport services needs to be carefully planned and coordinated to allow trains with very different characteristics, such as speed and braking distance, to share safely the same tracks. Optimal management of capacity creates more opportunities for, and increases reliability of, rail services. Regulation should provide infrastructure managers with sufficient flexibility for effective management of capacity while making sure that all railway undertakings are treated without discrimination in their access to the network.	(5) Rail infrastructure capacity ***management and rail*** ~~*and*~~ traffic management are crucial to the well-functioning of the rail sector. The operation of rail transport services needs to be carefully planned and coordinated to allow trains with very different characteristics, such as speed and braking distance, to share safely the same tracks. Optimal management of capacity creates more opportunities for, and increases reliability of, rail services***, which is a particularly important requirement for the increasing market of night trains as well as the ambitions to shift goods to rail freight***. Regulation should provide infrastructure managers with sufficient flexibility for effective management of capacity while making sure that all railway undertakings are treated without	(5) Rail infrastructure capacity **management and rail** ~~and~~ traffic management are crucial to the ~~well-functioning~~**good functioning** of the rail sector. The operation of rail transport services**, in particular cross-border rail services,** needs to be carefully planned and coordinated to allow trains with very different characteristics, such as speed and braking distance, to share safely the same tracks. Optimal **and harmonised** management of capacity creates more opportunities for, and increases reliability **and continuity** of, rail services. **This** Regulation should provide infrastructure managers with sufficient flexibility for effective management of capacity while making sure that all ~~railway undertakings~~**applicants** are treated ~~without discrimination~~**in a transparent and non-**	(5) Rail infrastructure capacity management and rail traffic management are crucial to the good functioning of the rail sector. The operation of rail transport services, in particular cross-border rail services, needs to be carefully planned and coordinated to allow trains with very different characteristics, such as speed and braking distance, to share safely the same tracks. Optimal and harmonised management of capacity ~~*creates*~~***should create*** more opportunities ~~*for, and increases*~~***and increase*** reliability ~~*and continuity of,*~~***of*** rail services. This Regulation should provide infrastructure managers with sufficient flexibility for effective management of capacity while making sure that all applicants are treated in a transparent and non-discriminatory manner, ensuring

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		discrimination in their access to the network.	**discriminatory manner, ensuring fair competition,** in their access to the network.	fair competition, in their access to the network.
Recital 6				
16	(6) Directive 2012/34/EU recognises the right of Member States not to apply the rules on rail infrastructure capacity allocation to certain parts of the rail network or to certain rail services, where such an exclusion from the scope of Union law would not affect the functioning of the single European railway area. These exclusions should continue to apply and Member States should retain the right to request such exclusions in the future also in relation to this Regulation.	(6) Directive 2012/34/EU recognises the right of Member States not to apply the rules on rail infrastructure capacity allocation to certain parts of the rail network or to certain rail services, where such an exclusion from the scope of Union law would not affect the functioning of the single European railway area. These exclusions***, while being strictly limited,*** should continue to apply and Member States should retain the right to request such exclusions in the future also in relation to this Regulation.	(6) Directive 2012/34/EU recognises the right of Member States not to apply the rules on rail infrastructure capacity allocation to certain parts of the rail network or to certain rail services, where such an exclusion from the scope of Union law would not affect the functioning of the single European railway area. These exclusions should continue to apply and Member States should retain the right to request such exclusions in the future also in relation to this Regulation.	(6) Directive 2012/34/EU recognises the right of Member States not to apply the rules on rail infrastructure capacity allocation to certain parts of the rail network or to certain rail services, where such an exclusion from the scope of Union law would not affect the functioning of the single European railway area. These ***limited and justified*** exclusions should continue to apply and Member States should retain the right to request such exclusions in the future also in relation to this Regulation.
Recital 6a				
R 16a			**(6a) The operation of the Channel Fixed Link is regulated in particular by the Treaty concerning the construction and operation by private concessionaires of a channel fixed link, between France and the United Kingdom of Great Britain and Northern Ireland,**	(6a) The operation of the Channel Fixed Link is regulated in particular by the Treaty concerning the construction and operation by private concessionaires of a channel fixed link, between France and the United Kingdom of Great Britain and Northern Ireland, signed at R

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			signed at Canterbury on 12 February 1986 ('Canterbury Treaty'), and the Concession Agreement between the Secretary of State for Transport, Le Ministre de l'Urbanisme du Logement et des Transports, The Channel Tunnel Group Limited and France-Manche S.A. Under that Treaty and that Concession ('Concession Agreement'), the concessionaires are to manage the infrastructure and to operate a shuttle service for road vehicles. Directive 2012/34/EU, with the exception of certain Articles, does not apply to undertakings the business of which is limited to providing solely shuttle services for road vehicles through the Channel tunnel or to transport operations in the form of shuttle services for road vehicles through that tunnel. Similarly, it is not appropriate to apply this Regulation to the management of infrastructure capacity for the operation of such services. Unless otherwise provided, this Regulation should apply to the management of infrastructure	Canterbury on 12 February 1986 ('Canterbury Treaty'), and the Concession Agreement between the Secretary of State for Transport, Le Ministre de l'Urbanisme du Logement et des Transports, The Channel Tunnel Group Limited and France-Manche S.A. Under that Treaty and that Concession ('Concession Agreement'), the concessionaires are to manage the infrastructure and to operate a shuttle service for road vehicles. Directive 2012/34/EU, with the exception of certain Articles, does not apply to undertakings the business of which is limited to providing solely shuttle services for road vehicles through the Channel tunnel or to transport operations in the form of shuttle services for road vehicles through that tunnel. Similarly, it is not appropriate to apply this Regulation to the management of infrastructure capacity for the operation of such services. Unless otherwise provided, this Regulation should apply to the management of infrastructure capacity for the operation of other

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			capacity for the operation of other services, such as passenger and freight trains. **Moreover, under the Canterbury Treaty and the Concession Agreement, the concessionaires have the obligation to comply with the provisions of that agreement, with the laws and regulations in force in France and in the United-Kingdom and with EU rules applicable to the construction and operation of the Channel Fixed Link. The French and the British Governments have the obligation to endeavour to coordinate between them and take such steps, including approaches to international organisations, as are necessary in particular for the operation of the Channel Fixed Link in accordance with the Concession Agreement. Therefore, the application of certain provisions of this Regulation to the infrastructure of the Channel Fixed Link should be excluded where such application presents**	services, such as passenger and freight trains. Moreover, under the Canterbury Treaty and the Concession Agreement, the concessionaires have the obligation to comply with the provisions of that agreement, with the laws and regulations in force in France and in the United-Kingdom and with EU rules applicable to the construction and operation of the Channel Fixed Link. The French and the British Governments have the obligation to endeavour to coordinate between them and take such steps, including approaches to international organisations, as are necessary in particular for the operation of the Channel Fixed Link in accordance with the Concession Agreement. Therefore, the application of certain provisions of this Regulation to the infrastructure of the Channel Fixed Link should be excluded where such application presents a risk of conflict with the application of the law in force in the United Kingdom. This is the case of the provision defining

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			a risk of conflict with the application of the law in force in the United Kingdom. This is the case of the provision defining threshold values for highly utilised or congested infrastructure.	threshold values for highly utilised or congested infrastructure.
Recital 6b				
16b			**(6b) When implementing this Regulation with respect to a portion of the Union rail network where capacity is continuously available and no relevant change is expected to arise in the short or mid-term or with respect to a portion of the Union rail network that is geographically isolated by the sea from the rest of the Union rail network, for which there is no concrete need to coordinate with other Member States or infrastructure managers managing infrastructure located in other Member States, Member States and infrastructure managers should be able to follow a pragmatic and proportionate approach in order to avoid disproportionate costs and administrative burden,**	(6b) When implementing this Regulation ~~*with respect to a portion of the Union rail network where capacity is continuously available and no relevant change is expected to arise in the short or mid-term or*~~ with respect to a portion of the Union rail network that is geographically isolated by the sea from the rest of the Union rail network, for which there is no concrete need to coordinate with other Member States or infrastructure managers managing infrastructure located in other Member States, ***and where capacity is continuously available with no relevant change expected to arise in the short or mid-term,*** Member States and infrastructure managers should be able to follow a pragmatic and proportionate approach in order to avoid

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			while abiding with the obligations laid down in this Regulation.	disproportionate costs and administrative burden, while abiding with the obligations laid down in this Regulation.
Recital 6c				
R 16c			**(6c) This Regulation should not prevent Member States from adopting measures necessary to safeguard essential security or defence interests and to ensure that military have sufficient access to railway infrastructure.**	(6c) This Regulation should not prevent Member States from adopting measures necessary to safeguard essential security or defence interests and to ensure that military have sufficient access to railway infrastructure. R
Recital 6d				
R 16d			**(6d) Transport infrastructure is the backbone of the economy and society as a whole. Some rail infrastructure is critical to ensure the good functioning of vital societal functions and has a strategic significance for national security. In certain cases, granting capacity rights to an applicant could compromise public security or public order in the Union, including at Member State level, for example where a railway undertaking intends to transport on the railway infrastructure of a Member States dangerous goods**	(6d) ~~*Transport infrastructure is the backbone of the economy and society as a whole.*~~ Some rail infrastructure is critical to ensure the good functioning of vital societal functions and has a strategic significance for national security. In certain cases, granting capacity rights to an applicant could compromise public security or public order in the Union, including at Member State level, for example where a railway undertaking intends to transport on the railway infrastructure of a Member States dangerous goods or weapons having illegally R

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			or weapons having illegally entered the Union. In order to guarantee smooth, safe and secure rail transport traffic and to ensure the protection of their rail transport infrastructure, Member States should be allowed to require infrastructure managers to refuse to grant, or to withdraw, capacity rights to an applicant where the access to their infrastructure presents a risk for public order or public security, including to national security and defence. Any such decision should be duly justified and strictly necessary and proportionate to the objective pursued, taking also into account the impacts of that decision on competition and on the continuity of the supply chains, in particular for the supply of critical inputs, and where the requested capacity right constitutes a multi-network capacity right. When assessing the risk for public security or public order, the Member State concerned may take into account, among others,	entered the Union. In order to guarantee smooth, safe and secure rail transport traffic and to ensure the protection of their rail transport infrastructure, Member States should be allowed to require infrastructure managers to refuse to grant, or to withdraw, capacity rights to an applicant where the access to their infrastructure presents a risk for public order or public security, including to national security and defence. Any such decision should be duly justified and strictly necessary and proportionate to the objective pursued, taking also into account the impacts of that decision on competition and on the continuity of the supply chains, in particular for the supply of critical inputs, and where the requested capacity right constitutes a multi-network capacity right. When assessing the risk for public security or public order, the Member State concerned may take into account, among others, the fact that the applicant is subject to restrictive measures adopted by the Union and the reasons for adopting such measures, that it is owned or

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			the fact that the applicant is subject to restrictive measures adopted by the Union and the reasons for adopting such measures, that it is owned or effectively controlled by, or acts on behalf or at the direction of, a person or an entity subject to restrictive measures adopted by the Union, or that the applicant or that person or entity is engaged in illegal activities or in activities facilitating the development of a third country's military capabilities presenting a threat to the Member State's national security. Such decision should be regularly reviewed by the Member State, in particular by assessing regularly whether it continues to be justified and proportionate. The Member State should inform the Commission, the regulatory body and, for multi-network capacity rights, the other Member States concerned of the decision adopted and the reasons thereof and should coordinate with those other Member States in case those	effectively controlled by, or acts on behalf or at the direction of, a person or an entity subject to restrictive measures adopted by the Union, or that the applicant or that person or entity is engaged in illegal activities or in activities facilitating the development of a third country's military capabilities presenting a threat to the Member State's national security. Such decision should be regularly reviewed by the Member State, in particular by assessing regularly whether it continues to be justified and proportionate. The Member State should inform the Commission, the regulatory body and, for multi-network capacity rights, the other Member States concerned of the decision adopted and the reasons thereof and should coordinate with those other Member States in case those latter raise concerns with the decision adopted.

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			latter raise concerns with the decision adopted.	
Recital 6e				
16e				***(6e) Member States should have the right to provide the infrastructure manager with strategic guidance, to ensure that the planning and use of rail capacity is consistent with their general objectives and policy orientations. In particular, Member States should be able to require that the infrastructure managers implement specific timetable designs such as integrated clock-face timetables; reserve minimum volumes of capacity for certain types of traffic; and reflect national circumstances and policy priorities in the parameters of the methodology for capacity partitioning and conflict resolution. When doing so, Member States should respect the operational responsibilities of the infrastructure managers and make sure that they retain a sufficient operational margin to fulfil all their tasks and***

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				responsibilities set out in Article 2(3). A seperate recitals on strategic guidance, copying the text from (8).
Recital 6f				
16f				***(6f) Measures and policy orientations of Member states, having an impact on cross-border rail services, should be subject to coordination between Member States, to the extent possible in the context of existing fora, including by involving the European Coordinators and the Commission where relevant. This coordination should aim at ensuring consistency between Member States' strategic guidance and national requirements.***
Recital 7				
G 17	(7) The rules and procedures on the management of rail infrastructure capacity should reflect better the needs of all rail market segments. They should in particular take into account the necessity of long-term stability of available capacity for passenger	(7) The rules and procedures on the management of rail infrastructure capacity should ~~*reflect better*~~***consider and satisfy*** the needs of all rail market segments ***in a non-discriminatory way***. They should in particular take into account the necessity of	(7) The rules and procedures on the management of rail infrastructure capacity should reflect better the needs of all rail market segments. They should in particular take into account the necessity of long-term stability of available capacity for passenger	(7) The rules and procedures on the management of rail infrastructure capacity should ~~*reflect better*~~***consider and satisfy*** the needs of all rail market segments ***in a non-discriminatory way***. They should in particular take into account the necessity of G

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	services and of short-term flexibility for freight traffic to respond to market demand. Therefore, the process of managing capacity should no longer have a predominantly annual focus, but be arranged in three subsequent phases of strategic capacity planning; rail service scheduling and capacity allocation; and adaptation and rescheduling of capacity. The introduction of better defined and structured phases that provide for the possibility of long-term planning and short-term adaptation in capacity management, would particularly benefit services that are less easy to plan in advance or are more complex to arrange, such as freight trains and cross-border passenger trains.	long-term stability of available capacity for passenger services and of short-term flexibility for freight traffic to respond to market demand. Therefore, the process of managing capacity should no longer have a predominantly annual focus, but be arranged in three subsequent phases of strategic capacity planning; rail service scheduling and capacity allocation; and adaptation and rescheduling of capacity. The introduction of better defined and structured phases that provide for the possibility of long-term planning and short-term adaptation in capacity management, would particularly benefit services that are less easy to plan in advance or are more complex to arrange, such as freight trains and cross-border passenger trains***, including night trains***.	services**, including for services operated under public service obligations,** and of short-term flexibility for freight traffic to respond to market demand. Therefore, the process of managing capacity should no longer have a predominantly annual focus, but be arranged in three subsequent phases of strategic capacity planning; rail service scheduling and capacity allocation; and adaptation and rescheduling of capacity. The introduction of better defined and structured phases that provide for the possibility of long-term planning and short-term adaptation in capacity management, would particularly benefit services that are less easy to plan in advance or are more complex to arrange, such as freight trains and cross-border passenger trains.	long-term stability of available capacity for passenger services, including for services operated under public service obligations, and of short-term flexibility for freight traffic to respond to market demand. Therefore, the process of managing capacity should no longer have a predominantly annual focus~~,~~ but be arranged in three subsequent phases of strategic capacity planning; rail service scheduling and capacity allocation; and adaptation and rescheduling of capacity. The introduction of better defined and structured phases that provide for the possibility of long-term planning and short-term adaptation in capacity management, would particularly benefit services that are less easy to plan in advance or are more complex to arrange, such as freight trains and cross-border passenger trains***, including night trains***. Provisionally agreed by email 3/11 Move recitals (9) and (10) after recital (7)
Recital 8				

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18	(8) An increasing portion of the Union rail network is either congested or close to congested and cannot accommodate the needs for rail infrastructure capacity of all applicants and support further growth in the volume of rail transport. Infrastructure development and digitalisation, in compliance with the technical specification for interoperability developed under Directive (EU) 2016/797 of the European Parliament and of the Council, in particular the European Rail Traffic Management System ('ERTMS'), is expected to result in an increase of available capacity in the medium to long term. Nevertheless, infrastructure managers will be required to assign priorities for the use of congested sections. Without prejudice to general principles on priority set out by Member States in the framework for the allocation of infrastructure capacity, infrastructure managers should take decisions on priorities using transparent and harmonised methodologies which clarify how	(8) An increasing portion of the Union rail network is either congested or close to congested and cannot accommodate the needs for rail infrastructure capacity of all applicants and support further growth in the volume of rail transport. Infrastructure development and digitalisation, in compliance with the technical specification for interoperability developed under Directive (EU) 2016/797 of the European Parliament and of the Council[2], in particular the European Rail Traffic Management System ('ERTMS'), is expected to result in an increase of available capacity in the medium to long term. Nevertheless, infrastructure managers will be required to assign priorities for the use of congested sections. Without prejudice to general principles on priority set out by Member States in the framework for the allocation of infrastructure capacity, infrastructure managers should take decisions on priorities using transparent and harmonised methodologies which clarify how	(8) An increasing portion of the Union rail network is either congested or close to congested and cannot accommodate the needs for rail infrastructure capacity of all applicants and support further growth in the volume of rail transport. Infrastructure development and digitalisation, in compliance with the technical specification for interoperability developed under Directive (EU) 2016/797 of the European Parliament and of the Council, in particular the European Rail Traffic Management System ('ERTMS'), is expected to result in an increase of available capacity in the medium to long term. Nevertheless, infrastructure managers ~~will be required to~~**should** assign priorities for the use of **highly utilised or** congested sections. ~~Without prejudice to general principles on priority set out by~~ Member States ~~in the framework for the allocation of~~**should have the right to provide the** infrastructure **manager with strategic guidance, to ensure that the**	(8) An increasing portion of the Union rail network is either congested or close to congested and cannot accommodate the needs for rail infrastructure capacity of all applicants and support further growth in the volume of rail transport. Infrastructure development and digitalisation, in compliance with the technical specification for interoperability developed under Directive (EU) 2016/797 of the European Parliament and of the Council, in particular the European Rail Traffic Management System ('ERTMS'), is expected to result in an increase of available capacity in the medium to long term. Nevertheless, infrastructure managers ~~*should assign priorities*~~***are unlikely to be able to satisfy all capacity requests*** for the use of highly utilised or congested ~~*sections. Member States should have the right to provide the*~~ infrastructure ~~*manager with strategic guidance, to ensure that the*~~***and should rely on sound*** planning ***to anticipate needs, provide early indications to***

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	social, economic and environmental factors have been taken into account and affect their decision.	social, economic and environmental factors have been taken into account and affect their decision. ***These socio-economic and environmental criteria should be based on accepted methods and best available knowledge. Therefore, the Commission should be empowered to adopt a delegated act setting out the procedures, criteria and methodologies. When preparing that delegated act, the Commission should cooperate with European Network of Infrastructure Managers (ENIM) and European Union Agency for Railways (ERA) established by Regulation (EU) 2016/796.*** ***2. Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1).***	**planning and use of rail** capacity, **in particular on highly utilised or congested sections, is consistent with their general objectives and policy orientations, while respecting the operational responsibilities of the infrastructure manager.** Infrastructure managers should ~~take decisions on priorities using~~**assess the utilisation of rail infrastructure capacity on the basis of objective,** transparent and ~~harmonised methodologies which clarify how social, economic and environmental factors have been taken into~~**appropriate procedures and methods, taking utmost** account ~~and affect their decision~~**of the common method to be developed by ENIM. The Commission should be empowered to define, by means of an implementing act, the general key principles of the method to be developed by ENIM. When adopting this act, the Commission should refrain from defining the detailed elements to be included in that method.**	***applicants, and facilitate allocation of*** ~~*and use of rail*~~ capacity~~*, in particular on highly utilised or congested sections, is consistent with their general objectives and policy orientations, while respecting the operational responsibilities of the infrastructure manager*~~. ~~*Infrastructure managers should assess the utilisation of rail infrastructure capacity on the basis of objective, transparent and appropriate procedures and methods, taking utmost account of the common method to be developed by ENIM. The Commission should be empowered to define, by means of an implementing act, the general key principles of the method to be developed by ENIM. When adopting this act, the Commission should refrain from defining the detailed elements to be included in that method.*~~ Part on the criteria moved to recitals 8a and 8aa There is no need to mention the implementing act: this is part of the package on Article 70b; the method,

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				parameters and standard values are to be included in the EU framework
Recital 8a				
18a			**(8a) In order to ensure optimum use of rail infrastructure capacity, socioeconomic, operational and environmental criteria should be taken into account during the planning and allocation process, in particular when assessing alternative partitioning options where an element of infrastructure has been declared as being highly utilised or congested and for conflict resolution purposes. In particular, the European Network of Infrastructure Managers (ENIM), established under Directive 2012/34/EU, should base itself on such criteria for the purposes of defining procedures for the assessment of the alternative partitioning options and for conflict resolution. Those procedures should, to the extent possible, be simple and defined in a general manner, allowing**	(8a) In order to ensure optimum use of rail infrastructure capacity, socioeconomic, operational and environmental criteria should be taken into account during the planning and allocation process, in particular when assessing alternative partitioning options ~~where~~***on*** an element of infrastructure ~~has been declared as being~~***that is*** highly utilised or congested and for conflict resolution purposes. ~~In particular, the European Network of Infrastructure Managers (ENIM), established under Directive 2012/34/EU, should base itself on such criteria for the purposes of defining procedures for the assessment of the alternative partitioning options and for conflict resolution. Those procedures should, to the extent possible, be simple and defined in a general manner, allowing their application in most circumstances.~~ Sec & Nod / Elem of Infra / Routes

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			their application in most circumstances.	
Recital 8b				
18b				***(8b) ENIM should provide guidance on how to establish a common objective, transparent and non-discriminatory methodology, based on socio-economic, operational and environmental criteria for partitioning and allocating capacity. As this is a new methodology for deciding on partitioning or conflict resolution and it will be important to set the values of the parameters at the correct level, the application of the operational, socio-economic and environmental criteria should be tested and calibrated by ENIM before being applied.***
Recital 8c				
18c				***(8c) The infrastructure manager shall, where relevant, adjust the standard parameter values to take into account local or national circumstances based on accepted approaches and empirical evidence.***
Recital 8d				

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R 18d		***(8b) Existing rail infrastructure capacity is not sufficient for reaching Union's 2030 and 2050 shift-to-rail objectives. In fact, between 1990 and 2021 the railway network in the Union shrank by over 12,000 km. Achieving the Union's modal shift objectives primarily hinges on increasing rail efficiency and bolstering rail capacity, the latter necessitating investments for the maintenance, renewal and new construction of rail infrastructure. This includes leveraging national budgets, the Connecting Europe Facility (CEF) established by Regulation (EU) 2021/1153 of the European Parliament and of the Council[33], and private investments to address crucial missing links and alleviate bottlenecks, as well as obtaining appropriate levels of funding for maintenance. In particular, Member States should prevent the degrading of rail infrastructure and should minimise the impact of possible capacity restrictions by ensuring adequate, stable and timely long-term funding via multiannual***		*deleted* R

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		performance agreements that should be concluded between Member State and the infrastructure manager for the period of at least five years.		
		3. Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (OJ L 249, 14.7.2021, p. 38).		
Recital 9				
19	*(9)* The strategic planning of capacity should improve the utilisation of rail infrastructure by anticipating demand for rail services and taking into account planned infrastructure development, renewal and maintenance. It should ensure that rail infrastructure capacity is allocated in a way that maximises the value of rail services for society. Infrastructure managers should ensure that strategic planning provides progressively increasing level of details about available capacity and that it is the basis for the capacity allocation.	(9) The strategic planning of capacity should improve the utilisation of rail infrastructure by anticipating demand for rail services and taking into account planned infrastructure development, renewal and maintenance. It should ensure that rail infrastructure capacity is allocated in a way that maximises the value of rail services for society ***taking into account socio-economic and environmental impacts***. Infrastructure managers should ensure that strategic planning provides progressively increasing level of details about available capacity and that it is the basis for the capacity allocation.	(9) The strategic planning of capacity **by infrastructure managers** should improve the utilisation of rail infrastructure by anticipating demand for rail services**, including by analysing expected transport market developments,** and taking into account planned infrastructure development, renewal and maintenance. It should ensure that rail infrastructure capacity is allocated in a way that maximises the value of rail services for society. Infrastructure managers should ensure that strategic planning provides progressively increasing level of details about	(9) The strategic planning of capacity by infrastructure managers should improve the utilisation of rail infrastructure by anticipating demand for rail services, including by analysing expected transport market developments, and taking into account planned infrastructure development, renewal and maintenance. It should ensure that rail infrastructure capacity is allocated in a way that maximises the value of rail services for society. Infrastructure managers should ensure that strategic planning provides progressively increasing level of details about available capacity and that it is the

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		Applicants, European Railway Platform (ERP), customers of rail transport services and their associations, Union and national public authorities should be consulted during the strategic planning, and they should have an opportunity to provide input on study "the Analysis of expected transport market developments as referred to in Article 15" and to offer independent comments on the findings.	available capacity and that it is the basis for the capacity allocation.	basis for the capacity allocation. ***Infrastructure managers should consult the operational stakeholders throughout all phases of strategic capacity planning.***
Recital 10				
G 20	(10) To ensure that capacity is available for allocation for different rail market segments and in particular for freight and cross-border rail services, infrastructure managers should be allowed to pre-plan the use of capacity on congested or highly utilised sections of the rail network and to extend such planning to other sections of the network if deemed necessary. This pre-planning of capacity should take into account the different methods for capacity allocation and the characteristics of different rail market segments.	(10) To ensure that capacity is available for allocation for different rail market segments and in particular for freight and cross-border rail services, infrastructure managers should be allowed to pre-plan the use of capacity on congested or highly utilised sections of the rail network and to extend such planning to other sections of the network if deemed necessary. This pre-planning of capacity should take into account the different methods for capacity allocation and the characteristics of different rail market segments.	(10) To ensure that capacity is available for allocation for different rail market segments and in particular for freight and cross-border rail services, infrastructure managers should be allowed to pre-plan the use of capacity on congested or highly utilised sections of the rail network and to extend such planning to other sections of the network if deemed necessary. This pre-planning of capacity should take into account the different methods for capacity allocation and the characteristics of different rail market segments.	(10) To ensure that capacity is available for allocation for different rail market segments and in particular for freight and cross-border rail services, infrastructure managers should be allowed to pre-plan the use of capacity on congested or highly utilised ~~*sections*~~***infrastructure*** of the rail network and to extend such planning to other sections of the network if deemed necessary. This pre-planning of capacity should take into account the different methods for capacity allocation and the characteristics of different G

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	It should allow for better utilisation of rail infrastructure by grouping trains with similar performance characteristics in the capacity allocation phase.	It should allow for better utilisation of rail infrastructure by grouping trains with similar performance characteristics in the capacity allocation phase.	It should allow for better utilisation of rail infrastructure by grouping trains with similar performance characteristics in the capacity allocation phase.	rail market segments. It should allow for better utilisation of rail infrastructure by grouping trains with similar performance characteristics in the capacity allocation phase. Sec & Nod / Elem of Infra / Routes
Recital 11				
21	(11) When allocating capacity, infrastructure managers should adhere to the strategic plans for the supply of capacity and at the same time ensure that capacity is allocated in accordance with market demand in a fair and non-discriminatory way. For that purpose, some capacity requests may be refused and the plan for the supply of capacity must be regularly updated to reflect the actual demand.	(11) When allocating capacity, infrastructure managers should adhere to the strategic plans for the supply of capacity and at the same time ensure that capacity is allocated in accordance with market demand in a fair and non-discriminatory way. For that purpose, some capacity requests may be ***offered alternative capacity or, if no other possibility exists,*** refused and the plan for the supply of capacity must be regularly updated to reflect the actual demand.	(11) When allocating capacity, infrastructure managers should adhere to ~~the~~**their** strategic ~~plans~~**planning** for the supply of capacity ~~and~~**while** at the same time ~~ensure~~**ensuring** that capacity is allocated in accordance with market demand in a fair and non-discriminatory way. For that purpose, some capacity requests may be refused**, including when applying the conflict resolution mechanisms,** and the plan for the supply of capacity ~~must be regularly~~**should be continuously** updated to reflect the ~~actual demand~~**available capacity**. **Conflict resolution mechanisms should take into account the different methods for capacity allocation and the**	(11) When allocating capacity, infrastructure managers should adhere to their strategic planning for the supply of capacity while at the same time ensuring that capacity is allocated in accordance with market demand in a fair and non-discriminatory way. For that purpose, some capacity requests may be refused, including when applying the conflict resolution mechanisms, and the plan for the supply of capacity should be continuously updated to reflect the available capacity. Conflict resolution mechanisms should take into account the different methods for capacity allocation and the characteristics of different rail market segments.

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			characteristics of different rail market segments.	
Recital 11a				
21a		***(11a) In several national rail markets, the infrastructure manager is part of a vertically integrated holding company with one or more passenger and freight transport operators. While allocating capacity to these rail undertakings, it is of the upmost importance for the proper functioning of the market that capacity is allocated in a fair, reasonable and non-discriminatory way. In particular, sensitive information shared with the infrastructure manager as part of the capacity allocation process should be considered as confidential.***		***(11a) Member States should be allowed to set parameter values for the application of the operational, socio-economic and environmental criteria in the methodology for capacity partitioning and the methodology for formal conflict resolution in accordance with their strategic guidance. As this is a new methodology for deciding on partitioning or conflict resolution and it will be important to set the values of the parameters at the correct level, the application of the operational, socio-economic and environmental criteria should be tested and calibrated by ENIM before being applied.*** Agreed at 3rd trilogue Suggestion to insert this text in recital (8b) and (8c). This line would then be deleted.
Recital 12				
22	(12) Different rail market segments have different abilities to	(12) Different rail market segments have different abilities to	(12) Different rail market segments have different abilities to	(12) Different rail market segments have different abilities to

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	anticipate their rail infrastructure capacity needs. Some freight service providers, in particular, may not be able to identify their capacity needs in time to be included in the working timetable, that is in the annual plan for train and rolling-stock movement, and may not fit in its annual schedule. Therefore, infrastructure managers should be able to offer capacity of sufficient quality and quantity also for rail services that have unstable demand, are organised on relatively short notice, include more than a single train run, and may run repeatedly for a period of time that may not coincide with the duration of the working timetable period.	anticipate their rail infrastructure capacity needs. Some freight service providers, in particular, may not be able to identify their capacity needs in time to be included in the working timetable, ~~*that*~~***which*** is in the annual plan for train and rolling-stock movement, and may not fit in its annual schedule. Therefore, infrastructure managers should be able to offer capacity of sufficient quality and quantity also for rail services that have unstable demand, are organised on relatively short notice, include more than a single train run, and may run repeatedly for a period of time that may not coincide with the duration of the working timetable period. ***This type of capacity offer could also be offered in a package of minimum pre-calculated unreserved train paths that can then be allocated at short notice.***	anticipate their rail infrastructure capacity needs. Some freight service providers, in particular, may not be able to identify their capacity needs in time to be included in the working timetable, that is in the annual plan for train and rolling-stock movement, and may not fit in its annual schedule. Therefore, infrastructure managers should be able to offer capacity of sufficient quality and quantity also for rail services that have unstable demand, are organised on relatively short notice, include more than a single train run, and may run repeatedly for a period of time that may not coincide with the duration of the working timetable period.	anticipate their rail infrastructure capacity needs. Some freight service providers, in particular, may not be able to identify their capacity needs in time to be included in the working timetable, ~~*that*~~***which*** is in the annual plan for train and rolling-stock movement, and may not fit in its annual schedule. Therefore, infrastructure managers should be able to offer capacity of sufficient quality and quantity also for rail services that have unstable demand, are organised on relatively short notice, include more than a single train run, and may run repeatedly for a period of time that may not coincide with the duration of the working timetable period. ***For this purpose, it should be possible to reserve capacity for train paths that can then be allocated at short notice.***
Recital 12a				
22a		***(12a) Different practises for timetable planning are used in Member States and these concepts should be taken into account in the strategic capacity***		*deleted* *Integrated in (6f)*

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		planning. These practises require increased coordination between infrastructure managers across borders, in particular when the infrastructure manager pre-plan capacity by using integrated clock-face timetables.		
Recital 13				
G *23*	*(13)* Applicants for rail infrastructure capacity should be able to plan and request rail infrastructure capacity on an annual basis through the working timetable. Applicants should also be able to request rail infrastructure capacity with greater advance for stable, multi-annual rail services through framework agreements. Finally, applicants should be able to request capacity close to the time of operation for individual trains through ad hoc capacity requests or for repeated train services through rolling planning requests.	(13) Applicants for rail infrastructure capacity should be able to plan and request rail infrastructure capacity on an annual basis through the working timetable. Applicants should also be able to request rail infrastructure capacity with greater advance for stable, multi-annual rail services through framework agreements. Finally, applicants should be able to request capacity close to the time of operation for individual trains through ad hoc capacity requests or for repeated train services through rolling planning requests.	(13) Applicants for rail infrastructure capacity should be able to plan and request rail infrastructure capacity on an annual basis through the working timetable. Applicants should also be able to request rail infrastructure capacity with greater advance for stable, multi-annual rail services through framework agreements. Finally, applicants should be able to request capacity close to the time of operation for individual trains through ad hoc capacity requests or for repeated train services through rolling planning requests. **Since rolling planning is particularly convenient for rail freight services, given their caracteristics, allocation of capacity through the rolling**	(13) Applicants for rail infrastructure capacity should be able to plan and request rail infrastructure capacity on an annual basis through the working timetable. Applicants should also be able to request rail infrastructure capacity with greater advance for stable, multi-annual rail services through framework agreements. Finally, applicants should be able to request capacity close to the time of operation for individual trains through ad hoc capacity requests or for repeated train services through rolling planning requests. Since rolling planning is particularly convenient for rail freight services, given their ~~*caracteristics*~~***characteristics***, allocation of capacity through the rolling planning process should G

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			planning process should concern at least rail freight services.	concern at least rail freight services. Provisionally agreed by email 3/11
Recital 14				
24	(14) A significant share of rail freight transport is long-distance and requires cross-border coordination of infrastructure managers. The policy goal of increasing rail traffic also relies on growing cross-border passenger services. To facilitate and promote an increasing cross-border traffic in the single European railway area, it is necessary to ensure greater consistency and harmonisation of the rules and procedures on the management of rail infrastructure capacity. Accordingly, the role of the European Network of Infrastructure Manager should be strengthened with a view to entrusting it with the development of guidelines for the harmonised implementation of this Regulation on procedures and methodologies for the management of rail infrastructure capacity and with the active coordination of cross-	(14) A significant share of rail freight transport is long-distance and requires cross-border coordination of infrastructure managers. The policy goal of increasing rail traffic also relies on growing cross-border passenger services. To facilitate and promote an increasing cross-border traffic in the single European railway area, it is necessary to ensure greater consistency and harmonisation of the rules and procedures on the management of rail infrastructure capacity. Accordingly, the role of the European Network of Infrastructure Manager should be strengthened with a view to entrusting it with the development of guidelines for the harmonised implementation of this Regulation on procedures and methodologies for the management of rail infrastructure capacity and with the active coordination of cross-	(14) A significant share of rail freight transport is long-distance and requires cross-border coordination of infrastructure managers. The policy goal of increasing rail traffic also relies on growing cross-border passenger services. To facilitate and promote an increasing cross-border traffic in the single European railway area, it is necessary to ensure greater consistency ~~and harmonisation~~ of the rules and procedures on the management of rail infrastructure capacity **and a harmonised approach**. Accordingly, the role of ~~the European Network of Infrastructure Manager~~**ENIM** should be strengthened ~~with a view to~~**by** entrusting it with the development of guidelines ~~for the harmonised~~**with a view of enhancing a consistent** implementation of this Regulation on procedures and methodologies	(14) A significant share of rail freight transport is long-distance and requires cross-border coordination of infrastructure managers. The policy goal of increasing rail traffic also relies on growing cross-border passenger services. To facilitate and promote an increasing cross-border traffic in the single European railway area, it is necessary to ensure greater consistency ***and harmonisation*** of the rules and procedures on the management of rail infrastructure capacity***, while relying on the sector's experience and expertise for their definition*** ~~*and a harmonised approach*~~. Accordingly, the role of ENIM should be strengthened by entrusting it with the development of guidelines ~~*with a view of enhancing a consistent*~~***to enable the uniform*** implementation of this Regulation ~~*on*~~***'s*** procedures and methodologies for the

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	border capacity and traffic. In particular, the European Network of Infrastructure Managers should develop European frameworks for capacity management, for the coordination of cross-border traffic management, disruption management and crisis management, and for performance review.	border capacity and traffic. In particular, the European Network of Infrastructure Managers should develop European frameworks for capacity management, for the coordination of cross-border traffic management, disruption management and crisis management, and for performance review. ***Railway undertakings, applicants and other operational stakeholders should also be consulted in the development of these European frameworks.***	for the management of rail infrastructure capacity and with the active coordination of cross-border capacity and traffic. In particular, ~~the European Network of Infrastructure Managers~~**ENIM** should develop European frameworks for capacity management, for the coordination of cross-border traffic management, disruption management and crisis management, and for performance review.	management of rail infrastructure capacity and ~~*with*~~ the active coordination of cross-border capacity and traffic. In particular, ENIM should develop European frameworks for capacity management, for the coordination of cross-border traffic management, disruption management and crisis management, and for performance review. ***Railway undertakings, applicants and other operational stakeholders should be consulted in the development of these European frameworks.*** Provisionally agreed in ITM 32
Recital 15				
25	(15) The European frameworks developed by the European Network of Infrastructure Manager should provide guidelines that infrastructure manager should make the utmost efforts to follow, while retaining responsibility for their operational decisions. Infrastructure managers should motivate any deviation from the frameworks developed by European Network of	(15) The European frameworks developed by the European Network of Infrastructure Manager should provide guidelines that infrastructure manager should make the utmost efforts to follow, while retaining responsibility for their operational decisions. Infrastructure managers should ~~*motivate*~~***justify*** any deviation from the frameworks developed by European Network	(15) The European frameworks developed by ~~the European Network of Infrastructure Manager~~**ENIM** should provide guidelines**, including common principles and procedures,** that infrastructure manager should make the utmost efforts to follow~~,~~**.** While ~~retaining~~**those frameworks and elements contained therein should be non-binding and infrastructure managers should**	(15) The European frameworks developed by ENIM should provide guidelines, including common principles and procedures, that ***enable the*** infrastructure ~~*manager should make the utmost efforts to follow*~~***managers' uniform implementation of this regulation across the Single European Rail Area***. While those frameworks and elements contained therein should

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	Infrastructure Manager. This approach is considered to strike the balance between the needs of coordination and application of harmonised approaches in the single European railway area, and the need for adapting procedures and methodologies to the specific circumstances of given geographical areas. After five years of application of this Regulation, the Commission should assess whether the state of convergence of procedures and methodologies and the effectiveness of the coordination process between infrastructure managers, as well as the general progress towards the establishment of the single European railway area, warrant the introduction of secondary legislation to replace elements the European frameworks developed by the European Network of Infrastructure Manager.	of Infrastructure Manager***, which should only be allowed in exceptional cases and be subject to approval by the national rail regulatory body***. This approach is considered to strike the balance between the needs of coordination and application of harmonised approaches in the single European railway area, and the need for adapting procedures and methodologies to the specific circumstances of given geographical areas. After five years of application of this Regulation, the Commission should assess whether the state of convergence of procedures and methodologies and the effectiveness of the coordination process between infrastructure managers, as well as the general progress towards the establishment of the single European railway area, warrant the introduction of secondary legislation to replace elements the European frameworks developed by the European Network of Infrastructure ~~*Manager*~~***Managers***.	**retain** responsibility for their operational decisions~~.~~**,** infrastructure managers should ~~motivate~~**explain** any deviation from ~~the~~**those** frameworks ~~developed by European Network of Infrastructure Manager~~**, as provided in this Regulation**. This approach ~~is considered~~**allows** to strike the balance between the needs of coordination and application of harmonised approaches in the single European railway area, and the need for adapting procedures and methodologies to the specific circumstances of given geographical areas. After ~~five~~**ten** years of application of this Regulation, the Commission should**, when evaluating the implementation of this Regulation,** assess whether the state of convergence of procedures and methodologies and the effectiveness of the coordination process between infrastructure managers, as well as the general progress towards the establishment of the single European railway area, warrant the ~~introduction of secondary legislation~~**modification**	be non-binding and infrastructure managers should retain responsibility for their operational decisions, infrastructure managers ***are nevertheless expected to follow the frameworks unless specific circumstances justify departing from them. In such cases, infrastructure managers*** should ***act in accordance with the principle 'comply or*** explain***' and should motivate the reason for*** any deviation from those frameworks~~*, as provided in this Regulation*~~. This approach allows to strike the balance between the needs of coordination and application of harmonised approaches in the single European railway area, and the need for adapting procedures and methodologies to the specific circumstances of given geographical areas. ~~*After ten years of*~~***Recognising the possibility that ENIM might not find an agreement on common principles and procedures that are fit for purpose, as well as the risk that, in the event of agreement, extensive deviations from their*** application ***undermine the***

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			of this Regulation to provide for binding rules to replace elements **of** the European frameworks developed by ~~the European Network of Infrastructure Manager~~**ENIM**.	***uniform implementation*** of this regulation, the Commission should~~, when evaluating the~~ ***adopt [implementing/delegated] acts setting out binding rules for the European frameworks or their elements in cases where ENIM fails to develop the European frameworks, or these are inadequate to meet their intended objectives, or they are not sufficient to ensure the conditions for the uniform*** implementation of this regulation~~, assess whether the state of convergence of procedures and methodologies and the effectiveness of the coordination process between infrastructure managers, as well as the general progress towards the establishment of the single European railway area, warrant the modification of this Regulation to provide for binding rules to replace elements of the European frameworks developed~~. ***In preparing those [implementing/delegated] acts, the Commission should take into account any work carried out*** by ENIM ***and, where available, the***

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				report from the Advisory Performance Panel.
Recital 15a				
25a			**(15a) ENIM should designate a Network Coordinator to carry out support and operational tasks. Given the experience and contribution of RailNetEurope (RNE) to improve the management of rail infrastructure capacity, this non-profit association should be considered by ENIM for the designation of the Network Coordinator.**	(15a) ENIM should designate a Network Coordinator to carry out support and operational tasks. ~~*Given the experience and contribution of RailNetEurope (RNE) to improve the management of rail infrastructure capacity, this non-profit association should be considered by ENIM for the designation of the Network Coordinator.*~~ Consider to move after (21)
Recital 15b				
G 25b		***(15a) To ensure a seamless European rail network and to enhance cross-border and multi-network rail traffic for both freight and passenger transport, new tasks should be assigned to the ERA. ERA should cooperate closely with ENIM and the Network Coordinator in the delivery of its new tasks.***		*deleted* *Provisionally agreed in ITM 32* G
Recital 15c				
G *25c*		***(15b) ERA's resources are insufficient given the extent of***		*deleted* G

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		the proposed increase in the Agency's tasks and the scale of the Union's ambitions within this Regulation. Thus, the amount of the financial resources dedicated to the performance of ERA tasks under this Regulation should be drawn from the unallocated margins under Multiannual Financial Framework (MFF) ceilings or mobilised through the non-thematic MFF special instruments. Since the Commission proposal for MFF revision did not reinforce ERA budget, the increase in appropriations for ERA cannot be offset by a compensatory reduction of programmed spending under CEF Transport or lead to a reduction of the funding for any other Union programmes.		*Provisionally agreed in ITM 32*
Recital 16				
G *26*	*(16)* The rules on management of cross-border rail traffic under normal conditions and in the case of disturbances should promote smooth, resilient and seamless operation of rail transport services. They should provide for a system	(16) The rules on management of cross-border rail traffic under normal conditions and in the case of disturbances should promote smooth, resilient and seamless operation of rail transport services. They should provide for a system	(16) The rules on management of cross-border rail traffic under normal conditions and in the case of disturbances should promote smooth, resilient and seamless operation of rail transport services. They should provide for a system	(16) The rules on management of cross-border rail traffic under normal conditions and in the case of disturbances should promote smooth, resilient and seamless operation of rail transport services. They should provide for a system G

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	of structured coordination between infrastructure managers and other stakeholders.	of structured coordination between infrastructure managers and other stakeholders.	of structured coordination between infrastructure managers and other stakeholders.	of structured coordination between infrastructure managers and other stakeholders.
Recital 17				
27	(17) The operation of railway infrastructure not only requires close cooperation between infrastructure managers, but also a strong interaction with railway undertakings and other stakeholders directly involved in rail and multimodal transport and logistic operations. Therefore, it is necessary to provide for structured coordination between infrastructure managers and other stakeholders.	(17) The operation of railway infrastructure not only requires close cooperation between infrastructure managers, but also a strong interaction with railway undertakings and other stakeholders directly involved in rail and multimodal transport and logistic operations. Therefore, it is necessary to provide for structured coordination between infrastructure managers and other stakeholders. ***To strengthen the role of Railway Undertakings and applicants, ERP is established as a consultative body to ENIM. Operators of service facilities and terminals, multimodal capacity stakeholder, such as sea and inland waterway ports and owners of other rail-related service facilities, might also be part of ERP. ENIM should consult ERP before preparing adoption of the European frameworks for Capacity Management, Traffic***	(17) The operation of railway infrastructure not only requires close cooperation between infrastructure managers, but also a strong interaction with railway undertakings and other stakeholders directly involved in rail and multimodal transport and logistic operations. Therefore, it is necessary to provide for structured coordination between infrastructure managers and other stakeholders.	(17) The operation of railway infrastructure not only requires close cooperation between infrastructure managers, but also a strong interaction with railway undertakings and other stakeholders directly involved in rail and multimodal transport and logistic operations. Therefore, it is necessary to provide for structured coordination between infrastructure managers and other stakeholders. ***To organise the input from the operational stakeholders, they can organise themselves in the European Railway Platform (ERP). ERP should facilitate the exchanges and consultations between the operational stakeholders and ENIM, in particular when ENIM is preparing the European frameworks. ERP could provide ENIM with a closer view on market developments and it could also issue own initiative opinions.***

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		Management and Performance Management. Furthermore, ERP could provide ENIM with a closer view on market developments and it could also issue own initiative opinions on any proposals or decisions by ENIM and ERA.		
Recital 18				
28	(18) Reliability of rail services is one of the aspects most valued by railway customers. Reliability of schedules is also a critical aspect for the smooth functioning of the rail system, where there are strong interactions between services and network externalities. For that reason, deviations from the schedule should be kept to the minimum. Additionally, a system of adequate incentives should be introduced to promote the fulfilment of commitments by infrastructure managers, railway undertakings and other relevant stakeholders. Those incentives should be both of economic and non-economic nature.	(18) Reliability of rail services is one of the aspects most valued by railway customers***, and not least a critical requirement of the re-emerging night train market, where rail customers and applicants need to know well in advance how their services can run***. Reliability of schedules is also a critical aspect for the smooth functioning of the rail system, where there are strong interactions between services and network externalities. For that reason, deviations from the schedule should be kept to the minimum. Additionally, a system of adequate incentives should be introduced to promote the fulfilment of commitments by infrastructure managers, railway undertakings***, operators of service facilities*** and other relevant	(18) Reliability of rail services is one of the aspects most valued by railway customers. Reliability of schedules is also a critical aspect for the smooth functioning of the rail system, where there are strong interactions between services and network externalities. For that reason, deviations from the schedule should be kept to the minimum. Additionally, a system of adequate incentives should be introduced to promote the fulfilment of commitments by infrastructure managers, railway undertakings and other relevant stakeholders. Those incentives should be both of economic and non-economic nature.	(18) Reliability of rail services ~~is one~~***and knowing well in advance when the services can run are some*** of the aspects most valued by railway customers ***and applicants***. Reliability of schedules is also a critical aspect for the smooth functioning of the rail system, where there are strong interactions between services and network externalities. For that reason, deviations from the schedule should be kept to the minimum~~. Additionally,~~***, and*** a system of adequate incentives should be introduced to promote the fulfilment of commitments by infrastructure managers, railway undertakings and other relevant stakeholders.~~ Those incentives should be both of economic and non-economic nature.~~

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		stakeholders. Those incentives should be both of economic and non-economic nature.		Perhaps better to keep (18) and (18a) seperated.
Recital 18a				
R 28a			**(18a) This Regulation should set up a system of penalty to be paid where a party, either the infrastructure manager or the applicant, does not fulfil its commitments with respect to an allocated capacity right. The levels of the penalty to be paid by the party initiating the change to capacity rights to the other party should be such that they provide effective incentives for the infrastructure manager and for applicants to respect the planned use of capacity and minimise disturbances. Those levels should be proportionate and non-discriminatory and should take into account several factors, including the impact of the change, the timing of the notification of the change provided by the party initiating the change to the other party, the quality of the alternative capacity provided where the change is caused by the**	(18a) This Regulation should set up a system of penalty to be paid where a party, either the infrastructure manager or the applicant, does not fulfil its commitments with respect to an allocated capacity right. The levels of the penalty to be paid by the party initiating the change to capacity rights to the other party should be such that they provide effective incentives for the infrastructure manager and for applicants to respect the planned use of capacity and minimise disturbances. Those levels should be proportionate and non-discriminatory and should take into account several factors, including the impact of the change, the timing of the notification of the change provided by the party initiating the change to the other party, the quality of the alternative capacity provided where the change is caused by the infrastructure manager, or whether R

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			infrastructure manager, or whether the capacity can be re-allocated and used by another applicant where the change is caused by the applicant. Without prejudice to the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 ('COTIF'), in particular to Article 8(1), point (c), of Appendix E to that Convention, where applicable, and to the right to appeal decisions regarding the penalty paid, the payment of that penalty by the party initiating the change pursuant to this Regulation should exhaust for the other party other financial claims related to the same change, with a view to avoid double compensation, the multiplication of legal proceedings and lengthy, cumbersome and heavy procedure which an action for damages seeking for the full compensation of the damage suffered by that other party would entail.	the capacity can be re-allocated and used by another applicant where the change is caused by the applicant. Without prejudice to the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 ('COTIF'), in particular to Article 8(1), point (c), of Appendix E to that Convention, where applicable, and to the right to appeal decisions regarding the penalty paid, the payment of that penalty by the party initiating the change pursuant to this Regulation should exhaust for the other party other financial claims related to the same change, with a view to avoid double compensation, the multiplication of legal proceedings and lengthy, cumbersome and heavy procedure which an action for damages seeking for the full compensation of the damage suffered by that other party would entail.
Recital 19				

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29	(19) Continuous monitoring of the quality of rail infrastructure and transport services is a precondition for improving the performance of these services. It is therefore necessary to establish a transparent and objective system of indicators that provides feedback on aspects of performance that are relevant for the different operational stakeholders and for the end customers of rail transport services. The main function of that a system should focus on monitoring the fulfilment of commitments made by the operational stakeholders and progress in performance over time while taking into account different circumstances and characteristics within the rail sector. For the establishment of such a system and the analysis of its output, the Commission should be able to rely on independent experts in the form of a Performance Review Body. This body should be able to provide independent advice to the Commission in all areas that influence the performance of rail	(19) Continuous monitoring of the quality of rail infrastructure and transport services is a precondition for improving the performance of these services. ~~*It is*~~ Therefore***, infrastructure managers should monitor and benchmark the performance of rail infrastructure services and rail transport services. Infrastructure managers, when setting out their own performance targets in the plan, should consult the national regulators, national ministries and the Commission in order to ensure that those targets are consistent with the Union performance targets. It is also*** necessary to establish a transparent and objective system of indicators that provides feedback on aspects of performance that are relevant for the different operational stakeholders and for the end customers of rail transport services. The main function of that a system should focus on monitoring the fulfilment of commitments made by the operational stakeholders and progress in performance over time while taking into account different	(19) Continuous monitoring of the quality of rail infrastructure **services and of rail**~~and~~ transport services is a precondition for improving the performance of these services. It is therefore necessary to establish a transparent and objective system of indicators that provides feedback on aspects of performance that are relevant for the different operational stakeholders and for the end customers of rail transport services. The main function of that ~~a~~ system should focus on monitoring the fulfilment of commitments made by the operational stakeholders and progress in performance over time while taking into account different circumstances and characteristics within the rail sector. ~~For the establishment of such a system and the analysis of its output, the Commission should be able to rely on independent experts in the form of a Performance Review Body. This body should be able to provide independent advice to the Commission in all areas that influence the performance of rail~~	(19) Continuous monitoring of the quality of rail infrastructure services and of rail transport services is a precondition for improving the performance of these services***. While infrastructure managers should monitor and benchmark the performance of rail infrastructure services and rail transport services at national level, ENIM should monitor the performance at a European level***. It is therefore necessary to establish a transparent and objective system of indicators that provides feedback on aspects of performance that are relevant for the different operational stakeholders and for the end customers of rail transport services. The main function of that system should focus on monitoring the fulfilment of commitments made by the operational stakeholders and progress in performance over time while taking into account different circumstances and characteristics within the rail sector. ***For the establishment of such a system and the analysis of its output,***

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	services and infrastructure management.	circumstances and characteristics within the rail sector. For the establishment of such a system and the analysis of its output, the Commission ***and ERA*** should be able to rely on independent experts ***with a profound knowledge of the railway sector*** in the form of a Performance Review Body. This body should be able to provide independent ***expert*** advice to the Commission ***and ERA*** in all areas that influence the performance of rail services and infrastructure management.	~~services and infrastructure management.~~	***ENIM and the Commission should be able to rely on independent experts in the form of an Advisory Performance Panel. This body should be able to provide independent advice to ENIM and the Commission, as well as to the operational stakeholders and the European coordinators in all areas that influence the performance of rail services and infrastructure management. The Advisory Performance Panel should also contribute to the performance review report.***
Recital 20				
G	30	(20) To improve the performance of rail infrastructure services in the single European railway area, the infrastructure managers, in close cooperation with the Commission, the Performance Review Body and relevant stakeholders, should set up and implement a common framework for the review of performance. This framework should ensure that all EU infrastructure managers use common principles and	(20) To improve the performance of rail infrastructure services in the single European railway area, the infrastructure managers, in close cooperation with the Commission, ***ERA,*** the Performance Review Body and relevant stakeholders, should ~~*set up and*~~ implement a common framework for the review of performance. This framework should ensure that all EU infrastructure managers use common principles and	(20) To improve the performance of rail infrastructure services in the single European railway area, ~~the infrastructure managers, in close cooperation with the Commission, the~~**ENIM should develop a European framework for** performance review ~~Body and relevant stakeholders, should set up and implement a common framework for the review of performance~~. This framework should ~~ensure~~**aim at ensuring** that all EU	(20) To improve the performance of rail infrastructure services in the single European railway area, ENIM should develop a European framework for performance review. This framework should aim at ensuring that all EU infrastructure managers use common principles and methodologies for measuring performance through agreed indicators. The framework should allow for identifying performance deficiencies on the EU railway

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	methodologies for measuring performance through agreed indicators. The framework should allow for identifying performance deficiencies on the EU railway network. It should ensure that infrastructure managers set performance objectives in a way that takes into account the specificities of the network they manage, but at the same time ensures coherency in identifying the most relevant performance deficiencies. The framework should allow infrastructure managers to cooperate at EU level in identifying measures to address performance deficiencies and to keep track of their impact. Infrastructure managers, working together in the European Network for Infrastructure Managers and taking into account the opinion of the Performance Review Body and the Commission, should review this framework regularly to ensure that it is fit for purpose.	methodologies for measuring performance through agreed indicators. The framework should allow for identifying performance deficiencies on the EU railway network. It should ensure that infrastructure managers set performance objectives in a way that takes into account the specificities of the network they manage, but at the same time ensures coherency in identifying the most relevant performance deficiencies. The framework should allow infrastructure managers to cooperate at EU level, ***including within ERA*** in identifying measures to address performance deficiencies and to keep track of their impact. Infrastructure managers, working together ***with ERA*** in the European Network for Infrastructure Managers and taking into account the opinion of the Performance Review Body and the Commission, should review this framework regularly to ensure that it is fit for purpose.	infrastructure managers use common principles and methodologies for measuring performance through agreed indicators. The framework should allow for identifying performance deficiencies on the EU railway network. It should ~~ensure~~**aim at ensuring** that infrastructure managers set performance objectives in a way that takes into account the specificities of the network they manage, but at the same time ensures coherency in identifying the most relevant performance deficiencies. The framework should allow infrastructure managers to cooperate at EU level in identifying measures to address performance deficiencies and to keep track of their impact. ~~Infrastructure managers, working together in the European Network for Infrastructure Managers and taking into account the opinion of the Performance Review Body and the Commission,~~**ENIM** should review this framework regularly to ensure that it is fit for purpose.	network. It should aim at ensuring that infrastructure managers set performance objectives in a way that takes into account the specificities of the network they manage, but at the same time ensures coherency in identifying the most relevant performance deficiencies. The framework should allow infrastructure managers to cooperate at EU level in identifying measures to address performance deficiencies and to keep track of their impact. ENIM should review this framework regularly to ensure that it is fit for purpose. Provisionally agreed by email 3/11
Recital 20a				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
30a			**(20a) ENIM should establish a European performance review report covering at least the lines included in the European Transport Corridors established in [new TEN-T Regulation]. The European Network of Rail Regulatory Bodies (ENRRB) should contribute to that review, providing its assessment of and recommendations on the performance of rail infrastructure services and rail transport services.**	*deleted* *(4/11) integrated in recital 19*
Recital 21				
31	*(21)* To ensure an effective EU framework for the coordination of rail infrastructure managers, the European Network of Infrastructure Managers, established by Directive 2012/34/EU, should become more operational. It should include decision-making mechanisms, which allow EU rail infrastructure managers to effectively coordinate on the strategic planning of rail infrastructure capacity.	(21) To ensure an effective EU framework for the coordination of rail infrastructure managers, the European Network of Infrastructure Managers, established by Directive 2012/34/EU, should become more operational. It should include decision-making mechanisms, which allow EU rail infrastructure managers to effectively coordinate on the strategic planning of rail infrastructure capacity.	(21) To ensure an effective ~~EU framework for the~~ coordination of rail infrastructure managers **at EU level, ENIM**~~, the European Network of Infrastructure Managers, established by Directive 2012/34/EU,~~ should become more operational. It should include decision-making mechanisms, which allow ~~EU~~ rail infrastructure managers to effectively coordinate on the strategic planning of rail infrastructure capacity.	(21) To ensure an effective coordination of rail infrastructure managers at EU level, ENIM should become more operational. It should include decision-making mechanisms, which allow rail infrastructure managers to effectively coordinate on the strategic planning of rail infrastructure capacity. Provisionally agreed by email 3/11
Recital 21a				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	31a		**(21a) All Member States infrastructure managers, which are responsible for lines that form part of the core and extended core TEN-T network, should be members of ENIM. Other infrastructure managers of Member States should also be able to participate in the deliberations of ENIM without voting rights. Moreover, it is in the interest of the Union to allow for the participation in ENIM, without voting rights, of infrastructure managers responsible for lines on the core or extended core TEN-T network of States members of the European Free Trade Association (EFTA) and of South East European Parties to the Treaty establishing the Transport Community signed by the Union in accordance with Council Decision (EU) 2017/1937, provided that those States or parties apply this Regulation pursuant to an international agreement concluded with the Union. Those States and parties are closely associated to the Union in the**	(21a) All Member States' infrastructure managers, which are responsible for lines that form part of the core and extended core TEN-T network, should be members of ENIM. Other infrastructure managers of Member States, ***that are included in strategic capacity management for lines outside the core and extended core TEN-T network,*** should also be able to participate in the deliberations of ENIM. ***Other infrastructure managers may be invited to participate in the works of ENIM as observers,*** without voting rights. Moreover, it is in the interest of the Union to allow for the participation in ENIM~~, *without voting rights,*~~ of infrastructure managers responsible for lines on the core or extended core TEN-T network of States members of the European Free Trade Association (EFTA) and of South East European Parties to the Treaty establishing the Transport Community signed by the Union in accordance with Council Decision (EU) 2017/1937, provided that those States or parties apply this Regulation	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
			transport sector. Moreover, due to their geographical location, most of them have important rail connections with the Member States or have transit traffic between two or several Member States. Therefore, their contribution to ENIM work is important.	pursuant to an international agreement concluded with the Union. ***The modalities of their participation in ENIM should be determined under the agreement those States concluded with the Union.*** Those States and parties are closely associated to the Union in the transport sector. Moreover, due to their geographical location, most of them have important rail connections with the Member States or have transit traffic between two or several Member States. Therefore, their contribution to ENIM work is important. Provisionally agreed by email 3/11
Recital 21b				
31b			**(21b) Measures and policy orientations of Member states, having an impact on cross-border rail services, should be subject to coordination between Member States, to the extent possible in the context of existing fora.**	*deleted* *Text has been mved to (6f) + EP compromise text*
Recital 22				
32	*(22)* The rail regulatory bodies should cooperate at Union level to	(22) The rail regulatory bodies should cooperate at Union level to	(22) The rail regulatory bodies should cooperate at Union level to	(22) The rail regulatory bodies should cooperate at Union level to

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	ensure coherent application of the regulatory framework and consistent treatment of applicants across the single European railway area. They should do so through the European Network of Rail Regulatory Bodies, with a view to develop common practices for making the decisions for which they are empowered under this Regulation. For that purpose, the European Network of Rail Regulatory Bodies should perform coordination tasks and adopt non-binding recommendations and opinions, which should not affect the competences of the rail regulatory bodies or those of the infrastructure managers.	ensure coherent application of the regulatory framework and consistent treatment of applicants across the single European railway area. They should do so through the European Network of Rail Regulatory Bodies ***(ENRRB)***, with a view to develop common practices for making the decisions for which they are empowered under this Regulation. For that purpose, ~~*the European Network of Rail Regulatory Bodies*~~***ENRRB*** should perform coordination tasks and adopt non-binding recommendations and opinions, which should not affect the competences of the rail regulatory bodies or those of the infrastructure managers. ***ENRRB should verify the compatibility of the European frameworks, with the regulatory objectives of the Regulation. Regulatory supervision should be designed in such a way so as to prevent national decisions to undermine the harmonised procedures described in the European frameworks, unless otherwise provided for in this Regulation.***	ensure coherent application of the regulatory framework and consistent treatment of applicants across the single European railway area. They should do so through the ~~European Network of Rail Regulatory Bodies~~**ENRRB**, with a view to develop common practices for making the decisions for which they are empowered under this Regulation. For that purpose, the ~~European Network of Rail Regulatory Bodies~~**ENRRB** should perform coordination tasks and **may** adopt non-binding recommendations**, opinions or reports in relation to cross-border rail services and performance of rail infrastructure services and rail transport services. The recommendations** and opinions~~,~~ ~~which~~ **adopted by the ENRRB** should not affect the competences of the rail regulatory bodies or those of the infrastructure managers.	ensure coherent application of the regulatory framework and consistent treatment of applicants across the single European railway area. They should do so through the ENRRB, with a view to develop common practices for making the decisions for which they are empowered under this Regulation. For that purpose, the ENRRB should perform coordination tasks and may adopt non-binding recommendations, opinions or reports in relation to cross-border rail services and performance of rail infrastructure services and rail transport services. The recommendations and opinions adopted by the ENRRB should not affect the competences of the rail regulatory bodies or those of the infrastructure managers. ***The ENRRB should also issue recommendations on the final draft of the European framework for capacity management, the European framework for the coordination of cross-border traffic management, disruption management and crisis management and the European***

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				framework for performance review.
Recital 23				
33	(23) Efficient management of rail capacity and traffic requires exchange of data and information between infrastructure managers, applicants and other operational stakeholders. This exchange can be considerably more effective and efficient with the support of interoperable digital tools and, where possible, automation. Specifications for interoperability should therefore be implemented as a matter of priority and further developed to keep up with technological developments and the new processes put forward in this Regulation.	(23) Efficient management of rail capacity and traffic requires exchange of data and information between infrastructure managers, applicants and other operational stakeholders. This exchange can be considerably more effective and efficient with the support of interoperable digital tools and, where possible, automation. Specifications for interoperability should therefore be implemented as a matter of priority and further developed to keep up with technological developments and the new processes put forward in this Regulation. ***In order to ensure a swift development and implementation, the Commission should be empowered to adopt a delegated act for the implementation and governance of an integrated digital European rail traffic management. As ERA is the European system authority for telematics applications, it should be closely involved in the development and implementation***	(23) Efficient management of rail capacity and traffic requires exchange of data and information between infrastructure managers, applicants and other operational stakeholders. This exchange can be considerably more effective and efficient with the support of interoperable digital tools and, where possible, automation. Specifications for interoperability should therefore be implemented as a matter of priority and further developed to keep up with technological developments and the new processes put forward in this Regulation.	(23) Efficient management of rail capacity and traffic requires exchange of data and information between infrastructure managers, applicants and other operational stakeholders. This exchange can be considerably more effective and efficient with the support of interoperable digital tools and, where possible, automation. Specifications for interoperability should therefore be implemented as a matter of priority and further developed to keep up with technological developments and the new processes put forward in this Regulation. ***As the European system authority for telematics applications, ERA should be involved in the development and implementation of the digital tools referred to in Article 62 of this Regulation to ensure that they are compliant with the TSI for telematics applications as defined in Directive (EU)2016/797 and in accordance***

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		of the digital tools referred to in Article 62 of this Regulation to ensure that they are compliant with the TSI for telematics applications as defined in Directive (EU)2016/797 and in accordance with Article 23 of Regulation (EU) 2016/796.		***with Article 23 of Regulation (EU) 2016/796.***
Recital 23a				
G 33a		***(23a) Workers are crucial for the efficient functioning of the railway sector. For services to become more efficient and in order to increase their quality, digitalisation is essential. The digitalisation and automatisation of rail capacity and traffic management need to be accompanied by digital skill development for the sector's employees. Additional training and investment in the extension of digital competencies with respect to new digital requirements is to enable workers to adapt and positively contribute to the well-functioning of the sector through enhanced communication and capacity to deal with unexpected events.***		*deleted* *Provisionally agreed in ITM 32* G
Recital 24				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
G 34	*(24)* Infrastructure managers should ensure alignment, in particular regarding digitalisation, with the work of the Europe's Rail Joint Undertaking established in Title IV of Council Regulation (EU) 2021/2085, with respect to the Master Plan referred to in Article 86(5) and the System Pillar referred to in Article 85(2)(c), and through the deployment group referred to in Article 97 of Regulation (EU) 2021/2085.	(24) Infrastructure managers should ensure alignment, in particular regarding digitalisation, with the work of the Europe's Rail Joint Undertaking established in Title IV of Council Regulation (EU) 2021/2085, with respect to the Master Plan referred to in Article 86(5) and the System Pillar referred to in Article 85(2)(c), and through the deployment group referred to in Article 97 of Regulation (EU) 2021/2085.	(24) Infrastructure managers should ensure alignment, in particular regarding digitalisation, with the work of the Europe's Rail Joint Undertaking established in Title IV of Council Regulation (EU) 2021/2085, ~~with respect to the Master Plan referred to in Article 86(5) and~~**through** the System Pillar ~~referred to in Article 85(2)(c), and through~~**Steering Group and** the Deployment Group referred to **respectively in Articles 96 and**~~in Article~~ 97 of Regulation (EU) 2021/2085.	(24) Infrastructure managers should ensure alignment, in particular regarding digitalisation, with the work of the Europe's Rail Joint Undertaking established in Title IV of Council Regulation (EU) 2021/2085, through the System Pillar Steering Group and the Deployment Group referred to respectively in Articles 96 and 97 of Regulation (EU) 2021/2085. Provisionally agreed by email 3/11 G
Recital 25				
35	(25) It is necessary to provide the mechanism to set criteria, principles and procedures related to capacity management, to cooperation between rail stakeholders and to coordination at EU level, for infrastructure managers and in the area of regulatory supervision. This mechanism requires that infrastructure managers and rail regulatory bodies, in cooperation with relevant stakeholders develop and implement European frameworks and guidelines.	(25) It is necessary to provide the mechanism to set criteria, principles and procedures related to capacity management, to cooperation between rail stakeholders and to coordination at EU level, for infrastructure managers and in the area of regulatory supervision. This mechanism requires that infrastructure managers and rail regulatory bodies, in cooperation with relevant stakeholders develop and implement European frameworks and guidelines.	*deleted*	*deleted* *(4/11) This is covered in recital (15)*

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	Following an evaluation of the development and implementation of the European frameworks and where the voluntary application of sector guidelines fails to achieve the necessary level of regulatory coherence, the Commission should have the means to address such regulatory inadequacies through implementing or delegated acts, where appropriate.	Following an evaluation of the development and implementation of the European frameworks and where the voluntary application of sector guidelines fails to achieve the necessary level of regulatory coherence, the Commission should have the means to address such regulatory inadequacies through implementing or delegated acts, where appropriate.		
Recital 26				
36	*(26)* In order to ensure a smooth process of capacity and traffic management for international rail services, minimise cancellations of allocated capacity and interruptions in rail operations due to disruptions on the rail network and in order to take into account developments in the practices of infrastructure managers and the use of new methods of capacity allocation and information and communication technologies, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. These powers should concern the deliverables resulting	(26) In order to ensure a smooth process of capacity and traffic management for international rail services, minimise cancellations of allocated capacity and interruptions in rail operations due to disruptions on the rail network and in order to take into account developments in the practices of infrastructure managers and the use of new methods of capacity allocation and information and communication technologies, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. These powers should concern the deliverables resulting	(26) In order to ensure a smooth process of capacity and traffic management for international rail services, minimise cancellations of allocated capacity and interruptions in rail operations due to disruptions on the rail network and in order to take into account developments in the practices of infrastructure managers and the use of new methods of capacity allocation and information and communication technologies, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. These powers should concern **certain elements of** the	(26) In order to ensure a smooth process of capacity and traffic management for international rail services, minimise cancellations of allocated capacity and interruptions in rail operations due to disruptions on the rail network and in order to take into account developments in the practices of infrastructure managers and the use of new methods of capacity allocation and information and communication technologies, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. ~~*These powers should concern certain elements of the*~~

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	from the strategic planning of infrastructure capacity; the schedule for the strategic capacity planning and the capacity allocation process; the deadlines for changes to allocated capacity and the construction of alternative solutions for applicants; the schedule for coordination, consultation and publication of capacity restrictions resulting from infrastructure works; the definition of highly utilised and congested infrastructure and the procedures and methods to calculate the degree of capacity utilisation; the criteria to identify and declare a network disruptions; the information to be provided to operational stakeholders; and the areas infrastructure managers should coordinate on and the specific arrangements for such coordination. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional	from the strategic planning of infrastructure capacity; the schedule for the strategic capacity planning and the capacity allocation process; the deadlines for changes to allocated capacity and the construction of alternative solutions for applicants; the schedule for coordination, consultation and publication of capacity restrictions resulting from infrastructure works; the definition of highly utilised and congested infrastructure and the procedures and methods to calculate the degree of capacity utilisation; the criteria to identify and declare a network disruptions; the information to be provided to operational stakeholders; and the areas infrastructure managers should coordinate on and the specific arrangements for such coordination. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional	deliverables resulting from the strategic planning of infrastructure capacity; the schedule for the strategic capacity planning and the capacity allocation process; the ~~deadlines~~**durations** for changes to allocated capacity and the construction of alternative solutions for applicants; ~~the~~**certain elements related to** schedule for coordination, consultation and publication of capacity restrictions resulting from infrastructure works; the ~~definition~~**thresholds for capacity utilisation** of highly utilised and congested infrastructure**;** and ~~the procedures and methods to calculate the degree of capacity utilisation; the criteria to identify and declare a network disruptions;~~ the information to be provided to operational stakeholders~~; and the areas infrastructure managers should coordinate on and the specific arrangements for such coordination~~. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those	~~*deliverables resulting from the strategic planning of infrastructure capacity; the schedule for the strategic capacity planning and the capacity allocation process; the durations for changes to allocated capacity and the construction of alternative solutions for applicants; certain elements related to schedule for coordination, consultation and publication of capacity restrictions resulting from infrastructure works; the thresholds for capacity utilisation of highly utilised and congested infrastructure; and the information*~~ ***[***to be ~~*provided to operational stakeholders.*~~ ***completed, based on the final list of delegated acts]*** It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular,

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.	Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.	consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.	to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.
Recital 27				
37	(27) To ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to introduce technical and operational requirements to facilitate the smooth functioning of the single European railway area concerning uniform criteria for the requirements set by infrastructure managers with regard to applicants; common procedures, criteria and methodologies for the	(27) To ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to introduce technical and operational requirements to facilitate the smooth functioning of the single European railway area concerning uniform criteria for the requirements set by infrastructure managers with regard to applicants; common procedures, criteria and methodologies for the	(27) To ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to introduce technical and operational requirements to facilitate the smooth functioning of the single European railway area concerning uniform criteria for the requirements set by infrastructure managers with regard to applicants; ~~common procedures, criteria and methodologies for the~~	(27) To ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to introduce technical and operational requirements to facilitate the smooth functioning of the single European railway area concerning ~~*uniform criteria for the requirements set by infrastructure managers with regard to applicants; detailed rules regarding the procedure for concluding framework*~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	management of scarce capacity, for contingency planning, and for the allocation of capacity beyond the period covered by the working timetable; common approach to compensations paid for changes to allocated capacity; common criteria and procedures for rescheduling; the definition of the technical elements of a system for monitoring the performance of rail and rail-related services, including methodologies and data requirements and their review. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	management of scarce capacity, for contingency planning, and for the allocation of capacity beyond the period covered by the working timetable; common approach to compensations paid for changes to allocated capacity; common criteria and procedures for rescheduling; the definition of the technical elements of a system for monitoring the performance of rail and rail-related services, including methodologies and data requirements and their review. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	~~management of scarce capacity, for contingency planning, and for the allocation of~~ **detailed rules regarding the procedure for concluding framework agreements, the form and the content of such agreements; the key principles of the method to calculate the utilisation of rail infrastructure** capacity ~~beyond the period covered by the working timetable; common approach to compensations paid for~~**; the categorisation of** changes to ~~allocated~~ capacity **rights and the conditions giving rise to the payment of penalties**; common criteria and procedures for rescheduling~~; the definition of the technical~~ **for the purpose of managing network disruptions; and certain** elements of ~~a system for monitoring the~~**the European framework for** performance ~~of rail and rail-related services, including methodologies and data requirements and their~~ review. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. **Where the committee**	~~*agreements, the form and the content of such agreements; the key principles*~~***[to be updated on the basis*** of the ~~*method to calculate the utilisation of rail infrastructure capacity; the categorisation of changes to capacity rights and the conditions giving rise to the payment of penalties; common criteria and procedures for rescheduling for the purpose of managing network disruptions; and certain elements of the European framework for performance review*~~***final list of implementing acts]***. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. ***[***Where the committee delivers no opinion in the framework of the examination procedure, the Commission should not adopt the draft implementing act.***]*** 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning

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			delivers no opinion in the framework of the examination procedure, the Commission should not adopt the draft implementing act. 1. Regulation (EU) ~~No 182/2011~~**No 182/2011** of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).
Recital 27a				
G 37a				***(27a) The Commission has stated its intention that in view of its planned revision of Regulation (EU) 2016/796, it will assess the feasibility and possible benefits of extending ERA competence to rail infrastructure capacity. The assessment could include considerations of using existing ERA competences on sector-wide consultation processes, in particular when establishing secondary legislation as well as a supporting role in facilitating independent performance monitoring and an assessment of the budgetary implications.*** G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Commission proposal: ***The Commission has stated its intention to assess the synergies that exist between the tasks and competences of the European Union Agency for Railways (ERA) established in the framework of its current mandate under Regulation (EU) 2016/796 of the European Parliament and of the Council and the requirements for implementation of this Regulation with a view to seek ERA's support in activities related to the preparatory work for secondary legislation and to performance monitoring. The Commission notes in this respect that data collected and monitored by ERA within its current mandate, as well as ERA's tools of analysis, can also be used to monitor the capacity use, to assess the railway sector performance, and to support the preparation of secondary legislation, thereby avoiding duplications of data collection, storage, and tools for analysis, in a spirit of simplification and better regulation.***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Agreed at 3rd trilogue Subject to final drafting.
Recital 28				
G 38	(28) The rules on capacity allocation set out in Directive 2012/34/EU are replaced by those set out in this Regulation. Therefore, the rules on cooperation between infrastructure managers, the rules on cooperation between rail regulatory bodies, the requirements for the elements of the network statement describing the nature of the rail infrastructure that is available to railway undertakings, the conditions of access to it and the principles and criteria for capacity allocation, should be defined in this Regulation. The rules on cooperation and coordination, as well as the elements of the network statement, which are not related to capacity management, should remain in Directive 2012/34/EU.	(28) The rules on capacity allocation set out in Directive 2012/34/EU are replaced by those set out in this Regulation. Therefore, the rules on cooperation between infrastructure managers, the rules on cooperation between rail regulatory bodies, the requirements for the elements of the network statement describing the nature of the rail infrastructure that is available to railway undertakings, the conditions of access to it and the principles and criteria for capacity allocation, should be defined in this Regulation. The rules on cooperation and coordination, as well as the elements of the network statement, which are not related to capacity management, should remain in Directive 2012/34/EU.	(28) The rules on capacity allocation set out in Directive 2012/34/EU are replaced by those set out in this Regulation. Therefore, the rules on cooperation between infrastructure managers, the rules on cooperation between rail regulatory bodies, the requirements for the elements of the network statement describing the nature of the rail infrastructure that is available to railway undertakings, the conditions of access to it and the principles and criteria for capacity allocation, should be defined in this Regulation. The rules on cooperation and coordination, as well as the elements of the network statement, which are not related to capacity management, should remain in Directive 2012/34/EU.	(28) The rules on capacity allocation set out in Directive 2012/34/EU are replaced by those set out in this Regulation. Therefore, the rules on cooperation between infrastructure managers, the rules on cooperation between rail regulatory bodies, the requirements for the elements of the network statement describing the nature of the rail infrastructure that is available to railway undertakings, the conditions of access to it and the principles and criteria for capacity allocation, should be defined in this Regulation. The rules on cooperation and coordination, as well as the elements of the network statement, which are not related to capacity management, should remain in Directive 2012/34/EU. G
Recital 29				
39	(29) The ex-post evaluation of Regulation (EU) No 913/2010[1]	(29) The ex-post evaluation of Regulation (EU) No 913/2010[1]	(29) The ex-post evaluation of Regulation (EU) No 913/2010[1]	(29) The ex-post evaluation of Regulation (EU) No 913/2010[1]

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	concluded that the Regulation's impact was too limited to contribute to a modal shift from road to rail. Moreover, the cooperation between Member States and infrastructure managers in the management of the rail infrastructure was still ineffective from a cross-border perspective. The evaluation has also shown that managing separately the capacity on the rail freight corridors and on the rest of the network is not efficient. A single regulatory framework should apply to the operation of rail network capacity, consolidating the related provisions in Directive 2012/34/EU and of Regulation (EU) No 913/2010. Therefore, Regulation (EU) No 913/2010 and the provisions in Directive 2012/34/EU on capacity allocation should be repealed and replaced by this Regulation. _____ 1. SWD(2021) 134 final of 2 June 2021	concluded that the Regulation's impact was too limited to contribute to a modal shift from road to rail. Moreover, the cooperation between Member States and infrastructure managers in the management of the rail infrastructure was still ineffective from a cross-border perspective. The evaluation has also shown that managing separately the capacity on the rail freight corridors and on the rest of the network is not efficient. A single regulatory framework should apply to the operation of rail network capacity, consolidating the related provisions in Directive 2012/34/EU and of Regulation (EU) No 913/2010. Therefore, Regulation (EU) No 913/2010 and the provisions in Directive 2012/34/EU on capacity allocation should be repealed and replaced by this Regulation. ***Relevant Articles of Regulation 1315/2013 on Union Guidelines for the development of the trans-European transport network should be amended accordingly.*** _____ 1. SWD(2021) 134 final of 2 June 2021	concluded that the Regulation's impact was too limited to contribute to a modal shift from road to rail. Moreover, the cooperation between Member States and infrastructure managers in the management of the rail infrastructure was still ineffective from a cross-border perspective. The evaluation has also shown that managing separately the capacity on the rail freight corridors and on the rest of the network is not efficient. A single regulatory framework should apply to the operation of rail network capacity, consolidating the related provisions in Directive 2012/34/EU and of Regulation (EU) No 913/2010. Therefore, Regulation (EU) No 913/2010 **should be repealed** and the provisions in Directive 2012/34/EU on capacity allocation should be ~~repealed~~**deleted** and replaced by this Regulation**, while ensuring a sufficient transition period**. _____ 1. SWD(2021) 134 final of 2 June 2021	concluded that the Regulation's impact was too limited to contribute to a modal shift from road to rail. Moreover, the cooperation between Member States and infrastructure managers in the management of the rail infrastructure was still ineffective from a cross-border perspective. The evaluation has also shown that managing separately the capacity on the rail freight corridors and on the rest of the network is not efficient. A single regulatory framework should apply to the operation of rail network capacity, consolidating the related provisions in Directive 2012/34/EU and of Regulation (EU) No 913/2010. Therefore, Regulation (EU) No 913/2010 should be repealed and the provisions in Directive 2012/34/EU on capacity allocation should be deleted and replaced by this Regulation, while ensuring a sufficient transition period. _____ 1. SWD(2021) 134 final of 2 June 2021

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Recital 29a				
39a		***(29a) Similarly, alignment should be ensured with the following implementing regulations, for the allocation rules in service facilities (implementing regulation 2017/2177) and for procedures and criteria concerning framework agreements (implementing regulation 2016/545).***		*deleted*
Recital 30				
G *40*	*(30)* The preparation of the working timetable requires preparatory activities to be carried out in the years preceding the entry into force of the said working timetable. Therefore, the transition from the regulatory framework established by Directive 2013/34/EU and Regulation (EU) No 913/2010 to the one established by this Regulation implies that preparations for working timetables under the new framework should begin in parallel to the application of rules under the current framework. Accordingly, a dual regime must	(30) The preparation of the working timetable requires preparatory activities to be carried out in the years preceding the entry into force of the said working timetable. Therefore, the transition from the regulatory framework established by Directive ~~*2013/34/EU*~~***2012/34/EU*** and Regulation (EU) No 913/2010 to the one established by this Regulation implies that preparations for working timetables under the new framework should begin in parallel to the application of rules under the current framework. Accordingly, a dual regime must	(30) The preparation of the working timetable requires preparatory activities to be carried out in the years preceding the entry into force of the said working timetable. Therefore, the transition from the regulatory framework established by Directive ~~2013/34/EU~~**2012/34/EU** and Regulation (EU) No 913/2010 to the one established by this Regulation implies that preparations for working timetables under the new framework should begin in parallel to the application of rules under the current framework. Accordingly, a dual regime	(30) The preparation of the working timetable requires preparatory activities to be carried out in the years preceding the entry into force of the said working timetable. Therefore, the transition from the regulatory framework established by Directive 2012/34/EU and Regulation (EU) No 913/2010 to the one established by this Regulation implies that preparations for working timetables under the new framework should begin in parallel to the application of rules under the current framework. Accordingly, a dual regime should G

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	apply in a transition phase whereby necessary preparatory steps for a given timetable should comply with the legal framework applicable to that specific working timetable. Framework agreements concluded under the current framework should have the possibility to continue applying for a transition period under the new regime.	apply in a transition phase whereby necessary preparatory steps for a given timetable should comply with the legal framework applicable to that specific working timetable. Framework agreements concluded under the current framework should have the possibility to continue ~~applying for a transition period under the new regime~~***until the end of their contract***.	~~must~~**should** apply in a transition phase whereby necessary preparatory steps for a given timetable should comply with the legal framework applicable to that specific working timetable. Framework agreements concluded under the current framework should have the possibility to continue applying for a transition period under the new regime.	apply in a transition phase whereby necessary preparatory steps for a given timetable should comply with the legal framework applicable to that specific working timetable. Framework agreements concluded under the current framework should have the possibility to continue ~~applying for a transition period under the new regime~~***until their expiration***. Provisionally agreed by email 3/11
Recital 31				
G 41	(31) Under the new framework, the preparatory steps for a working timetable should begin with the publication of a capacity strategy five years before the entry into force of a given working timetable. In the interest of an early application of the new regulatory framework and taking into account the preparatory work already undertaken by the sector, the schedule of activities leading to the establishment of the first two working timetables could be shortened to 38 months by abbreviating the phase of the capacity strategy. Accordingly, the	(31) Under the new framework, the preparatory steps for a working timetable should begin with the publication of a capacity strategy five years before the entry into force of a given working timetable. In the interest of an early application of the new regulatory framework and taking into account the preparatory work already undertaken by the sector, the schedule of activities leading to the establishment of the first two working timetables could be shortened to 38 months by abbreviating the phase of the capacity strategy. Accordingly, the	(31) Under the new framework, the preparatory steps for a working timetable should begin with the ~~publication of a~~**start of the** capacity strategy **phase** five years before the entry into force of a given working timetable**. This timeframe is coherent with that of the contractual agreements concluded between the Member State and the infrastructure manager, which include the structure of the payments agreed to provide funding to the infrastructure manager and which cover a period of not less than five years, as provided by**	(31) Under the new framework, the preparatory steps for a working timetable should begin with the start of the capacity strategy phase five years before the entry into force of a given working timetable. This timeframe is coherent with that of the contractual agreements concluded between the Member State and the infrastructure manager, which include the structure of the payments agreed to provide funding to the infrastructure manager and which cover a period of not less than five years, as provided by Directive G

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	first working timetable falling under the new regulatory framework should be the working timetable starting on [9 December 2029]. All stakeholders should start the necessary preparations without delay with a view to comply with the new framework.	first working timetable falling under the new regulatory framework should be the working timetable starting on [9 December 2029]. All stakeholders should start the necessary preparations without delay with a view to comply with the new framework. ***An earlier application date could be considered by Member States that are able to prove that they have carried out all the necessary steps before the adoption date of the Regulation.***	**Directive 2012/34/EU**. In the interest of an early application of the new regulatory framework and taking into account the preparatory work already undertaken by the sector, the schedule of activities leading to the establishment of the first two working timetables could be shortened to 38 months by abbreviating the phase of the capacity strategy. Accordingly, the first working timetable falling under the new regulatory framework should be the working timetable starting on [~~9~~**13** December ~~2029~~**2031**]. All stakeholders should start the necessary preparations without delay with a view to ~~comply~~**complying** with the new framework.	2012/34/EU. In the interest of an early application of the new regulatory framework and taking into account the preparatory work already undertaken by the sector, the schedule of activities leading to the establishment of the first two working timetables could be shortened to 38 months by abbreviating the phase of the capacity strategy. Accordingly, the first working timetable falling under the new regulatory framework should be the working timetable starting on [13 December 2031]. All stakeholders should start the necessary preparations without delay with a view to complying with the new framework. Agreed at 3rd trilogue
Recital 31a				
G 41a				***(31a) Directive (EU) 2022/2557 of the European Parliament and of the Council (CER Directive) lays down measures to achieve a high level of resilience of critical entities that provide essential services within the Union. Infrastructure managers in scope*** G

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				of this Regulation are in principle also in scope of the CER Directive. The CER Directive requires critical entities to take resilience-enhancing measures. This Regulation requires as well that infrastructure managers take resilience-enhancing measures in the event of network disruption and crisis situations affecting rail traffic. Resilience measures under this Regulation should apply without prejudice to, and in complementarity with, the CER Directive. Infrastructure Managers must ensure that they also fulfil their obligations under the CER Directive. Where infrastructure managers have already taken measures and drawn up documents pursuant to this Regulation, that are relevant for resilience-enhancing measures under the CER Directive, they should be able, to use those measures and documents to meet the requirements as regards resilience measures under the CER Directive. Provisionally agreed in ITM 32

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Recital 32				
41b			**(32) Since the objective of this Regulation, namely managing rail infrastructure capacity and traffic more efficiently, thereby improving the quality of services and accommodating more traffic on the railway network, cannot be sufficiently achieved by the Member States but can rather, by reason of the transnational scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.**	(32) Since the objective of this Regulation, namely managing rail infrastructure capacity and traffic more efficiently, thereby improving the quality of services and accommodating more traffic on the railway network, cannot be sufficiently achieved by the Member States but can rather, by reason of the transnational scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective. Provisionally agreed by email 3/11
Formula				
42	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
CHAPTER I				
43	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS

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Article 1				
44	Article 1 Subject-matter and scope	Article 1 Subject-matter and scope	Article 1 Subject-matter and scope	Article 1 Subject-matter and scope
Article 1(1)				
G 45	1. This Regulation lays down the principles, rules, and procedures applicable to management of rail infrastructure capacity and coordination with service facilities, traffic management, crisis management and performance management for domestic and international rail services. It also lays down rules on a European Network for Coordination between infrastructure managers and with other relevant stakeholders and on the oversight of capacity and traffic management.	1. This Regulation lays down the principles, rules, and procedures applicable to management of rail infrastructure capacity and coordination with service facilities, traffic management, crisis management and performance management for domestic and international rail services. It also lays down rules on a European Network for Coordination between infrastructure managers and with other relevant stakeholders and on the oversight of capacity and traffic management.	1. This Regulation lays down the principles, rules, and procedures applicable to management of rail infrastructure capacity and coordination with **operators of** service facilities, traffic management, crisis management and performance management for domestic and international rail services. It also lays down rules on a European Network for Coordination between infrastructure managers and with other relevant stakeholders and on the oversight of capacity and traffic management.	1. This Regulation lays down the principles, rules, and procedures applicable to management of rail infrastructure capacity and coordination with operators of service facilities, traffic management, crisis management and performance management for domestic and international rail services***, as well as the implementation of digital tools to support the capacity and traffic management processes in this Regulation***. It also lays down rules on a European Network for Coordination between infrastructure managers and with other relevant stakeholders and on the oversight of capacity and traffic management. Provisionally agreed in ITM 32
Article 1(1a)				
G 45a		***1a. This Regulation also lays down rules and procedures for the implementation of an***		*deleted*

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		integrated digital European rail traffic management system.		*Provisionally agreed in ITM 32*
Article 1(2)				
46	*2.* This Regulation applies to the use of railway infrastructure for domestic and international rail services referred to in Article 1(2) of Directive 2012/34/EU, including service facilities as defined in Article 3(11) of that Directive.	2. This Regulation applies to ***the Union rail system defined in Article 2(1) of Directive (EU) 2016/797,*** the use of railway infrastructure for domestic and international rail services referred to in Article 1(2) of Directive 2012/34/EU, including service facilities as defined in Article 3(11) of that Directive.	2. This Regulation applies to the use of railway infrastructure for domestic and international rail services referred to in Article 1(2) of Directive 2012/34/EU, including service facilities as defined in Article 3(11) of that Directive.	2. This Regulation applies to the use of railway infrastructure for domestic and international rail services referred to in Article 1(2) of Directive 2012/34/EU, including service facilities as defined in Article 3(11) of that Directive. Provisionally agreed in ITM 32
Article 1(3)				
47	3. Chapters II to V of this Regulation shall not apply to rail infrastructure or railway services that are excluded from the application of Chapter IV of Directive 2012/34/EU in accordance with Article 2(3), (3a), (4), (8), (8a) and (10) of that Directive during the period of validity of the relevant exclusions.	3. Chapters II to V of this Regulation shall not apply to rail infrastructure or railway services that are excluded from the application of Chapter IV of Directive 2012/34/EU in accordance with Article 2(3), (3a), (4), (8), (8a)***, (9)*** and (10) of that Directive during the period of validity of the relevant exclusions.	3. **Articles 2 and 3 of Chapter I and** Chapters II to V of this Regulation shall not apply to rail infrastructure or railway services that ~~area~~ **Member State has** excluded from the application of Chapter IV of Directive 2012/34/EU in accordance with Article 2(3), (3a), (4), (8)~~, (8a)~~ and (~~10~~**8a**) of that Directive during the period of validity of the relevant exclusions.	3. Articles 2 and 3 of Chapter I and Chapters II to V of this Regulation shall not apply to rail infrastructure or railway services that a Member State has excluded from the application of Chapter IV of Directive 2012/34/EU in accordance with Article 2(3), (3a), (4), (8) and (8a) of that Directive during the period of validity of the relevant exclusions.
Article 1(3), second subparagraph				
47a			**This Regulation shall not apply to railway services that a Member State has excluded**	***3a.*** This Regulation shall not apply to railway services that a Member State has excluded from

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				from the application of Chapter IV of Directive 2012/34/EU in accordance with Article 2(10) of that Directive.	the application of Chapter IV of Directive 2012/34/EU in accordance with Article 2(10) of that Directive. Provisionally agreed in ITM 32	
	Article 1(3), third subparagraph					
Y	47b			**This Regulation shall not apply with respect to undertakings or to transport operations referred to in Article 2(9) of Directive 2012/34/EU.**	***3b.*** This Regulation shall not apply with respect to undertakings or to transport operations referred to in Article 2(9) of Directive 2012/34/EU. Provisionally agreed in ITM 32	Y
	Article 1(4)					
G	48	4. This Regulation shall not apply to Cyprus and Malta for as long as no railway system is established within their territory.	4. This Regulation shall not apply to Cyprus and Malta for as long as no railway system is established within their territory.	4. This Regulation shall not apply to Cyprus and Malta for as long as no railway system is established within their territory.	4. This Regulation shall not apply to Cyprus and Malta for as long as no railway system is established within their territory.	G
	Article 1(5)					
R	48a			**5. This Regulation shall not prevent Member States from adopting measures necessary to safeguard essential security or defence interests and measures to ensure that military have sufficient access to railway infrastructure, in particular for military operations and training, including the types of measures**	5. This Regulation shall not prevent Member States from adopting measures necessary to safeguard essential security or defence interests and measures to ensure that military have sufficient access to railway infrastructure, in particular for military operations and training, including the types of measures described in points (a) to	R

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			described in points (a) to (e) of Article 47(1). Article 47(1), second and third subparagraphs, and (2) to (7), shall apply mutatis mutandis to the adoption of such measures.	(e) of Article 47(1). ~~*Article 47(1), second and third subparagraphs, and (2) to (7), shall apply mutatis mutandis to the adoption of such measures.*~~	
Article 1(6)					
R	48b		**6. This Regulation is without prejudice to the responsibilities of the Member States regarding the financing of infrastructure development and maintenance. It does not lay down any financial obligation in this regard.**	6. This Regulation is without prejudice to the responsibilities of the Member States regarding the financing of infrastructure development and maintenance. It does not lay down any financial obligation in this regard.	R
Article 2					
G	49	Article 2 General responsibilities and principles	Article 2 General responsibilities and principles	Article 2 General responsibilities and principles Agreed at 3rd trilogue	G
Article 2(-1)					
G	49a			***-1. This Regulation shall be without prejudice to the management independence of infrastructure managers set out in Article 4 of Directive 2012/34/EU.*** Agreed at 3rd trilogue	G

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Article 2(-1a), first subparagraph					
G 50	1. Without prejudice to Article 7c of Directive 2012/34/EU, infrastructure managers shall be responsible for the management of rail infrastructure capacity and rail traffic management.	1. Without prejudice to Article 7c of Directive 2012/34/EU, infrastructure managers shall be responsible for the management of rail infrastructure capacity and rail traffic management.	1. Without prejudice to Article 7c of Directive 2012/34/EU, infrastructure managers shall be responsible for the management of rail infrastructure capacity and rail traffic management.	1. Without prejudice to Article 7c of Directive 2012/34/EU, infrastructure managers shall be responsible for the management of rail infrastructure capacity and rail traffic management.	G
Article 2(-1a), second subparagraph					
G 51	References to an infrastructure manager in all provisions related to rail infrastructure capacity allocation in this Regulation shall be construed as references to the allocation body referred in Article 7a(3) of Directive 2012/34/EU.	References to an infrastructure manager in all provisions related to rail infrastructure capacity allocation in this Regulation shall be construed as references to the allocation body referred in Article 7a(3) of Directive 2012/34/EU.	References to an infrastructure manager in all provisions related to rail infrastructure capacity allocation in this Regulation shall be construed as references to the allocation body referred in Article 7a(3) of Directive 2012/34/EU.	References to an infrastructure manager in all provisions related to rail infrastructure capacity allocation in this Regulation shall be construed as references to the allocation body referred in Article 7a(3) of Directive 2012/34/EU.	G
Article 2(2)					
G 52	2. With the view to facilitating the provision of efficient and effective rail infrastructure capacity and traffic management within the Union, infrastructure managers shall cooperate within the European Network of Infrastructure Managers ('ENIM') referred to in Article 7f of Directive 2012/34/EU and in accordance with the provisions of this Regulation on cooperation.	2. With the view to facilitating the provision of efficient and effective rail infrastructure capacity and traffic management within the Union, infrastructure managers shall cooperate within the European Network of Infrastructure Managers ('ENIM') referred to in Article 7f of Directive 2012/34/EU and in accordance with the provisions of this Regulation on cooperation.	2. With the view to facilitating the provision of efficient and effective rail infrastructure capacity and traffic management within the Union, infrastructure managers **referred to in Article 55(2)** shall cooperate within the European Network of Infrastructure Managers ('ENIM') referred to in Article 7f of Directive 2012/34/EU and in accordance with the provisions of this Regulation on cooperation.	2. With the view to facilitating the provision of efficient and effective rail infrastructure capacity and traffic management within the Union, infrastructure managers referred to in Article 55(2) shall cooperate within the European Network of Infrastructure Managers ('ENIM') referred to in Article 7f of Directive 2012/34/EU and in accordance with the provisions of this Regulation on cooperation.	G

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				Agreed at 3rd trilogue
Article 2(3)				
53	3. In fulfilling their responsibilities in accordance with paragraph 1 and 2, infrastructure managers shall:	3. In fulfilling their responsibilities in accordance with paragraph 1 and 2, infrastructure managers shall:	3. In fulfilling their **tasks and** responsibilities in accordance with ~~paragraph 1 and 2~~**this Regulation**, infrastructure managers shall:	3. In fulfilling their tasks and responsibilities in accordance with this Regulation, infrastructure managers shall: Agreed at 3rd trilogue
Article 2(3), point (a)				
54	(a) make optimum effective use of the available infrastructure capacity as required in Article 26 of Directive 2012/34/EU;	(a) make optimum effective use of the available infrastructure capacity as required in Article 26 of Directive 2012/34/EU ***with the aim of increasing the share of rail transport, both for passenger and freight services in accordance with Union's climate targets***;	(a) make optimum effective use of the available infrastructure capacity ~~as required in Article 26 of Directive 2012/34/EU~~;	(a) make optimum effective use of the available infrastructure ~~capacity~~***through effective planning and coordination with the aim of increasing the share of rail transport, both for passenger and freight services in accordance with Union's climate targets***; Agreed at 3rd trilogue
Article 2(3), point (b)				
55	(b) maximize the value to society of rail transport services enabled by rail infrastructure in social, economic and environmental terms;	(b) maximize the value to society of rail transport services enabled by rail infrastructure in social, economic and environmental terms;	(b) maximize the value to society of rail transport services enabled by rail infrastructure in social, economic and environmental terms;	(b) maximize the value to society of rail transport services enabled by rail infrastructure in social, economic and environmental terms;
Article 2(3), point (c)				

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G 56	(c) ensure non-discriminatory management of and transparent access to infrastructure capacity, including during works, with a view to supporting fair competition;	(c) ensure non-discriminatory management of and transparent access to infrastructure capacity, including during works, with a view to supporting fair competition;	(c) ensure non-discriminatory management of and transparent**, equitable** access to infrastructure capacity, including during **infrastructure** works, with a view to ~~supporting~~**enable** fair competition **and with the aim to guarantee the optimal competitiveness of rail services**;	(c) ensure non-discriminatory management of and transparent, equitable access to infrastructure capacity, including during infrastructure works, with a view to enable fair competition and with the aim to guarantee the optimal competitiveness of rail services; Agreed at 3rd trilogue
Article 2(3), point (d)				
G 57	(d) enable seamless rail traffic across more than one network;	(d) enable seamless ***and punctual*** rail traffic across more than one network ***and across borders by striving to eliminate bottlenecks and operational obstacles***;	(d) enable seamless rail traffic across more than one network**, in particular by enabling freight and passenger trains to run under good conditions and easily pass from one network to another**;	(d) enable seamless rail traffic across more than one network~~, in particular by enabling freight and passenger trains to run under good conditions and easily pass from one network to another~~ ***and across borders by striving to eliminate bottlenecks and operational obstacles***; Agreed at 3rd trilogue
Article 2(3), point (e)				
G 58	(e) ensure transparency about the state and availability of rail infrastructure capacity;	(e) ensure transparency about the state and availability of rail infrastructure capacity;	(e) ensure transparency about the state and availability of rail infrastructure capacity;	(e) ensure transparency about the state and availability of rail infrastructure capacity;
Article 2(3), point (f)				
G 59	(f) review and improve the performance of rail infrastructure and transport services in close	(f) review and improve the performance of rail infrastructure and transport services in close	(f) review and improve the performance of rail infrastructure ~~and transport services~~ in close	(f) review and improve the performance of rail infrastructure

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	cooperation with rail sector operators;	cooperation with rail sector operators***, including service facilities that are directly involved in a railway service***;	cooperation with ~~rail sector operators~~**operational stakeholders**;	in close cooperation with operational stakeholders; Agreed at 3rd trilogue
Article 2(3), point (g)				
G 60	(g) contribute to the implementation and development of the single European railway area.	(g) contribute to the implementation and development of the single European railway area***, in particular through common European technical and operational rules and standards, technical equipment requirements and staff certification***.	(g) contribute to the implementation and development of the single European railway area.	(g) contribute to the implementation and development of the single European railway area***, in particular through common European technical and operational rules and standards***. Agreed at 3rd trilogue
Article 3				
G 61	Article 3 Impartiality of the infrastructure manager in respect of traffic and capacity management, including maintenance planning	Article 3 Impartiality of the infrastructure manager in respect of traffic and capacity management, including maintenance planning	Article 3 Impartiality of the infrastructure manager in respect of traffic and capacity management, including maintenance planning	Article 3 Impartiality of the infrastructure manager in respect of traffic and capacity management, including maintenance planning Agreed at 3rd trilogue
Article 3(1)				
G 62	1. Infrastructure managers shall carry out the functions of traffic and capacity management, including maintenance planning in a transparent and non-discriminatory manner and the persons in charge of taking	1. Infrastructure managers shall carry out the functions of traffic and capacity management, including maintenance planning in a transparent and non-discriminatory manner and the persons in charge of taking	1. Infrastructure managers shall carry out the functions of traffic and capacity management, including maintenance planning in a transparent and non-discriminatory manner and the persons in charge of taking	1. Infrastructure managers shall carry out the functions of traffic and capacity management, including maintenance planning in a transparent and non-discriminatory manner and the persons in charge of taking

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	decisions in respect of those functions shall not be affected by any conflict of interest.	decisions in respect of those functions shall not be affected by any conflict of interest.	decisions in respect of those functions shall not be affected by any conflict of interest.	decisions in respect of those functions shall not be affected by any conflict of interest.
Article 3(1a)				
G 62a			**1a. Infrastructure managers shall respect the commercial confidentiality of information provided to them, in accordance with national and EU law, including, where appropriate, by anonymising the information shared with other parties.**	1a. Infrastructure managers shall respect the commercial confidentiality of information provided to them, in accordance with ***Union law and*** national ~~*and EU*~~ law, including, where appropriate, by anonymising the information shared with other parties. Agreed at 3rd trilogue
Article 3(2)				
G 63	2. As regards traffic management, infrastructure managers shall ensure that railway undertakings, in cases of disruption concerning them, have full and timely access to relevant information. Where the infrastructure manager grants further access to the traffic management process, it shall do so for the railway undertakings concerned in a transparent and non-discriminatory way.	2. As regards traffic management, infrastructure managers shall ensure that railway undertakings, in cases of disruption concerning them, have full and timely access to relevant information. Where the infrastructure manager grants further access to the traffic management process, it shall do so for the railway undertakings concerned in a transparent and non-discriminatory way.	2. As regards traffic management, infrastructure managers shall ensure that railway undertakings **and operators of service facilities**, in cases of disruption concerning them, have full and timely access to relevant information. Where the infrastructure manager grants further access to the traffic management process, it shall do so for the railway undertakings **and operators of service facilities** concerned in a transparent and non-discriminatory way.	2. As regards traffic management, infrastructure managers shall ensure that ~~*railway undertakings and operators of service facilities*~~***operational stakeholders***, in cases of disruption concerning them, have full and timely access to relevant information. Where the infrastructure manager grants further access to the traffic management process, it shall do so for the ~~*railway undertakings and operators of service facilities*~~***operational stakeholder***

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				concerned in a transparent and non-discriminatory way. Provisionally agreed in ITM 32
Article 3(3)				
64	3. As regards capacity management and the long-term planning of major maintenance, renewal and upgrade of the railway infrastructure, the infrastructure manager shall consult applicants, as defined in Article 3, point 19 of Directive 2012/34/EU, in accordance with this Regulation and, to the best possible extent, take into account the concerns expressed.	3. As regards capacity management and the long-term planning of major maintenance, renewal and upgrade of the railway infrastructure, the infrastructure manager shall consult applicants, as defined in Article 3, point 19 of Directive 2012/34/EU, in accordance with this Regulation and, to the best possible extent, take into account the concerns expressed.	3. As regards capacity management and the long-term planning of major maintenance, renewal and upgrade of the railway infrastructure, the infrastructure manager shall consult applicants, as defined in Article 3, point 19 of Directive 2012/34/EU, in accordance with this Regulation and~~, to the best possible extent, take into~~ **take the utmost** account **of** the concerns expressed.	3. As regards capacity management and the long-term planning of major maintenance, renewal and upgrade of the railway infrastructure, the infrastructure manager shall consult applicants, as defined in Article 3, point 19 of Directive 2012/34/EU, in accordance with this Regulation and take the utmost account of the concerns expressed. Provisionally agreed in ITM 32
Article 3a				
64a				***Article 3a*** ***Strategic guidance and national requirements*** Agreed at 3rd trilogue
Article 3a, first paragraph				
64b				***1. Member States may provide the infrastructure manager with strategic guidance based on the indicative rail***

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				infrastructure development strategies referred to in Article 8(1) of Directive 2012/34/EU. That guidance shall respect the operational responsibilities of the infrastructure manager, enabling them to optimise use of the network, and coordinate effectively the attribution of capacity for cross-border traffic. That guidance shall be consistent with the provisions laid down in this Regulation. That guidance shall be timely provided, as for infrastructure managers to be able to follow the deadlines set out in Annex I, and may cover or contain in particular: Agreed at 3rd trilogue
Article 3a, first paragraph, point (1)				
G 64c				***(a) general objectives of national rail policy relevant for strategic capacity planning within the scope of this Regulation;*** Agreed at 3rd trilogue G
Article 3a, first paragraph, point (2)				
G 64d				***(b) an outlook on the development of rail infrastructure, taking into*** G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				account relevant plans and strategies at national or regional level and the work plans of the European Transport Corridors; Agreed at 3rd trilogue
Article 3a, first paragraph, point (3)				
G 64e				***(c) general requirements and guidelines as regards the use of rail infrastructure capacity, which the infrastructure manager shall take into account in strategic capacity planning, in particular in relation to highly utilised and congested infrastructure referred to in Article 21;*** Agreed at 3rd trilogue G
Article 3a, first paragraph, point (4)				
G 64f				***(d) an outlook on the planned development of rail services operated under public service obligations, taking into account, where necessary, the views of the regional or local authorities involved.*** Agreed at 3rd trilogue G
Article 3a, second paragraph				

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	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.CEU	Draft Agreement
G	64g							***2. Member States may provide that one or more elements of guidance referred to in this paragraph are binding by requiring infrastructure managers:*** Agreed at 3rd trilogue
	Article 3a, second paragraph, point (1)							
G	64h							***(a) to implement specific timetable designs for both freight and passenger services such as integrated clock-face timetables;*** Agreed at 3rd trilogue
	Article 3a, second paragraph, point (2)							
G	64i							***(b) to reserve minimum volumes of capacity to traffic types referred to in Article 12 to reflect their transport policy priorities;*** Agreed at 3rd trilogue
	Article 3a, second paragraph, point (3)							
G	64j							***(c) to pre-plan infrastructure capacity on certain sections and nodes, in accordance with Article 18(4);*** Agreed at 3rd trilogue

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 3a, second paragraph, point (CI)					
G	64k			***(d) to reflect national transport policy priorities by means of national parameters in the methodology for capacity partitioning in accordance with Article 25 and by means of national parameters in the methodology for formal conflict resolution in accordance with Article 37;*** Agreed at 3rd trilogue	G
Article 3a, second paragraph, first subparagraph					
G	64l			***Such requirements shall not commit available capacity for any element of infrastructure to an extent that deprives the infrastructure manager of a sufficient operational margin to fulfil all its tasks and responsibilities set out in Article 2(3).*** Agreed at 3rd trilogue	G
Article 3a, second paragraph, second subparagraph					
G	64m			***The provision of rail transport services under specific timetable designs, such as integrated clock-face timetables, the consultation***	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				on strategic capacity planning and the allocation of capacity rights required for such services shall remain open to all applicants and railway undertakings under transparent, equitable and non-discriminatory terms. Agreed at 3rd trilogue
Article 3a, third paragraph				
G 64n				***3. Where Member States have adopted strategic guidance and requirements pursuant to paragraphs 1 and 2, they shall provide them in a single document. Such document shall be made publicly available on their website. ENIM shall make the links available on its website.*** Agreed at 3rd trilogue
Article 3a, forth paragraph				
G 64o				***4. Member States shall coordinate in accordance with Article 53a to ensure consistency between the respective strategic guidance and requirements they provide in accordance with this Article with a view to supporting the development of international***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				passenger and freight rail services. Agreed at 3rd trilogue
Article 3a, fifth paragraph				
64p				***5. Without prejudice to State aid rules, Member States may, where appropriate, grant the infrastructure manager compensation corresponding to losses of revenue related exclusively to the compliance with the strategic guidance and requirements regarding the use of rail infrastructure capacity.*** Agreed at 3rd trilogue
Article 4				
65	Article 4 Definitions	Article 4 Definitions	Article 4 Definitions	Article 4 Definitions
Article 4, first paragraph				
66	For the purposes of this Regulation, the definitions in Article 3 of Directive 2012/34/EU shall apply.	For the purposes of this Regulation, the definitions in Article 3 of Directive 2012/34/EU shall apply.	For the purposes of this Regulation, the definitions in Article 3 of Directive 2012/34/EU shall apply.	For the purposes of this Regulation, the definitions in Article 3 of Directive 2012/34/EU shall apply.
Article 4, second paragraph				
67	The following definitions shall also apply:	The following definitions shall also apply:	The following definitions shall also apply:	The following definitions shall also apply:
Article 4, second paragraph, point (1)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
68	(1) 'force majeure' means any unforeseeable or unusual event or situation beyond the control of the infrastructure manager or the railway undertaking, which cannot be avoided or overcome with reasonable foresight and diligence, be solved by measures which are from a technical, financial or economic point of view reasonably possible for them, which has actually happened and is objectively verifiable, and which makes it impossible for the infrastructure manager to fulfil, temporarily or permanently, its obligations in accordance with this Regulation or Directive 2012/34/EU or for the railway undertaking to meets its contractual obligations towards an infrastructure manager or managers;	(1) 'force majeure' means any unforeseeable**, *unavoidable or exceptional*** ~~*or unusual*~~ event or situation beyond the control of the infrastructure manager ~~*or*~~**,** the railway undertaking ***or the applicant***, which cannot be ~~*avoided or*~~ overcome with reasonable foresight and diligence, ***cannot*** be solved by measures which are from a technical, financial or economic point of view reasonably possible ~~*for them, which has*~~***including re-routing across borders; this event must have*** actually happened and ~~*is*~~***needs to be*** objectively verifiable~~,~~ and which makes it impossible for the infrastructure manager to fulfil, temporarily or permanently, its obligations in accordance with this Regulation or Directive 2012/34/EU or for the railway undertaking to meets its contractual obligations towards an infrastructure manager or managers;	(1) 'force majeure' means any unforeseeable ~~or unusual~~ event or situation beyond the control of the infrastructure manager or the railway undertaking, which cannot be avoided or overcome with reasonable foresight and diligence, be solved by measures which are from a technical, financial or economic point of view reasonably possible for them, which has actually happened and is objectively verifiable, and which makes it impossible for the infrastructure manager to fulfil, temporarily or permanently, its obligations in accordance with this Regulation or Directive 2012/34/EU or for the railway undertaking to ~~meets~~**meet** its contractual obligations towards an infrastructure manager or managers;	(1) 'force majeure' means any unforeseeable**, *unavoidable or exceptional*** event or situation beyond the control of the ~~*infrastructure manager or the railway undertaking,*~~***operational stakeholder*** which cannot be ~~*avoided or*~~ overcome with reasonable foresight and diligence, ***cannot*** be solved by measures which are from a technical, financial or economic point of view reasonably possible for them, which has actually happened and ~~*is*~~***needs to be*** objectively verifiable~~,~~ and which makes it impossible for the ~~*infrastructure manager*~~***operational stakeholder*** to fulfil, temporarily or permanently, its obligations in accordance with this Regulation ~~*or*~~**,** Directive 2012/34/EU or ~~*for the railway undertaking to meet its*~~ contractual obligations ~~*towards an infrastructure manager or managers;*~~**;** Provisionally agreed in ITM 30
Article 4, second paragraph, point (2)				
69	(2) 'interoperability' means interoperability as defined in	(2) 'interoperability' means interoperability as defined in	(2) 'interoperability' means interoperability as defined in	(2) 'interoperability' means interoperability as defined in

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	Article 2(2) of Directive (EU) 2016/797 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).	Article 2(2) of Directive (EU) 2016/797 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).	Article 2(2) of Directive (EU) 2016/797 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).	Article 2(2) of Directive (EU) 2016/797 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).
Article 4, second paragraph, point (2a)				
G 69a		***(2a) 'applicant' means railway undertaking or an international grouping of railway undertakings or other persons or legal entities, such as competent authorities as defined in Article 2(b) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council [1]and shippers, freight forwarders and combined transport operators, with a public-service or commercial interest in procuring infrastructure capacity;*** _____ ***1. Regulation (EC) no 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315 3.12.2007, p. 1).***		*deleted* *Provisionally agreed in ITM 30*
Article 4, second paragraph, point (3)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	*70*	*(3)* 'operational stakeholder' means an applicant, railway undertaking, infrastructure manager, rail service facility operator, provider of rail-related services and any other entity directly involved in operating a rail transport service;	(3) 'operational stakeholder' means an applicant~~, railway undertaking~~ ***association of applicants***, infrastructure manager, ~~rail~~***operator of*** service facility ~~operator~~, provider of rail-related services and any other entity directly involved in operating a rail transport service;	(3) 'operational ~~stakeholder~~**stakeholders**' means ~~an applicant~~**applicants**, railway ~~undertaking~~**undertakings**, infrastructure ~~manager~~, ~~rail~~**managers, competent authorities referred to in Regulation (EC) 1370/2007, operators of** service ~~facility operator, provider of rail-related services~~**facilities** and any other entity directly involved in operating a rail transport service;	(3) 'operational stakeholders' means applicants, railway undertakings, infrastructure managers, competent authorities referred to in Regulation (EC) 1370/2007, operators of service facilities and any other entity directly involved in operating a rail transport service; Provisionally agreed in ITM 30	G
Article 4, second paragraph, point (4)					
G	71	(4) 'European Coordinator' means the Coordinator referred to in Article 51 of Regulation [... new TEN-T Regulation];	(4) 'European Coordinator' means the Coordinator referred to in Article 51 of Regulation [... new TEN-T Regulation];	(4) 'European Coordinator' means the Coordinator ~~referred to in~~**designated under** Article ~~51~~**52** of Regulation [... new TEN-T Regulation];	(4) 'European Coordinator' means the Coordinator designated under Article 52 of Regulation ~~[...~~ ~~*new TEN-T Regulation]*~~***(EU) 2024/1679***; Provisionally agreed in ITM 30	G
Article 4, second paragraph, point (4a)					
G	71a			**(4a) 'European Transport Corridors' means the corridors referred to in Article 11 of [new TEN-T Regulation];**	(4a) 'European Transport Corridors' means the corridors referred to in Article ***7, 11 and Annex III*** ~~11~~ of ~~[new TEN-T~~ Regulation~~]~~ ***(EU) 2024/1679***; Provisionally agreed in ITM 30	G
Article 4, second paragraph, point (4b)					

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G 71b			**(4b) 'urban nodes' means the urban nodes as defined in Article 3, point (6), of [new TEN-T Regulation];**	*deleted* *Provisionally agreed in ITM 30*	G
Article 4, second paragraph, point (4c)					
G *71c*			**(4c) 'core network' means the core network as identified in Annex I of [new TEN-T Regulation]. For the purpose of Article 55(3a), reference to the 'core network' means the core network as identified in Annex IV of [new TEN-T Regulation];**	*deleted* *Provisionally agreed in ITM 30*	G
Article 4, second paragraph, point (4d)					
G *71d*			**(4d) 'extended core network' means the extended core network as identified in Annex I of [new TEN-T Regulation]. For the purpose of Article 55(3a), reference to the 'extended core network' means the extended core network as identified in Annex IV of [new TEN-T Regulation];**	*deleted* *Provisionally agreed in ITM 30*	G
Article 4, second paragraph, point (5)					
G *72*	*(5)* 'framework agreement' means a legally binding general agreement under public or private law, setting out the rights and obligations of an applicant and the	(5) 'framework agreement' means a legally binding general agreement under public or private law, setting out the rights and obligations of an applicant and the	(5) 'framework agreement' means a legally binding general agreement under public or private law, setting out the rights and obligations of an applicant and the	(5) 'framework agreement' means a legally binding general agreement under public or private law, setting out the rights and obligations of an applicant and the	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	infrastructure manager in relation to the infrastructure capacity to be allocated and the charges to be levied over a period longer than one working timetable period;	infrastructure manager in relation to the infrastructure capacity to be allocated and the charges to be levied over a period longer than one working timetable period;	infrastructure manager in relation to the infrastructure capacity to be allocated and the charges to be levied over a period longer than one working timetable period;	infrastructure manager in relation to the infrastructure capacity to be allocated and the charges to be levied over a period longer than one working timetable period;
Article 4, second paragraph, point (6)				
G 73	(6) 'simultaneous capacity allocation' means a process whereby infrastructure managers allocate rail infrastructure capacity in response to a set of requests for capacity received by a given cut-off date and through coordination of these requests to ensure the best possible utilisation of the infrastructure and the closest possible match with the requests;	(6) 'simultaneous capacity allocation' means a process whereby infrastructure managers allocate rail infrastructure capacity in response to a set of requests for capacity received by a given cut-off date and through coordination of these requests to ensure the best possible utilisation of the infrastructure and the closest possible match with the requests;	(6) 'simultaneous capacity allocation' means a process whereby infrastructure managers allocate rail infrastructure capacity in response to a set of requests for capacity received by a given cut-off date and through coordination of these requests to ensure the best possible utilisation of the infrastructure and the closest possible match with the requests;	(6) 'simultaneous capacity allocation' means a process whereby infrastructure managers allocate rail infrastructure capacity in response to a set of requests for capacity received by a given cut-off date and through coordination of these requests to ensure the best possible utilisation of the infrastructure and the closest possible match with the requests; G
Article 4, second paragraph, point (7)				
G 74	(7) 'first come, first served' means a principle for the allocation of rail infrastructure capacity where the priority for the allocation process is given according to the chronological order of the capacity requests;	(7) 'first come, first served' means a principle for the allocation of rail infrastructure capacity where the priority for the allocation process is given according to the chronological order of the capacity requests;	(7) 'first come, first served' means a principle for the allocation of rail infrastructure capacity where the priority for the allocation process is given according to the chronological order of the capacity requests;	(7) 'first come, first served' means a principle for the allocation of rail infrastructure capacity where the priority for the allocation process is given according to the chronological order of the capacity requests; G
Article 4, second paragraph, point (8)				
G 75	(8) 'train path' means the infrastructure capacity needed to run a train between two places over a given period, which is	(8) 'train path' means the infrastructure capacity needed to run a train between two places over a given period, which is	(8) 'train path' means the infrastructure capacity needed to run a train between two places over a given period, which is	(8) 'train path' means the infrastructure capacity needed to run a train between two places over a given period, which is G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	described as an exact route with timing for that train, including the origin and destination, an entry time and day and an exit time and day, including any stopping point and related departure times;	described as an exact route with timing for that train, including the origin and destination, an entry time and day and an exit time and day, including any stopping point and related departure times;	described as an exact route with timing for that train, including the origin and destination, an entry time and day and an exit time and day, including any stopping point and related departure times;	described as an exact route with timing for that train, including the origin and destination, an entry time and day and an exit time and day, including any stopping point and related departure times;
Article 4, second paragraph, point (9)				
G 76	(9) 'capacity specification' means a capacity right, which specifies the commercial and operational characteristics of the infrastructure capacity relevant for the applicant concerned and which provides the infrastructure manager with enough information to prepare specific train paths that respect those characteristics;	(9) 'capacity specification' means a capacity right, which specifies the commercial and operational characteristics of the infrastructure capacity relevant for the applicant concerned and which provides the infrastructure manager with enough information to prepare specific train paths that respect those characteristics;	(9) 'capacity specification' means a capacity right, which specifies the commercial and operational characteristics of the infrastructure capacity ~~relevant for the applicant concerned and which provides~~**to be provided by** the infrastructure manager **to the relevant applicant,** with enough information to prepare specific train paths that respect those characteristics;	(9) 'capacity specification' means a capacity right, which specifies the commercial and operational characteristics of the infrastructure capacity ~~*to be provided by*~~***relevant for the applicant concerned and which provides*** the infrastructure manager ~~*to the relevant applicant,*~~ with enough information to prepare specific train paths that respect those characteristics; Provisionally agreed in ITM 30
Article 4, second paragraph, point (10)				
G 77	(10) 'multi-network rail service' means a freight or passenger rail transport service, domestic or international, which is operated on two or more networks managed by different infrastructure managers. The train may be joined and/or split and the different sections may have	(10) 'multi-network rail service' means a freight or passenger rail transport service, domestic or international, which is operated on two or more networks managed by different infrastructure managers. The train may be joined and/or split and the different sections may have	(10) 'multi-network rail service' means a freight or passenger rail transport service, domestic or international, which is operated on two or more networks managed by different infrastructure managers. The train may be joined and/or split and the different sections may have	(10) 'multi-network rail service' means a freight or passenger rail transport service, domestic or international, which is operated on two or more networks managed by different infrastructure managers. The train may be joined and/or split and the

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	different origins and destinations, provided that all wagons or carriages cross over into at least one network operated by a different infrastructure manager;	different origins and destinations, provided that all wagons or carriages cross over into at least one network operated by a different infrastructure manager;	different origins and destinations~~, provided that all wagons or carriages cross over into at least one network operated by a different infrastructure manager~~;	different sections may have different origins and destinations; Provisionally agreed in ITM 30
Article 4, second paragraph, point (11)				
G 78	(11) 'multi-network capacity right' means the entirety of capacity rights enabling the provision of a multi-network rail service;	(11) 'multi-network capacity right' means the entirety of capacity rights enabling the provision of a multi-network rail service;	(11) 'multi-network capacity right' means the entirety of capacity rights enabling the provision of a multi-network rail service;	(11) 'multi-network capacity right' means the entirety of capacity rights enabling the provision of a multi-network rail service; G
Article 4, second paragraph, point (12)				
G 79	(12) 'partitioning of infrastructure capacity' means assigning shares of the total available capacity of an element of infrastructure to different types of rail transport services and to capacity restrictions resulting from infrastructure work.	(12) 'partitioning of infrastructure capacity' means assigning shares of the total available capacity of an element of infrastructure to different types of rail transport services and to capacity restrictions resulting from infrastructure work.	(12) 'partitioning of infrastructure capacity' means assigning shares of the total available capacity of an element of infrastructure to different types of rail transport services and to capacity restrictions resulting from infrastructure work.	(12) 'partitioning of infrastructure capacity' means assigning shares of the total available capacity of an element of infrastructure to different types of rail transport services and to capacity restrictions resulting from infrastructure work. G
Article 4, second paragraph, point (13)				
G 80	(13) 'working timetable' means the continuously updated data defining all planned train and rolling-stock movements which will take place on the relevant infrastructure, as expressed by allocated capacity rights, during a working timetable period;	(13) 'working timetable' means the continuously updated data defining all planned train and rolling-stock movements which will take place on the relevant infrastructure, as expressed by allocated capacity rights, during a working timetable period;	(13) 'working timetable' means the continuously updated data defining all planned train and rolling-stock movements which will take place on the relevant infrastructure, as expressed by allocated capacity rights, during a working timetable period;	(13) 'working timetable' means the continuously updated data defining all planned train and rolling-stock movements which will take place on the relevant infrastructure, as expressed by allocated capacity rights, during a working timetable period; G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 4, second paragraph, point (14)					
81	(14) 'working timetable period' means the period of time during which a given working timetable is valid;	(14) 'working timetable period' means the period of time during which a given working timetable is valid;	(14) 'working timetable period' means the period of time during which a given working timetable is valid;	(14) 'working timetable period' means the period of time during which a given working timetable is valid;	
Article 4, second paragraph, point (14a)					
81a			**(14a) 'rolling planning process' means a method of allocating capacity to at least rail freight services outside of the deadlines of the annual allocation process;**	*deleted* *Provisionally agreed in ITM 30*	
Article 4, second paragraph, point (15)					
82	*(15)* 'infrastructure work' means interventions on the railway infrastructure for the purpose of development, maintenance, renewal and upgrade of the railway infrastructure as defined in Article 3, points (2a), (2c), (2d), and (2e) of Directive 2012/34/EU;	(15) 'infrastructure work' means interventions on the railway infrastructure for the purpose of development, maintenance, renewal and upgrade of the railway infrastructure as defined in Article 3, points (2a), (2c), (2d), and (2e) of Directive 2012/34/EU;	(15) 'infrastructure work' means ~~interventions~~**an intervention** on the railway infrastructure for the purpose of development, maintenance, renewal and upgrade of the railway infrastructure as defined in Article 3, points (2a), (2c), (2d)~~,~~ and (2e)**, respectively,** of Directive 2012/34/EU;	(15) 'infrastructure work' means an intervention on the railway infrastructure for the purpose of development, maintenance, renewal and upgrade of the railway infrastructure as defined in Article 3, points (2a), (2c), (2d) and (2e), respectively, of Directive 2012/34/EU; Provisionally agreed in ITM 30	
Article 4, second paragraph, point (16)					
83	(16) 'regulatory body' means the regulatory body referred to in Article 55 of Directive 2012/34/EU;	(16) 'regulatory body' means the regulatory body referred to in Article 55 of Directive 2012/34/EU;	(16) 'regulatory body' means the regulatory body referred to in Article 55 of Directive 2012/34/EU;	(16) 'regulatory body' means the regulatory body referred to in Article 55 of Directive 2012/34/EU;	

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Article 4, second paragraph, point (17)				
G 84	(17) 'incident' shall mean any occurrence, or series of occurrences having the same origin, which causes disruption of rail traffic.	(17) 'incident' shall mean any occurrence, or series of occurrences having the same origin, which causes disruption of rail traffic.	(17) 'incident' ~~shall mean~~**means** any occurrence, or series of occurrences having the same origin, which causes disruption of rail traffic~~.~~**;**	(17) 'incident' means any occurrence, or series of occurrences having the same origin, which causes disruption of rail traffic; Provisionally agreed in ITM 30
Article 4, second paragraph, point (17a)				
G 84a			**(17a) 'node' means a location connecting two or more railway lines none of which is excluded from the scope of Articles 2 and 3 of Chapter I and Chapters II to V of this Regulation pursuant to Article 1(3) of this Regulation;**	(17a) ~~'node'~~***'sections and nodes'*** means a ~~*location connecting two or more*~~***representation of the*** railway ~~*lines none of*~~***network in the form of a graph composed of nodes connected by sections*** which is ~~*excluded from the scope of Articles 2 and 3 of Chapter I and Chapters II to V of this Regulation pursuant to Article 1(3) of this Regulation;*~~***structured in a way that allows to take into account relevant characteristics of the supply of and demand for railway infrastructure capacity, in particular for the purpose of strategic capacity planning.*** Provisionally agreed in ITM 30
Article 4, second paragraph, point (17b)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
G 84b			**(17b) 'specific timetable design' means a scheme organising during a time span, usually aimed to be replicated at regular intervals, the combination of paths on the sections and nodes of a defined network, or part of a network, including for multi-network traffic and taking into account, where relevant, the connections and transfer times between services.**	(17b) 'specific timetable design' means a ~~*scheme organising during a time span, usually aimed to be replicated at regular intervals, the combination of*~~***particular way of arranging the train*** paths ~~*on the sections and nodes of a defined network, or part of a network*~~***in a timetable***, including for multi-network traffic ~~*and taking into account, where relevant, the connections and transfer times between services*~~***, with a view to pursue particular policy objectives***. Provisionally agreed in ITM 32
Article 4, second paragraph, point (17c)				
G 84c		***(17a) 'systematic train paths' means train paths that are based on Articles 11 and 20 of this Regulation, pre-planned in a regular schedule for the period of a working time table.***		***(17c) 'exceptional transport' means exceptional transport as defined in Appendix J of Implementing Regulation (EU) 2019/773[1].*** Provisionally agreed in ITM 32
Article 4, second paragraph, point (17d)				
G 84d				***(17d) 'clockface timetable' means a specific timetable design aimed to replicate rail services at regular and consistent intervals and the combination of paths on***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				the sections and nodes of a network, or part of a network, taking into account, where relevant, the connections and transfer times between services. Provisionally agreed in ITM 32
Article 4, second paragraph, point (17e)				
G	84e			***(17e) "Element of infrastructure" means a portion of tracks of the network that is identified by the infrastructure manager for the purpose of application of specific provisions in this regulation.*** Provisionally agreed in ITM 30
Article 4, second paragraph, point (17f)				
G	84f			***(17f) 'capacity restriction' means a lessening of the capacity, or a reduction in the performance of infrastructure below its design values, for reasons within or beyond the control of the infrastructure manager, such as infrastructure works, degradation of assets, or extreme weather events.*** Provisionally agreed in ITM 27
CHAPTER II				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
85	CHAPTER II MANAGEMENT OF INFRASTRUCTURE CAPACITY	CHAPTER II MANAGEMENT OF INFRASTRUCTURE CAPACITY	CHAPTER II MANAGEMENT OF INFRASTRUCTURE CAPACITY	CHAPTER II MANAGEMENT OF INFRASTRUCTURE CAPACITY
SECTION 1				
86	SECTION 1 General principles for the management of infrastructure capacity	SECTION 1 General principles for the management of infrastructure capacity	SECTION 1 General principles for the management of infrastructure capacity	SECTION 1 General principles for the management of infrastructure capacity
Article 5				
G 87	Article 5 Capacity management	Article 5 Capacity management	Article 5 Capacity management	Article 5 Capacity management Agreed at 3rd trilogue G
Article 5(1)				
G 88	1. Infrastructure managers shall manage rail infrastructure capacity through a planning and allocation process comprising three phases:	1. Infrastructure managers shall manage rail infrastructure capacity through a planning and allocation process comprising three phases:	1. Infrastructure managers shall manage rail infrastructure capacity through a planning and allocation process comprising three phases:	1. Infrastructure managers shall manage rail infrastructure capacity through a planning and allocation process comprising three phases: Agreed at 3rd trilogue G
Article 5(1), point (a)				
G 89	(a) strategic capacity planning as referred to in section 2;	(a) strategic capacity planning as referred to in section 2;	(a) strategic capacity planning as referred to in section 2;	(a) strategic capacity planning as referred to in section 2; Agreed at 3rd trilogue G
Article 5(1), point (b)				

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	90	(b) scheduling and allocation of infrastructure capacity as referred to in section 3;	(b) scheduling and allocation of infrastructure capacity as referred to in section 3;	(b) scheduling and allocation of infrastructure capacity as referred to in section 3;	(b) scheduling and allocation of infrastructure capacity as referred to in section 3; Agreed at 3rd trilogue	G
Article 5(1), point (c)						
G	91	(c) adaptation and rescheduling of allocated capacity as referred to in section 4.	(c) adaptation and rescheduling of allocated capacity as referred to in section 4.	(c) adaptation and rescheduling of allocated capacity as referred to in section 4.	(c) adaptation and rescheduling of allocated capacity as referred to in section 4. Agreed at 3rd trilogue	G
Article 5(2)						
G	92	2. In addition to the content laid down in Annex IV to Directive 2012/34/EU, Infrastructure managers shall include in the network statement referred to in Article 27 of that Directive a section on the infrastructure made available to railway undertakings; a section on capacity management; a section on operations, including on traffic management, disruption management and crisis management; and a section on performance management, in accordance with Annex IV.	2. In addition to the content laid down in Annex IV to Directive 2012/34/EU, Infrastructure managers shall include in the network statement referred to in Article 27 of that Directive a section on the infrastructure made available to railway undertakings; a section on capacity management; a section on operations, including on traffic management, disruption management and crisis management; and a section on performance management, in accordance with Annex IV.	2. In addition to the content laid down in Annex IV to Directive 2012/34/EU, infrastructure managers shall include in the network statement referred to in Article 27 of that Directive a section on the infrastructure made available to railway undertakings; a section on capacity management; a section on operations, including on traffic management, disruption management and crisis management; and a section on performance management, in accordance with Annex IV.	2. In addition to the content laid down in Annex IV to Directive 2012/34/EU, Infrastructure managers shall include in the network statement referred to in Article 27 of that Directive a section on the infrastructure made available to railway undertakings; a section on capacity management; a section on operations, including on traffic management, disruption management and crisis management; and a section on performance management, in accordance with Annex IV. Agreed at 3rd trilogue	G
Article 5(3)						

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G	93	3. Decision making concerning capacity management as referred to in paragraph 1, including both the definition and the assessment of availability and the allocation of capacity rights, shall be an essential function of the infrastructure manager within the meaning of Article 3, point (2f) of Directive 2012/34/EU. The provisions on essential functions laid down in that Directive shall apply to it.	3. Decision making concerning capacity management as referred to in paragraph 1, including both the definition and the assessment of availability and the allocation of capacity rights, shall be an essential function of the infrastructure manager within the meaning of Article 3, point (2f) of Directive 2012/34/EU. The provisions on essential functions laid down in that Directive shall apply to it.	3. Decision making concerning capacity management as referred to in paragraph 1, including both the definition and the assessment of availability and the allocation of capacity rights, shall be an essential function of the infrastructure manager within the meaning of Article 3, point (2f) of Directive 2012/34/EU. The provisions on essential functions laid down in that Directive shall apply to it.	3. Decision making concerning capacity management as referred to in paragraph 1, including both the definition and the assessment of availability and the allocation of capacity rights, shall be an essential function of the infrastructure manager within the meaning of Article 3, point (2f) of Directive 2012/34/EU. The provisions on essential functions laid down in that Directive shall apply to it. Agreed at 3rd trilogue	G
Article 6						
G	94	Article 6 European framework for capacity management	Article 6 European framework for capacity management	Article 6 European framework for capacity management	Article 6 European framework for capacity management Agreed at 3rd trilogue	G
Article 6(1)						
G	95	1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop and adopt a 'European framework for capacity management' in accordance with the provisions of Chapter II by [12	1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop ***in consultation with ERP*** and adopt a 'European framework for capacity management' in accordance with	1. ~~Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose,~~**By [24 months of the entry into force of this Regulation]** ENIM shall develop and adopt a 'European framework for capacity	1. By ~~[24~~***18*** months of the entry into force of this Regulation~~]~~ ENIM shall develop and adopt a 'European framework for capacity management'**,** in accordance with the provisions of Chapter II ~~*after consulting the operational stakeholders*~~***and Article 3a***, laying down common principles and	G

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	months of the entry into force of this Regulation].	~~*the provisions of*~~ Chapter II by …[12 months ~~*of*~~***from*** the entry into force of this Regulation].	management' in accordance with the provisions of Chapter II ~~by [12 months of the entry into force of this Regulation]~~**after consulting the operational stakeholders, laying down common principles and procedures for the management of rail infrastructure capacity and for the coordination between infrastructure managers and other operational stakeholders. Infrastructure managers shall strive to follow those common principles and procedures for the management of rail infrastructure capacity.**	procedures for the management of rail infrastructure capacity and for the coordination between infrastructure managers and other operational stakeholders. Infrastructure managers shall ~~*strive to follow*~~***take the utmost account of*** those common principles and procedures for the management of rail infrastructure capacity. Agreed at 3rd trilogue Provisionally agreed in ITM 32
Article 6(1a)				
G 95a				***1a. When preparing the network statement referred to in Article 27 of Directive 2012/34/EU and Article 5(2) of this Regulation, infrastructure managers shall take the utmost account of the European framework for capacity management. They shall explain, in the network statement, the reason for any deviation from the common principles and procedures established in the*** G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				European framework for capacity management.
Article 6(1b)				
95b				***1b. ENIM shall publish a draft of the European framework for capacity management for consulting ERP and operational stakeholders. ERP and operational stakeholders may submit their replies to the consultation within three months after the publication of this draft.*** Agreed at 3rd trilogue
Article 6(1c)				
95c			**1a. ENIM shall submit a draft for the European framework for capacity management to the European Network of Rail Regulatory Bodies (the 'ENRRB') within 18 months after the entry into force of this Regulation. The ENRRB shall submit a recommendation to ENIM on the European framework for capacity management, within four months after receiving the draft prepared by ENIM. ENIM shall take the utmost account of this recommendation when adopting**	~~*1a*~~***1c***. ENIM shall submit ~~*a*~~***the final*** draft for the European framework for capacity management to the European Network of Rail Regulatory Bodies (the 'ENRRB') within ~~*18*~~***12*** months after the entry into force of this Regulation. The ENRRB shall submit a recommendation to ENIM on the European framework for capacity management, within ~~*four*~~***three*** months after receiving the draft prepared by ENIM. ENIM shall take the utmost account of this recommendation when adopting

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			the European framework for capacity management.	the European framework for capacity management. Agreed at 3rd trilogue Provisionally agreed in ITM 32
Article 6(2)				
96	2. The European framework for capacity management shall define common principles and procedures for the management of rail infrastructure capacity and for the coordination between infrastructure managers, railway undertakings and other applicants, rail service facility operators and other operational stakeholders.	2. The European framework for capacity management shall define common principles and procedures for the management of rail infrastructure capacity and for the coordination between infrastructure managers, railway undertakings and other applicants, rail service facility operators and other operational stakeholders.	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 6(3)				
97	*3.* The European framework for capacity management shall include at least the elements listed in Annex III and shall be updated when necessary to take into account the experience of infrastructure managers, railway undertakings and other applicants and based on the activities of ENIM.	3. The European framework for capacity management shall include at least the elements listed in Annex III and shall be updated when necessary to take into account the experience of infrastructure managers, railway undertakings and other applicants and based on the activities of ENIM.	~~3~~**2**. The European framework for capacity management shall include at least the elements listed in Annex III and shall be updated when necessary to take into account the experience of infrastructure managers, railway undertakings and other applicants and based on the activities of ENIM. **When updating the European framework for capacity management, ENIM shall submit a draft to the ENRRB for recommendation.**	2. The European framework for capacity management shall include at least the elements listed in Annex III and shall be updated when necessary to take into account the experience of ~~*infrastructure managers, railway undertakings and other applicants and based on*~~ ***operational stakeholders as well as*** the activities of ENIM. When ~~*updating*~~ the European framework for capacity management ***is updated***, ENIM

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				shall ***consult ERP and operational stakeholders, and*** submit ~~a~~***the final*** draft to the ENRRB for recommendation~~.~~***, in accordance with paragraph 1b and 1c.*** Agreed at 3rd trilogue Provisionally agreed in ITM 32
Article 6(4)				
G 98	4. Infrastructure managers shall take the utmost account of the European framework for capacity management when preparing the network statement referred to in Article 27 of Directive 2012/34/EU, in particular the contents specified in Annex IV of this Regulation. They shall explain in the network statement the reason for any deviation from the common principles and procedures established in the European framework for capacity management.	4. Infrastructure managers shall take the utmost account of the European framework for capacity management when preparing the network statement referred to in Article 27 of Directive 2012/34/EU, in particular the contents specified in Annex IV of this Regulation. They shall ~~explain~~***justify*** in the network statement the reason for any deviation from the common principles and procedures established in the European framework for capacity management. ***Deviations shall only be allowed in exceptional cases and they shall be subject to approval by the national rail regulatory body.***	4. **When preparing the network statement referred to in Article 27 of Directive 2012/34/EU and Article 5(2) of this Regulation,** infrastructure managers shall take the utmost account of the European framework for capacity management ~~when preparing the network statement referred to in Article 27 of Directive 2012/34/EU, in particular the contents specified in Annex IV of this Regulation~~. They shall explain**,** in the network statement**,** the reason for any deviation from the common principles and procedures established in the European framework for capacity management.	*deleted* *Agreed at 3rd trilogue Provisionally agreed in ITM 32* *Moved directly after paragraph 1.* G
Article 6(4a)				

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G 98a				***4a. When exercising its powers in relation to the network statement in accordance with Article 56(1) and 56(2) of Directive 2012/34/EU, the regulatory body shall take into account the recommendation on the European framework for capacity management adopted by ENRRB, in accordance with paragraph 1a and without prejudice to the principle of independence of regulatory bodies.*** Agreed at 3rd trilogue
Article 6(4b)				
G 98b		***4a. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to set out the common principles and procedures for the management of rail infrastructure capacity and to amend paragraph 2 of this Article Those delegated acts shall be adopted by ... [24 months from the entry into force of this Regulation].***		***4b. The Commission is empowered, in accordance with Article 70b, to adopt [implementing/delegated] acts setting out the European Framework for capacity management, as defined in paragraph 2 of this Article.*** ***Those [implementing] acts shall be adopted in accordance with the [examination procedure referred to in Article 72, paragraph 3].***

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				Provisionally agreed in ITM 30
Article 7				
99	Article 7 Applicants	Article 7 Applicants	Article 7 Applicants	Article 7 Applicants Agreed at 3rd trilogue
Article 7(1)				
100	1. Applicants shall make requests for infrastructure capacity. In order to use such infrastructure capacity, applicants shall appoint a railway undertaking to conclude an agreement with the infrastructure manager in accordance with Article 28 of Directive 2012/34/EU. This is without prejudice to the right of applicants to conclude framework agreements with infrastructure managers under Article 31 of this Regulation.	1. Applicants shall make requests for infrastructure capacity. In order to use such infrastructure capacity, applicants, ***who are not a railway undertaking*** shall appoint a railway undertaking to conclude an agreement with the infrastructure manager in accordance with Article 28 of Directive 2012/34/EU. This is without prejudice to the right of applicants to conclude framework agreements with infrastructure managers under Article 31 of this Regulation.	1. Applicants shall make requests for infrastructure capacity. In order to use such infrastructure capacity, applicants **which are not railway undertakings** shall appoint a railway undertaking**. The railway undertaking shall** ~~to~~ conclude an agreement with the infrastructure manager in accordance with Article 28 of Directive 2012/34/EU. This is without prejudice to the right of applicants to conclude framework agreements with infrastructure managers under Article 31 of this Regulation.	1. Applicants shall make requests for infrastructure capacity. In order to use such infrastructure capacity, applicants which are not railway undertakings shall appoint a railway undertaking. The railway undertaking shall conclude an agreement with the infrastructure manager in accordance with Article 28 of Directive 2012/34/EU. This is without prejudice to the right of applicants to conclude framework agreements with infrastructure managers under Article 31 of this Regulation. Agreed at 3rd trilogue
Article 7(2)				
101	2. The infrastructure manager may set requirements with regard to applicants to ensure	2. The infrastructure manager ~~*may*~~***shall*** set requirements with regard to	2. The infrastructure manager may set requirements with regard to applicants to ensure	2. The infrastructure manager may set requirements with regard to applicants to ensure

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	that its legitimate expectations about future revenues and utilisation of the infrastructure are safeguarded. Such requirements shall be appropriate, transparent and non-discriminatory. They shall be specified in the network statement as referred to in point (1)(b) of Annex IV. They may only include the provision of a financial guarantee that shall not exceed an appropriate level which shall be proportional to the contemplated level of activity of the applicant, and assurance of the capability to prepare compliant bids for infrastructure capacity.	applicants to ensure that its legitimate expectations about future revenues and utilisation of the infrastructure are safeguarded. Such requirements shall be appropriate, transparent and non-discriminatory. They shall be specified in the network statement as referred to in point ~~(1)(b)~~***(2)(c)*** of Annex IV. They may only include the provision of a financial guarantee that shall not exceed an appropriate level which shall be proportional to the contemplated level of activity of the applicant, and assurance of the capability to prepare compliant bids for infrastructure capacity.	that its legitimate expectations about future revenues and utilisation of the infrastructure are safeguarded. Such requirements shall be appropriate, transparent and non-discriminatory. They shall be specified in the network statement ~~as referred to in point (1)(b) of~~**in line with** Annex IV**, point (2)(c)**. They may only include the provision of a financial guarantee that shall not exceed an appropriate level which shall be proportional to the contemplated level of activity of the applicant, and assurance of the capability to prepare compliant bids for infrastructure capacity.	that its legitimate expectations about future revenues and utilisation of the infrastructure are safeguarded. Such requirements shall be appropriate, transparent and non-discriminatory. They shall be specified in the network statement in line with Annex IV, point (2)(c). They may only include the provision of a financial guarantee that shall not exceed an appropriate level which shall be proportional to the contemplated level of activity of the applicant, and assurance of the capability to prepare compliant bids for infrastructure capacity. Agreed at 3rd trilogue
Article 7(3)				
G 102	3. The Commission may adopt implementing acts setting out the details of the criteria to be followed for the application of paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	3. The Commission ~~may~~***shall, by [24 months from the entry into force of this Regulation],*** adopt implementing acts ~~setting~~***to set*** out the details of the criteria to be followed for the application of ***paragraph 2 and to amend*** paragraph 2. Those implementing acts shall be adopted in accordance with the	3. The Commission may adopt implementing acts setting out the details of the criteria to be followed for **defining the requirements referred to in**~~the application of~~ paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	3. The Commission may adopt implementing acts setting out the details of the criteria to be followed for ~~defining the requirements referred to in~~***the application of*** paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3). G

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		examination procedure referred to in Article 72(3).		Provisionally agreed in ITM 30
Article 8				
G 103	Article 8 Management of scarce infrastructure capacity	Article 8 Management of scarce infrastructure capacity	Article 8 Management of ~~scarce~~ infrastructure capacity	Article 8 Management of infrastructure capacity Agreed at 3rd trilogue
Article 8(1)				
G 104	1. Infrastructure managers shall ensure that scarce infrastructure capacity is managed in accordance with the principles set out in Article 26 of Directive 2012/34/EU and in Article 2 of this Regulation in all phases of the capacity management process referred to in Article 5.	1. Infrastructure managers shall ensure that scarce infrastructure capacity is managed in accordance with the principles set out in Article 26 of Directive 2012/34/EU and in Article 2 of this Regulation in all phases of the capacity management process referred to in Article 5.	1. Infrastructure managers shall ensure that ~~scarce~~ infrastructure capacity is managed in accordance with the principles set out in Article 26 of Directive 2012/34/EU and in Article 2 of this Regulation in all phases of the capacity management process referred to in Article 5.	1. Infrastructure managers shall ensure that infrastructure capacity is managed in accordance with the principles set out in Article 26 of Directive 2012/34/EU and in Article 2 of this Regulation in all phases of the capacity management process referred to in Article 5. Agreed at 3rd trilogue
Article 8(2), first subparagraph				
G 105	2. When taking decisions on scarce capacity, infrastructure managers shall take into account strategic guidance on the utilisation of infrastructure capacity provided by Member States in accordance with Article 11(3).	2. When taking decisions on scarce capacity, infrastructure managers shall take into account strategic guidance on the utilisation of infrastructure capacity provided by Member States in accordance with Article 11(3).	2. When taking decisions on ~~scarce~~**infrastructure** capacity, infrastructure managers shall take into account **the** strategic guidance on the utilisation of infrastructure capacity provided by Member States in accordance with Article 11(3)**, where Member States have provided such guidance,**	2. When taking decisions on infrastructure capacity, infrastructure managers shall take into account the strategic guidance ***and national requirements*** on the utilisation of infrastructure capacity provided by Member States in accordance with Article ~~*11(3),*~~***3a*** where Member States

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			without prejudice to subparagraph 4 thereof.	have provided such guidance ***and requirements. Planning and allocation of capacity shall follow equitable, transparent, and non-discriminatory procedures*** ~~*without prejudice to subparagraph 4 thereof*~~. Agreed at 3rd trilogue
Article 8(2), second subparagraph				
G 106	Without prejudice to State aid rules, Member States may, where appropriate, grant the infrastructure manager compensation corresponding to losses of revenue related exclusively to the need to comply with the strategic guidance regarding the use of rail infrastructure capacity.	Without prejudice to State aid rules, Member States ~~*may*~~***shall***, where appropriate, grant the infrastructure manager compensation corresponding to losses of revenue related exclusively to the need to comply with the strategic guidance regarding the use of rail infrastructure capacity.	Without prejudice to State aid rules, Member States may, where appropriate, grant the infrastructure manager compensation corresponding to losses of revenue related exclusively to the ~~need to comply~~**compliance** with the strategic guidance regarding the use of rail infrastructure capacity.	*deleted* *Agreed at 3rd trilogue*
Article 8(2a)				
G *106a*			**2a. Infrastructure managers shall plan and allocate capacity to the largest extent possible seeking solutions agreeable to the applicants concerned, while ensuring the overall optimal use of railway infrastructure on the network concerned.**	*deleted* *Agreed at 3rd trilogue*
Article 8(3)				

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G	*107*	*3.* Infrastructure managers shall plan and allocate scarce capacity to the largest extent possible through the consensual conflict resolution mechanism referred to in Article 36 involving the applicants concerned and resulting in consensual solutions to conflicting capacity needs and requests.	3. Infrastructure managers shall plan and allocate scarce capacity to the largest extent possible through the consensual conflict resolution mechanism referred to in Article 36 involving the applicants concerned and resulting in consensual solutions to conflicting capacity needs and requests.	3. Infrastructure managers shall ~~plan and allocate scarce~~**address conflicts on** capacity to the largest extent possible through the consensual conflict resolution mechanism referred to in Article 36 involving the applicants concerned and resulting in consensual solutions to conflicting capacity needs and requests.	3. Infrastructure managers shall ~~*address conflicts on*~~***plan and allocate*** capacity to the largest extent possible ~~*through the consensual conflict resolution mechanism referred to in Article 36*~~ involving the applicants concerned ~~*and resulting in consensual*~~***, seeking*** solutions ~~*to conflicting*~~***compatible with applicants'*** capacity needs and requests ***for capacity rights, while ensuring the overall optimal use of railway infrastructure on the network concerned***. Agreed at 3rd trilogue	G
Article 8(4), first subparagraph					
G	108	4. If the mechanism referred to in paragraph 3 does not result in a satisfactory resolution of conflicting capacity needs and requests, infrastructure managers shall manage scarce capacity or resolve conflicts through objective, transparent and non-discriminatory procedures.	4. If the mechanism referred to in paragraph 3 does not result in a satisfactory resolution of conflicting capacity needs and requests, infrastructure managers shall manage scarce capacity or resolve conflicts through objective, transparent and non-discriminatory procedures.	4. If the mechanism referred to in paragraph 3 does not result in a satisfactory resolution of conflicting capacity needs and requests, infrastructure managers shall ~~manage scarce capacity or resolve~~**address** conflicts **on capacity** through ~~objective, transparent and non-discriminatory procedures~~**the formal conflict resolution mechanism referred to in Article 37**.	*deleted* *Agreed at 3rd trilogue*	G
Article 8(4), second subparagraph					

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
G 109	Those procedures shall assess alternative options for the use of infrastructure capacity, based on the following socioeconomic and environmental criteria, subject to the availability of data:	Those procedures shall assess alternative options for the use of infrastructure capacity, based on the following socioeconomic and environmental criteria, subject to the availability of ***standardised data made available by the applicants shall make available to the infrastructure managers. The criteria shall include but shall not be limited to*** ~~*data*~~:	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 8(4), second subparagraph, point (a)				
G 110	*(a)* operating cost for operators of rail transport services and the resulting impact on prices for customers of rail transport services;	(a) operating cost for operators of rail transport services and the resulting impact on prices for customers of rail transport services;	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 8(4), second subparagraph, point (b)				
G 111	*(b)* time-related cost for customers of rail transport services;	(b) time-related cost for customers of rail transport services;	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 8(4), second subparagraph, point (c)				
G 112	*(c)* connectivity and accessibility for people and regions served by the rail transport services;	(c) connectivity and accessibility***, both as a network effect on the overall network and network segments,*** for people and regions served by the rail transport services;	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 8(4), second subparagraph, point (d)				

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G	*113*	*(d)* emissions of greenhouse gases, local air pollutants, noise and other external cost of rail transport services and by their likely alternatives;	(d) emissions of greenhouse gases, local air pollutants, noise and other external cost of rail transport services and by their likely alternatives;	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
	Article 8(4), second subparagraph, point (e)					
G	*114*	*(e)* safety and public health implications of rail transport services and their likely alternatives.	(e) safety and public health implications of rail transport services and their likely alternatives.	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
	Article 8(4), second subparagraph, point (ea)					
G	*114a*		***(ea) modal shift effects towards rail.***		*deleted* *Agreed at 3rd trilogue*	G
	Article 8(5)					
G	*115*	*5.* ENIM shall prepare and adopt the procedures referred to in paragraph 4 and include them in the EU framework for capacity management referred to in Article 6. The procedures shall involve the following steps:	5. ENIM shall***, in consultation with ERP*** prepare and adopt the procedures referred to in paragraph 4 and include them in the ~~*EU*~~***European*** framework for capacity management referred to in Article 6. The procedures shall involve the following steps:	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
	Article 8(5), point (a)					
G	*116*	*(a)* design alternative scenarios to partition the capacity available for different types of rail transport services, involving,	(a) design alternative scenarios to partition the capacity available for ***every*** different ~~*types*~~***type*** of rail transport services	*deleted*	*deleted* *Agreed at 3rd trilogue*	G

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	where possible, the provision of alternative capacity on other routes or alternative timing with comparable characteristics;	***that apply for the same capacity***, involving, where possible, the provision of alternative capacity on other routes or alternative timing with comparable characteristics ***both for domestic and cross-border services***;		
Article 8(5), point (aa)				
G *116a*		***(aa) design alternative scenarios to address capacity conflicts between two requests that both are not consistent with the strategic capacity planning;***		*deleted* *Agreed at 3rd trilogue*
Article 8(5), point (b)				
G *117*	*(b)* evaluate and rank the scenarios on the basis of objective and transparent methodologies taking into account the socio-economic and environmental criteria set out in paragraph 4;	(b) evaluate and rank the scenarios on the basis of objective and transparent methodologies taking into account the socio-economic and environmental criteria set out in paragraph 4;	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 8(5), point (c)				
G *118*	*(c)* select the highest ranked scenario on the basis of the evaluation referred to in point (b) and amend the definition of the capacity model and the capacity supply plan accordingly.	(c) select the highest ranked scenario on the basis of the evaluation referred to in point (b) and amend the definition of the capacity model and the capacity supply plan accordingly.	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 8(6)				

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G 119	6. ENIM shall develop the methodologies referred to in paragraph 5, point b. The parameters of those methodologies shall make it possible to take into account local or national circumstances based on accepted approaches and empirical evidence. ENIM shall include those methodologies in the European framework for capacity management referred to in Article 6.	6. ENIM shall***, in consultation with ERP,*** develop the methodologies referred to in paragraph 5, point ~~b~~***(b), of this Article***. The parameters of those methodologies shall make it possible to take into account local or national circumstances based on accepted approaches and empirical evidence. ENIM shall include those methodologies in the European framework for capacity management referred to in Article 6.	*deleted*	*deleted* Agreed at 3rd trilogue
Article 8(7)				
G 120	7. Taking into account experiences with the preparation and implementation of the framework referred to in paragraph 6, the Commission may adopt implementing acts setting out the specific procedures, criteria and methodologies to be applied for the management of scarce capacity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	7. Taking into account experiences with the preparation and implementation of the framework referred to in paragraph 6, the Commission ~~may~~***shall be empowered to*** adopt***, delegated acts in accordance with Article 71 to set*** ~~***implementing acts setting***~~ out the specific procedures, ***standardised data reflecting different market segments for the*** criteria and ***standardised*** methodologies to be applied for the management of scarce capacity ***and to amend paragraph 6 of this Article***. Those	*deleted*	*deleted* Agreed at 3rd trilogue

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		~~*implementing*~~***delegated*** acts shall be adopted ~~*in accordance with the examination procedure referred to in Article 72(3)*~~***by … [24 months from the entry into force of this Regulation]. They shall be included in the European framework for capacity management***.		
Article 9				
G *121*	Article 9 Information about infrastructure capacity	Article 9 Information about infrastructure capacity	Article 9 Information about infrastructure capacity	Article 9 Information about infrastructure capacity G
Article 9(1), first subparagraph				
G 122	1. Infrastructure managers shall provide interested parties, in particular applicants, potential applicants and regulatory bodies, with accurate and up-to-date information on the availability of infrastructure capacity throughout the entire capacity management process, including in the strategic planning phase referred to in section 2, during the scheduling and allocation processes set out in section 3 and whenever there are changes to allocated capacity as referred to in section 4.	1. Infrastructure managers shall provide interested parties, in particular applicants, potential applicants and regulatory bodies, with accurate and up-to-date information on the availability of infrastructure capacity throughout the entire capacity management process, including in the strategic planning phase referred to in section 2, during the scheduling and allocation processes set out in section 3 and whenever there are changes to allocated capacity as referred to in section 4***, depending on the availability of the***	1. Infrastructure managers shall provide ~~interested parties, in particular applicants, potential~~ applicants and regulatory bodies **and, where appropriate, other operational stakeholders**, with accurate and up-to-date information on the availability of infrastructure capacity throughout the entire capacity management process, including in the strategic planning phase referred to in section 2, during the scheduling and allocation processes set out in section 3 and whenever there are	1. Infrastructure managers shall provide applicants and regulatory bodies and, where appropriate, other operational stakeholders, with accurate and up-to-date information on the availability of infrastructure capacity throughout the entire capacity management process, including in the strategic planning phase referred to in section 2, during the scheduling and allocation processes set out in section 3 and whenever there are changes to allocated capacity as referred to in section 4. G

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		published capacity strategy, capacity model and capacity supply plan.	changes to allocated capacity as referred to in section 4.	Agreed at 3rd trilogue
Article 9(1), second subparagraph				
123	Infrastructure managers shall publish any update to the capacity supply plan referred to in Article 18 and to the working timetable referred to in Article 30 without delay.	Infrastructure managers shall publish any update to the capacity supply plan referred to in Article 18 and to the working timetable referred to in Article 30 without delay.	Infrastructure managers shall publish any update to the capacity supply plan referred to in Article 18 and to the working timetable referred to in Article 30 without delay.	Infrastructure managers shall publish any update to the capacity supply plan referred to in Article 18 and to the working timetable referred to in Article 30 without delay.
Article 9(2)				
124	2. Infrastructure managers shall publish the information referred to in paragraph 1 in accordance with Article 62(5) and contribute to the development of relevant specifications in accordance with Article 62(3).	2. Infrastructure managers shall publish the information referred to in paragraph 1 in accordance with Article 62(5) and contribute to the development of relevant specifications in accordance with Article 62(3).	2. Infrastructure managers shall publish the information referred to in paragraph 1 in accordance with Article 62(5)~~ and contribute to the development of relevant specifications in accordance with Article 62(3)~~.	2. Infrastructure managers shall publish the information referred to in paragraph 1 in accordance with Article 62(5). Provisionally agreed on 13/10
Article 9(3)				
125	3. At the request of applicants, infrastructure managers shall provide the information referred to in paragraph 1 on the basis of concrete specifications of commercial and operational needs ('feasibility assessments'). For cross-border services, infrastructure managers shall receive and answer to such requests in a single place and	3. At the request of applicants, infrastructure managers shall provide the information referred to in paragraph 1 ***of this Article*** on the basis of concrete specifications of commercial and operational needs ('feasibility assessments'). For cross-border services, infrastructure managers shall receive and answer to such requests in a single place and	3. At the request of applicants, infrastructure managers shall provide the information referred to in paragraph 1 on the basis of concrete ~~specifications of~~ commercial and operational needs ~~('feasibility assessments'). For cross-border services, infrastructure managers shall receive and answer to such requests in a single place and~~	3. At the request of applicants, infrastructure managers shall provide the information referred to in paragraph 1 on the basis of concrete ***specifications of*** commercial and operational needs ~~of the applicants.~~ ***('feasibility assessments'). For cross-border services, infrastructure managers shall receive and answer to such requests in a single place and***

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	single operation or via a single interface.	single operation or via a single interface ***established in accordance with Article 27 (4)***.	~~single operation or via a single interface.~~**of the applicants.**	***single operation or via a single interface.*** Agreed at 3rd trilogue
Article 10				
126	Article 10 Capacity restrictions resulting from infrastructure work and degraded infrastructure	Article 10 Capacity restrictions resulting from infrastructure work and degraded infrastructure	Article 10 Capacity restrictions resulting from infrastructure work and degraded infrastructure	Article 10 Capacity restrictions resulting from infrastructure work and degraded infrastructure
Article 10(1)				
R 127	1. Without prejudice to Articles 7, 7c and 7e of Directive 2012/34/EU, infrastructure managers shall plan infrastructure work in accordance with the business plan and with the investment and financial programmes referred to in Article 8(3) of Directive 2012/34/EU. Where amendments to those programmes after the adoption of the business plan affect or are likely to affect the planning of infrastructure works, the infrastructure manager shall provide an overview of such amendments and their likely impact in the network statement.	1. Without prejudice to Articles 7, 7c and 7e of Directive 2012/34/EU, infrastructure managers shall plan infrastructure work in accordance with the business plan and with the investment and financial programmes referred to in Article 8(3) of Directive 2012/34/EU. Where amendments to those programmes after the adoption of the business plan affect or are likely to affect the planning of infrastructure works, the infrastructure manager shall provide an overview of such amendments and their likely impact in the network statement. ***The Member State shall provide the infrastructure manager with stable and timely multiannual***	1. Without prejudice to Articles 7**, 7a**, 7c and 7e of Directive 2012/34/EU, infrastructure managers shall plan infrastructure work in accordance with the business plan and with the investment and financial programmes referred to in Article 8(3) of Directive 2012/34/EU. Where amendments to those programmes after the adoption of the business plan affect or are likely to affect the planning of infrastructure works, the infrastructure manager shall provide an overview of such amendments and their likely impact in the network statement.	1. Without prejudice to Articles 7, 7a, 7c and 7e of Directive 2012/34/EU, infrastructure managers shall plan infrastructure work in accordance with the business plan and with the investment and financial programmes referred to in Article 8(3) of Directive 2012/34/EU. Where amendments to those programmes after the adoption of the business plan affect or are likely to affect the planning of infrastructure works, the infrastructure manager shall provide an overview of such amendments and their likely impact in the network statement. R

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		funding for the maintenance, renewal and new construction of rail infrastructure for a rolling period of at least five years via the multiannual performance agreement in order to support infrastructure managers to prevent the degrading of rail infrastructure and to minimise the impact on possible capacity restrictions. The annual budget available to infrastructure managers shall be made transparent to the infrastructure manager and be reliably allocated.			
Article 10(2), first subparagraph					
G	128	2. When planning infrastructure works, the infrastructure manager shall act in accordance with Article 2(3) and Article 3.	2. When planning infrastructure works, the infrastructure manager shall act in accordance with Article 2(3) and Article 3.	2. When planning infrastructure works, the infrastructure manager shall act in accordance with Article 2(3) and Article 3.	2. When planning infrastructure works, the infrastructure manager shall act in accordance with Article 2(3) and Article 3.	G
Article 10(2), second subparagraph					
G	129	In particular, the infrastructure manager shall take into account in a balanced way the impact of infrastructure works on its own asset management and financial situation as well as the operational	In particular, the infrastructure manager shall take into account in a balanced way the impact of infrastructure works on its own asset management and financial situation as well as the operational	In particular, the infrastructure manager shall take into account in a balanced way the impact of infrastructure works on its own asset management and financial situation as well as the **estimated**	In particular, the infrastructure manager shall take into account in a balanced way the impact of infrastructure works on its own asset management and financial situation as well as the estimated	G

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	and financial impact on all applicants concerned.	and financial impact on all applicants concerned.	operational and financial impact on all applicants concerned.	operational and financial impact on all applicants concerned. Agreed at 3rd trilogue
Article 10(2a)				
R 129a		***2a. The funding provided by the Member State to the infrastructure manager shall aim at establishing such balance. The information needed for the infrastructure manager to comply with this provision shall be provided by applicants in a timely manner.***		*deleted*
Article 10(3)				
G *130*	*3.* The infrastructure managers shall consult applicants on the infrastructure works in the context of the coordination mechanisms referred to in Article 7e of Directive 2012/34/EC and, as regards cross-border rail services, in accordance with Article 54 of this Regulation.	3. The infrastructure managers shall consult applicants on the infrastructure works in the context of the coordination mechanisms referred to in Article 7e of Directive ~~*2012/34/EC*~~***2012/34/EU*** and, as regards cross-border rail services, in accordance with Article 54 of this Regulation.	3. The infrastructure managers shall consult applicants on the infrastructure works in the context of the coordination mechanisms referred to in Article 7e of Directive ~~2012/34/EC~~**2012/34/EU** and, as regards cross-border rail services, in accordance with Article 54 of this Regulation.	3. The infrastructure managers shall consult applicants on the infrastructure works in the context of the coordination mechanisms referred to in Article 7e of Directive 2012/34/EU and, as regards cross-border rail services, in accordance with Article 54 of this Regulation. Agreed at 3rd trilogue
Article 10(4), first subparagraph				
G 131	4. Infrastructure manager shall plan, inform and consult applicants on capacity restrictions	4. Infrastructure manager shall plan, inform and consult applicants on capacity restrictions	4. Infrastructure manager shall plan, inform and consult applicants on capacity restrictions	4. Infrastructure manager shall plan, inform and consult applicants on capacity restrictions

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	resulting from infrastructure works sufficiently in advance, taking into account the estimated impact on railway undertakings. For that purpose, infrastructure managers shall respect the schedule set out in section 3 of Annex I.	resulting from infrastructure works sufficiently in advance, taking into account the estimated impact on railway undertakings. For that purpose, infrastructure managers shall respect the schedule set out in section 3 of Annex I.	resulting from infrastructure works sufficiently in advance, taking into account the estimated impact on railway undertakings. For that purpose, infrastructure managers shall respect the ~~schedule~~**requirements** set out in section 3 of Annex I.	resulting from infrastructure works sufficiently in advance, taking into account the estimated impact on railway undertakings. For that purpose, infrastructure managers shall respect the ***schedule and*** requirements set out in section 3 of Annex I. Provisionally agreed in ITM 20
Article 10(4), second subparagraph				
G	132 For capacity restrictions with a major impact on the capacity available to applicants, applicants may request the infrastructure manager to provide alternative planning for the capacity restriction with a view to identify and select an option that takes into account the impacts on applicants and infrastructure managers in a balanced way. The infrastructure manager shall provide those applicants with an indicative planning of alternative capacity available during the capacity restriction.	For capacity restrictions with a major impact on the capacity available to applicants, applicants may request the infrastructure manager to provide alternative planning for the capacity restriction with a view to identify and select an option that takes into account the impacts on applicants and infrastructure managers in a balanced way. The infrastructure manager shall provide those applicants with an indicative planning of alternative capacity available during the capacity restriction.	**4a.** For capacity restrictions with ~~a~~ major impact ~~on the capacity available to applicants~~**within the meaning of point 0 of section 3 of Annex I**, applicants may request the infrastructure manager to provide alternative planning for the capacity restriction with a view to identify and select an option that takes into account the impacts on applicants and infrastructure managers in a balanced way. The infrastructure manager shall provide those applicants with an indicative planning of alternative capacity available during the capacity restriction.	4a. For capacity restrictions with major impact within the meaning of point 0 of section 3 of Annex I, applicants may request the infrastructure manager to provide alternative planning for the capacity restriction with a view to identify and select an option that takes into account the impacts on applicants and infrastructure managers in a balanced way. The infrastructure manager shall provide those applicants with an indicative planning of alternative capacity available during the capacity restriction. Provisionally agreed in ITM 20
Article 10(4), third subparagraph				

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G 133	The indicative planning shall cover both the line affected and alternative lines and shall be reflected in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18.	The indicative planning shall cover both the line affected and alternative lines and shall be reflected in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18.	The indicative planning shall cover both the line affected and alternative lines**, where such alternative lines exist,** and shall be reflected in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18.	The indicative planning shall cover both the ~~*line*~~***route*** affected and alternative ~~*lines*~~***routes***, where such alternative ~~*lines*~~***routes*** exist ***including on other networks***, and shall be reflected in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18. Agreed at 3rd trilogue G
Article 10(5), first subparagraph				
G 134	5. Infrastructure managers shall take into account and mitigate the impact of infrastructure works on cross-border traffic. Infrastructure managers shall coordinate in accordance with Article 53 all infrastructure works on the lines referred to in Article 53(3) and any other infrastructure work with significant cross-border impact.	5. Infrastructure managers shall take into account and mitigate the impact of infrastructure works on cross-border traffic. Infrastructure managers shall coordinate in accordance with Article 53 all infrastructure works on the lines referred to in Article 53(3) and any other infrastructure work with significant cross-border impact.	5. Infrastructure managers shall take into account and mitigate the impact of infrastructure works on cross-border traffic. Infrastructure managers shall coordinate in accordance with Article 53 **at least regarding** all infrastructure works on the **railway** lines ~~referred to in Article 53(3)~~**which are part of the European Transport Corridors** and any other infrastructure work with significant cross-border impact.	5. Infrastructure managers shall take into account and mitigate the impact of infrastructure works on cross-border traffic. Infrastructure managers shall coordinate in accordance with Article 53 at least regarding all infrastructure works on the railway lines which are part of the European Transport Corridors and any other infrastructure work with significant cross-border impact. Provisionally agreed in ITM 20 G
Article 10(5), second subparagraph				
G 135	Coordination shall address in particular the optimisation of the schedule of infrastructure works	Coordination shall address in particular the optimisation of the schedule of infrastructure works	Coordination shall address in particular the optimisation of the schedule of infrastructure works	Coordination shall address in particular the optimisation of the schedule of infrastructure works G

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	and the provision of alternative capacity on the line affected and on alternative routes, taking into account the operational and commercial needs of applicants.	and the provision of alternative capacity on the line affected and on alternative routes, taking into account the operational, ***infrastructure*** and commercial needs of ***various*** applicants.	and the provision of alternative capacity on the line affected and on alternative routes, **where such alternative routes exist,** taking into account the operational and commercial needs of applicants.	and the provision of alternative capacity on the line affected and on alternative routes, ~~*where such alternative routes exist*~~ ***as referred to in the third subparagraph of paragraph 4***, taking into account the operational and commercial needs of applicants. Agreed at 3rd trilogue
Article 10(5), second subparagraph a				
G 135a		***The rail freight governance shall submit a recommendation on the coordination of works to its respective infrastructure managers three months prior to the period as defined in paragraph 4.***		*deleted* *Agreed at 3rd trilogue* G
Article 10(6)				
G *136*	*6.* Reductions in the capacity or performance of infrastructure below its design values resulting from the degradation of assets, such as reductions in permissible speed or axle load, shall also be considered as capacity restrictions. The information obligations set out in Article 9 shall apply to such restrictions.	6. Reductions in the capacity or performance of infrastructure below its design values resulting from the degradation of assets, such as reductions in permissible speed or axle load, shall also be considered as capacity restrictions. The information obligations set out in Article 9 shall apply to such restrictions.	6. Reductions in the capacity or performance of infrastructure below its design values resulting from the degradation of assets, such as reductions in permissible speed or axle load, shall also be considered as capacity restrictions. **Such capacity restrictions shall not give rise to penalties pursuant to Article 40.** The information obligations set out in	6. Reductions in the capacity or performance of infrastructure below its design values resulting from the degradation of assets, such as reductions in permissible speed or axle load, shall also be considered as capacity restrictions. Such capacity restrictions shall not give rise to penalties pursuant to Article 40***, unless this causes a change to the characteristics of an allocated capacity right*** G

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			Article 9 shall apply to such **capacity** restrictions.	***unknown to the applicant at the time of allocation and this change is categorised as significant, in accordance with Article 39(4)***. The information obligations set out in Article 9 shall apply to such capacity restrictions. Provisionally agreed in ITM 32
Article 10(7)				
G 137	7. Infrastructure managers shall publish information and consult applicants on planned temporary capacity restrictions, their impact on capacity available for commercial purposes and on alternative capacity as early as possible.	7. Infrastructure managers shall publish information and consult applicants on planned temporary capacity restrictions, their impact on capacity available for commercial purposes and on alternative capacity as early as possible.	7. Infrastructure managers shall publish information and consult applicants on planned temporary capacity restrictions, their impact on capacity available for commercial purposes and on alternative capacity as early as possible.	7. Infrastructure managers shall publish information and consult applicants on planned temporary capacity restrictions, their impact on capacity available for commercial purposes and on alternative capacity as early as possible. G
Article 10(8)				
G 138	8. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend section 3 of Annex I with a view to reduce the impact of capacity restrictions resulting from infrastructure works on rail traffic while taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	8. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend section 3 of Annex I with a view to reduce the impact of capacity restrictions resulting from infrastructure works on rail traffic while taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	8. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend ~~section 3 of Annex I with a view to reduce the impact of capacity restrictions resulting from infrastructure works on rail traffic while taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.~~**:**	8. The Commission ~~*shall be*~~***is*** empowered to adopt delegated acts in accordance with Article 71 to amend~~:~~ Provisionally agreed in ITM 20 G

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Article 10(8), first subparagraph, point (aa)					
G	138a		**(a) the classification of the capacity restrictions and the impact on traffic set out in point 0 of section 3 of Annex I,**	(a) the classification of the capacity restrictions and the impact on traffic set out in point 0 of section 3 of Annex I, Provisionally agreed in ITM 20	G
Article 10(8), first subparagraph, point (a)					
G	138b		**(b) the deadlines for the publication set out in point 1 of that section,**	(b) the deadlines for the publication set out in point 1 of that section, Provisionally agreed in ITM 20	G
Article 10(8), first subparagraph, point (b)					
Y	138c		**(c) the deadlines for the coordination of capacity restrictions set out in point 4 of that section;**	(c) the deadlines for the coordination ***and consultation*** of capacity restrictions set out in point 4 of that section; Provisionally agreed in ITM 32	Y
Article 10(8), first subparagraph a					
Y	138d		**where those elements have proven ineffective or have led to major difficulties of implementation, with a view to reduce further the impact of capacity restrictions resulting from infrastructure works on rail traffic and the administrative burden for the**	where those elements have proven ineffective or have led to major difficulties of implementation***, or where the sector has developed new and widely accepted best practices***, with a view to reduce further the impact of capacity restrictions resulting from infrastructure works	Y

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			infrastructure managers while taking into account planning, operational, technical and commercial considerations of the stakeholders concerned and taking into account the experience and opinions of ENIM.	on rail traffic and the administrative burden for the infrastructure managers while taking into account planning, operational, technical and commercial considerations of the stakeholders concerned and taking into account the experience and opinions of ENIM. Provisionally agreed in ITM 32
Article 10a				
R	138e		**Article 10a** **Refusal or withdrawal of capacity rights on public order or public security grounds**	Article 10a Refusal or withdrawal of capacity rights on public order or public security grounds
Article 10a(1)				
R	138f		**1. A Member State may require the infrastructure manager to refuse to grant, or to withdraw, capacity rights to an applicant if the competent authorities of that Member State establish that granting such rights to that applicant entails a serious and grave risk for public order or public security, including to national security and defence of that Member State. Any such decision shall be duly justified and strictly**	1. A Member State may require the infrastructure manager to refuse to grant, or to withdraw, capacity rights to an applicant if the competent authorities of that Member State establish that granting such rights to that applicant entails a serious and grave risk for public order or public security, including to national security and defence of that Member State. Any such decision shall be duly justified and strictly necessary and

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			necessary and proportionate to the objective pursued.	proportionate to the objective pursued.	
Article 10a(2)					
R 138g			**2. Without prejudice to the confidentiality of classified information, Member States shall, within 10 days from the adoption of a decision on the basis of the first paragraph of this Article, inform the Commission, the regulatory body and, in case of multi-network capacity rights, other Member States concerned of the adoption of such a decision and of the reasons thereof. Member States shall regularly review any such decision.**	2. Without prejudice to the confidentiality of classified information, Member States shall, within 10 days from the adoption of a decision on the basis of the first paragraph of this Article, inform the Commission, the regulatory body and, in case of multi-network capacity rights, other Member States concerned of the adoption of such a decision and of the reasons thereof. Member States shall regularly review any such decision.	R
Article 10a(3)					
R 138h			**3. In case a Member State raises concerns about a decision adopted by another Member State on the basis of the first paragraph of this Article, the Member States concerned shall coordinate between themselves in accordance with Article 53a.**	3. In case a Member State raises concerns about a decision adopted by another Member State on the basis of the first paragraph of this Article, the Member States concerned shall coordinate between themselves in accordance with Article 53a.	R
Article 10a(4)					
R 138i				***4. In case of multi-network capacity rights a Member State***	R

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				concerned may request a recommendation from the Commission on the decision adopted by another Member State on the basis of the first paragraph of this Article.
SECTION 2				
139	SECTION 2 STRATEGIC CAPACITY PLANNING	SECTION 2 STRATEGIC CAPACITY PLANNING	SECTION 2 STRATEGIC CAPACITY PLANNING	SECTION 2 STRATEGIC CAPACITY PLANNING
Article 11				
140	Article 11 Strategic capacity planning	Article 11 Strategic capacity planning	Article 11 Strategic capacity planning	Article 11 Strategic capacity planning
Article 11(1)				
141	1. Strategic capacity planning shall include all activities set out in Articles 12 to 25.	1. Strategic capacity planning shall include all activities set out in Articles 12 to 25.	1. Strategic capacity planning shall include all activities set out in Articles 12 to 25.	1. Strategic capacity planning shall include all activities set out in Articles 12 to 25.
Article 11(2), first subparagraph				
142	2. Strategic capacity planning shall result in the following sequence of planning documents which provide progressively increasing level of details about available capacity:	2. Strategic capacity planning shall result in the following sequence of planning documents which provide progressively increasing level of details about available capacity:	2. Strategic capacity planning shall result in the following sequence of planning documents which provide progressively increasing level of details about available capacity:	2. Strategic capacity planning shall result in the following sequence of planning documents which provide progressively increasing level of details about available capacity:
Article 11(2), first subparagraph, point (a)				
143	(a) the capacity strategy referred to in Article 16;	(a) the capacity strategy referred to in Article 16;	(a) the capacity strategy referred to in Article 16;	(a) the capacity strategy referred to in Article 16;
Article 11(2), first subparagraph, point (b)				

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G	144	(b) the capacity model referred to in Article 17;	(b) the capacity model referred to in Article 17;	(b) the capacity model referred to in Article 17;	(b) the capacity model referred to in Article 17;	G
	Article 11(2), first subparagraph, point (c)					
G	145	(c) the capacity supply plan referred to in Article 18.	(c) the capacity supply plan referred to in Article 18.	(c) the capacity supply plan referred to in Article 18.	(c) the capacity supply plan referred to in Article 18.	G
	Article 11(2), second subparagraph					
G	146	The contents of and the schedule for preparing those deliverables are set out in sections 1 and 2 of Annex I.	The contents of and the schedule for preparing those deliverables are set out in sections 1 and 2 of Annex I. ***All content shall be made available by the infrastructure manager in the official language of the Member State and in English.***	The contents of and the schedule for preparing those deliverables are set out in sections 1 and 2 of Annex I.	The contents of and the schedule for preparing those deliverables are set out in sections 1 and 2 of Annex I. ***Documents under paragraph 2, points a, b and c shall be made available by the infrastructure manager in at least two official languages of the Union.*** Agreed at 3rd trilogue	G
	Article 11(2), third subparagraph					
G	147	Infrastructure managers shall adopt the planning documents as a basis for the next phase in the planning process.	Infrastructure managers shall adopt the planning documents as a basis for the next phase in the planning process.	Infrastructure managers shall adopt the planning documents as a basis for the next phase in the planning process.	Infrastructure managers shall adopt the planning documents as a basis for the next phase in the planning process.	G
	Article 11(2), fourth subparagraph					
G	148	The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend sections 1 and 2 of Annex I, to ensure an efficient strategic	The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend sections 1 and 2 of Annex I, to ensure an efficient strategic	The Commission shall be empowered to adopt delegated acts in accordance with Article 71 ~~to amend sections 1 and 2 of Annex I, to ensure an efficient strategic~~	The Commission ~~*shall be*~~***is*** empowered to adopt delegated acts in accordance with Article 71 ***to amend:***	G

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		planning process and reflect the operational concerns of infrastructure managers and applicants, taking into account the experience of ENIM, infrastructure managers, applicants and other operational stakeholders, regulatory bodies and the ENRB in implementing this section.	planning process and reflect the operational concerns of infrastructure managers and applicants, taking into account ***a recommendation from ERA and*** the experience of ENIM, infrastructure managers, applicants and other operational stakeholders, regulatory bodies and the ~~*ENRB*~~***ENRRB*** in implementing this section.	~~planning process and reflect the operational concerns of infrastructure managers and applicants, taking into account the experience of ENIM, infrastructure managers, applicants and other operational stakeholders, regulatory bodies and the ENRB in implementing this section.~~	Provisionally agreed in ITM 30	
	Article 11(2), fourth subparagraph, point (i)					
G	148a			**(i) to delete parts of the detailed contents of the capacity strategy, of the capacity model and of the capacity supply plan set out in section 1 of Annex I and**	(i) ~~*to delete*~~ parts of the detailed contents of the capacity strategy, of the capacity model and of the capacity supply plan set out in section 1 of Annex I and Provisionally agreed in ITM 30	G
	Article 11(2), fourth subparagraph, point (ii)					
G	148b			**(ii) to amend the deadlines of section 2 of Annex I,**	(ii) ~~*to amend*~~ the deadlines of section 2 of Annex I, Provisionally agreed in ITM 30	G
	Article 11(2), fourth subparagraph a					
G	148c			**where those elements have proven ineffective or have led to major difficulties of implementation, in order to ensure an efficient strategic**	where those elements have proven ineffective or have led to major difficulties of implementation***, or where the sector has developed new and widely accepted best***	G

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			planning process and reflect the operational concerns of infrastructure managers and applicants, taking into account the experience and opinions of ENIM, applicants, regulatory bodies and the ENRRB in implementing these sections. The Commission shall not delete from section 1 of Annex I elements corresponding to elements referred to in Articles 16 to 18.	***practices***, in order to ensure an efficient strategic planning process and reflect the operational concerns of infrastructure managers and applicants, taking into account the experience and opinions of ENIM, applicants, regulatory bodies and the ENRRB in implementing these sections. ~~*The Commission shall not delete from section 1 of Annex I elements corresponding to elements referred to in Articles 16 to 18.*~~ Provisionally agreed in ITM 30
Article 11(3), first subparagraph				
G	149	3. Subject to the principle of management independence laid down in Article 4 of Directive 2012/34/EU, Member States may provide the infrastructure manager with strategic guidance based on the indicative rail infrastructure development strategies referred to in Article 8(1) of Directive 2012/34/EU. That guidance may cover/contain in particular:	3. Subject to the principle of management independence laid down in Article 4 of Directive 2012/34/EU, Member States may provide the infrastructure manager with strategic guidance based on the indicative rail infrastructure development strategies referred to in Article 8(1) of Directive 2012/34/EU. ***The guidance shall be provided by Member States in a timely manner to allow infrastructure managers and operational stakeholders to follow the deadlines set out in Annex I***	3. Subject to the principle of management independence laid down in Article 4 of Directive 2012/34/EU, Member States may provide the infrastructure manager with strategic guidance based on the indicative rail infrastructure development strategies referred to in Article 8(1) of Directive 2012/34/EU. That guidance **shall respect the operational responsibilities of the infrastructure manager, enabling them to optimise use of the network, and coordinate**	*deleted* *Agreed at 3rd trilogue*

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		of this Regulation. That guidance may cover/contain in particular:	**effectively the attribution of capacity for cross-border traffic. That guidance shall be consistent with the provisions laid down in this Regulation. That guidance shall be timely provided, as for infrastructure managers to be able to follow the deadlines set out in Annex I, and may cover or contain** ~~may cover/contain~~ in particular:	
Article 11(3), first subparagraph, point (a)				
G *150*	*(a)* general objectives of national rail policy relevant for strategic capacity planning within the scope of this Regulation;	(a) general objectives of national rail policy relevant for strategic capacity planning within the scope of this Regulation;	(a) general objectives of national rail policy relevant for strategic capacity planning within the scope of this Regulation**, such as national practices for train timetables**;	*deleted* *Agreed at 3rd trilogue* G
Article 11(3), first subparagraph, point (b)				
G *151*	*(b)* an outlook on the development of rail infrastructure, taking into account relevant plans and strategies at national or regional level and the work plans of the European Transport Corridors referred to in Article 53 of the [new TEN-T Regulation];	(b) an outlook on the development of rail infrastructure, taking into account relevant ***plans, including long-term strategic infrastructure*** plans and strategies at national or regional level and the work plans of the European Transport Corridors referred to in Article ~~53~~***54 of Regulation (EU) 2024/...*** of the ***European***	(b) an outlook on the development of rail infrastructure, taking into account relevant plans and strategies at national or regional level and the work plans of the European Transport Corridors referred to in Article ~~53~~**[54]** of the [new TEN-T Regulation];	*deleted* *Agreed at 3rd trilogue* G

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		Parliament and of the Council[1] [new TEN-T Regulation];		
		1. Regulation (EU) 2024/... of the European Parliament and of the Council of ...on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (OJ...).		
Article 11(3), first subparagraph, point (c)				
G *152*	*(c)* general requirements and guidelines as regards the use of rail infrastructure capacity, which the infrastructure manager shall take into account in strategic capacity planning, in particular in relation to highly utilised and congested infrastructure referred to in Article 21;	(c) general requirements and guidelines as regards the use of rail infrastructure capacity, which the infrastructure manager shall take into account in strategic capacity planning, in particular in relation to highly utilised and congested infrastructure referred to in Article 21;	(c) general ~~requirements and~~ guidelines as regards the use of rail infrastructure capacity, ~~which the infrastructure manager shall take into account in strategic capacity planning, in particular in relation to highly utilised and congested infrastructure referred to in Article 21;~~**including where appropriate policy orientations, related to:**	*deleted* *Agreed at 3rd trilogue*
Article 11(3), first subparagraph, point (c), first subparagraph, point (i)				
G *152a*			**(i) the volumes of the different types of traffic referred to in Article 12 that the infrastructure managers shall aim to accommodate through the strategic planning process;**	*deleted* *Agreed at 3rd trilogue*
Article 11(3), first subparagraph, point (c), first subparagraph, point (ii)				

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G	*152b*			**(ii) the implementation of specific timetable designs for both freight and passenger services such as integrated clock-faced timetable;**	*deleted* *Agreed at 3rd trilogue*	G
	Article 11(3), first subparagraph, point (c), first subparagraph, point (iii)					
G	*152c*			**(iii) the extent of capacity that can be reserved through framework agreements or rolling planning;**	*deleted* *Agreed at 3rd trilogue*	G
	Article 11(3), first subparagraph, point (c), first subparagraph, point (iv)					
G	*152d*			**(iv) the implementation, by the infrastructure managers, of the rules of conflict resolution laid down in Article 37;**	*deleted* *Agreed at 3rd trilogue*	G
	Article 11(3), first subparagraph, point (c), first subparagraph a					
G	*152e*			**which the infrastructure manager shall take utmost account in strategic capacity planning, in particular in relation to highly utilised and congested infrastructure referred to in Article 21 and in the pre-planning process referred to in Articles 18 and 20;**	*deleted* *Agreed at 3rd trilogue*	G
	Article 11(3), first subparagraph, point (d)					
G	*153*	*(d)* an outlook on the planned development of rail services operated under public service	(d) an outlook on the planned development of rail services operated under public service	(d) an outlook on the planned development of rail services operated under public service	*deleted*	G

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	obligations, taking into account, where necessary, the views of the regional or local authorities involved.	obligations, taking into account, where necessary, the views of the regional or local authorities involved.	obligations, taking into account, where necessary, the views of the regional or local authorities involved.	*Agreed at 3rd trilogue*
Article 11(3), second subparagraph				
G *154*	Member States shall coordinate to ensure consistency between the respective strategic guidance they provide in accordance with this paragraph with a view to supporting the development of international passenger and freight rail services.	Member States shall coordinate ***the timely provision of guidance to and*** ~~to~~ ensure consistency between the respective strategic guidance they provide in accordance with this paragraph with a view to supporting the development of international passenger and freight rail services. ***With a view to Article 8 of Directive 2012/34/EU, Member States shall ensure advance allocation of financial resources for the infrastructure managers for regular maintenance of infrastructure and financial resources for infrastructure development described in the capacity strategy as referred in Article 16 of this Regulation. The Member States shall coordinate their long-term strategic infrastructure and timetable plans, their***	Member States shall coordinate **in accordance with Article 53a** to ensure consistency between the respective strategic guidance they provide in accordance with this paragraph with a view to supporting the development of international passenger and freight rail services.	*deleted* *Agreed at 3rd trilogue* G

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			infrastructure development based on these plans and coordinate the timelines of their implementation.			
Article 11(3), third subparagraph						
G	*154a*			**Infrastructure managers shall justify any deviation from the guidance provided by Member States pursuant to points c) and d) of this paragraph.**	*deleted* *Agreed at 3rd trilogue*	G
Article 11(3), second subparagraph b						
G	*154b*			**Member States may provide that elements of guidance referred to in point c) of this paragraph are binding.**	*deleted* *Agreed at 3rd trilogue*	G
Article 11(3), second subparagraph c						
G	*154c*			**Member States shall publish the strategic guidance adopted pursuant to this paragraph, where Member States have provided such guidance. The strategic guidance shall be published in a timely manner to allow the preparation of the strategic capacity planning.**	*deleted* *Agreed at 3rd trilogue*	G
Article 11(4)						
G	*155*	*4.* Strategic capacity planning shall not involve the granting of capacity rights to	4. Strategic capacity planning shall not involve the granting of capacity rights to	4. Strategic capacity planning shall not involve the granting of capacity rights to	4. Strategic capacity planning shall not involve the granting of capacity rights to	G

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	individual applicants in accordance with Article 26.	individual applicants in accordance with Article 26.	individual applicants in accordance with Article 26.	individual applicants in accordance with Article 26.
Article 11(4a)				
155a		***4a. Taking into account experiences with the preparation and implementation of the strategic guidance referred to in paragraph 3, the Commission may adopt delegated acts in accordance with Article 71 to set out the specific legal status, template, procedures, criteria and methodologies to be applied for adopting national strategic guidance to ensure consistency between those strategic guidances issued by Member State, which are necessary to support the development of international rail freight and passenger services.***		*deleted* *Provisionally agreed in ITM 32*
Article 12				
156	Article 12 General requirements for strategic capacity management	Article 12 General requirements for strategic capacity management	Article 12 General requirements for strategic capacity ~~management~~**planning**	Article 12 General requirements for strategic capacity planning
Article 12(1)				
157	1. Infrastructure managers shall take into account in a balanced, fair and non-discriminatory manner all types of	1. Infrastructure managers shall take into account in a balanced, fair and non-discriminatory manner all types of	1. Infrastructure managers shall take into account in ~~a balanced, fair~~**an equitable, transparent** and non-	1. Infrastructure managers shall take into account in an equitable, transparent and non-discriminatory manner all types of

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	rail transport services for which they are liable to receive requests for capacity, irrespective of their volume, size of downstream market, stability between consecutive timetables, regularity or frequency within a given working timetable period.	rail transport services for which they are liable to receive requests for capacity, irrespective of their volume, size of downstream market, stability between consecutive timetables, regularity or frequency within a given working timetable period.	discriminatory manner all types of rail transport services for which they are liable to receive requests for capacity, irrespective of their volume, size of downstream market, stability between consecutive timetables, regularity or frequency within a given working timetable period.	rail transport services for which they are liable to receive requests for capacity, irrespective of their volume, size of downstream market, stability between consecutive timetables, regularity or frequency within a given working timetable period. Agreed at 3rd trilogue
Article 12(2), first subparagraph				
G 158	2. In strategic capacity planning, in particular in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18, infrastructure managers shall differentiate at least between the following types of rail transport services:	2. In strategic capacity planning, in particular in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18, infrastructure managers shall differentiate at least between the following types of rail transport services:	2. In strategic capacity planning, in particular in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18, infrastructure managers shall differentiate at least between the following types of rail transport services:	2. In strategic capacity planning, in particular in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18, infrastructure managers shall differentiate at least between the following types of rail transport services: G
Article 12(2), first subparagraph, point (a)				
G 159	(a) freight transport services;	(a) freight transport services;	(a) freight transport services;	(a) freight transport services; G
Article 12(2), first subparagraph, point (b)				
G 160	(b) inter-urban passenger services (long distance);	(b) inter-urban passenger services (long distance);	(b) inter-urban passenger services (long distance);	(b) inter-urban passenger services (long distance); G
Article 12(2), first subparagraph, point (c)				
G 161	(c) urban and regional passenger services.	(c) urban and regional passenger services.	(c) urban and regional passenger services.	(c) urban and regional passenger services. G
Article 12(2), second subparagraph				

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G 162	If necessary, in the light of experience gained in the implementation of this Regulation, ENIM may define a more detailed list which further differentiates between types of rail transport services. With a view to supporting the cross-border consistency of the strategic planning process, a harmonised list shall be included in the European framework for capacity management referred to in Article 6.	If necessary, in the light of experience gained in the implementation of this Regulation, ENIM ***in cooperation with ERP*** may define a more detailed list which further differentiates between types of rail transport services. With a view to supporting the cross-border consistency of the strategic planning process, a harmonised list shall be included in the European framework for capacity management referred to in Article 6.	If necessary, in the light of experience gained in the implementation of this Regulation~~,~~ ~~ENIM may define a more detailed list which further differentiates between types of rail transport services.~~ **and** with a view to supporting the cross-border consistency of the strategic planning process, **ENIM may define a more detailed~~a~~** harmonised **list which further differentiates between types of rail transport services. That** list shall be included in the European framework for capacity management referred to in Article 6. **Infrastructure managers shall take utmost account of that list.**	If necessary, in the light of experience gained in the implementation of this Regulation and with a view to supporting the cross-border consistency of the strategic planning process, ENIM ***in consultation with operational stakeholders and ERP*** may define a more detailed harmonised list which further differentiates between types of rail transport services. That list shall be included in the European framework for capacity management referred to in Article 6. ~~*Infrastructure managers shall take utmost account of that list.*~~ Agreed at 3rd trilogue
Article 12(3)				
G 163	3. In strategic capacity planning, in particular in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18, infrastructure managers shall indicate the pre-planned capacity suitable for the provision of multi-network transport services.	3. In strategic capacity planning, in particular in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18, infrastructure managers shall indicate the pre-planned capacity suitable for the provision of multi-network transport services.	3. In strategic capacity planning, in particular in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18, infrastructure managers shall indicate the pre-planned capacity suitable for the provision of multi-network transport services**, including cross-border rail services**. **Infrastructure**	3. In strategic capacity planning, in particular in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18, infrastructure managers shall indicate the pre-planned capacity suitable for the provision of multi-network transport services~~,~~ ~~*including cross-border rail services*~~. ~~*Infrastructure managers*~~

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			managers shall coordinate in accordance with Article 53 when indicating the pre-planned capacity suitable for the provision of multi-network transport services.	~~*shall coordinate in accordance with Article 53 when indicating the pre-planned capacity suitable for the provision of multi-network transport services.*~~ Agreed at 3rd trilogue
Article 12(4)				
164	4. Strategic capacity planning shall also take into account:	4. Strategic capacity planning shall also take into account:	4. Strategic capacity planning shall also take into account:	4. Strategic capacity planning shall also take into account:
Article 12(4), point (a)				
165	(a) the observed structure and developments of demand for infrastructure capacity, as identified through capacity allocation in previous working timetable periods and through the market monitoring referred to in Article 15 of Directive 2012/34/EU;	(a) the observed structure and developments of demand for infrastructure capacity, as identified through capacity allocation in previous working timetable periods and through the market monitoring referred to in Article 15 of Directive 2012/34/EU;	(a) the observed structure and developments of demand for infrastructure capacity, as identified through capacity allocation in previous working timetable periods and through the market monitoring referred to in Article 15 of Directive 2012/34/EU;	(a) the observed structure and developments of demand for infrastructure capacity, as identified through capacity allocation in previous working timetable periods and through the market monitoring referred to in Article 15 of Directive 2012/34/EU;
Article 12(4), point (b)				
166	(b) the expected development of transport needs and of the resulting demand for rail transport services and infrastructure capacity, as identified through the analysis referred to in Article 15 of this Regulation;	(b) the expected development of transport needs and of the resulting demand for rail transport services and infrastructure capacity, as identified through the analysis referred to in Article 15 of this Regulation;	(b) the expected development of transport needs and of the resulting demand for rail transport services and infrastructure capacity, as identified through the analysis referred to in Article 15 of this Regulation;	(b) the expected development of transport needs and of the resulting demand for rail transport services and infrastructure capacity, as identified through the analysis referred to in Article 15 of this Regulation;
Article 12(4), point (c)				

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G	167	(c) the input from the consultation of current and potential applicants in accordance with Article 13;	(c) ***the capacity needs announced by operational stakeholders and*** the input from the consultation of current and potential applicants in accordance with Article 13;	(c) **capacity needs announcements by applicants and** the input from the consultation of ~~current and potential applicants~~**operational stakeholders** in accordance with Article 13;	(c) capacity needs announcements by applicants and the input from the consultation of operational stakeholders in accordance with Article 13; Agreed at 3rd trilogue	G
Article 12(4), point (d)						
G	168	(d) the expected or planned development of infrastructure capacity, in particular as identified in the indicative rail infrastructure development strategy referred to Article 8(1) of Directive 2012/34/EU and the business plan of the infrastructure manager referred to in Article 8(3) of Directive 2012/34/EU;	(d) the expected or planned development of infrastructure capacity, in particular as identified in the indicative rail infrastructure development strategy referred to Article 8(1) of Directive 2012/34/EU and the business plan of the infrastructure manager referred to in Article 8(3) of Directive 2012/34/EU;	(d) the expected or planned development of infrastructure capacity, in particular as identified in the indicative rail infrastructure development strategy referred to **in** Article 8(1) of Directive 2012/34/EU and the business plan of the infrastructure manager referred to in Article 8(3) of Directive 2012/34/EU;	(d) the expected or planned development of infrastructure capacity, in particular as identified in the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU and the business plan of the infrastructure manager referred to in Article 8(3) of Directive 2012/34/EU;	G
Article 12(4), point (e)						
G	169	(e) the planned infrastructure works which are expected to affect the network;	(e) the planned infrastructure works which are expected to affect the network;	(e) the planned infrastructure works which are expected to affect the network;	(e) the planned infrastructure works which are expected to affect the network;	G
Article 12(4), point (f)						
G	170	(f) The characteristics of different rail transport markets, as regards in particular:	(f) The characteristics of different rail transport markets, as regards in particular:	(f) the characteristics of different rail transport markets, as regards in particular:	(f) The characteristics of different rail transport markets, as regards in particular:	G
Article 12(4), point (f)(i)						
G	171	(i) speed;	(i) speed;	(i) speed;	(i) speed;	G
Article 12(4), point (f)(ii)						

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G 172	(ii) frequency;	(ii) frequency;	(ii) frequency;	(ii) frequency;	G
Article 12(4), point (f)(iii)					
G 173	(iii) tolerance for deviations from the allocated train path;	(iii) tolerance for deviations from the allocated train path;	(iii) tolerance for deviations from the allocated train path;	(iii) tolerance for deviations from the allocated train path;	G
Article 12(4), point (f)(iv)					
G 174	(iv) possibility to re-route, reschedule or replace services by other modes in the event of network disruptions;	(iv) possibility to re-route, reschedule or replace services by other modes in the event of network disruptions;	(iv) possibility to re-route, reschedule or replace services by other modes in the event of network disruptions;	(iv) possibility to re-route, reschedule or replace services by other modes in the event of network disruptions;	G
Article 12(4), point (f)(v)					
G 175	(v) volatility of demand for rail transport and the consequent need to plan rail services on a different time horizon.	(v) ~~*volatility*~~***olatility*** of demand for rail transport and the consequent need to plan rail services on a different time horizon.	(v) volatility of demand for rail transport and the consequent need to plan rail services on a different time horizon.	(v) volatility of demand for rail transport and the consequent need to plan rail services on a different time horizon.	G
Article 12(4), point (fa)					
G 175a		***(fa) as far as possible, the socio-economic and environmental impact of the use of infrastructure capacity.***		*deleted* *Agreed at 3rd trilogue*	G
Article 12(5)					
G *176*	*5.* Strategic capacity planning shall reflect the capacity allocated through framework agreements and rolling planning.	5. Strategic capacity planning shall reflect the capacity allocated through framework agreements and rolling planning.	5. Strategic capacity planning shall reflect the capacity allocated through framework agreements and rolling planning.	5. Strategic capacity planning shall reflect the capacity allocated through framework agreements and rolling planning.	G
Article 12(6), first subparagraph					

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G	177	6. Strategic capacity planning shall cover the lines part of the TEN-T core and extended core network referred to in Article 6 of and Annex I to [new TEN-T Regulation]. Infrastructure managers may include other lines and nodes of the network they manage.	6. Strategic capacity planning shall cover the ~~*lines part of the TEN-T core and extended core network referred to in Article 6 of and Annex I to [new TEN-T Regulation]*~~***Single European Railway Area***. ~~*Infrastructure managers may include other lines and nodes of the network they manage.*~~	6. Strategic capacity planning shall cover the **railway** lines part of the TEN-T core **network** and extended core network ~~referred to in Article 6 of and Annex I to [new TEN-T Regulation]~~. Infrastructure managers**, including those which do not manage lines part of the TEN-T core network and extended core network, may decide to** ~~may~~ include **in the strategic capacity planning** other lines and nodes of the network they manage. **In accordance with their respective strategic guidance referred to in Article 11(3), Member States may also provide that infrastructure managers shall perform strategic capacity planning on other lines and nodes of the network managed by those infrastructure managers.**	6. Strategic capacity planning shall cover the ~~*railway lines*~~***sections and nodes*** part of the TEN-T core ~~*network*~~ and extended core network***, as identified in Annex IV of Regulation (EU) 2024/1679***. Infrastructure managers~~*, including those which do not manage lines part of the TEN-T core network and extended core network*~~, may decide to include in the strategic capacity planning other ~~*lines*~~***sections*** and nodes of the network they manage. In accordance with their respective strategic guidance referred to in Article ~~*11(3)*~~***3a***, Member States may also provide that infrastructure managers shall perform strategic capacity planning on other ~~*lines*~~***sections*** and nodes of the network managed by those infrastructure managers. Agreed at 3rd trilogue	G
Article 12(6), second subparagraph						
G	178	Strategic capacity planning shall be carried out at a level which is sufficiently detailed to allow capacity planning for specific sections of the network. For this	Strategic capacity planning shall be carried out at a level which is sufficiently detailed to allow capacity planning for specific sections of the network. For this	Strategic capacity planning shall be carried out at a level which is sufficiently detailed to allow capacity planning for specific sections of the network. For this	Strategic capacity planning shall be carried out at a level which is sufficiently detailed to allow capacity planning for ~~*specific sections of*~~ the network. For this	G

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	purpose, the network shall be represented by nodes and sections that allow to take into account relevant characteristics of capacity demand and supply.	purpose, the network shall be represented by nodes and sections that allow to take into account relevant characteristics of capacity demand and supply.	purpose, the network shall be represented by nodes and sections that allow to take into account relevant characteristics of capacity demand and supply.	purpose, the network shall be represented by ~~nodes and~~ sections ***and nodes*** that allow to take into account relevant characteristics of capacity demand and supply.
Article 12(6), third subparagraph				
G 179	These nodes and sections shall be indicated in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.	These nodes and sections shall be indicated in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.	**Member States shall ensure that** these ~~nodes and~~ sections ~~shall be~~**are** indicated in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.	Member States shall ~~*ensure that*~~***instruct infrastructure managers to indicate*** these sections ~~*are indicated*~~***and nodes*** in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797. Agreed at 3rd trilogue
Article 12(6a), first subparagraph				
G 179a				***6a. For the purpose of strategic capacity planning, infrastructure managers shall draw up a strategic route map in terms of sections and nodes which defines the following:*** Agreed at 3rd trilogue
Article 12(6a), first subparagraph, point (a)				
G 179b				***(a) the geographical scope of the capacity strategy referred to in Article 16, of the capacity model referred to in Article 17***

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				and of the capacity supply plan referred to in Article 18; Agreed at 3rd trilogue
Article 12(6a), first subparagraph, point (b)				
G 179c				***(b) the alternative lines considered in the event of capacity restrictions referred to in Article 10 and in the context of contingency planning referred to in Article 19.*** Agreed at 3rd trilogue
Article 12(6a), second subparagraph				
G 179d				***Member States shall ensure that the strategic route map is made publicly available and included in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.*** Agreed at 3rd trilogue
Article 12(7)				
G 180	7. Strategic capacity planning shall cover a period that is at least five years ahead in time. Infrastructure managers may extend the period to more than five years, in particular to support infrastructure development within	7. Strategic capacity planning shall cover a period that is at least five years ahead in time. Infrastructure managers may extend the period to more than five years, in particular to support infrastructure development within	7. Strategic capacity planning shall cover a period that ~~is at least~~**starts** five years ~~ahead in time~~**before the change of working timetable to which it relates**. Infrastructure managers may extend the period to more	7. Strategic capacity planning shall cover a period that starts five years before the change of working timetable to which it relates. Infrastructure managers may extend the period to more than five years, in particular to

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	the framework of the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU.	the framework of the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU.	than five years, in particular to support infrastructure development within the framework of the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU.	support infrastructure development within the framework of the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU. Agreed at 3rd trilogue
Article 12(8)				
G 181	8. Infrastructure managers shall regularly review and update the results of the strategic capacity planning taking account, in particular, of the following:	8. Infrastructure managers shall regularly review and update the results of the strategic capacity planning taking account, in particular, of the following:	8. Infrastructure managers shall ~~regularly~~ review and update **where necessary** the results of the strategic capacity planning taking account, in particular, of the following:	8. Infrastructure managers shall review and update ~~*where necessary*~~ the results of the strategic capacity planning taking account, in particular, of the following: Agreed at 3rd trilogue
Article 12(8), point (a)				
G 182	(a) the development of the railway infrastructure;	(a) the development of the railway infrastructure;	(a) the development of the railway infrastructure;	(a) the development of the railway infrastructure;
Article 12(8), point (b)				
G 183	(b) changes in market demand for infrastructure capacity;	(b) changes in market demand for infrastructure capacity ***taking into account needs announced by applicants for new or modified services***;	(b) changes in market demand for infrastructure capacity**, including through the capacity needs announcements**;	(b) changes in market demand for infrastructure capacity, including through the capacity needs announcements; Agreed at 3rd trilogue
Article 12(8), point (c)				

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G	184	(c) the results of the allocation processes set out in sections 3 and 4 in previous working timetable periods, including the degree of utilisation of infrastructure capacity by applicants;	(c) the results of the allocation processes set out in sections 3 and 4 in previous working timetable periods, including the degree of utilisation of infrastructure capacity by applicants;	(c) the results of the allocation processes set out in sections 3 and 4 **of this Chapter** in previous working timetable periods, including the degree of utilisation of infrastructure capacity by applicants;	(c) the results of the allocation processes set out in sections 3 and 4 of this Chapter in previous working timetable periods, including the degree of utilisation of infrastructure capacity by applicants; Agreed at 3rd trilogue	G
Article 12(8), point (d)						
G	185	(d) insights from traffic management performed in accordance with Chapter III;	(d) insights from traffic management performed in accordance with Chapter III;	(d) insights from traffic management performed in accordance with Chapter III;	(d) insights from traffic management performed in accordance with Chapter III;	G
Article 12(8), point (e)						
G	186	(e) the result of disruption and crisis management performed in accordance with Chapter III;	(e) the result of disruption and crisis management performed in accordance with Chapter III;	(e) the result of disruption and crisis management performed in accordance with Chapter III;	(e) the result of disruption and crisis management performed in accordance with Chapter III;	G
Article 12(8), point (f)						
G	187	(f) the results of the performance review in accordance with Chapter IV.	(f) the results of the performance review in accordance with Chapter IV.	(f) the results of the performance review in accordance with Chapter IV.	(f) the results of the performance review in accordance with Chapter IV.	G
Article 12(9)						
G	188	9. ENIM shall develop guidelines setting out common principles, procedures and methodologies for strategic capacity planning. It shall include those guidelines in the European framework for capacity	9. ***By... [12 months from the entry into force of this Regulation],*** ENIM shall develop guidelines setting out common principles, procedures and methodologies for strategic capacity planning. It shall include	9. ENIM shall develop **and include in the European framework for capacity management referred to in Article 6 of this Regulation** guidelines setting out common principles, procedures and	9. ENIM shall develop and include in the European framework for capacity management referred to in Article 6 of this Regulation guidelines setting out common principles,	G

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	management referred to in Article 6 of this Regulation. Those guidelines should contain at least the elements listed in Annex III to this Regulation. The infrastructure managers shall take the utmost account of those guidelines in the network statement referred to in Article 27 of Directive 2012/34/EU. They shall explain in the network statement the reason for any deviation from the common principles, procedures and methodologies established in the guidelines.	those guidelines in the European framework for capacity management referred to in Article 6 of this Regulation. Those guidelines should contain at least the elements listed in Annex III to this Regulation. The infrastructure managers shall take the utmost account of those guidelines in the network statement referred to in Article 27 of Directive 2012/34/EU. They shall explain in the network statement the reason for any deviation from the common principles, procedures and methodologies established in the guidelines.	methodologies for strategic capacity planning. ~~It shall include those guidelines in the European framework for capacity management referred to in Article 6 of this Regulation. Those guidelines should contain at least the elements listed in Annex III to this Regulation. The infrastructure managers shall take the utmost account of those guidelines in the network statement referred to in Article 27 of Directive 2012/34/EU. They shall explain in the network statement the reason for any deviation from the common principles, procedures and methodologies established in the guidelines.~~	procedures and methodologies for strategic capacity planning. Agreed at 3rd trilogue
Article 12(9), second subparagraph				
G 188a			**The infrastructure managers shall take the utmost account of those guidelines in the network statement referred to in Article 27 of Directive 2012/34/EU. They shall explain in the network statement the reason for any deviation from the common principles, procedures and methodologies established in the guidelines.**	***9a.*** The infrastructure managers shall take ~~*the utmost*~~ account of those guidelines in the network statement referred to in Article 27 of Directive 2012/34/EU. They shall explain in the network statement the reason for any deviation from the common principles, procedures and methodologies established in the guidelines. G

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				Agreed at 3rd trilogue
Article 12(9b)				
188b		***9a. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to set out common principles, procedures and methodologies for strategic capacity planning and to amend paragraph 9 of this Article. Those delegated acts shall be adopted by ... [24 months from the entry into force of this Regulation]. They shall be included in the European framework for capacity management.***		*deleted* *Provisionally agreed in ITM 30*
Article 13				
189	Article 13 Consultation of stakeholders on strategic capacity planning	Article 13 Consultation of stakeholders on strategic capacity planning	Article 13 Consultation of stakeholders on strategic capacity planning	Article 13 Consultation of stakeholders on strategic capacity planning Agreed at 3rd trilogue
Article 13(1)				
190	1. Infrastructure managers shall consult all operational stakeholders on strategic capacity planning in accordance with Article 7e of Directive 2012/34/EU.	1. Infrastructure managers shall consult all operational stakeholders on strategic capacity planning in accordance with Article 7e of Directive 2012/34/EU.	1. Infrastructure managers shall**, in the framework of Article 7e of Directive 2012/34/EU,** consult all operational stakeholders**, including those operating multi-**	1. Infrastructure managers shall, in ~~*the framework of*~~***accordance with*** Article 7e of Directive 2012/34/EU, consult all operational stakeholders, including those operating multi-network rail

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			network rail services, on strategic capacity planning**, including the planning documents referred to in articles 16 to 18,** in accordance with ~~Article 7e of Directive 2012/34/EU~~**the schedule laid down in section 2 of Annex I**.	services, on strategic capacity planning, including the planning documents referred to in articles 16 to 18, in accordance with the schedule laid down in section 2 of Annex I. Agreed at 3rd trilogue
Article 13(2)				
191	2. Infrastructure managers shall consult all operational stakeholders operating multi-network rail services on strategic capacity planning in accordance with Articles 53 and 54.	2. Infrastructure managers shall consult all operational stakeholders operating multi-network rail services on strategic capacity planning ***throughout the strategic capacity management phase, and at least in accordance with the milestones set out in Annex I*** in accordance with Articles 53 and 54.	2. **For the purpose of that consultation, the** infrastructure managers shall ~~consult all operational stakeholders operating multi-network rail services on strategic~~**take the utmost account of the principles contained in the European framework for** capacity ~~planning in accordance with Articles 53 and 54~~**management referred to in Article 6**.	*deleted* *Agreed at 3rd trilogue*
Article 13(2), second subparagraph				
191a			**For the purpose of consulting operational stakeholders operating multi-network rail services, infrastructure managers shall coordinate between themselves in accordance with Article 53 and, for European and cross-border matters, Article 54.**	***2a.*** For the purpose of consulting operational stakeholders operating multi-network rail services, infrastructure managers shall coordinate between themselves in accordance with Article 53 and, for European and cross-border matters, Article 54.

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				Agreed at 3rd trilogue
Article 13(2b)				
191b		***2a. Infrastructure managers shall give applicants the possibility to announce their capacity needs in a structured format throughout the capacity management process, for which ENIM shall specify appropriate timelines. Infrastructure managers shall make the utmost effort to integrate the needs announced by applicants in the strategic capacity planning documents referred to in Article 11(2). If alternatives are not available for all announced capacity needs, infrastructure managers shall make the utmost efforts to resolve the potential conflicts by means of the consensual conflict resolution mechanism referred to in Article 36.***		*deleted* *Agreed at 3rd trilogue*
Article 13(2c)				
191c		***2b. The regulatory body shall monitor the activities of the infrastructure manager in strategic capacity planning in accordance with Article 63.***		*deleted* *Agreed at 3rd trilogue*

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Article 14						
G	*192*	Article 14 Coordination on strategic capacity planning between infrastructure managers	Article 14 Coordination on strategic capacity planning between infrastructure managers	Article 14 Coordination on strategic capacity planning between infrastructure managers	Article 14 Coordination on strategic capacity planning between infrastructure managers	G
Article 14(1), first subparagraph						
G	193	1. Infrastructure managers shall coordinate their activities related to strategic capacity planning in accordance with Article 53.	1. Infrastructure managers shall coordinate their activities related to strategic capacity planning in accordance with Article 53.	1. Infrastructure managers shall coordinate **where relevant** their activities related to strategic capacity planning in accordance with Article 53.	1. Infrastructure managers shall coordinate where relevant their activities related to strategic capacity planning in accordance with Article 53. Agreed at 3rd trilogue	G
Article 14(1), second subparagraph						
G	194	Coordination shall ensure in particular:	Coordination shall ensure in particular:	Coordination shall ensure in particular:	Coordination shall ensure in particular:	G
Article 14(1), second subparagraph, point (a)						
G	195	(a) the consistency of strategic planning across the networks concerned, in particular in relation to the capacity strategy, the capacity model and the capacity supply plan, the planning of infrastructure works and contingency planning;	(a) the consistency of strategic planning across the networks concerned, in particular in relation to the capacity strategy, the capacity model and the capacity supply plan, the planning of infrastructure works and contingency planning;	(a) the consistency of strategic planning across the networks concerned, in particular in relation to the capacity strategy, the capacity model and the capacity supply plan, the planning of infrastructure works and contingency planning;	(a) the consistency of strategic planning across the networks concerned, in particular in relation to the capacity strategy, the capacity model and the capacity supply plan, the planning of infrastructure works and contingency planning;	G
Article 14(1), second subparagraph, point (b)						
G	196	(b) appropriate consideration of the capacity needs for multi-network rail services in the	(b) appropriate consideration of the capacity needs for multi-network rail services in the	(b) appropriate consideration of the capacity needs for multi-network rail services**, including**	(b) appropriate consideration of the capacity needs for multi-network rail services~~, *including*~~	G

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	capacity strategy, capacity model and capacity supply plan;	capacity strategy, capacity model and capacity supply plan;	**cross-border rail services,** in the capacity strategy, capacity model and capacity supply plan;	~~*cross-border rail services,*~~ in the capacity strategy, capacity model and capacity supply plan; Agreed at 3rd trilogue
Article 14(1), second subparagraph, point (c)				
197	(c) a review of the performance of strategic capacity planning and its outcomes in accordance with Chapter IV;	(c) a review of the performance of strategic capacity planning and its outcomes in accordance with Chapter IV;	(c) a review of the performance of strategic capacity planning and its outcomes in accordance with Chapter IV;	(c) a review of the performance of strategic capacity planning and its outcomes in accordance with Chapter IV;
Article 14(1), second subparagraph, point (d)				
198	(d) the involvement of all operational stakeholders, regulatory bodies and the European Network of Rail Regulatory Bodies ('the ENRRB'), the European Coordinators and, where necessary, Member State authorities and other stakeholders.	(d) the involvement of all operational stakeholders ***and ERP***, regulatory bodies and the European Network of Rail Regulatory Bodies ('the ENRRB'), the European Coordinators and, where necessary, Member State authorities and other stakeholders.	(d) the involvement of all operational stakeholders, regulatory bodies and the ~~European Network of Rail Regulatory Bodies ('the~~ ENRRB~~')~~, the European Coordinators and~~, where necessary,~~ Member State authorities and**, where necessary,** other stakeholders.	(d) the involvement of all operational stakeholders ***and, where relevant, ERP***, regulatory bodies and the ENRRB, the European Coordinators and Member State authorities and, where necessary, other stakeholders. Agreed at 3rd trilogue
Article 14(2)				
199	2. ENIM shall take into account any relevant complaint by applicants or potential applicants on the planning documents referred to in Article 11(2) and shall request additional information from the entities involved in the coordination in	2. ENIM shall take into account any relevant complaint by applicants or potential applicants on the planning documents referred to in Article 11(2) and shall request additional information from the entities involved in the coordination in	*deleted*	***2. Applicants shall have the right to address their concerns on the planning documents referred to in Article 11(2) to ENIM. ENIM may adopt an opinion or recommendation on these concerns and shall inform ENRRB.***

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	accordance with Article 53 and from operational stakeholders consulted in accordance with Article 54, prior to adopting an opinion or recommendation to improve the consistency of those planning documents. ENIM shall share its opinion on the draft planning documents with the ENRRB or inform the latter of a failure to adopt an opinion. The ENRRB shall act in accordance with Article 65(3).	accordance with Article 53 and from operational stakeholders consulted in accordance with Article 54, prior to adopting an opinion or recommendation to improve the consistency of those planning documents. ENIM shall share its opinion on the draft planning documents with the ENRRB or inform the latter of a failure to adopt an opinion. The ENRRB shall act in accordance with Article 65(3).		Agreed at 3rd trilogue
Article 14(3)				
G 200	3. Infrastructure managers shall take into account any recommendation adopted by ENIM in accordance with paragraph 2. Where infrastructure managers do not follow the recommendation, they shall explain the reasons in the planning documents. The ENRRB shall monitor the coordination process and its implementation. It shall inform the Commission of its views on the need to address any shortcomings of the coordination process.	3. Infrastructure managers shall take into account any recommendation adopted by ENIM in accordance with paragraph 2. Where infrastructure managers do not follow the recommendation, they shall explain the reasons in the planning documents. The ENRRB shall monitor the coordination process and its implementation. It shall inform the Commission of its views on the need to address any shortcomings of the coordination process.	3. Infrastructure managers shall take into account any recommendation adopted by ENIM in accordance with ~~paragraph 2~~**Article 54**. Where infrastructure managers do not follow the recommendation, they shall explain the reasons **thereof** in the planning documents. ~~The ENRRB shall monitor the coordination process and its implementation. It shall inform the Commission of its views on the need to address any shortcomings of the coordination process.~~	3. Infrastructure managers shall take into account any recommendation adopted by ENIM in accordance with ~~*Article 54*~~***paragraph 2***. Where infrastructure managers do not follow the recommendation, they shall explain the reasons thereof in the planning documents. Agreed at 3rd trilogue G
Article 14(4)				

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200a			**4. The ENRRB shall monitor the coordination process and its implementation. It shall inform the Commission of its views on the need to address any shortcomings of the coordination process.**	4. The ENRRB shall monitor the coordination process and its implementation. It shall inform the Commission of its views on the need to address any shortcomings of the coordination process. Agreed at 3rd trilogue
Article 14(3b)				
200b		***3a. The rail freight governance shall submit a recommendation on coordinated capacity strategy to the respective infrastructure managers three months prior to the period as defined in Article 10(4).***		*deleted* *Agreed at 3rd trilogue*
Article 15				
201	Article 15 Analysis of expected transport market developments	Article 15 Analysis of expected transport market developments	Article 15 Analysis of expected transport market developments	Article 15 Analysis of expected transport market developments
Article 15(1)				
202	1. Infrastructure managers and ENIM shall regularly monitor and analyse transport markets in order to inform their overall business strategy, capacity and contingency management and investment decisions. Infrastructure managers shall communicate the results of this	1. Infrastructure managers and ENIM***, in consultation with ENRRB and ERP,*** shall regularly monitor and analyse transport markets ***and relevant multimodal aspects for rail*** in order to inform their overall business strategy, capacity and contingency management and investment	**1. The Network Coordinator shall regularly carry out a transport market study regarding network and market developments for cross-border rail services. The Network Coordinator shall communicate the results of this study to Member States,**	1. ~~*The Network Coordinator shall regularly carry out a transport market study regarding network and market developments for cross-border rail services. The Network Coordinator shall communicate the results of this study to Member States, infrastructure managers and other*~~

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	analysis to other stakeholders for similar purposes, including the European Coordinators.	decisions. Infrastructure managers shall communicate the results of this analysis to other stakeholders for similar purposes, including the European Coordinators.	infrastructure managers and ~~ENIM~~**other relevant stakeholders, including the European Coordinators. The Network Coordinator** shall ~~regularly monitor and analyse~~**review and update the** transport ~~markets~~**market study as appropriate, and in any case at least every five years. Infrastructure managers shall take this market study into account** in order to inform their overall business strategy, capacity and contingency management and investment decisions. ~~Infrastructure managers shall communicate the results of this analysis to other stakeholders for similar purposes, including the European Coordinators.~~	~~*relevant stakeholders, including the European Coordinators. The Network Coordinator shall review and update the transport market study as appropriate, and in any case at least every five years.*~~ Infrastructure managers shall ~~*take this market study into account*~~***regularly monitor and analyse transport markets*** in order to inform their overall business strategy, capacity and contingency management and investment decisions. Agreed at 3rd trilogue
Article 15(2)				
G 203	2. For the purposes of this Regulation, the transport market analysis referred to in paragraph 1 shall in particular provide input to strategic capacity planning as referred to in Article 11, to the partitioning of infrastructure capacity as referred to in Article 25 and to the allocation of capacity	2. For the purposes of this Regulation, the transport market analysis referred to in paragraph 1 shall in particular provide input to strategic capacity planning as referred to in Article 11, to the partitioning of infrastructure capacity as referred to in Article 25 and to the allocation of capacity	2. For the purposes of this Regulation, the transport market ~~analysis~~**study** referred to in paragraph 1 shall in particular provide input to strategic capacity planning as referred to in Article 11, to the partitioning of infrastructure capacity as referred to in Article 25 and to the	2. ***The Network Coordinator shall regularly carry out a transport market study regarding network and market developments for cross-border rail services . The Network Coordinator shall review and update*** ~~*For the purposes of this Regulation,*~~ the transport market G

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	on the basis of the formal conflict resolution mechanism referred to in Article 37.	on the basis of the formal conflict resolution mechanism referred to in Article 37.	allocation of capacity on the basis of the formal conflict resolution mechanism referred to in Article 37.	study ~~*referred to in paragraph 1 shall in particular provide input to strategic capacity planning as referred to in Article 11, to the partitioning of infrastructure capacity as referred to in Article 25 and to the allocation of capacity on the basis*~~***as appropriate, and in any case at least every five years. The results*** of the ~~*formal conflict resolution mechanism referred to in Article 37*~~***market study shall be made publicly available***. Agreed at 3rd trilogue
Article 15(3)				
G 204	3. ENIM shall carry out a European transport market study covering passenger and freight transport in multimodal context at the latest by [31 December 2028]. The study shall address in particular:	3. ENIM shall carry out a European transport market study covering passenger and freight transport in multimodal context at the latest by [31 December 2028]. The study shall address in particular:	*deleted*	***3. For the purposes of this Regulation, the transport market analysis referred to in paragraph 1 and the market study referred to in paragraph 2 shall in particular provide input to strategic capacity planning as referred to in Article 3a, to the partitioning of infrastructure capacity as referred to in Article 25 and to the allocation of capacity on the basis of the formal conflict resolution mechanism referred to in Article 37.*** G

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				Infrastructure managers shall take the analysis form paragraph 1 and the market study referred to in paragraph 2 into account in order to inform their overall business strategy, capacity and contingency management and investment decisions. Agreed at 3rd trilogue
Article 15(3), point (a)				
205	(a) projections of the demand for passenger and freight transport for all modes in the Union;	(a) projections of the demand for passenger and freight transport for all modes in the Union;	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 15(3), point (b)				
206	*(b)* estimates of the potential to increase the volume rail transport, both passenger and freight, and the conditions necessary to achieve such growth;	(b) estimates of the potential to increase the volume rail transport, both passenger and freight, and the conditions necessary to achieve such growth;	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 15(3), point (c)				
207	*(c)* if possible, a geographical breakdown of the projected transport flows as an input to strategic capacity planning.	(c) if possible, a geographical breakdown of the projected transport flows as an input to strategic capacity planning.	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 15(3), point (ca)				

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G 207a		***(ca) if possible, the impact of projected climate change effects both on infrastructure and services provided.***		*deleted* Agreed at 3rd trilogue
Article 15(4)				
G 208	*4.* ENIM shall consult applicants, customers of rail transport services and their associations, national and EU public authorities on the terms of reference for the study, in particular as regards the purpose of the study and the process for stakeholder involvement.	4. ENIM shall consult applicants***, ERP***, customers of rail transport services and their associations, national and EU public authorities on the terms of reference for the study, in particular as regards the purpose of the study and the process for stakeholder involvement.	*deleted*	*deleted* Agreed at 3rd trilogue
Article 15(5)				
G 209	*5.* ENIM shall review and update the study as appropriate, and in any case at least every five years.	5. ENIM shall review and update the study as appropriate, and in any case at least every five years.	*deleted*	*deleted* Agreed at 3rd trilogue
Article 15(5a)				
G 209a		***5a. All data for the study and the study itself shall be published and freely accessible. The data shall be machine readable.***		*deleted* Agreed at 3rd trilogue
Article 16				
G 210	Article 16 Capacity strategy	Article 16 Capacity strategy	Article 16 Capacity strategy	Article 16 Capacity strategy Agreed at 3rd trilogue

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Article 16(1), first subparagraph					
G	211	1. The infrastructure manager shall adopt a capacity strategy setting out its expectations on future developments of demand and supply of rail infrastructure capacity and its vision on how to accommodate those developments.	1. The infrastructure manager shall adopt a capacity strategy setting out its expectations on future developments of demand and supply of rail infrastructure capacity and its vision on how to accommodate those developments.	1. The infrastructure manager shall adopt a capacity strategy setting out its expectations on future developments of demand and supply of rail infrastructure capacity and its vision on how to accommodate those developments.	1. The infrastructure manager shall adopt a capacity strategy setting out its expectations on future developments of demand and supply of rail infrastructure capacity and its vision on how to accommodate those developments.	G
Article 16(1), second subparagraph					
G	212	The capacity strategy shall serve as a tool for communication, consultation and coordination between operational stakeholders.	The capacity strategy shall serve as a tool for communication, consultation and coordination between operational stakeholders.	The capacity strategy shall serve as a ~~tool~~**basis** for communication, consultation and coordination between operational stakeholders.	The capacity strategy shall serve as a basis for communication, consultation and coordination between operational stakeholders. Agreed at 3rd trilogue	G
Article 16(2)					
G	213	2. The capacity strategy shall contain information about the future development of rail infrastructure, an outlook on the development of the demand for different rail transport services and any other relevant information about the availability and utilisation of railway infrastructure.	2. The capacity strategy shall contain information about the future development of rail infrastructure, an outlook on the development of the demand for different rail transport services and any other relevant information about the availability and utilisation of railway infrastructure.	2. The capacity strategy shall contain ~~information about the future development of rail infrastructure, an outlook on the development of the demand for different rail transport services and any other relevant~~**the** information ~~about the availability and utilisation of railway infrastructure~~**listed in section 1 of Annex I**.	2. The capacity strategy shall contain the information listed in section 1 of Annex I. Agreed at 3rd trilogue	G
Article 16(3), first subparagraph					

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G	214	3. The capacity strategy shall comprise a strategic route map which defines the following:	3. The capacity strategy shall comprise a strategic route map which defines the following:	*deleted* Moved to row 176a [214 - 176a]	*deleted* Agreed at 3rd trilogue	G
	Article 16(3), first subparagraph, point (a)					
G	*215*	*(a)* the geographical scope of the capacity strategy referred to in Article 16, of the capacity model referred to in Article 17 and of the capacity supply plan referred to in Article 18;	(a) the geographical scope of the capacity strategy referred to in Article 16, of the capacity model referred to in Article 17 and of the capacity supply plan referred to in Article 18;	*deleted* Moved to row 176b [215 - 176b]	*deleted* Agreed at 3rd trilogue	G
	Article 16(3), first subparagraph, point (b)					
G	*216*	*(b)* the alternative lines considered in the event of capacity restrictions referred to in Article 10 and in the context of contingency planning referred to in Article 19.	(b) the alternative lines considered in the event of capacity restrictions referred to in Article 10 and in the context of contingency planning referred to in Article 19.	*deleted* Moved to row 176c [216 - 176c]	*deleted* Agreed at 3rd trilogue	G
	Article 16(3), second subparagraph					
G	*217*	The strategic route map shall be included in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.	The strategic route map shall be included in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.	*deleted* Moved to row 176d [217 - 176d]	*deleted* Agreed at 3rd trilogue	G
	Article 16(4)					
G	*218*	*4.* The infrastructure manager shall prepare, publish and regularly update the capacity strategy in accordance with the	4. The infrastructure manager shall prepare, publish and***, when necessary,*** ~~*regularly*~~ update the capacity strategy in	4. The infrastructure manager shall prepare~~,~~ **and** publish ~~and regularly update~~ the capacity strategy in accordance	4. The infrastructure manager shall prepare ~~*and*~~***,*** publish ***and, when necessary, update*** the capacity strategy in accordance	G

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	schedule and the contents set out in section 2 of Annex I.	accordance with the schedule and the contents set out in section 2 of Annex I.	with the schedule ~~and the contents~~ set out in section 2 of Annex I. **In case of unforeseen and significant events, the infrastructure manager shall update the capacity strategy accordingly.**	with the schedule ***and the contents*** set out in section 2 of Annex I. ~~*In case of unforeseen and significant events, the infrastructure manager shall update the capacity strategy accordingly.*~~ Agreed at 3rd trilogue
Article 16(5)				
219	5. Infrastructure managers shall consult applicants on the capacity strategy in accordance with Article 13 and coordinate capacities strategies with other infrastructure managers in accordance with Article 14.	5. Infrastructure managers shall consult applicants ***and impacted service facilities*** on the capacity strategy in accordance with Article 13 and coordinate capacities strategies with other ***concerned*** infrastructure managers in accordance with Article 14.	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 16(5a)				
219a		***5a. The infrastructure manager shall submit the capacity strategy to the regulatory body. Within three months after publication, the regulatory body shall, after analysis, have the power to require the infrastructure manager to amend it.***		*deleted* *Agreed at 3rd trilogue*
Article 17				
220	Article 17 Capacity model	Article 17 Capacity model	Article 17 Capacity model	Article 17 Capacity model

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Article 17(1), first subparagraph					
G	221	1. The infrastructure manager shall establish a capacity model that refines the capacity strategy on the basis of the outcome of the consultation and coordination activities referred to in Articles 13 and 14.	1. The infrastructure manager shall establish a capacity model that refines the capacity strategy on the basis of the outcome of the consultation and coordination activities referred to in Articles 13 and 14.	1. The infrastructure manager shall establish a capacity model that refines the capacity strategy on the basis of the outcome of the **capacity needs announcement referred to in Article 12(4)(c) and the** consultation and coordination activities referred to in Articles 13 and 14.	1. The infrastructure manager shall establish a capacity model that refines the capacity strategy on the basis of the outcome of the ~~*capacity needs announcement*~~***consultation of operational stakeholders*** referred to in Article ~~*12(4)(c)*~~***13*** and the consultation and coordination activities referred to in ~~*Articles 13 and 14*~~***Article 14, including in the form of capacity needs announcement referred to in Article 12(4)(c)***. Agreed at 3rd trilogue	G
Article 17(1), second subparagraph					
G	222	The capacity model shall support a balanced consideration of the capacity needs of different segments of rail transport services and of infrastructure managers' needs to maintain, renew and develop (upgrade of existing and construction of new) the rail infrastructure. It shall serve as an instrument for communication, consultation and coordination of strategic capacity planning	The capacity model shall support a balanced consideration of the capacity needs of different segments of rail transport services and of infrastructure managers' needs to maintain, renew and develop (upgrade of existing and construction of new) the rail infrastructure. It shall serve as an instrument for communication, consultation and coordination of strategic capacity planning	The capacity model shall support a balanced consideration of the capacity needs of different segments of rail transport services and of infrastructure managers' needs to maintain, renew and develop (upgrade of existing and construction of new) ~~the~~ rail infrastructure. It shall serve as ~~an instrument~~**a basis** for communication, consultation and coordination of strategic capacity	The capacity model shall support a balanced consideration of the capacity needs of different segments of rail transport services and of infrastructure managers' needs to maintain, renew and develop (upgrade of existing and construction of new) ~~-~~ rail infrastructure. It shall serve as ~~*a*~~ basis for communication, consultation and coordination of strategic capacity planning	G

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	between the operational stakeholders.	between the operational stakeholders.	planning between the operational stakeholders.	between the operational stakeholders. Agreed at 3rd trilogue
Article 17(2)				
G 223	2. The capacity model shall at least provide information about the total volume of capacity available by network section, the shares of capacity reserved for different segments of rail transport services and for capacity restrictions resulting from infrastructure works. Infrastructure managers shall prepare and publish the capacity model for each working timetable period and regularly update the capacity model in accordance with the contents and schedule set out in sections 1 and 2 of Annex I.	2. The capacity model shall at least provide information about the total volume of capacity available by network section, the shares of capacity reserved for different segments of rail transport services and for capacity restrictions resulting from infrastructure works. ***It shall also contain information on the capacity of the respective service facilities referred to in Article 29 (1).*** Infrastructure managers shall prepare and publish the capacity model for each working timetable period and ~~*regularly*~~ update the capacity model ***when needed*** in accordance with the contents and schedule set out in sections 1 and 2 of Annex I.	2. The capacity model shall ~~at least provide~~**contain the** information ~~about the total volume of capacity available by network~~**listed in** section~~, the shares of capacity reserved for different segments of rail transport services and for capacity restrictions resulting from infrastructure works~~ **1 of Annex I**. Infrastructure managers shall prepare and publish the capacity model for each working timetable period and ~~regularly~~ update the capacity model in accordance with the ~~contents and~~ schedule set out in ~~sections 1 and~~**section** 2 of Annex I. **The obligation to update the capacity model shall not apply if the capacity supply plan for the same working timetable period has been published.**	2. The capacity model shall contain the information listed in section 1 of Annex I. Infrastructure managers shall prepare and publish the capacity model for each working timetable period and update the capacity model ***when needed*** in accordance with the schedule set out in section 2 of Annex I. The obligation to update the capacity model shall not apply if the capacity supply plan for the same working timetable period has been published. Agreed at 3rd trilogue
Article 17(2a)				
G 223a				***2a. The infrastructure manager shall have the right,***

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				within reasonable limits, to propose a capacity model that differs from the input received in the consultation of applicants. The infrastructure manager shall define the applicable limits in its network statement. ENIM shall provide guidelines on the definition of such limits and include them in the European framework for capacity management referred to in Article 6. Agreed at 3rd trilogue
Article 17(2b)				
G 223b				***2b. Where the infrastructure manager cannot prepare a capacity model within the limits referred to in paragraph 2a, it shall partition capacity on that element of infrastructure in accordance with Article 25.*** ***Where relevant, infrastructure managers shall coordinate in accordance with Article 14 to ensure that the outcomes of capacity partitioning are consistent and ensure seamless multi-network services.*** G

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				Agreed at 3rd trilogue
Article 17(3)				
224	3. Infrastructure managers shall document and, where relevant, justify any divergence between the capacity model and the capacity strategy concerning the same working timetable period. Where needed, the capacity strategy shall be revised in the light of developments since the adoption or the latest update of the capacity strategy.	3. Infrastructure managers shall document and, where relevant, justify any divergence between the capacity model and the capacity strategy concerning the same working timetable period. ~~*Where needed,*~~ The capacity strategy ~~*shall be revised in the light of developments since the adoption or the latest update of*~~***does not have to be updated in case*** the capacity ~~*strategy*~~***model was already published for the same timetable period***.	3. Infrastructure managers shall ~~document and~~, where relevant, **document and** justify any **substantial** divergence between the capacity model and the capacity strategy concerning the same working timetable period. ~~Where needed, the capacity strategy shall be revised in the light of developments since the adoption or the latest update of the capacity strategy.~~	3. Infrastructure managers shall ***document and***, where relevant, ~~*document and*~~ justify any substantial divergence between the capacity model and the capacity strategy concerning the same working timetable period. Agreed at 3rd trilogue
Article 17(4)				
225	4. Infrastructure managers shall consult applicants on the capacity model in accordance with Article 13 and coordinate capacities strategies with other infrastructure managers in accordance with Article 14.	4. Infrastructure managers shall consult applicants ***and the regulatory body*** on the capacity model in accordance with Article 13 and coordinate capacities strategies with other infrastructure managers ***concerned*** in accordance with Article 14.	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 17(4a)				
225a		***4a. The infrastructure manager shall submit the capacity model to the regulatory***		*deleted*

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		body for scrutiny two months before the publication. The regulatory body may take a decision no later than one month before publication, requiring the infrastructure manager to amend the capacity model before publication. With a view to ensure the cross-border consistency of capacity models, the decision of the regulatory body shall take into account, where relevant, any opinion or recommendation by ENIM, ERA or by other regulatory bodies.		*Provisionally agreed in ITM 23*
Article 18				
226	Article 18 Capacity supply plan	Article 18 Capacity supply plan	Article 18 Capacity supply plan	Article 18 Capacity supply plan
Article 18(1), first subparagraph				
227	1. The infrastructure manager shall establish a capacity supply plan with a view to providing comprehensive information about:	1. The infrastructure manager shall establish a capacity supply plan with a view to providing comprehensive information about:	1. The infrastructure manager shall establish a capacity supply plan with a view to providing comprehensive information about:	1. The infrastructure manager shall establish a capacity supply plan ***that refines the capacity model on the basis of the consultation of applicants referred to in Article 13, including in the form of capacity needs announcement referred to in Article 12(4)(c), and of the coordination between***

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				infrastructure managers referred to in Article 14. ***In accordance with the requirements laid down in sections 1 and 2 of Annex I, the capacity supply plan shall provide*** ~~*with a view to providing*~~ comprehensive information about: Agreed at 3rd trilogue
Article 18(1), first subparagraph, point (a)				
228	(a) infrastructure capacity available for allocation to applicants;	(a) infrastructure capacity available for allocation to applicants ***in the working timetable and safeguarded for later requests according to Article 33, including service facilities***;	(a) infrastructure capacity available for allocation to applicants;	(a) infrastructure capacity available for allocation to applicants; Agreed at 3rd trilogue
Article 18(1), first subparagraph, point (b)				
229	(b) infrastructure capacity not available for allocation.	(b) infrastructure capacity not available for allocation.	(b) infrastructure capacity not available for allocation.	(b) infrastructure capacity not available for allocation.
Article 18(1), second subparagraph				
230	The capacity supply plan shall provide the basis for capacity allocation.	The capacity supply plan shall provide the basis for capacity allocation.	The capacity supply plan shall provide the basis for capacity allocation.	The capacity supply plan shall provide the basis for capacity allocation.
Article 18(1), second subparagraph a				
230a			**The capacity supply plan shall contain the information listed in section 1 of Annex I.**	The capacity supply plan shall contain the information listed in section 1 of Annex I.

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				Provisionally agreed in ITM 21
Article 18(1a)				
230b			**1a. Infrastructure managers shall prepare the capacity supply plan in accordance with the results of the strategic capacity planning process referred to in Articles 11 to 17 and following the schedule set out in section 2 of Annex I.**	1a. Infrastructure managers shall prepare the capacity supply plan in accordance with the results of the strategic capacity planning process referred to in Articles 11 to 17 and following the schedule set out in section 2 of Annex I. Provisionally agreed in ITM 21
Article 18(2)				
231	2. Infrastructure managers shall publish the capacity supply plan for each working timetable period at the latest by the deadline set out in section 2 of Annex I and shall continuously update it until the end of the working timetable period, to which that plan refers. The capacity supply plan shall be provided for each individual day of the working timetable period concerned.	2. Infrastructure managers shall publish the capacity supply plan for each working timetable period at the latest by the deadline set out in section 2 of Annex I and shall continuously update it until the end of the working timetable period, to which that plan refers. The capacity supply plan shall be provided for each individual day of the working timetable period concerned.	2. Infrastructure managers shall publish the capacity supply plan for each working timetable period at the latest by the deadline set out in section 2 of Annex I and shall continuously update it until the end of the working timetable period, to which that plan refers. The capacity supply plan shall be provided for each individual day of the working timetable period concerned.	2. Infrastructure managers shall publish the capacity supply plan for each working timetable period at the latest by the deadline set out in section 2 of Annex I and shall continuously update it until the end of the working timetable period, to which that plan refers. The capacity supply plan shall be provided for each individual day of the working timetable period concerned.
Article 18(3), first subparagraph				
232	3. Infrastructure managers shall prepare the capacity supply plan on the basis of the results of the strategic capacity planning	3. Infrastructure managers shall prepare the capacity supply plan on the basis of the results of the strategic capacity planning	*deleted*	*deleted* *Agreed at 3rd trilogue*

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	process referred to in Articles 11 to 17 and in sections 1 and 2 of Annex I.	process referred to in Articles 11 to 17 and in sections 1 and 2 of Annex I.			
Article 18(3), second subparagraph					
G	*233*	Infrastructure managers shall document and, where relevant, justify any divergence between the capacity supply plan and the capacity model concerning the same working timetable period.	Infrastructure managers shall document and, where relevant, justify any divergence between the capacity supply plan and the capacity model concerning the same working timetable period.	**3.** Infrastructure managers shall ~~document and~~, where relevant, **document and** justify any **substantial** divergence between the capacity supply plan and the capacity model concerning the same working timetable period.	Infrastructure managers shall ***document and***, where relevant, ~~*document and*~~ justify any substantial divergence between the capacity supply plan and the capacity model concerning the same working timetable period. Agreed at 3rd trilogue	G
Article 18(4)					
G	234	4. In the capacity supply plan, infrastructure managers may indicate infrastructure capacity as pre-planned. Pre-planned capacity means capacity for which the infrastructure manager defines characteristics and volumes of the capacity available for requests by applicants, sets out rules for the allocation of such capacity and defines the process through which such capacity can be requested, in accordance with Article 20. The specified characteristics, rules and allocation processes shall be taken into account when allocating pre-planned capacity.	4. In the capacity supply plan, infrastructure managers may indicate infrastructure capacity ***and capacity in service facilities as referred to in article 29 (1)*** as pre-planned. Pre-planned capacity means capacity for which the infrastructure manager defines characteristics and volumes of the capacity available for requests by applicants, sets out rules for the allocation of such capacity and defines the process through which such capacity can be requested, in accordance with Article 20. The specified characteristics, rules and allocation processes shall be taken	4. In the capacity supply plan, infrastructure managers may indicate infrastructure capacity as pre-planned. Pre-planned capacity means capacity for which the infrastructure manager defines characteristics and volumes of the capacity available for requests by applicants, sets out rules for the allocation of such capacity and defines the process through which such capacity can be requested, in accordance with Article 20. The specified characteristics, rules and allocation processes shall be taken into account when allocating pre-planned capacity. **In the**	4. In the capacity supply plan, infrastructure managers may indicate infrastructure capacity as pre-planned. Pre-planned capacity means capacity for which the infrastructure manager defines characteristics and volumes of the capacity available for requests by applicants, sets out rules for the allocation of such capacity and defines the process through which such capacity can be requested, in accordance with Article 20. The specified characteristics, rules and allocation processes shall be taken into account when allocating pre-planned capacity. ~~*In the*~~	G

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		into account when allocating pre-planned capacity.	**framework of their strategic guidance under Article 11(3)(c), Member States may oblige infrastructure managers to pre-plan infrastructure capacity on certain lines and nodes.**	~~*framework of their strategic guidance under Article 11(3)(c), Member States may oblige infrastructure managers to pre-plan infrastructure capacity on certain lines and nodes.*~~ Agreed at 3rd trilogue
Article 18(5)				
G	235	5. Pre-planned capacity shall be presented in the capacity supply plan in the form of capacity objects as referred to in Article 20, which specify the volume and characteristics of capacity and which are linked to allocation rules and processes through which such capacity is made available.	5. Pre-planned capacity shall be presented in the capacity supply plan in the form of capacity **planning** objects as referred to in Article 20, which specify the volume and characteristics of capacity and which are linked to allocation rules and processes through which such capacity is made available.	5. Pre-planned capacity shall be presented in the capacity supply plan in the form of capacity planning objects as referred to in Article 20, which specify the volume and characteristics of capacity and which are linked to allocation rules and processes through which such capacity is made available. Agreed at 3rd trilogue
Article 18(5a), first subparagraph				
G	235a		**5a. When pre-planning capacity, infrastructure managers shall take into account the criteria set out in Article 25(2a) points (a) to (f).**	*deleted* *Agreed at 3rd trilogue*
Article 18(5a), second subparagraph				
G	*235b*		**For the purposes of capacity pre-planning, infrastructure**	*deleted*

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			managers shall take into account the results of the consultation of applicants in accordance with Article 13 and of the coordination between infrastructure managers in accordance with Article 14.	*Agreed at 3rd trilogue*
Article 18(6), first subparagraph				
236	*6.* Subject to paragraph 7, the capacity supply plan shall comprise the following elements:	6. Subject to paragraph 7, the capacity supply plan shall comprise the following elements:	*deleted*	*deleted* *Provisionally agreed in ITM 21*
Article 18(6), first subparagraph, point (a)				
237	*(a)* capacity available for allocation to applicants for the working timetable period to which the capacity supply plan refers:	(a) capacity available for allocation to applicants for the working timetable period to which the capacity supply plan refers:	*deleted*	*deleted* *Provisionally agreed in ITM 21*
Article 18(6), first subparagraph, point (a)(i)				
238	*(i)* capacity, which has not been pre-planned by the infrastructure manager;	(i) capacity, which has not been pre-planned by the infrastructure manager;	*deleted*	*deleted* *Provisionally agreed in ITM 21*
Article 18(6), first subparagraph, point (a)(ii)				
239	*(ii)* capacity, which has been pre-planned by the infrastructure manager.	(ii) capacity, which has been pre-planned by the infrastructure manager.	*deleted*	*deleted* *Provisionally agreed in ITM 21*
Article 18(6), first subparagraph, point (b)				

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G 240	*(b)* capacity which is not available for allocation to applicants:	(b) capacity which is not available for allocation to applicants:	*deleted*	*deleted* *Provisionally agreed in ITM 21*
Article 18(6), first subparagraph, point (b)(i)				
G 241	*(i)* capacity reserved for infrastructure works with significant commercial and operational impact on applicants and railway undertakings as referred to in section 3 of Annex I;	(i) capacity reserved for infrastructure works with significant commercial and operational impact on applicants and railway undertakings as referred to in section 3 of Annex I;	*deleted*	*deleted* *Provisionally agreed in ITM 21*
Article 18(6), first subparagraph, point (b)(ii)				
G 242	*(ii)* capacity reserved for regular time windows allowing to schedule infrastructure works with limited impacts at a later stage;	(ii) capacity reserved for regular time windows allowing to schedule infrastructure works with limited impacts at a later stage;	*deleted*	*deleted* *Provisionally agreed in ITM 21*
Article 18(6), first subparagraph, point (b)(iii)				
G 243	*(iii)* capacity already allocated through framework agreements in accordance with Article 31 or through the multi-annual rolling planning process in accordance with Article 33;	(iii) capacity already allocated through framework agreements in accordance with Article 31 or through the multi-annual rolling planning process in accordance with Article 33;	*deleted*	*deleted* *Provisionally agreed in ITM 21*
Article 18(6), first subparagraph, point (b)(iv)				
G 244	*(iv)* capacity reserved for purposes other than those set out in points (i), (ii) and (iii), which shall be clearly indicated by the infrastructure manager.	(iv) capacity reserved for purposes other than those set out in points (i), (ii) and (iii), which shall be clearly indicated by the infrastructure manager.	*deleted*	*deleted* *Provisionally agreed in ITM 21*

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Article 18(6), second subparagraph					
G	*245*	The capacity supply plan shall indicate the restrictions applicable for the use of specialised infrastructure referred to in Article 24.	The capacity supply plan shall indicate the restrictions applicable for the use of specialised infrastructure referred to in Article 24.	*deleted*	*deleted* *Provisionally agreed in ITM 21*	G
Article 18(7), first subparagraph					
G	*246*	*7.* Infrastructure managers shall include in the capacity supply plan the elements listed in paragraph 6, point (b) of for the rail infrastructure that they manage.	7. Infrastructure managers shall include in the capacity supply plan the elements listed in paragraph 6, point (b) of for the rail infrastructure that they manage.	*deleted*	*deleted* *Provisionally agreed in ITM 21*	G
Article 18(7), second subparagraph					
G	*247*	Infrastructure managers shall include in the capacity supply plan all elements listed in paragraph 6 for all lines and nodes included in the TEN-T core and extended core network as defined in [new TEN-T Regulation].	Infrastructure managers shall include in the capacity supply plan all elements listed in paragraph 6 ~~*for all lines and nodes included in the TEN-T core and extended core network as defined in [new TEN-T Regulation]*~~***and ensure coherence with the capacity strategy***.	*deleted*	*deleted* *Provisionally agreed in ITM 21*	G
Article 18(7), third subparagraph					
G	*248*	Infrastructure managers may include in the capacity supply plan the elements referred to in paragraph 6 for other lines and nodes of the network they manage.	Infrastructure managers may include in the capacity supply plan the elements referred to in paragraph 6 for other lines and nodes of the network they manage.	*deleted*	*deleted* *Provisionally agreed in ITM 21*	G
Article 18(8)					

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G 249	*8.* When pre-planning capacity in accordance with paragraph 6, point (a)(ii), infrastructure managers shall follow the principles set out in Article 8(4).	8. When pre-planning capacity in accordance with paragraph 6, point (a)(ii), infrastructure managers shall follow the principles set out in Article 8(4).	*deleted*	***8. The infrastructure manager shall have the right, within reasonable limits, to propose a capacity supply plan that differs from the input received in the consultation of applicants. The infrastructure manager shall define the applicable limits in its network statement. ENIM shall provide guidelines on the definition of such limits and include them in the European framework for capacity management referred to in Article 6.*** Agreed at 3rd trilogue
Article 18(8a)				
G 250	Infrastructure managers shall pre-plan capacity based on the strategic guidance by Member States in accordance with Article 11(3), the results of the consultation of applicants in accordance with Article 13 and the coordination between infrastructure managers in accordance with Article 14.	Infrastructure managers shall pre-plan capacity based on the strategic guidance by Member States in accordance with Article 11(3), the results of the consultation of applicants in accordance with Article 13 and the coordination between infrastructure managers in accordance with Article 14.	*deleted*	***8a. Where the infrastructure manager cannot prepare a capacity supply plan within the limits referred to in paragraph 8, it shall partition capacity on that element of infrastructure in accordance with Article 25. Where relevant, infrastructure managers shall coordinate in accordance with Article 14 to ensure that the outcomes of capacity partitioning are***

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				consistent and ensure seamless multi-network services.
Article 18(9)				
G 251	9. The regulatory body shall analyse the capacity supply plan and may take a decision requiring the infrastructure manager to amend the capacity supply plan. The decision of the regulatory body shall take into account any opinion of or recommendation by ENIM, where such has been provided.	9. ***The infrastructure manager shall submit the draft capacity supply plan to the regulatory body for scrutiny two months before the publication.*** The regulatory body shall analyse ~~*the capacity supply*~~***this*** plan and may take a decision ***no later than one month before publication,*** requiring the infrastructure manager to amend the capacity supply plan. ~~*The decision of the regulatory body shall take into account any opinion of or recommendation by ENIM, where such has been provided.*~~	9. The regulatory body shall analyse the capacity supply plan and may take a decision **within 30 days after the publication of the final capacity supply plan** requiring the infrastructure manager to amend the capacity supply plan~~. The decision~~ **where the analysis has concluded that that plan does not comply with the provisions of this Regulation or** of the ~~regulatory body shall take into account any opinion of or recommendation by ENIM, where such has been provided.~~**Directive 2012/34 or with the principles of transparency and non-discrimination.**	9. ***The infrastructure manager shall submit the draft capacity supply plan to the regulatory body for scrutiny, whereupon*** the regulatory body shall analyse ~~*the capacity supply*~~***this*** plan and may take a decision ~~*within 30 days after the publication of the final capacity supply plan*~~ requiring the infrastructure manager to amend the capacity supply plan where the analysis has concluded that that plan does not comply with the provisions of this Regulation ~~*or of the*~~***, of*** Directive 2012/34**,** or with the principles of transparency and non-discrimination. ***The deadlines for this process are referred to in section 2 of Annex I.*** ***Where relevant, regulatory bodies shall coordinate with other regulatory bodies.*** Agreed at 3rd trilogue G
Article 18(9a)				

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251a		***9a. With a view to ensuring the cross-border consistency of capacity supply plans, the decision of the regulatory body shall take into account, where relevant, any opinion or recommendation by ENRRB, ERA or by other regulatory bodies.***		*deleted* Agreed at 3rd trilogue
Article 18(10)				
252	*10.* ENIM shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:	10. ***By ... [12 months from the entry into force of this Regulation], and in consultation with ERP,*** ENIM shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:	10. ENIM shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:	10. ENIM shall ~~adopt~~***develop*** guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following: Agreed at 3rd trilogue
Article 18(10), point (a)				
253	(a) the means for publication of the capacity supply plan, including digital services, tools, functions and interfaces;	(a) the means for publication of the capacity supply plan, including digital services, tools, functions and interfaces;	(a) the means for publication of the capacity supply plan, including digital services, tools, functions and interfaces;	(a) the means for publication of the capacity supply plan, including digital services, tools, functions and interfaces;
Article 18(10), point (b)				
254	(b) the process for the consultation of applicants on the capacity supply plan.	(b) the process for the consultation of applicants on the capacity supply plan.	(b) the process for the consultation of applicants on the capacity supply plan.	(b) the process for the consultation of applicants on the capacity supply plan.
Article 18(10a)				

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254a		***10a. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to set out common principles, procedures and methodologies for the guidelines referred to in paragraph 10 of this Article and to amend paragraph 10 of this Article. Those delegated acts shall be adopted by ... [24 months from the entry into force of this Regulation]. They shall be included in the European framework for capacity management.***		*deleted* *Provisionally agreed in ITM 30*
Article 19				
255	Article 19 Contingency planning	Article 19 Contingency planning	Article 19 Contingency planning	Article 19 Contingency planning
Article 19(1), first subparagraph				
256	1. Infrastructure managers shall put in place and implement a continuous process of contingency planning to prepare for disruptions of network operations and for other crisis situations affecting rail traffic.	1. Infrastructure managers shall put in place and implement a continuous process of contingency planning to prepare for disruptions of network operations and for other crisis situations affecting rail traffic.	1. Infrastructure managers shall put in place and implement a continuous process of contingency planning to prepare for disruptions of network operations and for other crisis situations affecting rail traffic.	1. Infrastructure managers shall put in place and implement a continuous process of contingency planning to prepare for disruptions of network operations and for other crisis situations affecting rail traffic.
Article 19(1), second subparagraph				
257	Contingency planning shall provide the basis for traffic management, disruption	Contingency planning shall provide the basis for traffic management, disruption	Contingency planning shall provide the basis for traffic management, disruption	Contingency planning shall provide the basis for traffic management, disruption

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	management and crisis management in accordance with Article 42, with a view to enabling a fast reaction in such situations and to minimize their impact on rail traffic.	management and crisis management in accordance with Article 42, with a view to enabling a fast reaction in such situations and to minimize their impact on rail traffic.	management and crisis management in accordance with Article 42, with a view to enabling a fast reaction in such situations and to minimize their impact on rail traffic.	management and crisis management in accordance with Article 42, with a view to enabling a fast reaction in such situations and to minimize their impact on rail traffic.
Article 19(1), third subparagraph				
G 258	Infrastructure managers shall document the results of contingency planning in a contingency plan.	Infrastructure managers shall document the results of contingency planning in a contingency plan.	Infrastructure managers shall document the results of contingency planning in a contingency plan.	Infrastructure managers shall document the results of contingency planning in a contingency plan.
Article 19(2)				
G 259	2. Contingency planning shall involve in particular:	2. Contingency planning shall involve in particular:	2. Contingency planning shall involve in particular:	2. Contingency planning shall involve in particular:
Article 19(2), point (a)				
G 260	(a) the designation of alternative routes allowing to re-route traffic in the event of non-availability of the lines included in the core and extended core TEN-T network as set out in Article 6 of and Annex I to [new TEN-T Regulation];	(a) the designation of alternative routes allowing to re-route traffic in the event of non-availability of ~~*the lines included in the core and extended core TEN-T network as set out in Article 6 of and Annex I to [new TEN-T Regulation]*~~***a line***;	(a) the designation of alternative ~~routes~~**railway lines, where such alternative railway lines exist,** allowing to re-route traffic in the event of non-availability of the **railway** lines included in the core and extended core TEN-T network ~~as set out in Article 6 of and Annex I to [new TEN-T Regulation]~~**, and of the other railway lines and nodes covered by the strategic capacity planning documents**;	(a) the designation of alternative ~~*railway lines*~~***routes***, where such ~~*alternative railway lines*~~***routes*** exist ***including on other networks***, allowing to re-route traffic in the event of non-availability of ~~*the railway lines*~~***elements of infrastructure*** included in the core and extended core TEN-T network, and of ~~*the other railway lines*~~***any sections*** and nodes covered by the strategic capacity planning documents; Agreed at 3rd trilogue

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Article 19(2), point (b)				
261	(b) an indicative planning of the infrastructure capacity available on the alternative routes designated in accordance with point (a) providing transparency about infrastructure capacity available on such lines, which can be utilised in the case of incidents and, in particular, network disruptions in accordance with Article 46;	(b) an indicative planning of the infrastructure capacity available on the alternative routes designated in accordance with point (a) providing transparency about infrastructure capacity available on such lines, which can be utilised in the case of incidents and, in particular, network disruptions in accordance with Article 46;	(b) an indicative planning of the infrastructure capacity available on the alternative ~~routes~~**railway lines** designated in accordance with point (a)**, where such alternative railway lines exist,** providing transparency about infrastructure capacity available on such lines **and technical characteristics**, which can be utilised in the case of incidents and, in particular, network disruptions in accordance with Article 46;	(b) an indicative planning of the infrastructure capacity available on the alternative ~~*railway lines*~~***routes*** designated in accordance with point (a)~~*, where such alternative railway lines exist*~~, providing transparency about infrastructure capacity available on such ~~*lines and technical characteristics*~~***routes***, which can be utilised in the case of incidents and, in particular, network disruptions in accordance with Article 46; Agreed at 3rd trilogue
Article 19(2), point (c)				
262	(c) the definition of rules and procedures for traffic and crisis management, including on the sharing of information between infrastructure managers, other operational stakeholders and other stakeholders such as public authorities in charge of rail or security and emergency response, as well as criteria for the activation of these procedures;	(c) the definition of rules and procedures for traffic and crisis management, including on the sharing of information between infrastructure managers, other operational stakeholders and other stakeholders such as public authorities in charge of rail or security and emergency response, as well as criteria for the activation of these procedures;	(c) the definition of rules and procedures for traffic and crisis management, including on the sharing of information between infrastructure managers, other operational stakeholders and other stakeholders**,** such as public authorities in charge of rail or security**,** and emergency response, as well as criteria for the activation of these procedures;	(c) the definition of rules and procedures for traffic and crisis management, including on the sharing of information between infrastructure managers, other operational stakeholders and other stakeholders~~,~~ such as public authorities in charge of rail or security~~,~~ and emergency response, as well as criteria for the activation of these procedures;
Article 19(2), point (d)				

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G	263	(d) the identification and listing of bodies to be informed in the event of serious incidents or serious disruptions to train movements;	(d) the identification and listing of bodies to be informed in the event of serious incidents or serious disruptions to train movements;	(d) the identification and listing of bodies to be informed in the event of serious incidents or serious disruptions to train movements;	(d) the identification and listing of bodies to be informed in the event of serious incidents or serious disruptions to train movements;	G
Article 19(2), point (e)						
G	264	(e) any other preparations necessary to perform disruption management and crisis management in accordance with Article 42 and with the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44.	(e) any other preparations necessary to perform disruption management and crisis management in accordance with Article 42 and with the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44.	(e) any other preparations necessary to perform disruption management and crisis management in accordance with Article 42 and with the European framework for the ~~cross-border~~ coordination of **cross-border** traffic management, disruption management and crisis management referred to in Article 44.	(e) any other preparations necessary to perform disruption management and crisis management in accordance with Article 42 and with the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44. Agreed at 3rd trilogue	G
Article 19(3)						
G	265	3. Infrastructure managers shall ensure the consistency of contingency planning with strategic capacity planning, in particular the capacity strategy, the capacity model, the capacity supply plan and with the planning for infrastructure works as referred to in Article 10.	3. Infrastructure managers shall ensure the consistency of contingency planning with strategic capacity planning, in particular the capacity strategy, the capacity model, the capacity supply plan and with the planning for infrastructure works as referred to in Article 10.	3. Infrastructure managers shall ensure the consistency of contingency planning with strategic capacity planning, in particular the capacity strategy, the capacity model, the capacity supply plan and with the planning for infrastructure works as referred to in Article 10.	3. Infrastructure managers shall ensure the consistency of contingency planning with strategic capacity planning, in particular the capacity strategy, the capacity model, the capacity supply plan and with the planning for infrastructure works as referred to in Article 10.	G
Article 19(4)						

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G	266	4. The results of contingency planning, in particular the designation of alternative lines in accordance with paragraph 2, point (a) and the indicative capacity planning on alternative lines in accordance with paragraph 2, point (b) shall be included in the capacity model and in the capacity supply plan.	4. The results of contingency planning, in particular the designation of alternative lines in accordance with paragraph 2, point (a) and the indicative capacity planning on alternative lines in accordance with paragraph 2, point (b) shall be included in the capacity model and in the capacity supply plan.	4. The results of contingency planning, in particular the designation of alternative lines**, where such alternative railway lines exist,** in accordance with paragraph 2, point (a) and the indicative capacity planning on alternative lines**, where such alternative railway lines exist,** in accordance with paragraph 2, point (b) shall be included in the capacity model and in the capacity supply plan.	4. The results of contingency planning, in particular the designation of alternative lines~~, where such alternative railway lines exist,~~ in accordance with paragraph 2, point (a) and the indicative capacity planning on alternative lines~~, where such alternative railway lines exist,~~ in accordance with paragraph 2, point (b) shall be included in the capacity model and in the capacity supply plan. Agreed at 3rd trilogue	G
Article 19(5)					
Y	267	5. The Commission shall adopt implementing acts setting out the details of the procedure and criteria to be followed for the application of paragraph 2, in particular for situations which have a potential impact on cross-border traffic. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	5. The Commission shall ***be empowered to*** adopt ~~*implementing acts setting*~~***delegated acts in accordance with Article 71 to set*** out the details of the procedure and criteria to be followed for the application of paragraph 2 ***of this Article***, in particular for situations which have a potential impact on cross-border traffic. ~~*Those implementing*~~***These delegated*** acts shall be adopted ~~*in accordance with the examination procedure referred to in Article 72(3)*~~***by ...***	*deleted*	***5. The Commission shall adopt implementing acts setting out the details of the procedure and criteria to be followed for the application of paragraph 2 for situations which have a potential impact on cross-border traffic. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).*** Provisionally agreed in ITM 32	Y

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		[24 months from the entry into force of this Regulation].		
Article 20				
268	Article 20 Criteria and procedures for the allocation of pre-planned capacity and for the definition of capacity planning objects	Article 20 Criteria and procedures for the allocation of pre-planned capacity and for the definition of capacity planning objects	Article 20 Criteria and procedures for the allocation of pre-planned capacity and for the definition of capacity planning objects	Article 20 Criteria and procedures for the allocation of pre-planned capacity and for the definition of capacity planning objects
Article 20(1)				
269	1. Infrastructure managers shall allocate pre-planned capacity included in the capacity supply plan referred to in Article 18 via transparent and non-discriminatory criteria and procedures.	1. Infrastructure managers shall allocate pre-planned capacity included in the capacity supply plan referred to in Article 18 via transparent and non-discriminatory criteria and procedures.	1. Infrastructure managers shall allocate pre-planned capacity included in the capacity supply plan referred to in Article 18 via **equitable,** transparent and non-discriminatory criteria and procedures.	1. Infrastructure managers shall allocate pre-planned capacity included in the capacity supply plan referred to in Article 18 via ~~*equitable,*~~ transparent and non-discriminatory criteria and procedures. ***Infrastructure managers shall include these criteria and procedures in the network statement taking into account the common framework referred to in paragraph 3.*** Agreed at 3rd trilogue
Article 20(1), second subparagraph				
269a			**Infrastructure managers may group capacity planning objects, such as pre-planned train paths when pre-planning capacity to**	***1a.*** Infrastructure managers may group capacity planning objects, such as pre-planned train paths when pre-planning capacity

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			provide a specific timetable design, in accordance with the strategic guidance referred to in Article 11(3) when provided and taking into account market needs expressed by applicants.	to provide a specific timetable design, in accordance with the strategic guidance referred to in Article ~~11(3)~~***3a*** when provided and taking into account market needs expressed by applicants. Agreed at 3rd trilogue
Article 20(2)				
G 270	2. Capacity planning objects shall define the characteristics and properties of different types of pre-planned capacity, including capacity available for requests by applicants, capacity reserved for infrastructure works and capacity already allocated. Those characteristics and properties shall include all aspects relevant for specific types of pre-planned capacity, such as route, timing, guaranteed or required minimum speed, the technical compatibility between rolling stock with infrastructure, parameters and number of slots included.	2. Capacity planning objects shall define the characteristics and properties of different types of pre-planned capacity, including capacity available for requests by applicants, capacity reserved for infrastructure works and capacity already allocated. Those characteristics and properties shall include all aspects relevant for specific types of pre-planned capacity, such as route, timing, guaranteed or required minimum speed, the technical compatibility between rolling stock with infrastructure, parameters and number of ~~slots~~***train runs*** included.	2. Capacity planning objects shall define the characteristics and properties of different types of pre-planned capacity, including capacity available for requests by applicants, capacity reserved for infrastructure works and capacity already allocated. Those characteristics and properties shall include all aspects relevant for specific types of pre-planned capacity, such as route, timing, guaranteed or required minimum speed, ~~the~~**maximum length,** technical ~~compatibility between rolling stock with infrastructure,~~ parameters and number of slots included **for both freight and passenger services**.	2. Capacity planning objects shall define the characteristics and properties of different types of pre-planned capacity, including capacity available for requests by applicants, capacity reserved for infrastructure works and capacity already allocated. Those characteristics and properties shall include all aspects relevant for specific types of pre-planned capacity, such as route, timing, guaranteed or required minimum speed, maximum length, ***the*** technical parameters and number of ~~slots~~***paths*** included for both freight and passenger services. Agreed at 3rd trilogue G
Article 20(3)				
G 271	3. ENIM shall develop a common framework for the	3. ***By .. [12 months from the entry into force of this***	3. ENIM shall develop a common framework for the	3. ENIM shall develop a common framework for the G

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	criteria and procedures referred to in paragraph 1 and include it in the European framework for capacity management referred to in Article 6. That common framework shall balance the benefits of reserving capacity for specific types of rail services or allocation processes with the need to ensuring flexibility to accommodate market needs in capacity allocation. For that purpose, the common framework shall provide for the possibility of taking into account requests for capacity rights not consistent with pre-planned capacity in the context of the consensual conflict resolution mechanism referred to in Article 36.	***Regulation] and in consultation with ERP,*** ENIM shall develop a common framework for the criteria and procedures referred to in paragraph 1 ***of this Article*** and include it in the European framework for capacity management referred to in Article 6. That common framework shall balance the benefits of reserving capacity for specific types of rail services or allocation processes with the need to ensuring flexibility to accommodate market needs in capacity allocation. For that purpose, the common framework shall provide for the possibility of taking into account requests for capacity rights not consistent with pre-planned capacity in the context of the consensual conflict resolution mechanism referred to in Article 36.	criteria and procedures referred to in paragraph 1 and include it in the European framework for capacity management referred to in Article 6. That common framework shall balance the benefits of reserving capacity for specific types of rail services or allocation processes with the need to ensuring flexibility to accommodate market needs in capacity allocation. For that purpose, the common framework shall provide for the possibility of taking into account requests for capacity rights not consistent with pre-planned capacity in the context of the consensual conflict resolution mechanism referred to in Article 36. **Infrastructure managers shall take utmost account of that common framework.**	criteria and procedures referred to in paragraph 1 and include it in the European framework for capacity management referred to in Article 6. That common framework shall balance the benefits of reserving capacity for specific types of rail services or allocation processes with the need to ensuring flexibility to accommodate market needs in capacity allocation. For that purpose, the common framework shall provide for the possibility of ~~*taking into account*~~***accepting*** requests for capacity rights not consistent with ~~*pre-planned*~~***the*** capacity ~~*in the context of the consensual conflict resolution mechanism referred to in Article 36. Infrastructure managers shall take utmost account of that common framework*~~***supply plan and the need to adjust the capacity supply plan accordingly***. Agreed at 3rd trilogue
Article 20(4)				
G	272	4. ENIM shall develop and adopt formal specifications for capacity planning objects in	4. ENIM shall develop and adopt formal specifications for capacity planning objects in	4. ENIM shall develop ~~*and adopt*~~ specifications for capacity planning objects ~~*referred to in*~~

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	human-readable and in machine-readable format. ENIM shall include these specifications in the European framework for capacity management referred to in Article 6. Based on its experience in applying this Article, ENIM shall provide information to the Commission on possible amendments to the technical specifications on interoperability as provided for by Directive (EU) 2016/797 and the implementing acts adopted under that Directive, in accordance with Article 62(3) of this Regulation.	human-readable and in machine-readable format. ENIM shall include these specifications in the European framework for capacity management referred to in Article 6 ***of this Regulation***. Based on its experience in applying this Article, ENIM***, following consultation with ERP*** shall provide information to the Commission on possible amendments to the technical specifications on interoperability as provided for by Directive (EU) 2016/797 and the implementing acts adopted under that Directive, in accordance with Article 62(3) of this Regulation.	**to in paragraph 2** in human-readable and in machine-readable format. ENIM shall include these specifications in the European framework for capacity management referred to in Article 6. ~~Based on its experience in applying this Article,~~ ~~ENIM~~**Infrastructure managers** shall ~~provide information to the Commission on possible amendments to the technical~~**take utmost account of those** specifications ~~on interoperability as provided for by Directive (EU) 2016/797 and the implementing acts adopted under that Directive, in accordance with Article 62(3) of this Regulation~~.	~~*paragraph 2*~~ in human-readable and in machine-readable format. ENIM shall include these specifications in the European framework for capacity management referred to in Article 6. ~~*Infrastructure managers*~~***Based on its experience in applying this Article, ENIM*** shall ~~*take utmost account of those*~~***provide information to the Commission on possible amendments to the technical*** specifications ***on interoperability as provided for by Directive (EU) 2016/797 and the implementing acts adopted under that Directive, in accordance with Article 62(3) of this Regulation***. Agreed at 3rd trilogue
Article 20(4a)				
272a		***4a. The Commission shall be empowered to, adopt delegated acts in accordance with Article 71 to set out the details of the procedure and criteria to be followed for the application of paragraph 1 of this Article, in particular for situations which have a potential impact on cross-border traffic, and to amend***		*deleted* *Provisionally agreed in ITM 30*

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		paragraph 1 of this Article. Those delegated acts shall be adopted by ... [24 months from the entry into force of this Regulation].		
Article 21				
273	Article 21 Highly utilised and congested infrastructure	Article 21 Highly utilised and congested infrastructure	Article 21 Highly utilised and congested infrastructure	Article 21 Highly utilised and congested infrastructure
Article 21, 1.				
G 274	1. Infrastructure managers shall declare without delay an element of infrastructure either to be highly utilised or to be congested if at least one of the following conditions is met:	1. Infrastructure managers shall declare without delay an element of infrastructure either to be highly utilised or to be congested if at least one of the following conditions is met:	1. Infrastructure managers shall declare without delay ~~an element~~**sections or nodes** of infrastructure either ~~to be~~**as being** highly utilised or ~~to be~~ congested if at least one of the following conditions is met:	1. Infrastructure managers shall declare without delay ~~*sections or nodes*~~***an element*** of infrastructure either as being highly utilised or congested if at least one of the following conditions is met: Agreed at 3rd trilogue
Article 21, 1., point (a)				
G 275	(a) the capacity utilisation has exceeded the threshold values for highly utilised or for congested infrastructure during the reference periods set out in point 1 of Annex II in the previous or the current working timetable period;	(a) the capacity utilisation has exceeded the threshold values for highly utilised or for congested infrastructure during the reference periods set out in point 1 of Annex II in the previous or the current working timetable period;	(a) the ~~capacity~~ utilisation **of rail infrastructure capacity** has exceeded the threshold values for highly utilised or for congested infrastructure during the reference periods set out in ~~point 1 of~~ Annex II in the previous or the current working timetable period;	(a) the utilisation of rail infrastructure capacity has exceeded the threshold values for highly utilised or for congested infrastructure during the reference periods set out in Annex II in the previous or the current working timetable period; Agreed at 3rd trilogue
Article 21, 1., point (b)				

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G 276	(b) the results of strategic capacity planning carried out in accordance with this section indicate that the capacity needs expressed during the strategic capacity planning phases exceed the capacity available for allocation during a given working timetable period;	(b) the results of strategic capacity planning carried out in accordance with this section indicate that the capacity needs expressed during the strategic capacity planning phases exceed the capacity available for allocation during a given working timetable period;	(b) the results of strategic capacity planning carried out in accordance with this section indicate that the capacity needs expressed during the strategic capacity planning phases exceed the capacity available for allocation during a given working timetable period~~;~~ **, including due to infrastructure works with the duration of more than 12 months and resulting in capacity restrictions scheduled in accordance with Article 10.**	(b) ~~*the results of*~~ ***infrastructure managers are required to partition capacity in*** strategic capacity planning ~~*carried out in accordance with this section indicate that the capacity needs expressed during the strategic capacity planning phases exceed the capacity available for allocation during a given working timetable period, including due to infrastructure works with the duration of more than 12 months and resulting in capacity restrictions scheduled*~~ in accordance with Article ~~*10.*~~***17(2)b or Article18(8)a;*** Agreed at 3rd trilogue	G
Article 21, 1., point (c)					
G 277	(c) infrastructure works resulting in capacity restrictions scheduled in accordance with Article 10 result in capacity becoming scarce.	(c) infrastructure works resulting in capacity restrictions scheduled in accordance with Article 10 result in capacity becoming scarce.	*deleted*	***(c) major infrastructure works resulting in capacity restrictions scheduled in accordance with Article 10 result in capacity becoming highly utilised or congested.*** Agreed at 3rd trilogue	G
Article 21(1), second subparagraph					
G 277a			**Infrastructure managers shall assess the utilisation of rail**	Infrastructure managers shall assess the utilisation of rail	G

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			infrastructure capacity on the basis of objective, transparent and appropriate procedures and methods.	infrastructure capacity on the basis of objective, transparent and appropriate procedures and methods. Agreed at 3rd trilogue	
Article 21(1), third subparagraph					
R	277b		**Point (a) of the first subparagraph of this paragraph shall not apply to infrastructure of the Channel Fixed Link, as defined in the Treaty concerning the construction and operation by private concessionaires of a channel fixed link, between France and the United Kingdom of Great Britain and Northern Ireland, signed at Canterbury on 12 February 1986, and in the Concession Agreement between the Secretary of State for Transport, Le Ministre de I'Urbanisme du Logement et des Transports, The Channel Tunnel Group Limited and France-Manche S.A.**	Point (a) of the first subparagraph of this paragraph shall not apply to infrastructure of the Channel Fixed Link, as defined in the Treaty concerning the construction and operation by private concessionaires of a channel fixed link, between France and the United Kingdom of Great Britain and Northern Ireland, signed at Canterbury on 12 February 1986, and in the Concession Agreement between the Secretary of State for Transport, Le Ministre de I'Urbanisme du Logement et des Transports, The Channel Tunnel Group Limited and France-Manche S.A.	R
Article 21(1a)					
G	277c		**1a. ENIM shall develop a common method on the utilisation of rail infrastructure capacity. This method shall be**	1a. ENIM shall develop a common method on the utilisation of rail infrastructure capacity. This method shall be included in the	G

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			included in the European framework for capacity management referred to in Article 6. Infrastructure managers shall take utmost account of this method.	European framework for capacity management referred to in Article 6. ~~*Infrastructure managers shall take utmost account of this method.*~~ Agreed at 3rd trilogue
Article 21(2)				
G	278	2. The declaration referred to in paragraph 1 shall specify the working timetable period and the element of infrastructure and the specific time periods to which it relates.	2. The declaration referred to in paragraph 1 shall specify the working timetable period and the element of infrastructure and the specific time periods to which it relates.	2. The declaration referred to in paragraph 1 shall specify the working timetable period and the element of infrastructure and the specific time periods to which it relates.
Article 21(3)				
G	279	3. Conflicting individual capacity requests submitted for allocation during the working timetable shall not be a ground for declaring an element of infrastructure to be highly utilised or congested unless the conditions set in paragraph 1 are met.	3. Conflicting individual capacity requests submitted for allocation during the working timetable ***period*** shall not be a ground for declaring an element of infrastructure to be highly utilised or congested unless the conditions set in paragraph 1 are met.	3. Conflicting individual capacity requests submitted for allocation during the working timetable **period** shall not be a ground for declaring an element of infrastructure to be highly utilised or congested unless the conditions set in paragraph 1 are met.	3. Conflicting individual capacity requests submitted for allocation during the working timetable period shall not be a ground for declaring an element of infrastructure to be highly utilised or congested unless the conditions set in paragraph 1 are met.
Article 21(4)				
G	280	4. Where infrastructure has been declared to be highly utilised or congested, the infrastructure manager shall carry out a capacity analysis in accordance with Article 22, unless a capacity-enhancement	4. Where infrastructure has been declared to be highly utilised or congested, the infrastructure manager shall carry out a capacity analysis in accordance with Article 22, unless a capacity-enhancement	4. Where infrastructure has been declared ~~to be~~**as** highly utilised or congested, the infrastructure manager shall carry out a capacity analysis in accordance with Article 22, unless	4. Where infrastructure has been declared as highly utilised or congested, the infrastructure manager shall carry out a capacity analysis in accordance with Article 22, unless a capacity-enhancement

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	plan, as provided for in Article 23, is already being implemented.	plan, as provided for in Article 23, is already being implemented.	a capacity-enhancement plan, as provided for in Article 23, **has been carried out in the five years preceding the declaration of infrastructure as highly utilised or congested or** is already being implemented.	plan, as provided for in Article 23 ***and addressing all relevant factors***, has been carried out in the five years preceding the declaration of infrastructure as highly utilised or congested or is already being implemented. Agreed at 3rd trilogue
Article 21(5)				
G 281	5. For elements of infrastructure declared highly utilised or congested, infrastructure managers shall reserve capacity in the capacity supply plan referred to in Article 18, taking into account the outcome of the capacity analysis referred to in Article 22.	5. For elements of infrastructure declared highly utilised or congested, infrastructure managers shall reserve capacity in the capacity supply plan referred to in Article 18, taking into account the outcome of the capacity analysis referred to in Article 22.	5. For elements of infrastructure declared highly utilised or congested, infrastructure managers shall reserve capacity in the capacity supply plan referred to in Article 18, taking into account the outcome of the capacity analysis referred to in Article 22.	5. For elements of infrastructure declared highly utilised or congested, infrastructure managers shall reserve capacity in the capacity supply plan referred to in Article 18, taking into account the outcome of the capacity analysis referred to in Article 22.
Article 21(5), second subparagraph				
G 281a			**For sections or nodes of infrastructure declared congested, the infrastructure manager may lay down specific threshold quotas for the application of Article 27(6).**	*deleted* *Agreed at 3rd trilogue*
Article 21(6)				
G *282*	*6.* Where charges in accordance with Article 31(4) of Directive 2012/34/EU have not	6. Where charges in accordance with Article 31(4) of Directive 2012/34/EU have not	6. Where charges in accordance with Article 31(4) of Directive 2012/34/EU have not	*deleted*

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	been levied or have not achieved a satisfactory result and the infrastructure has been declared to be congested, the infrastructure manager shall apply a procedure to partition or to allocate scarce infrastructure capacity on the basis of transparent and objective criteria. That procedure shall be implemented in accordance with Article 8 of this Regulation and shall be set out, together with the applicable criteria, in the network statement.	been levied or have not achieved a satisfactory result and the infrastructure has been declared to be congested, the infrastructure manager shall apply a procedure to partition or to allocate scarce infrastructure capacity on the basis of transparent and objective criteria. That procedure shall be implemented in accordance with Article 8 of this Regulation and shall be set out, together with the applicable criteria, in the network statement.	been levied or have not achieved a satisfactory result and the infrastructure has been declared to be congested, the infrastructure manager shall apply a procedure to partition or to allocate ~~scarce~~ infrastructure capacity on the basis of transparent and objective criteria. That procedure shall be implemented in accordance with Article ~~8~~**25** of this Regulation and shall be set out, together with the applicable criteria, in the network statement.	*Agreed at 3rd trilogue*
Article 21(7)				
G *283*	*7.* Infrastructure managers shall indicate infrastructure declared highly utilised or congested in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.	7. Infrastructure managers shall indicate infrastructure declared highly utilised or congested in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.	7. ~~Infrastructure managers~~**Member States** shall ~~indicate infrastructure~~**ensure that the nodes or sections** declared **as** highly utilised or congested **are indicated** in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.	7. Member States shall ~~*ensure that the nodes or sections*~~***instruct infrastructure managers to indicate elements of infrastructure*** declared as highly utilised or congested ~~*are indicated*~~ in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797. Agreed at 3rd trilogue G
Article 21(8)				
G 284	8. The procedures to be followed and the criteria to be used where infrastructure is congested shall be set out in the	8. The procedures to be followed and the criteria to be used where infrastructure is congested shall be set out in the	*deleted*	***8. The procedures to be followed and the criteria to be used where infrastructure is congested shall be set out in the*** G

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	network statement and shall respect any measures and criteria adopted in accordance with paragraph 7.	network statement and shall respect any measures and criteria adopted in accordance with paragraph ~~7~~***6***.		***network statement and shall respect any measures and criteria adopted in accordance with paragraph 6.*** Agreed at 3rd trilogue
Article 21(9)				
G 285	9. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex II, to ensure an efficient management of capacity on highly utilised and congested infrastructure and reflect the operational concerns of infrastructure managers and applicants, taking into account the experience of ENIM, infrastructure managers, applicants and other operational stakeholders, regulatory bodies and the ENRB in implementing this Article.	9. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex II, to ensure an efficient management of capacity on highly utilised and congested infrastructure and reflect the operational concerns of infrastructure managers and applicants, taking into account the experience of ENIM, infrastructure managers, applicants and other operational stakeholders, regulatory bodies and the ~~*ENRB*~~***ENRRB*** in implementing this Article.	9. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend **the thresholds for capacity utilisation and the reference periods set out in** Annex II **where those elements have proven ineffective or have led to major difficulties of implementation**, **in order** to ensure an efficient management of capacity on highly utilised and congested infrastructure and reflect the operational concerns of infrastructure managers and applicants, taking into account the experience of ENIM, infrastructure managers, applicants and other operational stakeholders, regulatory bodies and the ~~ENRB~~**ENRRB** in implementing this Article.	9. The Commission ~~*shall be*~~***is*** empowered to adopt delegated acts in accordance with Article 71 to amend the thresholds for capacity utilisation and the reference periods set out in Annex II where those elements have proven ineffective or have led to major difficulties of implementation***, or where the sector has developed new and widely accepted best practices***, in order to ensure an efficient management of capacity on highly utilised and congested infrastructure and reflect the operational concerns of infrastructure managers and applicants, taking into account the experience of ENIM, infrastructure managers, applicants and other operational stakeholders, regulatory bodies and the ENRRB in implementing this Article. G

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				Provisionally agreed in ITM 30
Article 21(10)				
G 285a			**10. The Commission may adopt implementing acts, setting out the key principles of the method to be developped by ENIM under paragraph 1a on the utilisation of rail infrastructure capacity, in accordance with the examination procedure referred to in Article 72(3).**	*deleted* *Provisionally agreed in ITM 32*
Article 22				
G *286*	Article 22 Capacity analysis in case of highly utilised or congested infrastructure	Article 22 Capacity analysis in case of highly utilised or congested infrastructure	Article 22 Capacity analysis in case of highly utilised or congested infrastructure	Article 22 Capacity analysis in case of highly utilised or congested infrastructure
Article 22(1), first subparagraph				
G 287	1. The infrastructure manager shall carry out a capacity analysis within six months of the declaration of infrastructure as highly utilised or congested.	1. The infrastructure manager shall carry out a capacity analysis within six months of the declaration of infrastructure as highly utilised or congested.	1. The infrastructure manager shall carry out a capacity analysis within six months of the declaration of infrastructure as highly utilised or congested**, unless a capacity-enhancement plan has been carried out in the five years preceding the declaration of infrastructure as highly utilised or congested or is already being implemented**.	1. The infrastructure manager shall carry out a capacity analysis within six months of the declaration of infrastructure as highly utilised or congested, unless a capacity-enhancement plan***, addressing all relevant factors,*** has been carried out in the five years preceding the declaration of infrastructure as highly utilised or congested or is already being implemented.

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				Agreed at 3rd trilogue
Article 22(1), second subparagraph				
288	The capacity analysis shall determine the constraints on infrastructure capacity which prevent the inclusion of capacity needs expressed by applicants in the capacity model, or in the capacity supply plan, or which prevent requests for infrastructure capacity from being adequately met.	The capacity analysis shall determine the constraints on infrastructure capacity which prevent the inclusion of capacity needs expressed by applicants in the capacity model, or in the capacity supply plan, or which prevent requests for infrastructure capacity from being adequately met.	The capacity analysis shall determine the constraints on infrastructure capacity which prevent the inclusion of capacity needs expressed by applicants in the capacity model, or in the capacity supply plan, or which prevent requests for infrastructure capacity from being adequately met.	The capacity analysis shall determine the constraints on infrastructure capacity which prevent the inclusion of capacity needs expressed by applicants in the capacity model, or in the capacity supply plan, or which prevent requests for infrastructure capacity from being adequately met.
Article 22(1), third subparagraph				
289	The capacity analysis shall also include a first indicative set of possible measures to be taken in the short, medium and long term to ease the congestion and increase the availability of capacity.	The capacity analysis shall also include a first indicative set of possible measures to be taken in the short, medium and long term to ease the congestion and increase the availability of capacity. ***The capacity analysis shall differentiate between measures for highly utilised infrastructure and for congested infrastructure.***	The capacity analysis shall also include a first indicative set of possible measures to be taken in the short, medium and long term to ease the congestion and increase the availability of capacity.	The capacity analysis shall also include a first indicative set of possible measures to be taken in the short, medium and long term to ease the congestion and increase the availability of capacity. Agreed at 3rd trilogue
Article 22(2)				
290	2. The capacity analysis shall consider the characteristics of infrastructure in terms of capacity, capabilities and interoperability, operating procedures, the nature of	2. The capacity analysis shall consider the characteristics of infrastructure in terms of capacity, capabilities and interoperability, operating procedures, the nature of	2. The capacity analysis shall consider the characteristics of infrastructure in terms of capacity, capabilities and interoperability, operating procedures, the nature of	2. The capacity analysis shall consider the characteristics of infrastructure in terms of capacity, capabilities and interoperability, operating procedures, the nature of

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	the different services operating and the effect of all those factors on infrastructure capacity. Measures to be considered shall include in particular rerouting services, retiming services, speed alterations, harmonisation of operating procedures and infrastructure improvements.	the different services operating and the effect of all those factors on infrastructure capacity. Measures to be considered shall include in particular rerouting services, ***including via different networks if applicable,*** retiming services, speed alterations, harmonisation of operating procedures and infrastructure improvements.	the different services operating and the effect of all those factors on infrastructure capacity. Measures to be considered shall include in particular rerouting services, retiming services, speed alterations, harmonisation of operating procedures and infrastructure improvements.	the different services operating and the effect of all those factors on infrastructure capacity. Measures to be considered shall include in particular rerouting services, ***including via different networks if applicable,*** retiming services, speed alterations, harmonisation of operating procedures and infrastructure improvements. Agreed at 3rd trilogue
Article 22(3), first subparagraph				
G 291	3. Infrastructure managers shall consult applicants on the draft capacity analysis in accordance with Article 7e of Directive 2012/34/EU and, if the section of the infrastructure concerned is part of a European Transport Corridor, in accordance with Article 54.	3. Infrastructure managers shall consult applicants on the draft capacity analysis in accordance with Article 7e of Directive 2012/34/EU and, if the section of the infrastructure concerned is part of a European Transport Corridor, in accordance with Article 54.	3. Infrastructure managers shall consult applicants on the draft capacity analysis in accordance with Article 7e of Directive 2012/34/EU and, if the section of the infrastructure concerned is part of a European Transport Corridor, in accordance with Article 54 **of this Regulation**.	3. Infrastructure managers shall consult applicants on the draft capacity analysis in accordance with Article 7e of Directive 2012/34/EU and, if the ~~*section of the*~~***element of*** infrastructure concerned is part of a European Transport Corridor, in accordance with Article 54 of this Regulation. Agreed at 3rd trilogue
Article 22(3), second subparagraph				
G 292	The infrastructure manager shall make public the result of the capacity analysis. ENIM shall	The infrastructure manager shall make public the result of the capacity analysis. ENIM shall	The infrastructure manager shall make public the result of the capacity analysis. ~~ENIM shall~~	The infrastructure manager shall make ~~*public*~~ the result of the capacity analysis ***publicly available on its website***. ***ENIM***

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	ensure that these publications are easily available.	ensure that these publications are easily available.	~~ensure that these publications are easily available.~~	***shall make the links available on its website.*** Agreed at 3rd trilogue
Article 22(4), first subparagraph				
293	4. Infrastructure managers shall take into account the results of any capacity analysis carried out pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.	4. Infrastructure managers shall take into account the results of any capacity analysis carried out***, including in other networks concerned,*** pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.	4. Infrastructure managers shall take into account, **where relevant,** the results of any capacity analysis carried out pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.	4. Infrastructure managers shall take into account, where relevant, the results of any capacity analysis carried out***, including in other networks concerned,*** pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan. Agreed at 3rd trilogue
Article 22(4), second subparagraph				
294	The results of the capacity analysis shall be submitted to Member States' authorities in charge of preparing the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU and to the European Coordinator in charge of the European Transport Corridor concerned.	The results of the capacity analysis shall be submitted to Member States' authorities in charge of preparing the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU and to the European Coordinator in charge of the European Transport Corridor concerned.	The results of the capacity analysis shall be submitted to Member States' authorities in charge of preparing the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU and to the European Coordinator in charge of the European Transport Corridor concerned.	The results of the capacity analysis shall be submitted to Member States' authorities in charge of preparing the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU and to the European Coordinator in charge of the European Transport Corridor concerned.
Article 23				
295	Article 23	Article 23	Article 23	Article 23

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	Capacity-enhancement plan	Capacity-enhancement plan	Capacity-enhancement plan	Capacity-enhancement plan	
Article 23(1), first subparagraph					
G 296	1. Within six months of the completion of a capacity analysis in accordance with Article 22, the infrastructure manager shall establish a capacity-enhancement plan.	1. ***For infrastructure declared to be congested in accordance with Article 21 and*** within six months of the completion of a capacity analysis in accordance with Article 22, the infrastructure manager shall establish a capacity-enhancement plan.	1. Within six months of the completion of a capacity analysis in accordance with Article 22, the infrastructure manager shall establish a capacity-enhancement plan **for sections or nodes declared congested**.	1. Within six months of the completion of a capacity analysis in accordance with Article 22, the infrastructure manager shall establish a capacity-enhancement plan for ~~*sections or nodes*~~***elements of infrastructure*** declared congested***, in accordance with Article 21***. Agreed at 3rd trilogue	G
Article 23(1), second subparagraph					
G 297	The capacity-enhancement plan shall identify:	The capacity-enhancement plan shall identify:	The capacity-enhancement plan shall identify:	The capacity-enhancement plan shall identify:	G
Article 23(1), second subparagraph, point (a)					
G 298	(a) the reasons for the congestion;	(a) the reasons for the congestion;	(a) the reasons for the congestion;	(a) the reasons for the congestion;	G
Article 23(1), second subparagraph, point (b)					
G 299	(b) the likely future development of traffic;	(b) the likely future development of traffic;	(b) the likely future development of traffic;	(b) the likely future development of traffic;	G
Article 23(1), second subparagraph, point (c)					
G 300	(c) the constraints on infrastructure development;	(c) the constraints on infrastructure development;	(c) the constraints on infrastructure development;	(c) the constraints on infrastructure development;	G
Article 23(1), second subparagraph, point (d)					

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G 301	(d) the options and costs for capacity enhancement, including likely changes to access charges.	(d) the options and costs for capacity enhancement, including ***measures described in Article 22 (2) and*** likely changes to access charges.	(d) the options and costs for capacity enhancement, including **organisational measures and** likely changes to access charges.	(d) the options and costs for capacity enhancement, including ~~*organisational*~~ measures ***described in Article 22 (2)*** and likely changes to access charges. Agreed at 3rd trilogue
Article 23(1), third subparagraph				
G 302	On the basis of a cost benefit analysis of the possible measures identified, the capacity-enhancement plan shall also determine the action to be taken to enhance infrastructure capacity, including a timetable for implementing the measures.	On the basis of a cost benefit analysis of the possible measures identified, the capacity-enhancement plan shall also determine the action to be taken to enhance infrastructure capacity, including a timetable for implementing the measures.	On the basis of a cost benefit analysis of the possible measures identified, the capacity-enhancement plan shall also determine the action to be taken to enhance infrastructure capacity, including a timetable for implementing the measures.	On the basis of a cost benefit analysis of the possible measures identified, the capacity-enhancement plan shall also determine the action to be taken to enhance infrastructure capacity, including a timetable for implementing the measures.
Article 23(2), first subparagraph				
G 303	2. The capacity-enhancement plan shall be established after consultation with users of the relevant congested infrastructure in accordance with Article 13.	2. The capacity-enhancement plan shall be established after consultation with users of the relevant congested infrastructure in accordance with Article 13.	2. The capacity-enhancement plan shall be established after consultation with users of the relevant congested infrastructure in accordance with Article 13.	2. The capacity-enhancement plan shall be established after consultation with users of the relevant congested infrastructure in accordance with Article 13.
Article 23(2), second subparagraph				
G 304	It may be subject to prior approval by the Member State.	It may be subject to prior approval by the Member State.	~~It may~~**A Member State may decide that that plan shall** be subject to **its** prior approval ~~by the Member State~~.	A Member State may decide that that plan shall be subject to its prior approval. Agreed at 3rd trilogue
Article 23(3), first subparagraph				

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G	305	3. The Member State concerned shall take into account capacity-enhancement plans when renewing the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU.	3. The Member State concerned shall take into account capacity-enhancement plans when renewing the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU.	3. The Member State concerned shall take into account capacity-enhancement plans when renewing the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU.	3. The Member State concerned shall take into account capacity-enhancement plans when renewing the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU.	G
Article 23(3), second subparagraph						
G	306	The European Coordinator of the European Transport Corridor concerned shall take into account the capacity-enhancement plan in its work plan referred to in Article 53 of [new TEN-T Regulation].	The European Coordinator of the European Transport Corridor concerned shall take into account the capacity-enhancement plan in its work plan referred to in Article 53 of [new TEN-T Regulation].	*deleted*	***The European Coordinator of the European Transport Corridor concerned shall take into account the capacity-enhancement plan in its work plan referred to in Article 53 of Regulation (EU) 2024/1679.*** Provisionally agree in ITM 31	G
Article 23(3), second subparagraph a						
R	306a		***On the basis of a capacity analysis, the Member State shall construct or upgrade the infrastructure needed.***		*deleted*	R
Article 23(4)						
G	*307*	*4.* Without prejudice to Article 40 of this Regulation, the infrastructure manager shall cease to levy any charges for the relevant infrastructure under Article 31(4) of Directive	4. Without prejudice to Article 40 of this Regulation, the infrastructure manager shall cease to levy any charges for the relevant infrastructure under Article 31(4) of Directive	4. Without prejudice to Article 40 of this Regulation, the infrastructure manager shall cease to levy any charges for the relevant infrastructure under Article 31(4) of Directive	4. Without prejudice to Article 40 of this Regulation, the infrastructure manager shall cease to levy any charges for the relevant infrastructure under Article 31(4) of Directive	G

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
		2012/34/EU in one of the following cases:	2012/34/EU in one of the following cases:	2012/34/EU in one of the following cases:	2012/34/EU in one of the following cases:	
Article 23(4), point (a)						
G	308	(a) the infrastructure manager does not produce a capacity-enhancement plan;	(a) the infrastructure manager does not produce a capacity-enhancement plan;	(a) the infrastructure manager does not produce a capacity-enhancement plan;	(a) the infrastructure manager does not produce a capacity-enhancement plan;	G
Article 23(4), point (b)						
G	309	(b) the infrastructure manager does not make progress with the actions identified in the capacity enhancement plan.	(b) the infrastructure manager does not make progress with the actions identified in the capacity enhancement plan.	(b) the infrastructure manager does not make progress with the actions identified in the capacity enhancement plan.	(b) the infrastructure manager does not make progress with the actions identified in the capacity enhancement plan.	G
Article 23(5)						
G	310	5. Notwithstanding paragraph 4, the infrastructure manager may, subject to the approval of the regulatory body, continue to levy the charges in one of the following cases:	5. Notwithstanding paragraph 4, the infrastructure manager may, subject to the approval of the regulatory body, continue to levy the charges in one of the following cases:	5. Notwithstanding paragraph 4, the infrastructure manager may, subject to the approval of the regulatory body, continue to levy the charges in one of the following cases:	5. Notwithstanding paragraph 4, the infrastructure manager may, subject to the approval of the regulatory body, continue to levy the charges in one of the following cases:	G
Article 23(5), point (a)						
G	311	(a) if the capacity-enhancement plan cannot be realised for reasons beyond its control;	(a) if the capacity-enhancement plan cannot be realised for reasons beyond its control;	(a) if the capacity-enhancement plan cannot be realised for reasons beyond its control;	(a) if the capacity-enhancement plan cannot be realised for reasons beyond its control;	G
Article 23(5), point (b)						
G	312	(b) if the options available are not economically or financially viable.	(b) if the options available are not economically or financially viable.	(b) if the options available are not economically or financially viable.	(b) if the options available are not economically or financially viable.	G
Article 24						

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	313	Article 24 Specialised infrastructure	Article 24 Specialised infrastructure	Article 24 Specialised infrastructure	Article 24 Specialised infrastructure	G
Article 24(1)						
G	314	1. Without prejudice to paragraph 2, infrastructure capacity shall be considered to be available for the use of all types of traffic compatible with the route intended for operation in accordance with Directive (EU) 2016/797 and the specifications laid down in implementing acts adopted under it.	1. Without prejudice to paragraph 2, infrastructure capacity shall be considered to be available for the use of all types of traffic compatible with the route intended for operation in accordance with Directive (EU) 2016/797 and the specifications laid down in implementing acts adopted under it.	1. Without prejudice to paragraph 2, infrastructure capacity shall be considered to be available for the use of all types of traffic compatible with the route intended for operation in accordance with Directive (EU) 2016/797 and the specifications laid down in implementing acts adopted ~~under it~~**on the basis thereof**.	1. Without prejudice to paragraph 2, infrastructure capacity shall be considered to be available for the use of all types of traffic compatible with the route intended for operation in accordance with Directive (EU) 2016/797 and the specifications laid down in implementing acts adopted on the basis thereof. Agreed at 3rd trilogue	G
Article 24(2), first subparagraph						
G	315	2. Where there are suitable alternative routes and where in accordance with the procedure set out in Article 25 it can be demonstrated that it is justified from a social, economic and environmental perspective to do so, the infrastructure manager may, after consultation with interested parties, designate particular infrastructure for use by specified types of traffic. In that case the infrastructure manager shall indicate the designation in the planning documents referred to	2. Where there are suitable alternative routes and where in accordance with the procedure set out in Article 25 it can be demonstrated that it is justified from a social, economic and environmental perspective to do so, the infrastructure manager may, after consultation with interested parties, designate particular infrastructure for use by specified types of traffic. In that case the infrastructure manager shall indicate the designation in the planning documents referred to	2. Where there are suitable alternative routes and where in accordance with the procedure set out in Article 25 it can be demonstrated that it is justified from a social, economic and environmental perspective to do so, the infrastructure manager may, after consultation with interested parties, designate particular infrastructure for use by specified types of traffic. In that case the infrastructure manager shall indicate the designation in the planning documents referred to	2. Where there are suitable alternative routes and where in accordance with the procedure set out in Article 25 it can be demonstrated that it is justified from a social, economic and environmental perspective to do so, the infrastructure manager may, after consultation with interested parties, designate ~~particular~~***elements of*** infrastructure for use by specified types of traffic. In that case the infrastructure manager shall indicate the designation in the	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	in Article 11(2) and shall reserve capacity for the specified types of traffic in the capacity supply plan.	in Article 11(2) and shall reserve capacity for the specified types of traffic in the capacity supply plan.	in Article 11(2) and **in the network statement and** shall reserve capacity for the specified types of traffic in the capacity supply plan.	planning documents referred to in Article 11(2) and in the network statement and shall reserve capacity for the specified types of traffic in the capacity supply plan. Agreed at 3rd trilogue
Article 24(2), second subparagraph				
G 316	Such designation shall not prevent the use of such infrastructure by other types of traffic when capacity is available.	Such designation shall not prevent the use of such infrastructure by other types of traffic when capacity is available.	Such designation shall not prevent the use of such infrastructure by other types of traffic when capacity is available.	Such designation shall not prevent the use of such infrastructure by other types of traffic when capacity is available. G
Article 24(3)				
G 317	3. Infrastructure designated pursuant to paragraph 2 shall be indicated in the network statement, in the register of infrastructure referred in Article 49 of the Directive (EU) 2016/797, in the capacity strategy, in the capacity model and in the capacity supply plan.	3. Infrastructure designated pursuant to paragraph 2 shall be indicated in the network statement, in the register of infrastructure referred in Article 49 of the Directive (EU) 2016/797, in the capacity strategy, in the capacity model and in the capacity supply plan.	3. **Member States shall ensure that the** infrastructure designated pursuant to paragraph 2 ~~shall be~~**is** indicated ~~in the network statement,~~ in the register of infrastructure referred **to** in Article 49 of ~~the~~ Directive (EU) 2016/797~~, in the capacity strategy, in the capacity model and in the capacity supply plan~~.	3. Member States shall ensure that the infrastructure designated pursuant to paragraph 2 is indicated in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797. Agreed at 3rd trilogue G
Article 25				
G 318	Article 25 Partitioning of infrastructure capacity on the basis of socio-economic and environmental criteria	Article 25 Partitioning of infrastructure capacity on the basis of socio-economic and environmental criteria	Article 25 **Capacity** partitioning of infrastructure ~~capacity on the basis of socio-economic and environmental criteria~~**declared as**	Article 25 Capacity partitioning of infrastructure declared as being highly utilised or congested Agreed at 3rd trilogue G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
			being highly utilised or congested	
Article 25(1)				
G 319	1. Where an element of infrastructure has been declared to be highly utilised or congested in a future working timetable period, the infrastructure manager shall partition capacity on that element of infrastructure in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18 which relate to the working timetable period concerned.	1. Where an element of infrastructure has been declared to be highly utilised or congested in a future working timetable period, the infrastructure manager shall partition capacity on that element of infrastructure in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18 which relate to the working timetable period concerned.	1. Where an element of infrastructure has been declared ~~to be~~**as being** highly utilised or congested in a future working timetable period, the infrastructure manager ~~shall~~**may** partition capacity on that element of infrastructure in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18 which relate to the working timetable period concerned.	1. Where ~~*an element of infrastructure has been declared as being highly utilised or congested in a future working timetable period,*~~***reference is made to this Article*** the infrastructure manager ~~*may*~~***shall*** partition capacity on ~~*that element*~~***the applicable elements*** of infrastructure ~~*in the capacity model referred to in Article 17 and*~~***applying an equitable, transparent, and non-discriminatory methodology*** ***The infrastructure manager shall set out the details of this methodology, including all applicable parameter values,*** in the ***network statement taking account of the European framework for*** capacity ~~*supply plan referred to in*~~***management. Parameter values defined by the infrastructure manager shall be subject to coordination in accordance with point (d) of*** Article ~~*18 which relate to the*~~ G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				~~working timetable period concerned~~***~~7~~e of Directive 2012/34/EU.***
				The infrastructure manager shall take into account the need for capacity for multi-network rail services.
				Provisionally agree in ITM 31
Article 25(2), first subparagraph				
G 320	2. When partitioning infrastructure capacity pursuant to paragraph 1, the infrastructure manager shall act in accordance with Article 8.	2. When partitioning infrastructure capacity ***declared to be congested*** pursuant to paragraph 1, the infrastructure manager shall act in accordance with Article 8.	2. When partitioning infrastructure capacity pursuant to paragraph 1, the infrastructure manager shall act in accordance with **the strategic guidance referred to in** Article ~~8~~**11(3), where Member states have provided such guidance and have provided that it shall be binding, and take into account the need for capacity for multi-network rail services**.	2. ~~*When partitioning infrastructure capacity pursuant to paragraph 1, the infrastructure manager shall act in accordance with the strategic guidance*~~***The methodology*** referred to in ~~*Article 11(3), where Member states have provided such guidance and have provided that it*~~***paragraph 1*** shall ~~*be binding, and take into account the need for capacity for multi-network rail services.*~~***involve the following steps:*** Agreed at 3rd trilogue
Article 25(2), first subparagraph a				
G 320a		***By … [24 months from the entry into force of this Regulation], where partitioning infrastructure capacity was declared to be highly***		*deleted* *Agreed at 3rd trilogue*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		utilised pursuant to paragraph 1 of this Article, the infrastructure manager shall act in accordance with Article 8.		
Article 25(2), first subparagraph b				
320b				***(a) design alternative scenarios to partition the capacity available for different types of rail transport services involving, where possible, the provision of alternative capacity on other routes or alternative timing;*** Provisionally agreed in ITM 29
Article 25(2), first subparagraph c				
320c				***(b) evaluate and rank the scenarios referred to in point (a) taking into account the operational, socio-economic, and environmental criteria set out in paragraph 3,*** Agreed at 3rd trilogue
Article 25(2), first subparagraph d				
320d				***(c) select the highest ranked scenario on the basis of the evaluation referred to in point (b) and amend the capacity model and the capacity supply plan accordingly.***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Agreed at 3rd trilogue
Article 25(2), second subparagraph				
321	The infrastructure manager shall take into account the need for capacity for multi-network rail services.	The infrastructure manager shall take into account the need for capacity for multi-network rail services***, especially international rail freight services***.	*deleted*	***The methodology shall allow to take into account the need for multi-network rail services in their entirety.*** Agreed at 3rd trilogue
Article 25(2a), first subparagraph				
321a			**2a. With the view of partitioning infrastructure capacity pursuant to paragraph 1, infrastructure managers shall assess alternative partitioning options based on, but not limited to, the following socioeconomic, operational and environmental criteria, subject to the availability of data:**	2a. ~~*With the view of partitioning infrastructure capacity pursuant to*~~***The evaluation referred to in*** paragraph ~~*1, infrastructure managers*~~***2(b)*** shall ~~*assess alternative partitioning options*~~***be*** based on, but not limited to, the following ~~*socioeconomic,*~~ operational***, socio-economic*** and environmental criteria, subject to the availability of data~~.~~ ***and taking into account technical and operational considerations and the utilisation of the infrastructure:*** Agreed at 3rd trilogue
Article 25(2a), first subparagraph, point (a)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G 321b			**(a) operating cost for operators and technical parameters of rail transport services, and the resulting impact on prices for customers of rail transport services;**	(a) operating cost for operators ~~*and technical parameters*~~ of rail transport services, and the resulting impact on prices for customers of rail transport services; Agreed at 3rd trilogue	G
Article 25(2a), first subparagraph, point (b)					
G 321c			**(b) time-related cost for customers of rail transport services;**	(b) time-related cost for customers of rail transport services; Agreed at 3rd trilogue	G
Article 25(2a), first subparagraph, point (c)					
G 321d			**(c) connectivity and accessibility for people and regions served by the rail transport services, including the quality of connections and transfer times for rail passenger and freight services;**	(c) connectivity and accessibility for people and regions served by the rail transport services, including the quality of connections ~~*and*~~***notably in terms of*** transfer times ~~*for*~~***and the frequency of*** rail passenger and freight services; Agreed at 3rd trilogue	G
Article 25(2a), first subparagraph, point (d)					
G 321e			**(d) environmental impact, such as emissions of greenhouse gases and noise;**	(d) ~~*environmental impact*~~***impacts on external costs of transport***, such as ***accidents,*** emissions of ***air pollutants,***	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
				greenhouse gases and noise~~;~~ ***produced by rail transport services and by their likely alternatives.*** Agreed at 3rd trilogue	
Article 25(2a), first subparagraph, point (e)					
G	321f		**(e) volume of people and freight transported;**	(e) volume of people and freight transported; Agreed at 3rd trilogue	G
Article 25(2a), first subparagraph, point (f)					
G	321g		**(f) utilisation of the infrastructure network.**	*deleted* *Agreed at 3rd trilogue*	G
Article 25(2a), second subparagraph					
G	*321h*		**In proceeding to the assessment of alternative partitioning options, infrastructure managers shall take into account the procedures developed by ENIM referred to in paragraph 2b.**	*deleted* *Agreed at 3rd trilogue*	G
Article 25(2b)					
G	*321i*		**2b. ENIM shall prepare and adopt an equitable, transparent and non-discriminatory procedure for the assessment of**	2b. ENIM shall ~~*prepare and adopt*~~***set out*** an equitable, transparent and non-discriminatory ~~*procedure*~~***methodology and***	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
			the alternative partitioning options, and include it in the European framework for capacity management referred to in Article 6. The procedures shall involve the following steps:	***establish the list of parameters relating to rail transport services and socio-economic criteria necessary*** for the assessment ***referred to in paragraph 2a. Where relevant, it shall set out standard parameter values, or ranges of standard values. ENIM shall ensure that parameter values are sufficiently tested and calibrated in an operational context.*** ***ENIM shall*** ~~*of the alternative partitioning options, and*~~ include ~~*it*~~***the methodology and the list of parameters and the standard values for the parameters*** in the European framework for capacity management referred to in Article 6. ~~*The procedures*~~ ***The infrastructure manager*** shall***, where relevant, adjust the standard parameter values to take into account local or national circumstances based on accepted approaches and empirical evidence and, where applicable,*** ~~*involve the*~~ following ~~*steps:*~~***Member State requirements***

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				in accordance with point (d) of Article 3a(2). Agreed at 3rd trilogue Provisionally agree in ITM 31
Article 25(2b), point (a)				
321j			**(a) define ranges of standard values for rail services as an initial basis for assessment;**	*deleted* *Agreed at 3rd trilogue*
Article 25(2b), point (b)				
321k			**(b) design alternative scenarios to partition the capacity available for different types of rail transport services;**	*deleted* *Agreed at 3rd trilogue*
Article 25(2b), point (c)				
321l			**(c) evaluate and rank the scenarios on the basis of objective, transparent and non-discriminatory methodologies taking into account the socio-economic, operational and environmental criteria set out in paragraph 2a, and making it possible to take into account local or national circumstances based on accepted approaches and empirical evidence;**	*deleted* *Agreed at 3rd trilogue*
Article 25(2b), point (d)				

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321m			**(d) select the highest ranked scenario on the basis of the evaluation referred to in point (c) and amend the capacity supply plan accordingly.**	*deleted* *Agreed at 3rd trilogue*
SECTION 3				
322	*SECTION 3* Scheduling and capacity allocation	SECTION 3 Scheduling and capacity allocation	SECTION 3 Scheduling and capacity allocation	SECTION 3 Scheduling and capacity allocation
Article 26				
323	Article 26 Capacity rights	Article 26 Capacity rights	Article 26 Capacity rights	Article 26 Capacity rights Agreed at 3rd trilogue
Article 26(1), first subparagraph				
324	1. Applicants may apply under public or private law to the infrastructure manager to request an agreement granting rights to use railway infrastructure against a charge as provided for in section 2 of Chapter IV of Directive 2012/34/EU.	1. Applicants may apply under public or private law to the infrastructure manager to request an agreement granting rights to use railway infrastructure against a charge as provided for in section 2 of Chapter IV of Directive 2012/34/EU.	1. Applicants may apply**,** under public or private law**,** to the infrastructure manager to request an agreement granting rights ~~to use~~**for capacity on** railway infrastructure against a charge as provided for in section 2 of Chapter IV of Directive 2012/34/EU.	1. Applicants may apply~~,~~ under public or private law~~,~~ to the infrastructure manager to request an agreement granting rights ~~*for capacity on*~~***to use*** railway infrastructure against a charge as provided for in section 2 of Chapter IV of Directive 2012/34/EU. Agreed at 3rd trilogue
Article 26(1), second subparagraph				
325	Infrastructure managers shall allocate the right to use infrastructure capacity to	Infrastructure managers shall allocate the right to use infrastructure capacity to	Infrastructure managers shall allocate ~~the right to use~~**rights for capacity on railway** infrastructure	Infrastructure managers shall allocate ~~*rights for capacity on railway*~~***the right to use***

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
		applicants in the form of one of the following:	applicants in the form of one of the following:	~~capacity~~ to applicants in the form of one of the following:	infrastructure ***capacity*** to applicants in the form of one of the following: Agreed at 3rd trilogue	
Article 26(1), second subparagraph, point (a)						
G	326	(a) capacity specifications;	(a) capacity specifications;	(a) capacity specifications;	(a) capacity specifications;	G
Article 26(1), second subparagraph, point (b)						
G	327	(b) train paths.	(b) train paths.	(b) train paths.	(b) train paths.	G
Article 26(1), third subparagraph						
G	328	ENIM shall define the characteristics of capacity specifications and include those in the European framework for capacity management referred to in Article 6.	ENIM shall define the characteristics of capacity specifications and include those in the European framework for capacity management referred to in Article 6.	ENIM shall define the characteristics of capacity specifications and include those in the European framework for capacity management referred to in Article 6. **Infrastructure managers shall take utmost account of those characteristics.**	ENIM shall define the characteristics of capacity specifications and include those in the European framework for capacity management referred to in Article 6. ~~*Infrastructure managers shall take utmost account of those characteristics.*~~ Agreed at 3rd trilogue	G
Article 26(2)						
G	329	2. Infrastructure managers shall convert the capacity rights allocated in the form of a capacity specification into capacity rights in the form of a train path prior to the actual train run in accordance with the deadlines set out in sections 4, 5 and 6 of Annex I.	2. Infrastructure managers shall convert the capacity rights allocated in the form of a capacity specification into capacity rights in the form of a train path prior to the actual train run in accordance with the deadlines set out in sections 4, 5 and 6 of Annex I.	2. Infrastructure managers shall convert the capacity rights allocated in the form of a capacity specification into capacity rights in the form of a train path prior to the actual train run in accordance with the deadlines set out in sections 4, 5 and 6 of Annex I.	2. Infrastructure managers shall convert the capacity rights allocated in the form of a capacity specification into capacity rights in the form of a train path prior to the actual train run in accordance with the deadlines set out in sections 4, 5 and 6 of Annex I.	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
Article 26(3)				
G 330	3. Capacity rights in the form of a train path may be granted to applicants for a maximum duration of one working timetable period. Capacity rights in the form of a capacity specification may be allocated for a duration exceeding one working timetable period in accordance with Articles 31 and 33.	3. Capacity rights in the form of a train path may be granted to applicants for a maximum duration of one working timetable period. Capacity rights in the form of a capacity specification may be allocated for a duration exceeding one working timetable period in accordance with Articles 31 and 33.	3. Capacity rights in the form of a train path may be granted to applicants for a maximum duration of one working timetable period. Capacity rights in the form of a capacity specification may be allocated for a duration exceeding one working timetable period in accordance with Articles 31 and 33.	3. Capacity rights in the form of a train path may be granted to applicants for a maximum duration of one working timetable period. Capacity rights in the form of a capacity specification may be allocated for a duration exceeding one working timetable period in accordance with Articles 31 and 33. G
Article 26(4)				
G 331	4. Unless otherwise specified in this Regulation, the respective rights and obligations of infrastructure managers and applicants in respect of any allocation of capacity shall be laid down in contracts or in Member States' legislation.	4. Unless otherwise specified in this Regulation, the respective rights and obligations of infrastructure managers and applicants in respect of any allocation of capacity shall be laid down in contracts or in Member States' legislation.	4. Unless otherwise specified in this Regulation, the respective rights and obligations of infrastructure managers and applicants in respect of any allocation of capacity shall be laid down in contracts or in ~~Member States' legislation.~~**national law.**	4. Unless otherwise specified in this Regulation, the respective rights and obligations of infrastructure managers and applicants in respect of any allocation of capacity shall be laid down in contracts or in national law. Agreed at 3rd trilogue G
Article 26(6), first subparagraph				
G 331a	6. Once allocated to an applicant, a capacity right shall not be transferred by the recipient to another undertaking or service. Moved reference text		6. Once allocated to an applicant, a capacity right shall not be transferred by the recipient to another undertaking or service. Moved from row 333 [333 - 331a]	6. Once allocated to an applicant, a capacity right shall not be transferred by the recipient to another undertaking or service. Agreed at 3rd trilogue G
Article 26(6), second subparagraph				

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	331b	Any form of transfer shall lead to exclusion from the further allocation of capacity. Moved reference text		Any form of transfer shall lead to exclusion from the further allocation of capacity **during the current working timetable period and the following one**. Moved from row 334 [334 - 331b]	Any form of transfer shall lead to exclusion from the further allocation of capacity during the current working timetable period and the following one. Agreed at 3rd trilogue	G
Article 26(6), third subparagraph						
G	331c	The use of capacity by a railway undertaking when carrying out the business of an applicant which is not a railway undertaking shall not be considered as a transfer. Moved reference text		The use of capacity by a railway undertaking when carrying out the business of an applicant which is not a railway undertaking shall not be considered as a transfer. **An applicant which is not a railway undertaking shall inform the infrastructure manager, at least 10 days before the use of the capacity, which railway undertaking will use the capacity. That information shall include evidence of the railway undertaking's acceptance.** Moved from row 335 [335 - 331c]	The use of capacity by a railway undertaking when carrying out the business of an applicant which is not a railway undertaking shall not be considered as a transfer. An applicant which is not a railway undertaking shall inform the infrastructure manager, at least 10 days before the use of the capacity, which railway undertaking will use the capacity. That information shall include evidence of the railway undertaking's acceptance. Agreed at 3rd trilogue	G
Article 26(5)						
G	332	5. Where an applicant intends to request infrastructure capacity with a view to operating a passenger service, in a Member State where the right of access to railway infrastructure is limited in	5. Where an applicant intends to request infrastructure capacity with a view to operating a passenger service, in a Member State where the right of access to railway infrastructure is limited in	~~5~~**7**. Where an applicant intends to request infrastructure capacity with a view to operating a passenger service, in a Member State where the right of access to railway infrastructure is limited in	7. Where an applicant intends to request infrastructure capacity with a view to operating a passenger service, in a Member State where the right of access to railway infrastructure is limited in	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	accordance with Article 11 of Directive 2012/34/EU, it shall inform the infrastructure managers and the regulatory bodies concerned no less than 18 months before the entry into force of the working timetable to which the request for capacity relates. In order to enable the regulatory bodies concerned to assess the potential economic impact on existing public service contracts, regulatory bodies shall ensure that any competent authority that has awarded a rail passenger service on that route defined in a public service contract, any other interested competent authority with the right to limit access under Article 11 of Directive 2012/34/EU and any railway undertaking performing the public service contract on the route of that passenger service is informed without undue delay and at the latest within 10 days.	accordance with Article 11 of Directive 2012/34/EU, it shall inform the infrastructure managers and the regulatory bodies concerned no less than 18 months before the entry into force of the working timetable to which the request for capacity relates. In order to enable the regulatory bodies concerned to assess the potential economic impact on existing public service contracts, regulatory bodies shall ensure that any competent authority that has awarded a rail passenger service on that route defined in a public service contract, any other interested competent authority with the right to limit access under Article 11 of Directive 2012/34/EU and any railway undertaking performing the public service contract on the route of that passenger service is informed without undue delay and at the latest within 10 days.	accordance with Article 11 of Directive 2012/34/EU, it shall inform the infrastructure managers and the regulatory bodies concerned no less than 18 months before the entry into force of the working timetable to which the request for capacity relates. In order to enable the regulatory bodies concerned to assess the potential economic impact on existing public service contracts, regulatory bodies shall ensure that any competent authority that has awarded a rail passenger service on that route defined in a public service contract, any other interested competent authority with the right to limit access under Article 11 of Directive 2012/34/EU and any railway undertaking performing the public service contract on the route of that passenger service is informed without undue delay and at the latest within 10 days.	accordance with Article 11 of Directive 2012/34/EU, it shall inform the infrastructure managers and the regulatory bodies concerned no less than 18 months before the entry into force of the working timetable to which the request for capacity relates. In order to enable the regulatory bodies concerned to assess the potential economic impact on existing public service contracts, regulatory bodies shall ensure that any competent authority that has awarded a rail passenger service on that route defined in a public service contract, any other interested competent authority with the right to limit access under Article 11 of Directive 2012/34/EU and any railway undertaking performing the public service contract on the route of that passenger service is informed without undue delay and at the latest within 10 days.
Article 26(6), first subparagraph				
333	6. Once allocated to an applicant, a capacity right shall not be transferred by the recipient to another undertaking or service.	6. Once allocated to an applicant, a capacity right shall not be transferred by the recipient to another undertaking or service.	Moved to row 331a [333 - 331a]	*deleted* *Agreed at 3rd trilogue*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 26(6), second subparagraph					
G	*334*	Any form of transfer shall lead to exclusion from the further allocation of capacity.	Any form of transfer shall lead to exclusion from the further allocation of capacity.	Moved to row 331b [334 - 331b]	*deleted* *Agreed at 3rd trilogue*	G
Article 26(6), third subparagraph					
G	*335*	The use of capacity by a railway undertaking when carrying out the business of an applicant which is not a railway undertaking shall not be considered as a transfer.	The use of capacity by a railway undertaking when carrying out the business of an applicant which is not a railway undertaking shall not be considered as a transfer.	Moved to row 331c [335 - 331c]	*deleted* *Agreed at 3rd trilogue*	G
Article 27					
G	*336*	Article 27 Methods of capacity allocation	Article 27 Methods of capacity allocation	Article 27 Methods of capacity allocation	Article 27 Methods of capacity allocation	G
Article 27(1), first subparagraph					
G	337	1. Infrastructure managers shall grant capacity rights to applicants by means of the allocation processes referred to in Articles 31 to 34.	1. Infrastructure managers shall grant capacity rights to applicants by means of the allocation processes referred to in Articles 31 to 34.	1. Infrastructure managers shall grant capacity rights to applicants by means of the allocation processes referred to in Articles 31 to 34.	1. Infrastructure managers shall grant capacity rights to applicants by means of the allocation processes referred to in Articles 31 to 34.	G
Article 27(1), second subparagraph					
G	338	Any change to allocated capacity shall also be considered capacity allocation.	Any change to allocated capacity shall also be considered capacity allocation.	Any change to allocated capacity shall also be considered capacity allocation.	Any change to allocated capacity shall also be considered capacity allocation.	G
Article 27(2), first subparagraph					
G	339	2. Applicants shall have the right to request multi-network capacity rights, and to receive	2. Applicants shall ~~*have the right to*~~ request multi-network capacity rights, and ~~*to*~~***shall*** receive	*deleted*	*deleted*	G

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	answers to such requests, in a single place and in a single operation. Infrastructure managers shall cooperate in the allocation of capacity for multi-network rail services, including in particular international rail freight services and international rail passenger services.	answers to such requests, in a single place and in a single operation ***as provided for in paragraph 4 of this Article***. Infrastructure managers shall cooperate in the allocation of capacity for multi-network rail services, including in particular international rail freight services and international rail passenger services.	Moved to rows 348a and 348b	
Article 27(2), second subparagraph				
G *340*	Infrastructure managers shall allocate and manage multi-network capacity rights in accordance with Article 28.	Infrastructure managers shall allocate and manage multi-network capacity rights in accordance with Article 28.	*deleted*	*deleted* G
Article 27(3)				
G *341*	*3.* Infrastructure managers shall respect the commercial confidentiality of information provided to them.	3. Infrastructure managers shall respect the commercial confidentiality of information provided to them***, especially in the case of vertically integrated railway companies. Information such as the specific line subject to the request, their number, or their frequency shall be considered as confidential.***	*deleted*	*deleted* *Agreed at 3rd trilogue* G
Article 27(4), first subparagraph				
G *342*	*4.* Infrastructure managers shall allocate infrastructure	4. Infrastructure managers shall allocate infrastructure	4. Infrastructure managers shall allocate infrastructure	4. Infrastructure managers shall allocate infrastructure G

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	capacity via digital tools and digital services in accordance with Article 62.	capacity via digital tools and digital services in accordance with Article 62.	capacity via digital tools and digital services in accordance with Article 62**, for the entire round trip when requested**.	capacity via digital tools and digital services in accordance with Article 62~~, for the entire round trip when requested~~. Agreed at 3rd trilogue
Article 27(4), second subparagraph				
G 343	For multi-network capacity rights, ENIM shall establish a single interface or a common system in accordance with Article 62, in order to manage capacity allocation in a single place and operation.	For multi-network capacity rights, ENIM shall***, upon approval of compliance with TSIs by ERA and by ... [12 months from the date of entry into force of this Regulation],*** establish ***a one-stop-shop in*** a single interface or a common system ***developed*** in accordance with Article 62~~, in order~~. ***Infrastructure managers shall use that single interface*** to manage capacity allocation in a single place and operation. ***Connected or grouped rail services shall have one infrastructure manager as the single point of contact. Such connected or grouped rail services shall be declared in the capacity request.***	*deleted*	*deleted* *provisionally agreed in ITM 28*
Article 27(5)				
G *344*	*5.* When requesting or making changes to allocated capacity, applicants and	5. When requesting or making changes to allocated capacity, applicants and	5. When requesting or making changes to allocated capacity, applicants and	*deleted*

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	infrastructure managers shall comply with Article 39.	infrastructure managers shall comply with Article 39.	infrastructure managers shall comply with Article 39.	*Provisionally agreed in ITM 26*
Article 27(6), first subparagraph				
G *345*	*6.* The infrastructure manager shall cancel a capacity right which, over a period of at least one month, has been used less than a threshold quota, to be laid down in the network statement, unless this was due to non-economic reasons beyond the applicant's control. ENIM shall define ranges for the threshold quota and include them in the European framework for capacity management referred to in Article 6.	6. The infrastructure manager shall cancel a capacity right which, over a period of at least one month, has been used less than a threshold quota, to be laid down in the network statement, unless this was due to non-economic reasons beyond the applicant's control. ENIM shall ***consult with ERP to*** define ranges for the threshold quota and include them in the European framework for capacity management referred to in Article 6.	6. The infrastructure manager shall cancel a capacity right which, over a period of at least one month, has been used **for** less than a threshold quota, to be ~~laid down~~**defined** in the network statement, unless this was due to ~~non-economic reasons beyond the applicant's control~~**force majeure**. ENIM shall define ranges for the threshold quota and include them in the European framework for capacity management referred to in Article 6. **Infrastructure managers shall take utmost account of the ranges for the threshold quota defined by ENIM.**	6. The infrastructure manager shall cancel a capacity right which, over a period of at least one month, has been used for less than a threshold quota~~, to be defined in the network statement,~~ unless this was due to ~~force majeure. ENIM shall define ranges for the threshold quota and include them in~~***non-economic reasons beyond the applicants control.*** ***In this case*** the ~~European framework for capacity management referred to in Article 6.~~ infrastructure ~~managers~~***manager*** shall ~~take utmost account of the ranges for the threshold quota defined by ENIM~~***inform the regulatory body***. Provisionally agreed in ITM 26 G
Article 27(6), first subparagraph a				
G 345a				***ENIM shall define ranges for the threshold quota and include them in the European framework for*** G

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				capacity management referred to in Article 6. Provisionally agreed in ITM 26
Article 27(6), first subparagraph b				
G 345b				***Infrastructure managers shall define the threshold quota in the network statement taking into account the ranges for the threshold quota defined by ENIM.*** Provisionally agreed in ITM 26
Article 27(6), second subparagraph				
G 346	The regulatory body shall monitor the transparent and non-discriminatory application of this paragraph and investigate any complaints received.	The regulatory body shall monitor the transparent and non-discriminatory application of this paragraph and investigate any complaints received.	The regulatory body shall monitor the **equitable,** transparent and non-discriminatory application of this paragraph and investigate any complaints received.	The regulatory body shall monitor the equitable, transparent and non-discriminatory application of this paragraph and investigate any complaints received. Agreed at 3rd trilogue
Article 27(6a)				
G 346a			**6a. In accordance with the criteria and procedures referred to in Article 20(1) where applicable, an infrastructure manager may refuse to allocate capacity if requests are inconsistent with its strategic capacity planning. In that case,**	*deleted* *Agreed at 3rd trilogue*

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			the infrastructure manager shall make its utmost effort to provide the applicant with an alternative capacity. A refusal shall be communicated to the applicant without delay. The applicant shall have the right to lodge a complaint with the regulatory body pursuant to Article 63(2).	
Article 27(6b)				
346b			**6b. Infrastructure managers shall inform at least every year the regulatory body of all capacity requests received that did not fit the parameters of the available capacity as defined in the capacity supply plan, regardless of whether they were accepted or refused. On the basis of this information the regulatory body may issue an opinion, which may recommend to the infrastructure manager to amend the capacity model.**	*deleted* *Agreed at 3rd trilogue*
Article 27(7)				
347	*7.* Where the infrastructure manager cancels, in accordance with paragraph 6, multi-network capacity rights, the regulatory body responsible for that	7. Where the infrastructure manager cancels, in accordance with paragraph 6, multi-network capacity rights, ***it shall inform*** the regulatory body responsible for	*deleted*	***7. Where the infrastructure manager cancels, in accordance with paragraph 6, multi-network capacity rights, the regulatory body responsible for that***

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	infrastructure manager shall inform the relevant regulatory bodies and the ENRRB.	that infrastructure manager***. That regulatory body*** shall inform the relevant regulatory bodies and the ENRRB.		***infrastructure manager shall inform the relevant regulatory bodies and the ENRRB.*** Agreed at 3rd trilogue
Article 27(7a)				
G 347a		***7a. The infrastructure manager shall be allowed to use, where relevant, specific timetabling approaches. If the infrastructure manager decides to pre-plan capacity by using systematic train paths with cross-border relevance, the infrastructure manager shall coordinate with neighbouring infrastructure managers and other concerned infrastructure managers concerned to find mutually agreed solutions for cross-border traffic. Regardless of the national choice Member States follow for their timetabling, infrastructure managers shall ensure a balanced, fair and non-discriminatory allocation of train paths. As regards the compensation for changes to capacity rights referred to in Article 40 that also involve***		*deleted* *Agreed at 3rd trilogue*

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		systematic train paths, its value shall be set at least 1, 25 times the value defined for non-systematic train paths according to the process laid out in Article 40.		
Article 27(7b)				
347b		***7b. Infrastructure managers shall inform the regulatory body of all capacity requests received that did not fit the parameters of the available capacity as defined in the capacity supply plan, regardless of whether they were accepted or refused. On the basis of this information, the regulatory body shall issue an opinion at least every two years, in which it may recommend to the infrastructure manager to amend the capacity model.***		*deleted* *Agreed at 3rd trilogue*
Article 28				
348	Article 28 Coordination of the allocation of multi-network capacity rights	Article 28 Coordination of the allocation of multi-network capacity rights	Article 28 ~~Coordination of the~~ Allocation of multi-network capacity rights	Article 28 Allocation ***and coordination*** of multi-network capacity rights provisionally agreed in ITM 28
Article 28(0), first subparagraph				
348a			**0. Applicants shall have the right to request multi-network capacity rights by means of the**	0. Applicants shall have the right to request multi-network capacity rights by means of the

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			allocation processes referred to in Articles 31 to 34, including the entire round trips, and to receive answers to such requests, in a single place and in a single operation, in accordance with Article 62(5). Moved from row 339	allocation processes referred to in Articles 31 to 34, including the entire round trips, and to receive answers to such requests~~, in a single place and in a single operation,~~ ***via a one-stop-shop, established*** in accordance with Article 62(5). Provisionally agreed in ITM 26
Article 28(0), second subparagraph				
G 348b			**Infrastructure managers shall cooperate in the allocation of capacity for multi-network rail services, including in particular international rail freight services and international rail passenger services.** Moved from row 339	Infrastructure managers shall cooperate in the allocation of capacity for multi-network rail services, ~~including~~***in accordance with Article 53,*** in particular ~~international~~***for cross-border*** rail freight services and ~~international~~***cross-border*** rail passenger services. provisionally agreed in ITM 28
Article 28(1)				
G 349	1. Where the infrastructure manager receives a request for multi-network capacity rights pursuant to Article 27(2), they shall coordinate with the other infrastructure managers concerned in accordance with Article 53.	1. Where the infrastructure manager receives a request for multi-network capacity rights pursuant to Article 27(2), they shall coordinate with the other infrastructure managers concerned in accordance with Article 53.	1. Where the infrastructure manager receives a request for multi-network capacity rights ~~pursuant to Article 27(2), they~~**, it** shall coordinate with the other infrastructure managers concerned in accordance with Article 53.	*deleted* *provisionally agreed in ITM 28*

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Article 28(2), first subparagraph					
G	*350*	*2.* In particular, coordination shall ensure:	2. In particular, coordination shall ensure:	2. In particular, **the** coordination **referred to in paragraph 1** shall ensure:	2. In particular, the coordination referred to in paragraph 1 shall ensure: Provisionally agreed in ITM 26	G
Article 28(2), first subparagraph, point (a)					
G	351	(a) the appointment of a single point of contact in charge of communication with the applicant in relation to the request for multi-network capacity right, which shall be notified to the applicant without delay after receipt of the request;	(a) the appointment of a ~~*single point of contact*~~***one-stop shop, as referred to in Article 27(4),*** in charge of communication with the applicant in relation to ~~*the*~~***each*** request for multi-network capacity right, which shall be notified to the applicant without delay after receipt of the request***. This shall also apply in the case of cross-border train pairs which are international train services to and from a destination in another Member State***;	(a) the appointment of a single point of contact in charge of communication with the applicant in relation to the request for multi-network capacity right, which shall be notified to the applicant without delay after receipt of the request;	(a) the appointment of a single point of contact in charge of communication with the applicant in relation to the request for multi-network capacity right, which shall be notified to the applicant without delay after receipt of the request; Provisionally agreed in ITM 26	G
Article 28(2), first subparagraph, point (b)					
G	352	(b) the compliance of the multi-network capacity right with minimum quality criteria in terms of consistency between networks and as regards aspects such as routing, timing, availability on different running days and status of the allocation;	(b) the compliance of the multi-network capacity right with minimum quality criteria in terms of consistency between networks and as regards aspects such as routing, timing, availability on different running days and status of the allocation;	(b) the compliance of the multi-network capacity right with minimum quality criteria in terms of consistency between networks and as regards aspects such as routing, timing, availability on different running days and status of the allocation;	(b) the compliance of the multi-network capacity right with minimum quality criteria in terms of consistency between networks and as regards aspects such as routing, timing, availability on different running days and status of the allocation;	G

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Article 28(2), first subparagraph, point (c)						
G	353	(c) the consistent performance of the process of allocating multi-network capacity rights, including in particular of the consensual conflict resolution mechanism referred to in Article 36 and of the formal conflict resolution mechanism referred to in Article 37;	(c) the consistent performance of the process of allocating multi-network capacity rights, including in particular of the consensual conflict resolution mechanism referred to in Article 36 and of the formal conflict resolution mechanism referred to in Article 37;	(c) the consistent performance of the process of allocating multi-network capacity rights, including in particular of the consensual conflict resolution mechanism referred to in Article 36 and of the formal conflict resolution mechanism referred to in Article 37;	(c) the consistent performance of the process of allocating multi-network capacity rights, including in particular of the consensual conflict resolution mechanism referred to in Article 36 and of the formal conflict resolution mechanism referred to in Article 37;	G
Article 28(2), first subparagraph, point (d)						
G	354	(d) the coordination of any changes to allocated multi-network capacity rights in accordance with section 4with a view to ensuring the integrity of multi-network capacity rights at all times.	(d) the coordination of any changes to allocated multi-network capacity rights in accordance with section 4with a view to ensuring the integrity of multi-network capacity rights at all times.	(d) the coordination of any changes to allocated multi-network capacity rights in accordance with section ~~4with4~~ **with** a view to ensuring the integrity of multi-network capacity rights at all times.	(d) the coordination of any changes to allocated multi-network capacity rights in accordance with section 4 with a view to ensuring the integrity of multi-network capacity rights at all times.	G
Article 28(2), first subparagraph, point (da)						
R	354a				***(da) without prejudice to Article 1(5), rapid and efficient route compatibility checks for exceptional transport crossing more than one network for military and defence purposes.*** Provisionally agreed in ITM 32	R
Article 28(2), second subparagraph						
G	355	If infrastructure managers fail to appoint a single point of contact,	If infrastructure managers fail to appoint a single point of contact,	If infrastructure managers fail to appoint a single point of contact,	If infrastructure managers fail to appoint a single point of contact,	G

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		the infrastructure manager on whose network the first place of departure is located shall be responsible to act as the single point of contact for enquiries related to the specific capacity request.	the infrastructure manager on whose network the first place of departure is located shall be responsible to act as the single point of contact for enquiries related to the specific capacity request.	the **applicant shall select the** infrastructure manager ~~on whose network the first place of departure is located~~**which** shall be responsible to act as the single point of contact for enquiries related to the specific capacity request.	the applicant shall select the infrastructure manager which shall be responsible to act as the single point of contact for enquiries related to the specific capacity request. Provisionally agreed in ITM 26
Article 28(2a), first subparagraph					
G	355a			**2a. An infrastructure manager shall not cancel a multi-network capacity right under Article 27, paragraph 6 without prior coordination with the other concerned infrastructure managers.**	2a. An infrastructure manager shall not cancel a multi-network capacity right under Article 27, paragraph 6 without prior coordination***, in accordance with Article 53,*** with the other concerned infrastructure managers. Provisionally agreed in ITM 26
Article 28(2a), second subparagraph					
G	355b			**If the infrastructure manager cancels, in accordance with Article 27, paragraph 6, multi-network capacity rights, it shall inform the regulatory body. If the cancelled multi-network capacity right involves cross-border traffic, the regulatory body shall inform the relevant regulatory bodies and the ENRRB.**	If the infrastructure manager cancels, in accordance with Article 27, paragraph 6, multi-network capacity rights, it shall inform the regulatory body. ~~*If the cancelled multi-network capacity right involves cross-border traffic,*~~ The regulatory body shall inform the relevant regulatory bodies and the ENRRB.

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				Provisionally agreed in ITM 26
Article 28(3)				
356	3. Infrastructure managers shall not provide capacity rights of worse quality in response to requests for multi-network capacity rights compared to requests for capacity concerning a single network.	3. Infrastructure managers shall not provide capacity rights of worse quality in response to requests for multi-network capacity rights compared to requests for capacity concerning a single network.	*deleted*	***3. Multi-network capacity right applications shall be treated equal and in a non-discriminatory way compared to single-network capacity right applications.*** Provisionally agreed in ITM 26
Article 28(4)				
357	4. As regards the compensation for changes to capacity rights referred to in Article 40, a multi-network capacity right shall be considered as a single capacity right. In particular, a cancellation due to force majeure on one network shall be considered as a cancellation due to force majeure for the capacity right along the entire route covered by it.	4. As regards the compensation for changes to capacity rights referred to in Article 40, a multi-network capacity right shall be considered as a single capacity right. In particular, a cancellation due to force majeure on one network shall be considered as a cancellation due to force majeure for the capacity right along the entire route covered by it.	*deleted*	*deleted* *Provisionally agreed in ITM 26*
Article 28(5)				
358	*5.* ENIM shall define the detailed procedures and methods to implement this Article and the minimum quality requirements referred to in paragraph 2(b) and include them in the European	5. ***By ... [24 months from the entry into force of this Regulation] and in consultation with ERP,*** ENIM shall define the detailed procedures and methods to implement this Article and the	5. ENIM shall define the detailed procedures and methods to ~~implement~~**promote uniform application of** this Article and the minimum quality requirements referred to in paragraph 2(b) and	5. ENIM shall define the detailed procedures and methods to promote uniform application of this Article and the minimum quality requirements referred to in paragraph 2(b) and include them

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	framework for capacity management referred to in Article 6.	minimum quality requirements referred to in paragraph 2(b) and include them in the European framework for capacity management referred to in Article 6.	include them in the European framework for capacity management referred to in Article 6.	in the European framework for capacity management referred to in Article 6. Provisionally agreed in ITM 26
Article 28(5a)				
358a			**Infrastructure managers shall take utmost account of those procedures and methods.**	*deleted* *Provisionally agreed in ITM 26*
Article 28(5b)				
358b		***5a. The Commission shall, by ... [24 months from the entry into force of this Regulation], adopt implementing acts to set out the detailed procedures and methods to implement this Article and the minimum quality requirements referred to in paragraph 2(b) and to amend paragraph 5 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) They shall be included in the European framework for capacity management.***		*deleted* *Provisionally agreed in ITM 30*
Article 29				
359	Article 29	Article 29	Article 29	Article 29

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	Cooperation in the allocation of rail infrastructure capacity and service facilities	Cooperation in the allocation of rail infrastructure capacity and service facilities	Cooperation in the allocation of rail infrastructure capacity and service facilities	Cooperation in the allocation of rail infrastructure capacity and service facilities
Article 29(1)				
360	1. Operators of service facilities that provide indicative information on available service facility capacity in accordance with Article 6(3) of Commission Implementing Regulation (EU) 2017/2177[1] shall cooperate with infrastructure managers for the purpose of the latter offering train paths that include rail facility capacity. Other operators of service facilities may enter into an agreement with infrastructure managers for the joint provision of capacity. 1. Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services (OJ L 307, 23.11.2017, p. 1).	1. Operators of service facilities that provide indicative information on available service facility capacity in accordance with Article 6(3) of Commission Implementing Regulation (EU) 2017/2177[1] shall cooperate with infrastructure managers for the purpose of the latter offering train paths that include ~~rail~~*service* facility capacity. Other operators of service facilities may enter into an agreement with infrastructure managers for the joint provision of capacity. 1. Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services (OJ L 307, 23.11.2017, p. 1).	1. **Infrastructure managers and** operators of service facilities that ~~provide indicative information on available~~**are offering services which are necessary for operating a rail transport** service ~~facility capacity in accordance with~~**and whose service facilities are part of the trans-European transport network as specified in the Annex II to [new TEN-T Regulation], including those located in the urban nodes defined in** Article ~~6(3) of Commission Implementing~~**3(f) of the** Regulation ~~(EU) 2017/2177~~[1]**thereof,** shall cooperate with **the view of ensuring, where necessary, that the allocation of capacity on** infrastructure ~~managers for the purpose of the latter offering train paths that include rail facility capacity. Other operators of~~**and in** service facilities ~~may enter into an agreement with infrastructure~~	1. Infrastructure managers and operators of service facilities that are offering services which are necessary for operating a rail transport service and whose service facilities are part of the trans-European transport network as specified in the Annex II to ~~*[new TEN-T*~~ Regulation~~*]*~~ ***(EU) 2024/1679*** , including those located in the urban nodes defined in Article ~~*3(f)*~~***3(6)*** of the Regulation thereof, shall cooperate with the view of ensuring~~*, where necessary,*~~ that the allocation of capacity on infrastructure and in service facilities is consistent. provisionally agreed in ITM 28

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			~~managers for the joint provision of capacity~~**is consistent**. ~~1. Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services (OJ L 307, 23.11.2017, p. 1).~~	
Article 29(2)				
G 361	2. Infrastructure managers shall provide a list in the network statement of the service facilities referred to in paragraph 1.	2. Infrastructure managers shall provide a list in the network statement of the service facilities referred to in paragraph 1.	2. Infrastructure managers shall provide a list in the network statement of the service facilities referred to in paragraph 1.	2. Infrastructure managers shall provide a list in the network statement of the service facilities referred to in paragraph 1. G
Article 29(3)				
G 362	3. Infrastructure managers shall ensure that applicants can request in one place and operation capacity rights on railway infrastructure and in the service facilities referred to in paragraph 1.	3. Infrastructure managers shall ensure that applicants can request in one place ~~and~~***established in accordance with Article 27(4), the*** operation capacity rights on railway infrastructure and in the service facilities referred to in paragraph 1.	3. Infrastructure managers shall ensure that applicants can request**,** in one place and operation**,** capacity rights on railway infrastructure and in the service facilities referred to in paragraph 1.	3. Infrastructure managers shall ensure that applicants can request~~,~~ in one place and operation~~,~~ capacity rights on railway infrastructure and in the service facilities referred to in paragraph 1***, using the one-stop shop established under Article 62(5)***. ***Infrastructure managers may enter into an agreement with operators of other service facilities for the joint provision of capacity.*** provisionally agreed in ITM 28 Provisionally agreed in ITM 30 G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 29(4)					
G	363	4. For the purpose of paragraph 3, infrastructure managers and service facility operators shall coordinate the capacity and shall provide capacity rights including capacity in the rail facility that meets the requirements of the applicant or shall make an effort to provide a viable alternative.	4. For the purpose of paragraph 3, infrastructure managers and ***operators of*** service ~~*facility*~~***facilities*** operators shall coordinate the capacity and shall provide capacity rights including capacity in the ~~*rail*~~***service*** facility that meets the requirements of the applicant or shall make an effort to provide a viable alternative.	4. For the purpose of paragraph 3, infrastructure managers and ~~service facility~~ operators **of service facilities** shall coordinate the capacity and shall provide capacity rights including capacity in the ~~rail~~**service** facility that meets the requirements of the applicant or shall make an effort to provide a viable alternative.	4. For the purpose of paragraph 3, infrastructure managers and operators of service facilities shall coordinate the capacity and shall provide capacity rights including capacity in the service facility that meets the requirements of the applicant or shall make an effort to provide a viable alternative. Provisionally agreed in ITM 26	G
Article 29(5)					
G	364	5. The operators of service facilities referred to in paragraph 1 shall make available information, upon request or in real time where necessary, about the available capacity to the infrastructure manager in a digital format in accordance with Article 62.	5. The operators of ***impacted*** service facilities referred to in paragraph 1 shall make available information, ~~*upon request or*~~ in real time ~~*where necessary*~~, about the available capacity to the infrastructure manager in a digital format in accordance with Article 62.	5. The operators of service facilities referred to in paragraph 1 shall make available information~~,~~ ~~upon request or in real time where necessary,~~ about the available capacity to the infrastructure manager in a digital format in accordance with Article ~~62~~**62(5) and in accordance with the schedules of Annex I**.	5. The operators of service facilities referred to in paragraph 1 shall make available information about the available capacity to the infrastructure manager in a digital format in accordance with Article 62(5) ~~*and in accordance with the schedules of Annex I*~~***. Real-time information shall be provided whenever supported by the digital tools referred to in Article 62(5)***. provisionally agreed in ITM 28	G
Article 29(5a)					
G	364a		***5a. When requesting capacity rights to access a service facility,***		*deleted*	G

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		applicants shall document the agreement of the service facility owner to accommodate their vehicles.		*provisionally agreed in ITM 28*
Article 29(6)				
G *365*	*6.* For the purpose of this Article and in accordance with Article 62, ENIM shall provide guidelines on the functional and technical requirements for the exchange of information between the operators of rail facilities and infrastructure managers for the purposes of this Article. Without prejudice to Article 2 of Implementing Regulation (EU) 2017/2177, operators of service facilities may request to be exempted from the application of this Article. Such requests shall be submitted to the regulatory body and be duly substantiated. Regulatory bodies may decide to extend an exemption in duly justified cases.	6. For the purpose of this Article and in accordance with Article 62, ENIM shall***, upon approval by ERA and by ... [24 months from the entry into force of this Regulation],*** provide guidelines on the functional and technical requirements for the exchange of information between the operators of ~~*rail*~~***service*** facilities and infrastructure managers ~~*for the purposes of this Article*~~. Without prejudice to Article 2 of Implementing Regulation (EU) 2017/2177, operators of service facilities may request to be exempted from the application of this Article. Such requests shall be submitted to the regulatory body and be duly substantiated. Regulatory bodies may decide to extend an exemption in duly justified cases.	6. ~~For the purpose of~~ This Article ~~and in accordance with Article 62, ENIM~~ shall ~~provide guidelines on the functional and technical requirements for the exchange of information between the operators of rail facilities and infrastructure managers for the purposes of this Article. Without prejudice to Article 2 of Implementing Regulation (EU) 2017/2177,~~**not apply to** operators of service facilities ~~may request to be exempted from the application of this Article. Such requests shall be submitted to the regulatory body and be duly substantiated. Regulatory bodies may decide to extend~~**benefiting from** an exemption ~~in duly justified cases~~**under Article 2 of Implementing Regulation 2017/2177**.	6. This Article shall not apply to operators of service facilities benefiting from an exemption under Article 2 of Implementing Regulation 2017/2177. provisionally agreed in ITM 28 G
Article 29(7)				

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G 366	7. The ENRRB shall monitor the application of paragraph 7 and shall provide recommendations on the criteria to be used in assessing the requests for exemptions.	7. The ENRRB shall monitor the application of paragraph ~~7~~ 6 and shall provide recommendations on the criteria to be used in assessing the requests for exemptions.	*deleted*	*deleted* *Provisionally agreed on 13/10* G
Article 29(7a)				
G *366a*		***7a. Infrastructure managers shall inform the regulatory body of all capacity requests received that did not fit the parameters of the available capacity as defined in the capacity supply plan, and were therefore refused. On the basis of this information, the regulatory body shall issue an opinion at least every two years, in which it may recommend to the infrastructure manager to amend the capacity model.***		*deleted* *Provisionally agreed in ITM 26* G
Article 29(7b)				
G *366b*		***7b. The Commission shall adopt, by ... [24 months from the entry into force of this Regulation], implementing acts to set out details on the functional and technical requirements for the exchange of information between the operators of rail facilities and infrastructure***		*deleted* *Provisionally agreed on 13/10* G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		managers for the purposes of this Article and to amend paragraph 6 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).		
Article 30				
G *367*	Article 30 Working timetable	Article 30 Working timetable	Article 30 Working timetable	Article 30 Working timetable G
Article 30(1), first subparagraph				
G 368	1. Infrastructure managers shall establish a new working timetable before the start of each working timetable period. The duration of the working timetable period shall be one year.	1. Infrastructure managers shall establish a new working timetable before the start of each working timetable period. The duration of the working timetable period shall be one year.	1. Infrastructure managers shall ~~establish~~**publish** a new working timetable before the start of each working timetable period. ~~The duration of the working timetable period shall be one year.~~	1. Infrastructure managers shall publish a new working timetable before the start of each working timetable period. provisionally agreed on 6/10 G
Article 30(1), second subparagraph				
G 369	Infrastructure managers shall initiate the preparation of the working timetable when allocating capacity through the annual allocation process referred to in Article 32, taking into account capacity rights allocated through framework agreements in accordance with Article 31 and through the rolling planning process referred to in Article 33.	Infrastructure managers shall initiate the preparation of the working timetable when allocating capacity through the annual allocation process referred to in Article 32, taking into account capacity rights allocated through framework agreements in accordance with Article 31 and through the rolling planning process referred to in Article 33.	Infrastructure managers shall initiate the preparation of the working timetable when allocating capacity through the annual allocation process referred to in Article 32, taking into account capacity rights allocated through framework agreements in accordance with Article 31 and through the rolling planning process referred to in Article 33.	Infrastructure managers shall initiate the preparation of the working timetable when allocating capacity through the annual allocation process referred to in Article 32, taking into account capacity rights allocated through framework agreements in accordance with Article 31 and through the rolling planning process referred to in Article 33. G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 30(2)					
370	2. Infrastructure managers shall continuously update the working timetable until the end of the working timetable period, taking into account capacity allocated through the rolling planning process referred to in Article 33, capacity allocated through the ad hoc process referred to in Article 34, changes to capacity rights in accordance with Article 39 and rescheduling in the context of disruption management and crisis management in accordance with Article 41.	2. Infrastructure managers shall ~~*continuously*~~***at regular intervals*** update the working timetable until the end of the working timetable period, taking into account capacity allocated through the rolling planning process referred to in Article 33, capacity allocated through the ad hoc process referred to in Article 34, changes to capacity rights in accordance with Article 39 and rescheduling in the context of disruption management and crisis management in accordance with Article 41.	2. Infrastructure managers shall ~~continuously update the working timetable~~**ensure,** until the end of the working timetable period**, that the working timetable is up to date**, taking into account capacity allocated through the rolling planning process referred to in Article 33, capacity allocated through the ad hoc process referred to in Article 34, changes to capacity rights in accordance with Article 39 and rescheduling in the context of disruption management and crisis management in accordance with Article 41.	2. Infrastructure managers shall ensure, until the end of the working timetable period, that the working timetable is up to date, taking into account capacity allocated through the rolling planning process referred to in Article 33, capacity allocated through the ad hoc process referred to in Article 34, changes to capacity rights in accordance with Article 39 and rescheduling in the context of disruption management and crisis management in accordance with Article 41. provisionally agreed on 6/10	
Article 31					
371	Article 31 Capacity allocation through framework agreements	Article 31 Capacity allocation through framework agreements	Article 31 Capacity allocation through framework agreements	Article 31 Capacity allocation through framework agreements	
Article 31(1), first subparagraph					
372	1. An applicant shall have the right to request infrastructure capacity over a period of time exceeding one working timetable period. Without prejudice to Articles 101, 102 and 106 TFEU,	1. An applicant shall have the right to request infrastructure capacity over a period of time exceeding one working timetable period. Without prejudice to Articles 101, 102 and 106 TFEU,	1. An applicant shall have the right to request infrastructure capacity over a period of time exceeding one working timetable period. ~~Without prejudice to Articles 101, 102 and 106 TFEU,~~	1. An applicant shall have the right to request infrastructure capacity over a period of time exceeding one working timetable period.	

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
	the infrastructure manager shall allocate such capacity through framework agreements concluded with that applicant, subject to paragraph 3 and paragraph 4.	the infrastructure manager shall allocate such capacity through framework agreements concluded with that applicant, subject to paragraph 3 and paragraph 4.	~~the infrastructure manager shall allocate such capacity through framework agreements concluded with that applicant, subject to paragraph 3 and paragraph 4.~~	Provisionally agreed in ITM 21	
Article 31(1), second subparagraph					
G 373	Framework agreements shall specify the capacity rights granted in the form of a capacity specification as referred to in paragraph 1, point (a) of Article 26. They may not include capacity rights in the form of a train path.	Framework agreements shall specify the capacity rights granted in the form of a capacity specification as referred to in paragraph 1, point (a) of Article 26. They may not include capacity rights in the form of a train path.	Framework agreements shall specify the capacity rights granted in the form of a capacity specification as referred to in paragraph 1, point (a) of Article 26. They may not include capacity rights in the form of a train path.	Framework agreements shall specify the capacity rights granted in the form of a capacity specification as referred to in paragraph 1, point (a) of Article 26. They may not include capacity rights in the form of a train path. Provisionally agreed in ITM 21	G
Article 31(1), third subparagraph					
G 374	Member States may require prior approval of framework agreements by the regulatory body.	Member States may require prior approval of framework agreements by the regulatory body.	Member States may require prior approval of framework agreements by the regulatory body. **In the case of framework agreements involving cross-border traffic, the relevant regulatory bodies shall coordinate.**	Member States may require prior approval of framework agreements by the regulatory body. In the case of framework agreements involving cross-border traffic, the relevant regulatory bodies shall coordinate. Provisionally agreed in ITM 21	G
Article 31(1), third subparagraph a					
G 374a		***Framework agreements shall be notified to the regulatory body and shall be approved by it. In the case of multi-network framework***		*deleted* *Provisionally agreed in ITM 21*	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		agreements, the approval shall take into account the opinion of the ENRRB.		
Article 31(1a)				
G *374b*			**1a. Infrastructure managers shall indicate the capacity that they plan to reserve for allocation through framework agreements in the planning documents of the strategic capacity planning. Without prejudice to Articles 101, 102 and 106 TFEU, the capacity reserved for framework agreements in those planning documents shall be allocated by the infrastructure manager to applicants through such agreements, subject to paragraph 3 and paragraph 4. This shall not prevent infrastructure managers from allocating the requested capacity through framework agreements in cases where such capacity is not reserved in the planning documents, subject to paragraph 4.**	1a. Infrastructure managers shall indicate the capacity that they plan to reserve for allocation through framework agreements in the planning documents of the strategic capacity planning. Without prejudice to Articles 101, 102 and 106 TFEU, the capacity reserved for framework agreements in those planning documents shall be allocated by the infrastructure manager to applicants through such agreements, subject to paragraph 3 and paragraph 4. This shall not prevent infrastructure managers from allocating the requested capacity through framework agreements in cases where such capacity is not reserved in the planning documents, subject to paragraph 4. Provisionally agreed in ITM 21 G
Article 31(1b), first subparagraph				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
G 374c			**1b. Framework agreements may be concluded between several infrastructure managers and an applicant in case they cover more than one network.**	1b. Framework agreements may be concluded between several infrastructure managers and an applicant in case they cover more than one network. Provisionally agreed in ITM 21
Article 31(1b), second subparagraph				
G 374d	Framework agreements shall specify the capacity rights granted in the form of a capacity specification as referred to in paragraph 1, point (a) of Article 26. They may not include capacity rights in the form of a train path. Moved reference text		**1c.** Framework agreements shall specify the capacity rights granted in the form of a capacity specification as referred to in paragraph 1, point (a) of Article 26. They may not include capacity rights in the form of a train path. Moved from row 373 [373 - 374d]	*deleted* *Provisionally agreed in ITM 21*
Article 31(1b), third subparagraph				
G *374e*	Member States may require prior approval of framework agreements by the regulatory body. Moved reference text		**1d.** Member States may require prior approval of framework agreements by the regulatory body. **In the case of framework agreements involving cross-border traffic, the relevant regulatory bodies shall coordinate.** Moved from row 374 [374 - 374e]	*deleted* *Provisionally agreed in ITM 21*
Article 31(2)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	*375*	*2.* An applicant who is a party to a framework agreement shall request the conversion of the capacity specifications included in the framework agreement into a corresponding train path in accordance with that agreement.	2. An applicant who is a party to a framework agreement shall request the conversion of the capacity specifications included in the framework agreement into a corresponding train path in accordance with that agreement.	2. An applicant who is a party to a framework agreement shall request the conversion of the capacity specifications included in the framework agreement into a corresponding train path in accordance with that agreement. **This conversion shall be carried out in accordance with Article 26(2).**	2. An applicant who is a party to a framework agreement shall request the conversion of the capacity specifications included in the framework agreement into a corresponding train path in accordance with that agreement. This conversion shall be carried out in accordance with Article 26(2). Provisionally agreed in ITM 21	G
Article 31(3)					
G	376	3. Infrastructure managers shall conclude framework agreements only where the capacity right requested is consistent with the planning documents of the strategic capacity planning referred to in Article 11(2). Infrastructure managers shall indicate the capacity that they plan to reserve for allocation through framework agreements in these planning documents.	3. Infrastructure managers shall conclude framework agreements only where the capacity right requested is consistent with the planning documents of the strategic capacity planning referred to in Article 11(2). Infrastructure managers***,*** ***after consultation with the neighbouring networks,*** shall indicate the capacity that they plan to reserve for allocation through framework agreements in these planning documents.	3. Infrastructure managers shall ~~conclude~~**ensure that** framework agreements ~~only where the capacity right requested is~~**are** consistent with the planning documents of the strategic capacity planning referred to in Article 11(2)~~. Infrastructure managers~~**, where available, and with the strategic guidance referred to in Article 11(3), where Member States have provided such guidance and have provided that it** shall ~~indicate the capacity that they plan to reserve for allocation through framework agreements in these planning documents~~**be binding**.	3. Infrastructure managers shall ensure that framework agreements are consistent with the ***following:*** ***-*** ***The*** planning documents ~~*of the*~~***related to*** strategic capacity planning ***as*** referred to in Article 11(2)~~*, where available, and with*~~ **;** ***-*** The strategic guidance ~~*referred to in Article 11(3),*~~***and its possible binding elements*** where Member States have provided such guidance ~~*and have provided that it shall be binding*~~***in accordance with Article 3a***. Provisionally agreed in ITM 22	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
Article 31(3), second subparagraph				
G 376a			**Neighbouring infrastructure managers shall coordinate their strategic capacity plannings on the share of capacity available for cross-border framework agreements.**	***2a.*** Neighbouring infrastructure managers shall coordinate their strategic capacity ~~*plannings on the share of capacity*~~***planning on*** available ***capacity*** for cross-border framework agreements. Provisionally agreed in ITM 21
Article 31(4)				
G 377	4. Framework agreements shall not be such as to preclude the use of the relevant infrastructure by other applicants or services. For this purpose, infrastructure managers shall set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement.	4. Framework agreements shall not be such as to preclude the use of the relevant infrastructure by other applicants or services. For this purpose, infrastructure managers shall***, after consultation with the regulatory body,*** set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement. ***Infrastructure managers of neighbouring countries who have concluded cross-border framework agreements shall align these maximum shares of total capacity and make them as consistent as possible.***	4. Framework agreements shall not be such as to preclude the use of the relevant infrastructure by other applicants or services. For this purpose, infrastructure managers shall set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement.	4. Framework agreements shall not be such as to preclude the use of the relevant infrastructure by other applicants or services. For this purpose, infrastructure managers shall set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement. Provisionally agreed in ITM 21
Article 31(5)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G 378	5. Framework agreements shall allow for the amendment of their terms to enable better use to be made of the railway infrastructure, without prejudice to Article 39 and Article 40.	5. Framework agreements shall allow for the amendment of their terms to enable better use to be made of the railway infrastructure, without prejudice to Article 39 and Article 40.	5. Framework agreements shall allow for the amendment of their terms to enable better use to be made of the railway infrastructure~~, without prejudice to Article 39 and~~. **Those amendements shall not be considered as changes to capacity rights subject to a penalty pursuant to** Article 40. **Other changes to capacity rights allocated through framework agreements shall be subject to a penalty in accordance with Article 40.**	5. Framework agreements shall allow for the amendment of their terms to enable better use to be made of the railway infrastructure~~. Those amendements shall not be considered as changes to capacity rights subject to a penalty pursuant to~~***, without prejudice to Article 39 and*** Article 40. Other changes to capacity rights allocated through framework agreements shall be subject to a penalty in accordance with Article 40. Provisionally agreed in ITM 25	G
Article 31(6)					
G 379	6. Changes to capacity rights allocated through framework agreements shall be subject to compensation in accordance with Article 40, except for the situation referred to in paragraph 5.	6. Changes to capacity rights allocated through framework agreements shall be subject to compensation in accordance with Article 40, except for the situation referred to in paragraph 5.	*deleted*	*deleted* *Provisionally agreed in ITM 25*	G
Article 31(7)					
G *380*	*7.* Framework agreements shall, in principle, cover the period indicated in section 5 of Annex I. The infrastructure manager may agree to a shorter or longer period in specific cases. Any period longer than the period indicated in	7. Framework agreements shall, in principle, cover the period indicated in section 5 of Annex I. The infrastructure manager may agree to a shorter or longer period in specific cases. Any period longer than the period indicated in	7. Framework agreements shall, in principle, cover the period indicated in section 5 of Annex I. The infrastructure manager may agree to a shorter or longer period in specific cases. Any period longer than the period indicated in	7. Framework agreements shall, in principle, cover the period indicated in section 5 of Annex I. The infrastructure manager may agree to a shorter or longer period in specific cases. Any period longer than the period indicated in	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	point 5 of Annex I shall be justified by the requirement of dedicated investments by new entrants or by the substantial novelty of the service.	~~point~~***section*** 5 of Annex I shall be justified by the requirement of dedicated investments by new entrants or by the substantial novelty of the service.	~~point~~**section** 5 of Annex I shall be justified by the requirement of dedicated investments by new entrants or by the substantial novelty of the service, **including significant improvement of service quality**.	section 5 of Annex I shall be justified by the requirement of dedicated investments by new entrants or by the substantial novelty of the service, ~~including~~***providing*** significant improvement of service quality. Provisionally agreed in ITM 21
Article 31(8)				
G 381	8. For services using specialised infrastructure referred to in Article 24, which requires substantial and long-term investment, duly justified by the applicant, framework agreements may be concluded for a period of 15 years. Any period longer than 15 years may be agreed only in exceptional cases, in particular where there is large-scale and long-term investment and where such investment is covered by contractual commitments including a multiannual amortisation plan.	8. For services using specialised infrastructure referred to in Article 24, which requires substantial and long-term investment, duly justified by the applicant, framework agreements may be concluded for a period of 15 years. Any period longer than 15 years may be agreed only in exceptional cases, in particular where there is large-scale and long-term investment and where such investment is covered by contractual commitments including a multiannual amortisation plan.	8. For services using specialised infrastructure referred to in Article 24, which requires substantial and long-term investment, duly justified by the applicant, framework agreements may be concluded for a period of 15 years. Any period longer than 15 years may be agreed only in exceptional cases, in particular where there is large-scale and long-term investment and where such investment is covered by contractual commitments including a multiannual amortisation plan.	8. For services using specialised infrastructure referred to in Article 24, which requires substantial and long-term investment, duly justified by the applicant, framework agreements may be concluded for a period of 15 years. Any period longer than 15 years may be agreed only in exceptional cases, in particular where there is large-scale and long-term investment and where such investment is covered by contractual commitments including a multiannual amortisation plan. G
Article 31(9)				
G 382	9. Infrastructure managers shall include capacity allocated through framework agreements in the capacity model referred to in	9. Infrastructure managers shall include capacity allocated through framework agreements in the capacity model referred to in	9. Infrastructure managers shall include capacity allocated through framework agreements in the capacity model referred to in	9. Infrastructure managers shall include capacity allocated through framework agreements in the capacity model referred to in G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	Article 17 and in the capacity supply plan referred to in Article 18.	Article 17 and in the capacity supply plan referred to in Article 18.	Article 17 and in the capacity supply plan referred to in Article 18.	Article 17 and in the capacity supply plan referred to in Article 18.
Article 31(10)				
G 383	10. While respecting commercial confidentiality, the general nature of each framework agreement shall be made available to any interested party.	10. While respecting commercial confidentiality, the general nature of each framework agreement shall be made available to any interested party.	10. While respecting commercial confidentiality, the general nature of each framework agreement shall be made available to any interested party.	10. While respecting commercial confidentiality, the general nature of each framework agreement shall be made available to any interested party. G
Article 31(11)				
G 384	11. Based on the experience of regulatory bodies, competent authorities and railway undertakings and based on the activities of the ENRRB, the Commission may adopt an implementing act setting out the details of the procedure and criteria to be followed for the uniform application of this Article and of Article 33. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	11. Based on the experience of regulatory bodies, competent authorities and railway undertakings and based on the activities of the ENRRB, the Commission ~~*may*~~***shall, by... [24 months from the entry into force of this Regulation],*** adopt an implementing act ~~*setting*~~***to set*** out the details of the procedure and criteria to be followed for the uniform application of this Article and of ***Article 33 and to amend this Article and in*** Article 33. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	11. Based on the experience of regulatory bodies, competent authorities ~~and~~**,** railway undertakings**, infrastructure managers** and ~~based on the activities~~ of the ENRRB, the Commission may adopt ~~an~~ implementing ~~act~~**acts** setting out ~~the details of~~**detailed rules regarding** the procedure **for concluding framework agreements, the form and the content of such agreements to ensure**~~and criteria to be followed for~~ the uniform application of this Article ~~and of Article 33~~. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	11. Based on the experience of regulatory bodies, competent authorities, railway undertakings, infrastructure managers and of the ENRRB, the Commission may adopt implementing acts setting out detailed rules regarding the procedure ***and criteria*** for concluding framework agreements, the form and the content of such agreements to ensure the uniform application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3). G Provisionally agreed in ITM 32

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 32					
G 385	Article 32 Capacity allocation through the annual allocation process	Article 32 Capacity allocation through the annual allocation process	Article 32 Capacity allocation through the annual allocation process	Article 32 Capacity allocation through the annual allocation process Agreed at 3rd trilogue	G
Article 32(1)					
G 386	1. The infrastructure manager shall establish the first operational version of the working timetable for a given working timetable period on the basis of the following:	1. The infrastructure manager shall establish the first operational version of the working timetable for a given working timetable period on the basis of the following:	1. The infrastructure manager shall establish the ~~first operational version of the~~ working timetable**, referred to in Article 30,** for a given working timetable period on the basis of the following:	*deleted* *Agreed at 3rd trilogue*	G
Article 32(1), point (a)					
G *387*	*(a)* requests for capacity rights received in the annual allocation process;	(a) requests for capacity rights received in the annual allocation process;	(a) requests for capacity rights received in the annual allocation process;	*deleted* *Agreed at 3rd trilogue*	G
Article 32(1), point (b)					
G *388*	*(b)* capacity rights relating to the working timetable period concerned and granted through framework agreements in accordance with Article 31;	(b) capacity rights relating to the working timetable period concerned and granted through framework agreements in accordance with Article 31;	(b) capacity rights relating to the working timetable period concerned and granted through framework agreements in accordance with Article 31;	*deleted* *Agreed at 3rd trilogue*	G
Article 32(1), point (c)					
G *389*	*(c)* capacity rights relating to the working timetable period concerned and granted through the	(c) capacity rights relating to the working timetable period concerned and granted through the	(c) capacity rights relating to the working timetable period concerned and granted through the	*deleted*	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	rolling planning process in accordance with Article 33.	rolling planning process in accordance with Article 33.	rolling planning process in accordance with Article 33.	*Agreed at 3rd trilogue*
Article 32(2)				
390	*2.* The infrastructure manager shall allocate capacity through simultaneous capacity allocation, with a view to meeting, to the extent possible, all requests for infrastructure capacity referred to in paragraph 1, subject to paragraphs 5 and 6. The infrastructure manager shall take into account, to the extent possible, all constraints on applicants, including the economic effect on their business.	2. The infrastructure manager shall allocate capacity through simultaneous capacity allocation, with a view to meeting, to the extent possible, all requests for infrastructure capacity referred to in paragraph 1, subject to paragraphs 5 and 6. The infrastructure manager shall take into account, to the extent possible, all constraints on applicants, including the economic effect on their business.	2. The infrastructure manager shall allocate capacity through simultaneous capacity allocation, with a view to meeting, to the extent possible, all requests for infrastructure capacity referred to in paragraph 1, subject to ~~paragraphs 5 and 6~~**paragraph 6 and to Article 27(6a)**. The infrastructure manager shall take into account, to the extent possible, all constraints on applicants, including the economic effect on their business.	2. The infrastructure manager shall allocate capacity through simultaneous capacity allocation, with a view to meeting, to the extent possible, all requests for infrastructure capacity referred to in ~~*paragraph 1*~~***Article 30(1)***, subject to ~~*paragraph 6 and to*~~***paragraphs 3, 4 and 5 of this*** Article ~~*27(6a)*~~. The infrastructure manager shall take into account, to the extent possible, all constraints on applicants, including the economic effect on their business. Agreed at 3rd trilogue
Article 32(3), first subparagraph				
391	3. In the event of a conflict between two or more capacity requests, the infrastructure managers shall first attempt to resolve the conflict through the consensual consultation mechanism referred to in Article 36.	3. In the event of a conflict between two or more capacity requests***, or in the event of capacity requests not consistent with the capacity supply plan***, the infrastructure managers shall first attempt to resolve the conflict through the consensual ~~*consultation*~~***conflict resolution*** mechanism referred to in Article 36.	*deleted*	***3. In accordance with Article 18 and Article 20, the infrastructure manager may accept or refuse requests for capacity rights not consistent with the capacity supply plan.*** Agreed at 3rd trilogue

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
Article 32(3), second subparagraph				
392	4. If the consensual dispute resolution mechanism referred to in paragraph 3 has not resolved the capacity conflict, the infrastructure managers shall apply the formal conflict resolution mechanism referred to in Article 37.	4. If the consensual dispute resolution mechanism referred to in paragraph 3 has not resolved the capacity conflict, the infrastructure managers shall apply the formal conflict resolution mechanism referred to in Article 37.	*deleted*	~~*4.*~~ ***Where a request is not consistent with the capacity supply plan, the infrastructure manager shall have the right, within reasonable limits, to propose infrastructure capacity that differs from that which was requested, and to modify the capacity supply plan, or both. In such cases, the infrastructure manager shall apply the criteria and procedures referred to in Article 20(1).*** Agreed at 3rd trilogue
Article 32(3), third subparagraph				
393	5. In accordance with Article 18 and Article 20, the infrastructure manager shall give priority to requests that are consistent with the pre-planned capacity defined in the capacity supply plan. As a result, the infrastructure manager may either accept or refuse requests that are not consistent with the capacity supply plan.	5. In accordance with Article 18 and Article 20, the infrastructure manager shall give priority to requests that are consistent with the pre-planned capacity defined in the capacity supply plan~~. *As a result, the infrastructure manager may either accept or refuse requests that are not consistent with the*~~***, provided operational stakeholders had been duly consulted and their announcements of*** capacity	*deleted*	***When accepting requests not consistent with the capacity supply plan, the infrastructure manager shall aim to maintain the overall balance between the elements of the capacity supply plan listed in Article 18(6) and, in the event of conflict with other requests, give priority to requests that are consistent with the capacity supply plan, in particular the pre-planned capacity.***

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		~~*supply plan*~~***had been taken into account to the utmost extent***.		Agreed at 3rd trilogue
Article 32(3), fourth subparagraph				
G 394	When accepting requests not consistent with the capacity supply plan, the infrastructure manager shall aim to maintain the overall balance between the elements of the capacity supply plan listed in Article 18(6).	When accepting requests not consistent with the capacity supply plan, the infrastructure manager shall aim to maintain the overall balance between the elements of the capacity supply plan listed in Article 18(6) ***and the request itself. These applications are to be taken into account if there is enough free capacity available without restricting the needs for subsequent applications.***	*deleted*	***When refusing requests not consistent with the capacity supply plan, the infrastructure manager shall, without delay, inform the applicant concerned of its intention to refuse a request. The latter shall have the right to lodge a complaint with the regulatory body.*** Agreed at 3rd trilogue
Article 32(3), fifth subparagraph				
G 394a				***Infrastructure managers shall inform at least every year the regulatory body of all capacity requests received that did not fit the parameters of the available capacity as defined in the capacity supply plan, regardless of whether they were accepted or refused. On the basis of this information the regulatory body may issue an opinion, which may recommend to the infrastructure manager to amend the capacity model.***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Agreed at 3rd trilogue
Article 32(4)				
G 394b				***4. In the event of a conflict between two or more capacity requests, the infrastructure managers shall first attempt to resolve the conflict through the consensual consultation mechanism referred to in Article 36.*** Agreed at 3rd trilogue
Article 32(5)				
G 395	When refusing requests not consistent with the capacity supply plan, the infrastructure manager shall, without delay, inform the applicant concerned of its intention to refuse a request. The latter shall have the right to lodge a complaint with the regulatory body.	When ~~*refusing*~~***processing*** requests not consistent with the capacity supply plan***, the infrastructure manager should offer an alternative and, where time-wise possible, preceded by consultation with the applicants concerned. If no alternative offer is possible when refusing a request***, the infrastructure manager shall, without delay, inform the applicant concerned of its intention to refuse a request. The latter shall have the right to lodge a complaint with the regulatory body.	*deleted*	***5. If the consensual dispute resolution mechanism referred to in paragraph 3 has not resolved the capacity conflict, the infrastructure managers shall apply the formal conflict resolution mechanism referred to in Article 37.*** Agreed at 3rd trilogue

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 32(2d), first subparagraph					
396	6. Capacity rights granted through the annual allocation process may comprise:	6. Capacity rights granted through the annual allocation process may comprise:	6. Capacity rights granted through the annual allocation process may comprise:	6. Capacity rights granted through the annual allocation process may comprise: Agreed at 3rd trilogue	G
Article 32(2d), first subparagraph, point (a)					
397	(a) train paths;	(a) train paths;	(a) train paths;	(a) train paths; Agreed at 3rd trilogue	G
Article 32(2d), first subparagraph, point (b)					
398	(b) capacity specifications.	(b) capacity specifications.	(b) capacity specifications.	(b) capacity specifications. Agreed at 3rd trilogue	G
Article 32(2d), second subparagraph					
399	Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 4 of Annex I.	Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 4 of Annex I.	Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 4 of Annex I.	Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 4 of Annex I. Agreed at 3rd trilogue	G
Article 32(7)					
400	7. The infrastructure manager shall comply with the schedule for the allocation process set out in section 4 of Annex I.	7. The infrastructure manager shall comply with the schedule for the allocation process set out in section 4 of Annex I.	7. The infrastructure manager shall comply with the schedule for the allocation process set out in section 4 of Annex I.	7. The infrastructure manager shall comply with the schedule for the allocation process set out in section 4 of Annex I. Agreed at 3rd trilogue	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 32(8)					
G 401	8. The infrastructure manager shall consider requests submitted after the initial deadline and prior to the final deadline set out in point 4 of Annex I. In such cases, the infrastructure managers shall allocate capacity rights in accordance with section 4, point 2 of Annex I.	8. The infrastructure manager shall consider requests submitted after the initial deadline and prior to the final deadline set out in ~~*point*~~***section*** 4 of Annex I. In such cases, the infrastructure managers shall allocate capacity rights in accordance with section 4, point 2 of Annex I.	*deleted*	***8. The infrastructure manager shall consider requests submitted after the initial deadline and prior to the final deadline set out in section 4 of Annex I and allocate the capacity on the basis of the first come, first served principle.*** Agreed at 3rd trilogue	G
Article 32(9)					
G 402	9. For requests for the working timetable received after the initial deadline, which cannot be accommodated either with residual capacity reserved for the working timetable, or with the available unplanned capacity, the infrastructure manager shall try to offer alternatives via a different itinerary.	9. For requests for the working timetable received after the initial deadline, which cannot be accommodated either with residual capacity reserved for the working timetable, or with the available unplanned capacity, the infrastructure manager shall try to offer alternatives via a different itinerary.	*deleted*	***9. For requests for the working timetable received after the initial deadline, which cannot be accommodated either with residual capacity reserved for the working timetable, or with the available unplanned capacity, the infrastructure manager shall try to offer alternatives via a different itinerary.*** Agreed at 3rd trilogue	G
Article 32(10)					
G 403	10. The infrastructure manager shall consult interested parties on the draft working timetable. Interested parties shall include all those who have	10. The infrastructure manager shall consult interested parties on the draft working timetable. Interested parties shall include all those who have	10. The infrastructure manager shall consult interested parties on the draft working timetable. Interested parties shall include all those who have	10. The infrastructure manager shall consult interested parties on the draft working timetable. Interested parties shall include all those who have	G

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	requested infrastructure capacity and other parties who wish to have the opportunity to comment on how the working timetable may affect their ability to procure rail services during the working timetable period.	requested infrastructure capacity and other parties who wish to have the opportunity to comment on how the working timetable may affect their ability to procure rail services during the working timetable period.	requested infrastructure capacity and other parties who wish to have the opportunity to comment on how the working timetable may affect their ability to procure rail services during the working timetable period.	requested infrastructure capacity and other parties who wish to have the opportunity to comment on how the working timetable may affect their ability to procure rail services during the working timetable period. Agreed at 3rd trilogue
Article 32(11)				
G 404	11. The infrastructure manager shall take appropriate measures to deal with any concerns that are expressed.	11. The infrastructure manager shall take appropriate measures to deal with any concerns that are expressed.	11. The infrastructure manager shall take appropriate measures to deal with any concerns that are expressed.	11. The infrastructure manager shall take appropriate measures to deal with any concerns that are expressed. Agreed at 3rd trilogue
Article 33				
G 405	Article 33 Capacity allocation through the rolling planning process	Article 33 Capacity allocation through the rolling planning process	Article 33 Capacity allocation through the rolling planning process	Article 33 Capacity allocation through the rolling planning process
Article 33(1)				
G 406	1. Infrastructure managers shall allocate capacity through the rolling planning process in accordance with the deadlines set out in point 6 of Annex I. Infrastructure managers shall reserve capacity for this purpose in the capacity supply plan referred to in Article 18.	1. Infrastructure managers shall allocate capacity through the rolling planning process in accordance with the deadlines set out in ~~*point*~~***section*** 6 of Annex I. Infrastructure managers shall reserve capacity for this purpose in the capacity supply plan referred to in Article 18.	1. Infrastructure managers shall allocate capacity through the rolling planning process **at least to rail freight services** in accordance with the deadlines set out in ~~point~~**section** 6 of Annex I. Infrastructure managers shall reserve capacity for this purpose in	1. Infrastructure managers shall allocate capacity through the rolling planning process at least to rail freight services in accordance with the deadlines set out in section 6 of Annex I. Infrastructure managers shall reserve capacity for this purpose in

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			the capacity supply plan referred to in Article 18.	the capacity supply plan referred to in Article 18. Provisionally agreed in ITM 22
Article 33(1), second subparagraph				
G 406a			**Without prejudice to Articles 101, 102 and 106 TFEU, the capacity reserved for rolling planning in the planning documents shall be allocated by the infrastructure manager to applicants through the rolling planning process. This shall not prevent infrastructure managers from allocating the requested capacity through rolling planning in cases where such capacity is not reserved in the planning documents. The rolling planning process shall not be such as to preclude the use of the relevant infrastructure by other applicants or services.**	Without prejudice to Articles 101, 102 and 106 TFEU, the capacity reserved for rolling planning in the planning documents shall be allocated ***as a priority*** by the infrastructure manager to applicants through the rolling planning process. This shall not prevent infrastructure managers from allocating the requested capacity through rolling planning in cases where such capacity is not reserved in the planning documents. The rolling planning process shall not be such as to preclude the use of the relevant infrastructure by other applicants or services. Provisionally agreed in ITM 22
Article 33(2), first subparagraph				
G 407	2. Capacity rights granted through the rolling planning process may comprise:	2. Capacity rights granted through the rolling planning process may comprise:	2. Capacity rights granted through the rolling planning process may comprise:	2. Capacity rights granted through the rolling planning process may comprise:
Article 33(2), first subparagraph, point (a)				

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408	(a) train paths or capacity specifications for all running days during the working timetable period comprising the first running day included in the request;	(a) train paths or capacity specifications for all running days during the working timetable period comprising the first running day included in the request;	(a) train paths or capacity specifications for all running days during the working timetable period comprising the first running day included in the request;	(a) train paths or capacity specifications for all running days during the working timetable period comprising the first running day included in the request;
Article 33(2), first subparagraph, point (b)				
409	(b) capacity specifications for all running days beyond the working timetable period comprising the first day included in the request for a maximum period specified in point 6 of Annex I.	(b) capacity specifications for all running days beyond the working timetable period comprising the first day included in the request for a maximum period specified in ~~*point*~~***section*** 6 of Annex I.	(b) capacity specifications for all running days beyond the working timetable period comprising the first day included in the request for a maximum period specified in ~~point~~**section** 6 of Annex I.	(b) capacity specifications for all running days beyond the working timetable period comprising the first day included in the request for a maximum period specified in section 6 of Annex I.
Article 33(2), second subparagraph				
410	Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 6 of Annex I.	Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 6 of Annex I.	Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 6 of Annex I.	Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 6 of Annex I.
Article 33(2a)				
410a			**2a. Infrastructure managers and applicants may jointly decide to amend the capacity specifications granted through the rolling planning process to enable a better use of the railway infrastructure. Those amendements shall not be considered as changes to capacity rights subject to a**	2a. Infrastructure managers and applicants may jointly decide to amend the capacity specifications granted through the rolling planning process to enable a better use of the railway infrastructure. Those ~~*amendements*~~***amendments*** shall not be considered as changes to capacity rights subject to a penalty

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			penalty pursuant to Article 40. Other changes to capacity rights allocated through rolling planning process shall be subject to a penalty in accordance with Article 40.	pursuant to Article 40. Other changes to capacity rights allocated through rolling planning process shall be subject to a penalty in accordance with Article 40. Provisionally agreed in ITM 22
Article 33(3)				
G 411	3. Without prejudice to Article 18, infrastructure managers shall allocate capacity reserved for the rolling planning allocation process on the basis of the allocation principle set out in section 5, point 2 of Annex I.	3. Without prejudice to Article 18, infrastructure managers shall allocate capacity reserved for the rolling planning allocation process on the basis of the allocation principle set out in section ~~5~~***6***, point 2 of Annex I.	3. Without prejudice to Article 18, infrastructure managers shall allocate capacity reserved for the rolling planning ~~allocation~~ process on the basis of the ~~allocation~~**first come, first served** principle~~ set out in section 5, point 2 of Annex I~~.	3. Without prejudice to Article 18, infrastructure managers shall allocate capacity reserved for the rolling planning process on the basis of the first come, first served principle. Provisionally agreed in ITM 22
Article 33(4)				
G 412	4. In accordance with the rules and procedures set out in Article 20, infrastructure managers may refuse to allocate capacity for rolling planning requests if requests are inconsistent with the capacity supply plan adopted in accordance with Article 18. A refusal shall be communicated to the applicant without delay. The applicant shall have the right to lodge a complaint with the regulatory body.	4. In accordance with the rules and procedures set out in Article 20, infrastructure managers ~~may refuse to allocate~~***shall try their utmost to offer alternative*** capacity for rolling planning requests if requests are inconsistent with the capacity supply plan adopted in accordance with Article 18. ~~A refusal shall be communicated to the applicant without delay~~***If it is not possible to offer an alternative, the***	*deleted*	***4. In accordance with the rules and procedures set out in Article 20, infrastructure managers shall try their utmost to offer alternative capacity for rolling planning requests if requests are inconsistent with the capacity supply plan adopted in accordance with Article 18. If it is not possible to offer an alternative, the infrastructure manager may refuse to allocate capacity to such inconsistent***

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		infrastructure manager may refuse to allocate capacity to such inconsistent request. The applicant shall have the right to lodge a complaint with the regulatory body.		***request. The applicant shall have the right to lodge a complaint with the regulatory body.*** Provisionally agreed in ITM 22
Article 33(5)				
G 413	5. Infrastructure managers shall inform the regulatory body of all capacity requests received that did not fit the parameters of the available capacity as defined in the capacity supply plan, regardless of whether they were accepted or refused. On the basis of this information the regulatory body shall issue an opinion at least every two years, which may recommend to the infrastructure manager to amend the capacity model.	*deleted*	*deleted*	*deleted* *Provisionally agreed in ITM 22*
Article 33(6)				
G *414*	*6.* The infrastructure manager, following a notification to the regulatory body, or following a recommendation by the regulatory body, shall refuse rolling planning requests, if they are of repetitive nature and meet the characteristics of capacity that	6. The infrastructure manager, following a notification to the regulatory body, or following a recommendation by the regulatory body, shall refuse rolling planning requests, if they are of repetitive nature and meet the characteristics of capacity that	6. The infrastructure manager, following a notification to the regulatory body, ~~or following a recommendation by the regulatory body,~~ shall refuse rolling planning requests, if they ~~are of repetitive nature and~~ meet the characteristics of capacity that	6. The infrastructure manager, following a notification to the regulatory body, shall refuse rolling planning requests, if they meet the characteristics of capacity that is normally allocated through framework agreements in accordance with Article 31. The

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	is normally allocated through framework agreements in accordance with Article 31. The regulatory body shall inform the ENRRB of such decisions and recommendations and the former shall ensure a coherent application of this paragraph.	is normally allocated through framework agreements in accordance with Article 31. The regulatory body shall inform the ENRRB of such decisions and recommendations and the former shall ensure a coherent application of this paragraph.	is normally allocated through framework agreements in accordance with Article 31. The regulatory body shall inform the ENRRB of such ~~decisions and recommendations and the former~~**refusals and** shall ensure a coherent application of this paragraph.	regulatory body shall inform the ENRRB of such refusals and shall ensure a coherent application of this paragraph. Provisionally agreed in ITM 22
Article 33(6a)				
G 414a				***6a. Based on the experience of regulatory bodies, competent authorities, railway undertakings, infrastructure managers and of the ENRRB, the Commission may adopt implementing acts setting out detailed rules regarding the rolling planning process to ensure the uniform application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).*** Provisionally agreed in ITM 32
Article 34				
G 415	Article 34 Capacity allocation through the ad hoc process	Article 34 Capacity allocation through the ad hoc process	Article 34 Capacity allocation through the ad hoc process	Article 34 Capacity allocation through the ad hoc process

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Article 34(1), first subparagraph					
G	416	1. The infrastructure manager shall respond promptly, and in any event within the deadlines set out in section 7 of Annex I, to ad hoc requests for infrastructure capacity submitted at any time during the validity of the working timetable. Information on available spare capacity shall be made available in accordance with Article 9 to all applicants who may wish to use this capacity.	1. The infrastructure manager shall respond promptly, and in any event within the deadlines set out in section 7 of Annex I, to ad hoc requests for infrastructure capacity submitted at any time during the validity of the working timetable. Information on available spare capacity shall be made available in accordance with Article 9 to all applicants who may wish to use this capacity.	1. The infrastructure manager shall respond promptly, and in any event within the deadlines set out in section 7 of Annex I, to ad hoc requests for infrastructure capacity submitted at any time during the validity of the working timetable. Information on available spare capacity shall be made available in accordance with Article 9 to all applicants who may wish to use this capacity.	1. The infrastructure manager shall respond ~~promptly~~ ***without undue delay***, and in any event within the deadlines set out in section 7 of Annex I, to ad hoc requests for infrastructure capacity submitted at any time during the validity of the working timetable. Information on available spare capacity shall be made available in accordance with Article 9 to all applicants who may wish to use this capacity.	G
Article 34(1), second subparagraph					
G	417	Capacity rights granted through the ad hoc process shall take the form of train paths.	Capacity rights granted through the ad hoc process shall take the form of train paths.	Capacity rights granted through the ad hoc process shall take the form of train paths.	Capacity rights granted through the ad hoc process shall take the form of train paths.	G
Article 34(2)					
G	418	2. The allocation of infrastructure capacity in response to ad hoc requests shall be based on the first come, first served principle.	2. The allocation of infrastructure capacity in response to ad hoc requests shall be based on the first come, first served principle.	2. The allocation of infrastructure capacity in response to ad hoc requests shall be based on the first come, first served principle.	2. The allocation of infrastructure capacity in response to ad hoc requests shall be based on the first come, first served principle.	G
Article 35					
G	419	Article 35 Scheduling of capacity restrictions resulting from infrastructure works	Article 35 Scheduling of capacity restrictions resulting from infrastructure works	Article 35 Scheduling of capacity restrictions resulting from infrastructure works	Article 35 Scheduling of capacity restrictions resulting from infrastructure works	G
Article 35(1)					

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G	420	1. Infrastructure managers shall schedule capacity restriction resulting from infrastructure works not included in the capacity supply plan referred to in Article 18 as soon as possible.	1. Infrastructure managers shall schedule capacity restriction resulting from infrastructure works not included in the capacity supply plan referred to in Article 18 as soon as possible.	~~1~~0a. **When scheduling infrastructure works in accordance with this Article,** infrastructure managers shall **adhere to the** schedule ~~capacity restriction resulting from infrastructure works not included in the capacity supply plan referred to in Article 18 as soon as possible.~~**and requirements set out in section 3 of Annex I.** GA merges lines 420 and 425 - linked with 422	0a. ~~*When scheduling infrastructure works in accordance with this Article,*~~ Infrastructure managers shall adhere to the schedule and requirements set out in section 3 ***and section 8*** of Annex I~~.~~ ***when scheduling infrastructure works in accordance with this Article.***	G
	Article 35(2)					
G	421	2. When scheduling infrastructure works, infrastructure managers shall limit the impact on pre-planned capacity included in the capacity model or in the capacity supply plan to the extent possible.	2. When scheduling infrastructure works, infrastructure managers shall limit the impact on pre-planned capacity included in the capacity model or in the capacity supply plan to the extent possible.	~~2~~0b. When scheduling infrastructure works, infrastructure managers shall limit the impact on pre-planned capacity included in the capacity model or in the capacity supply plan to the extent possible.	~~*0b*~~***2***. When scheduling infrastructure works, infrastructure managers shall limit the impact on pre-planned capacity included in the capacity model or in the capacity supply plan to the extent possible.	G
	Article 35(3)					
G	422	3. If the scheduling of a capacity restriction resulting from infrastructure works requires a change to an allocated capacity right within the meaning of Article 39, the applicant or applicants concerned shall be entitled to the	3. If the scheduling of a capacity restriction resulting from infrastructure works requires a change to an allocated capacity right within the meaning of Article 39, the applicant or applicants concerned shall be entitled to the	~~3~~1. ~~If the scheduling of a~~**Infrastructure managers shall schedule** capacity restriction resulting from infrastructure works ~~requires a change to an allocated~~**not included in the** capacity ~~right within the meaning of Article 39, the applicant or~~	*deleted* *provisionally agreed on 6/10*	G

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	compensation referred to in Article 40.	compensation referred to in Article 40.	~~applicants concerned shall be entitled to the compensation~~**supply plan** referred to in Article ~~40~~18 **as soon as possible**.	
Article 35(4), first subparagraph				
G *423*	*4.* If the scheduling of a capacity restriction resulting from infrastructure works requires a change to an allocated capacity right within the meaning of Article 39, the infrastructure manager shall do its utmost to provide the applicants concerned with alternative capacity.	4. If the scheduling of a capacity restriction resulting from infrastructure works requires a change to an allocated capacity right within the meaning of Article 39, the infrastructure manager shall do its utmost to provide the applicants concerned with alternative capacity.	4. If the scheduling of a capacity restriction resulting from infrastructure works requires a change to an allocated capacity right within the meaning of Article 39, the infrastructure manager shall do its utmost to provide the applicants concerned with alternative capacity **which allows the railway undertaking to operate the services concerned**.	4. If the scheduling of a capacity restriction resulting from infrastructure works requires a change to an allocated capacity right within the meaning of Article 39, the infrastructure manager shall do its utmost to provide the applicants concerned with alternative capacity which allows the railway undertaking to operate the services concerned. Provisionally agreed in ITM 20 G
Article 35(4), second subparagraph				
G 424	For that purpose, the infrastructure manager shall inform all applicants concerned about the intended change to the capacity rights concerned. It shall offer to the applicants concerned alternative capacity rights or launch a coordination with the applicants concerned with a view to agreeing on alternative capacity rights.	For that purpose, the infrastructure manager shall inform all applicants concerned about the intended change to the capacity rights concerned. It shall offer to the applicants concerned alternative capacity rights or launch a coordination with the applicants concerned with a view to agreeing on alternative capacity rights.	For that purpose, the infrastructure manager shall inform all applicants concerned about the intended change to the capacity rights concerned. It shall offer to the applicants concerned alternative capacity rights or launch a coordination with the applicants concerned with a view to agreeing on alternative capacity rights.	For that purpose, the infrastructure manager shall inform all applicants concerned about the intended change to the capacity rights concerned. It shall offer to the applicants concerned alternative capacity rights or launch a coordination with the applicants concerned with a view to agreeing on alternative capacity rights. G

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Article 35(5)				
425	5. When scheduling infrastructure works in accordance with this Article, infrastructure managers shall adhere to the schedule set out in section 3 of Annex I.	5. When scheduling infrastructure works in accordance with this Article, infrastructure managers shall adhere to the schedule set out in section 3 of Annex I.	*deleted*	*deleted* *Provisionally agreed in ITM 27*
Article 35(6)				
426	*6.* Infrastructure managers shall include all capacity restrictions resulting from infrastructure works in the capacity model and in the capacity supply plan, irrespective of the moment when they are scheduled.	6. Infrastructure managers shall include all capacity restrictions resulting from infrastructure works in the capacity model and in the capacity supply plan, irrespective of the moment when they are scheduled.	6. Infrastructure managers shall include ~~all~~ capacity restrictions resulting from infrastructure works**, as soon as they are scheduled** in the capacity model ~~and~~**or** in the capacity supply plan, ~~irrespective~~**regardless** of the moment when they are scheduled.	6. Infrastructure managers shall include capacity restrictions resulting from infrastructure works, as soon as they are scheduled in the capacity model or in the capacity supply plan, regardless of the moment when they are scheduled. Provisionally agreed in ITM 20
Article 35(6a)				
426a				***6a. The infrastructure manager may derogate from the deadlines laid down in Annex I, section 3, table 3a and the requirement to include capacity restrictions with high or major impact in the capacity model referred to in Article 17 in the following cases:***

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				(i) the capacity restriction is necessary to re-establish safe train operations, ***(ii) the timing of the restrictions is beyond the control of the infrastructure manager,*** ***(iii) the application of those periods would be cost ineffective or unnecessarily damaging in respect of asset life or condition, or*** ***(iv) if all operational stakeholders concerned agree.*** ***In those cases, the infrastructure manager shall consult the applicants and the operators of service facilities concerned forthwith and keep them informed at regular intervals on progress towards the re-establishment of normal operations.*** ***Capacity restrictions that imply changes to capacity rights after allocation shall follow the requirements laid down in Article 39 and in section 8 of Annex I.***
Article 36				
G 427	Article 36	Article 36	Article 36	Article 36 G

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		Consensual conflict resolution mechanism and coordination of requests	Consensual conflict resolution mechanism and coordination of requests	Consensual conflict resolution mechanism and coordination of requests	Consensual conflict resolution mechanism and coordination of requests Agreed at 3rd trilogue
Article 36(1)					
G	428	1. Where in the context of simultaneous capacity allocation the infrastructure manager encounters conflicts between different requests for infrastructure capacity, it shall attempt to ensure the best possible matching of all requirements, through coordination of the requests.	1. Where in the context of simultaneous capacity allocation the infrastructure manager encounters conflicts between different requests for infrastructure capacity, it shall attempt to ensure the best possible matching of all requirements, through coordination of the requests.	1. Where in the context of simultaneous capacity allocation the infrastructure manager encounters conflicts between different requests for infrastructure capacity, it shall attempt to ensure the best possible matching of all requirements, through coordination of the requests.	1. Where in the context of simultaneous capacity allocation the infrastructure manager encounters conflicts between different requests for infrastructure capacity, it shall attempt to ensure the best possible matching of all requirements, through coordination of the requests. Agreed at 3rd trilogue
Article 36(2)					
G	429	2. Where a situation requiring coordination arises, the infrastructure manager shall have the right, within reasonable limits, to propose infrastructure capacity that differs from that which was requested. The infrastructure manager shall define the applicable limits in its network statement. ENIM shall provide guidelines on the definition of such limits and include them in the European framework for capacity	2. Where a situation requiring coordination arises, the infrastructure manager shall have the right, within reasonable limits, to propose infrastructure capacity that differs from that which was requested. The infrastructure manager shall define the applicable limits in its network statement. ENIM shall provide guidelines on the definition of such limits and include them in the European framework for capacity	2. Where a situation requiring coordination arises, the infrastructure manager **shall attempt to accommodate all requests through coordination and** shall have the right, within reasonable limits, to propose infrastructure capacity that differs from that which was requested. The infrastructure manager shall define the applicable limits in its network statement. ENIM shall provide guidelines on the	2. Where a situation requiring coordination arises, the infrastructure manager shall attempt to accommodate all requests through coordination and shall have the right, within reasonable limits, to propose infrastructure capacity that differs from that which was requested. The infrastructure manager shall define the applicable limits in its network statement. ENIM shall provide guidelines on the

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	management referred to in Article 6.	management referred to in Article 6.	definition of such limits and include them in the European framework for capacity management referred to in Article 6.	definition of such limits and include them in the European framework for capacity management referred to in Article 6. Agreed at 3rd trilogue
Article 36(3), first subparagraph				
G 430	3. The infrastructure manager shall attempt, through consultation with the appropriate applicants, to resolve any conflicts. Such consultation shall be based on the disclosure of the following information within a reasonable time, free of charge and in electronic form:	3. The infrastructure manager shall attempt, through consultation with the appropriate applicants, to resolve any conflicts. Such consultation shall be based on the disclosure of the following information within a reasonable time, free of charge and in electronic form:	3. The infrastructure manager shall attempt, through consultation with the appropriate applicants, to resolve any conflicts. Such consultation shall be based on the disclosure of the following information within a reasonable time, free of charge and in electronic form:	3. The infrastructure manager shall attempt, through consultation with the appropriate applicants, to resolve any conflicts. Such consultation shall be based on the disclosure of the following information within a reasonable time, free of charge and in electronic form: Agreed at 3rd trilogue
Article 36(3), first subparagraph, point (a)				
G 431	(a) train paths requested by all other applicants on the same routes;	(a) train paths requested by all other applicants on the same routes;	(a) train paths requested by all other applicants on the same routes;	(a) ~~*train paths*~~***capacity rights*** requested by all other applicants on the same routes; Agreed at 3rd trilogue
Article 36(3), first subparagraph, point (b)				
G 432	(b) train paths allocated on a preliminary basis to all other applicants on the same routes;	(b) train paths allocated on a preliminary basis to all other applicants on the same routes;	(b) train paths allocated on a preliminary basis to all other applicants on the same routes;	(b) ~~*train paths*~~***capacity rights*** allocated on a preliminary basis to all other applicants on the same routes;

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				Agreed at 3rd trilogue
Article 36(3), first subparagraph, point (c)				
433	(c) alternative train paths proposed on the relevant routes in accordance with paragraph 2;	(c) alternative train paths proposed on the relevant routes in accordance with paragraph 2;	(c) alternative train paths proposed on the relevant routes in accordance with ~~paragraph 2~~**paragraph2**;	(c) alternative ~~*train paths*~~***capacity rights*** proposed on the relevant routes in accordance with ~~*paragraph2*~~***paragraph 2***; Agreed at 3rd trilogue
Article 36(3), first subparagraph, point (d)				
434	(d) full details of the criteria being used in the capacity-allocation process.	(d) full details of the criteria being used in the capacity-allocation process.	(d) full details of the criteria being used in the capacity-allocation process.	(d) full details of the criteria being used in the capacity-allocation process. Agreed at 3rd trilogue
Article 36(3), second subparagraph				
435	Without prejudice to Article 27(3) and subject to the agreement of all applicants, the infrastructure manager may establish contact between all applicants potentially involved in the resolution of a conflict to facilitate the coordination of requests.	Without prejudice to Article 27(3) and subject to the agreement of all applicants, the infrastructure manager may establish contact between all applicants potentially involved in the resolution of a conflict to facilitate the coordination of requests.	Without prejudice to Article ~~27(3)~~**3(1a)** and subject to the agreement of all applicants, the infrastructure manager may establish contact between all applicants potentially involved in the resolution of a conflict to facilitate the coordination of requests.	Without prejudice to Article 3(1a) and subject to the agreement of all applicants, the infrastructure manager may establish contact between all applicants potentially involved in the resolution of a conflict to facilitate the coordination of requests. Agreed at 3rd trilogue
Article 36(4)				
436	4. The principles governing the coordination of capacity	4. The principles governing the coordination of capacity	4. The principles governing the coordination of **conflicting**	4. The principles governing the coordination of ~~*conflicting*~~

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	requests for domestic rail services shall be set out in the network statement.	requests for domestic rail services shall be set out in the network statement.	capacity requests for domestic rail services shall be set out in the network statement.	capacity requests for ~~*domestic*~~ rail services shall be set out in the network statement. Agreed at 3rd trilogue
Article 36(5)				
G 437	5. Where requests for infrastructure capacity cannot be satisfied without coordination, the infrastructure manager shall attempt to accommodate all requests through coordination.	5. Where requests for infrastructure capacity cannot be satisfied without coordination, the infrastructure manager shall attempt to accommodate all requests through coordination.	*deleted*	***5. Where requests for infrastructure capacity cannot be satisfied without coordination, the infrastructure manager shall attempt to accommodate all requests through coordination.*** Agreed at 3rd trilogue
Article 36(6)				
G 438	6. Without prejudice to the existing appeal procedures and to Article 56 of Directive 2012/34/EU, in the event of disputes relating to the allocation of infrastructure capacity, Member States shall ensure that a dispute resolution system is made available in order to resolve such disputes promptly. That system shall be set out in the network statement for capacity requests for domestic rail services. If this system is applied, a decision shall be reached within a time limit of 10 working days.	6. Without prejudice to the existing appeal procedures and to Article 56 of Directive 2012/34/EU, in the event of disputes relating to the allocation of infrastructure capacity, Member States shall ensure that a dispute resolution system is made available in order to resolve such disputes promptly. That system shall be set out in the network statement for capacity requests for domestic rail services. If this system is applied, a decision shall be reached within a time limit of 10 working days.	*deleted*	*deleted* *Agreed at 3rd trilogue*

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Article 36(7)					
439	*7.* In case of multi-network capacity requests, the consensual conflict resolution mechanism set out in paragraphs 1, 2 and 3 shall be performed in accordance with Article 53 and shall involve the Network Coordinator.	7. In case of multi-network capacity requests, the consensual conflict resolution mechanism set out in paragraphs 1, 2 and 3 shall be performed in accordance with Article 53 and shall involve the Network Coordinator.	7. In case of **a conflict involving at least one** multi-network capacity ~~requests~~**request**, the consensual conflict resolution mechanism set out in paragraphs 1, 2 and 3 shall be performed in accordance with Article 53 and shall involve the Network Coordinator.	7. In case of ~~*a conflict involving at least one*~~ multi-network capacity ~~*request*~~***requests***, the consensual conflict resolution mechanism set out in paragraphs 1, 2 and 3 shall be performed in accordance with Article 53 and shall involve the Network Coordinator. Agreed at 3rd trilogue	
Article 36(8)					
440	8. ENIM shall prepare guidelines for the consensual conflict resolution mechanism for multi-network capacity requests and include them in the European framework for capacity management referred to in Article 6.	8. ***By ... [24 months from the entry into force of this Regulation] and after following consultation with ERP,*** ENIM shall prepare guidelines for the consensual conflict resolution mechanism for multi-network capacity requests and include them in the European framework for capacity management referred to in Article 6.	8. ENIM shall prepare guidelines for the consensual conflict resolution mechanism for **conflicts including at least one** multi-network capacity ~~requests~~**request** and include them in the European framework for capacity management referred to in Article 6. **Infrastructure managers shall take utmost account of those guidelines.**	8. ENIM shall prepare guidelines for the consensual conflict resolution mechanism for ~~*conflicts including at least one*~~ multi-network capacity ~~*request*~~***requests*** and include them in the European framework for capacity management referred to in Article 6. ~~*Infrastructure managers shall take utmost account of those guidelines.*~~ Agreed at 3rd trilogue	
Article 36(8a)					
440a		***8a. The Commission shall, by [24 months from the entry into force of this Regulation], adopt***		*deleted* *Provisionally agreed in ITM 30*	

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				an implementing act to set out the details of the procedure and criteria to be followed for the consensual conflict resolution mechanism for multi-network capacity requests and to amend paragraph 8 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3). They shall be included in the European framework for capacity management.				
Article 37									
G	*441*	Article 37 Formal conflict resolution mechanism on the basis of socio-economic and environmental criteria		Article 37 Formal conflict resolution mechanism on the basis of socio-economic and environmental criteria		Article 37 Formal conflict resolution mechanism ~~on the basis of socio-economic and environmental criteria~~		Article 37 Formal conflict resolution mechanism Agreed at 3rd trilogue	G
Article 37(1)									
G	442	1. Where the consensual conflict resolution mechanisms referred to in Article 36 has not resolved the capacity conflict, infrastructure managers shall allocate infrastructure capacity in accordance with Article 8.		1. Where the consensual conflict resolution mechanisms referred to in Article 36 has not resolved the capacity conflict, infrastructure managers shall allocate infrastructure capacity in accordance with Article 8.		1. Where the consensual conflict resolution mechanisms referred to in Article 36 has not resolved the capacity conflict, ~~infrastructure managers shall allocate~~**the** infrastructure **manager shall give priority to requests that are consistent with the pre-planned** capacity **defined**		1. Where the consensual conflict resolution mechanisms referred to in Article 36 has not resolved the capacity conflict, ***infrastructure managers shall allocate infrastructure capacity applying an equitable, transparent, and non-discriminatory methodology.***	G

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			in the capacity supply plan referred to in~~in accordance with~~ Article ~~8~~**18. As a result, the infrastructure manager may either accept or refuse requests that are not consistent with the capacity supply plan.**	The infrastructure manager shall ~~*give priority to requests that are consistent with the pre-planned capacity defined*~~***set out the details of this methodology, including all applicable parameter values,*** in the ***network statement taking account of the European framework for*** capacity ~~*supply plan referred to in Article 18. As a result,*~~***management. Parameter values defined by*** the infrastructure manager ~~*may either accept or refuse requests that are not consistent with the capacity supply plan*~~***shall be subject to coordination in accordance with point (c) of Article 7e of Directive 2012/34/EU***. Provisionally agree in ITM 31
Article 37(1), second subparagraph				
G 442a			**When accepting requests not consistent with the capacity supply plan, the infrastructure manager shall aim to maintain the overall balance between the elements of the capacity supply plan listed in section 1 of Annex I.**	*deleted* *Agreed at 3rd trilogue*

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Article 37(1), third subparagraph				
442b			**When refusing requests not consistent with the capacity supply plan, the infrastructure manager shall, without delay, inform the applicant concerned of its intention to refuse a request. In that case, the infrastructure manager shall make its utmost effort to provide the applicant with an alternative capacity. The applicant shall have the right to lodge a complaint with the regulatory body in accordance with Article 56(9) of Directive 2012/34/EU.**	*deleted* *Agreed at 3rd trilogue*
Article 37(1a), first subparagraph				
442c			**1a. Infrastructure managers shall resolve conflicts, not resolved in accordance with paragraph 1, through an equitable, transparent and non-discriminatory procedure, in accordance with the strategic guidance referred to in Article 11(3), where Member States have provided such guidance and have provided that it shall be binding.**	1a. ~~*Infrastructure managers shall resolve conflicts, not resolved in accordance with paragraph 1, through an equitable, transparent and non-discriminatory procedure, in accordance with the strategic guidance*~~***The methodology*** referred to in ~~*Article 11(3), where Member States have provided such guidance and have provided that it*~~***paragraph 1*** shall ~~*be binding.*~~***involve the following steps:***

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Agreed at 3rd trilogue
Article 37(1a), point (a)				
G 442d				***(a) design alternative scenarios to partition the capacity available for different types of rail transport services involving, where possible, the provision of alternative capacity on other routes or alternative timing;*** Agreed at 3rd trilogue
Article 37(1a), point (b)				
G 442e				***(b) evaluate and rank the scenarios referred to in point (a) taking into account the operational, socio-economic, and environmental criteria set out in paragraph 3,*** Agreed at 3rd trilogue
Article 37(1a), point (c)				
G 442f				***(c) select the highest ranked scenario on the basis of the evaluation referred to in point (b) and amend of capacity model and the capacity supply plan accordingly.*** Agreed at 3rd trilogue

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 37(1a), second subparagraph					
G 442g			**If the application of that guidance does not allow to resolve the conflict, infrastructure managers shall resolve conflicts through an equitable, transparent and non-discriminatory procedure taking into account the procedure established by ENIM under paragraph 1b.**	*deleted* *Agreed at 3rd trilogue*	G
Article 37(1b)					
G *442h*			**1b. ENIM shall prepare and adopt the procedures referred to in paragraph 1a and include them in the European framework for capacity management referred to in Article 6. The procedures shall involve the following steps:**	~~*1b*~~***1d***. ~~*ENIM shall prepare and adopt the procedures*~~***The evaluation*** referred to in paragraph 1a~~*and include them in the European framework for capacity management referred to in Article 6. The procedures*~~***, subparagraph (b),*** shall ~~*involve*~~***be based on, but not limited to,*** the following ~~*steps*~~***operational, socio-economic and environmental criteria, subject to the availability of data and taking into account technical and operational considerations and the utilisation of the infrastructure***: Agreed at 3rd trilogue	G
Article 37(1b), point (0)					

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G 442i			**(0) define ranges of standard values for rail services as an initial basis for assessment;**	~~(0)~~**(a)** ~~define ranges of standard values for rail~~**operating cost for operators of rail transport** services ~~as an initial basis for assessment~~**, and the resulting impact on prices for customers of rail transport services**; Agreed at 3rd trilogue
Article 37(1b), point (a)				
G 442j			**(a) design alternative scenarios to allocate the capacity available for different types of rail transport services involving, where possible, the provision of alternative capacity on other routes or alternative timing with comparable characteristics;**	~~(a)~~**(b)** ~~design alternative scenarios to allocate the capacity available for different types~~**time-related cost for customers** of rail transport services ~~involving, where possible, the provision of alternative capacity on other routes or alternative timing with comparable characteristics~~; Agreed at 3rd trilogue
Article 37(1b), point (b)				
G 442k			**(b) evaluate and rank the scenarios referred to in point (a) on the basis of objective, transparent and non-discriminatory methodologies taking into account the socio-economic, operational and environmental criteria set out in paragraph 1c, and making it**	~~(b)~~**(c)** ~~evaluate and rank the scenarios referred to in point (a) on the basis of objective, transparent and non-discriminatory methodologies taking into account the socio-economic, operational and environmental criteria set out in paragraph 1c, and making it~~

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			possible to take into account local or national circumstances based on accepted approaches and empirical evidence;	~~*possible to take into account local or national circumstances based on accepted approaches and empirical evidence;*~~***connectivity and accessibility for people and regions served by the rail transport services, including the quality of connections notably in terms of transfer times and the frequency of rail passenger and freight services;*** Agreed at 3rd trilogue
Article 37(1b), point (c)				
G	442l		**(c) select the highest ranked scenario on the basis of the evaluation referred to in point (b) and amend the capacity supply plan accordingly.**	~~*(c)*~~***(d)*** ~~*select the highest ranked scenario on the basis of the evaluation referred to in point (b) and amend the capacity supply plan accordingly*~~***impacts on external costs of transport, such as accidents, emissions of air pollutants, greenhouse gases and noise produced by rail transport services and by their likely alternatives***. Agreed at 3rd trilogue
Article 37(1d), point (e)				
G	442m			***(e) volume of people and freight transported;***

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				Agreed at 3rd trilogue
Article 37(1c)				
G 442n			**1c. The procedures established by ENIM under paragraph 1b shall assess alternative options for the use of infrastructure capacity, based on, but not limited to, the following socioeconomic, operational and environmental criteria, subject to the availability of data referred to in paragraph 1b, point (0):**	~~1c~~***1e***. ~~*The procedures established by ENIM under paragraph 1b*~~***ENIM*** shall ~~*assess alternative options for the use of infrastructure capacity, based on, but not limited to, the following socioeconomic, operational and environmental*~~***set out an equitable, transparent and non-discriminatory methodology and establish the list of parameters relating to rail transport services and socio-economic*** criteria~~, subject to the availability of data~~ ***necessary for the assessment*** referred to in paragraph 1b***. Where relevant, it shall set out standard parameter values, or ranges of standard values. ENIM shall ensure that these parameter values are sufficiently tested and calibrated in an operational context.*** ***ENIM shall include the methodology, the list of parameters and the standard values for the parameters in the European framework for capacity*** G

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				management referred to in Article 6. ***The infrastructure manager shall, where relevant, adjust the standard parameter values to take into account local or national circumstances based on accepted approaches and empirical evidence and, where applicable, following Member State requirements in accordance with*** point ~~*(0):*~~ ***(d) of Article 3a(2).*** Agreed at 3rd trilogue Provisionally agree in ITM 31
Article 37(1c), point (a)				
G	442o		**(a) operating cost for operators and technical parameters of rail transport services, and the resulting impact on prices for customers of rail transport services;**	*deleted* *Agreed at 3rd trilogue*
Article 37(1c), point (b)				
G	*442p*		**(b) time-related cost for customers of rail transport services;**	*deleted* *Agreed at 3rd trilogue*
Article 37(1c), point (c)				

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G	*442q*		**(c) connectivity and accessibility for people and regions served by the rail transport services, including the quality of connections and transfer times for rail passenger and freight services;**	*deleted* *Agreed at 3rd trilogue*	G
	Article 37(1c), point (d)				
G	*442r*		**(d) environmental impact, such as emissions of greenhouse gases and noise;**	*deleted* *Agreed at 3rd trilogue*	G
	Article 37(1c), point (e)				
G	*442s*		**(e) volume of people and freight transported;**	*deleted* *Agreed at 3rd trilogue*	G
	Article 37(1c), point (f)				
G	*442t*		**(f) technical parameters for an efficient use of the infrastructure, such as homogeneity of traffic, train length or circulation frequencies.**	*deleted* *Agreed at 3rd trilogue*	G
	Article 37(2)				
G	*443*	*2.* In the context of the formal conflict resolution process, requests for multi-network capacity rights shall be taken into	2. In the context of the formal conflict resolution ~~*process*~~***mechanism***, requests for multi-network capacity rights shall	2. In the context of the formal conflict resolution ~~process~~**mechanism**, requests for multi-network capacity rights shall	2. In the context of the formal conflict resolution mechanism, requests for multi-network capacity rights shall be	G

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	consideration in their entirety. If, in accordance with Article 8(6), different national parameters apply, those parameters shall be used for the respective sections.	be taken into consideration in their entirety. If, in accordance with Article 8(6), different national parameters apply, those parameters shall be used for the respective sections.	be taken into consideration in their entirety. If, in accordance with ~~Article 8(6)~~**paragraph 1b point (b)**, different national parameters apply, those parameters shall be used for the respective sections.	taken into consideration in their entirety. If, in accordance with paragraph ~~*1b point (b)*~~***1c***, different national parameters apply, those parameters shall be used for the respective sections. Agreed at 3rd trilogue
Article 37(3)				
G 444	3. In case of conflicting capacity requests involving rail services with similar characteristics and socio-economic profile, the infrastructure manager shall assign capacity on the basis of an auction or in a way providing access to the largest number of applicants. The latter method shall be applied subject to approval by the regulatory body.	3. In case of conflicting capacity requests involving rail services with similar characteristics and socio-economic profile, the infrastructure manager shall assign capacity on the basis of an auction or in a way providing access to the largest number of applicants. The latter method shall be applied subject to approval by the regulatory body.	3. In case of conflicting capacity requests involving rail services with similar characteristics and socio-economic profile, the infrastructure manager shall assign capacity ~~on the basis of an auction or~~ in a way providing access to the largest number of applicants. **Infrastructure managers may, for that purpose, assign capacity on the basis of an auction. The**~~The latter~~ method **to assign capacity applied pursuant to this paragraph** shall be ~~applied~~ subject to **prior** approval by the regulatory body.	3. In case of conflicting capacity requests involving rail services with similar characteristics and socio-economic profile, the infrastructure manager shall assign capacity ***on the basis of an auction or*** in a way providing access to the largest number of applicants. ~~*Infrastructure managers may, for that purpose, assign capacity on the basis of an auction. The*~~***The latter*** method ~~*to assign capacity applied pursuant to this paragraph*~~ shall be ***applied*** subject to ~~*prior*~~ approval by the regulatory body. Agreed at 3rd trilogue G
Article 37(3a)				
G 444a		***3a. In this respect, the ENRRB shall compile guidelines***		*deleted* G

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		to facilitate the harmonised application of Article 3.		*Agreed at 3rd trilogue*
Article 38				
445	Article 38 Schedule for capacity allocation processes	Article 38 Schedule for capacity allocation processes	Article 38 Schedule for capacity allocation processes	Article 38 Schedule for capacity allocation processes
Article 38(1)				
446	1. The infrastructure manager and applicants shall comply with the schedule for capacity allocation processes set out in sections 4, 5, 6, and 7 of Annex I.	1. The infrastructure manager and applicants shall comply with the schedule for capacity allocation processes set out in sections 4, 5, 6, and 7 of Annex I.	1. **For the purposes of implementing Articles 31 to 34,** the infrastructure manager and applicants shall comply with the schedule for capacity allocation processes set out **respectively** in sections 4, 5, 6, and 7 of Annex I.	1. For the purposes of implementing Articles 31 to 34, the infrastructure manager and applicants shall comply with the schedule for capacity allocation processes set out respectively in sections 4, 5, 6, and 7 of Annex I. Provisionally agreed in ITM 21
Article 38(2)				
447	2. Infrastructure managers may decide time periods and deadlines for the schedule for capacity allocation which are different from those referred to in this Regulation and in point 2(b) of Annex VI of Directive 2012/34/EU if the establishment of international train paths in cooperation with infrastructure managers of third countries on a network whose track gauge is different from the main rail	2. Infrastructure managers may decide time periods and deadlines for the schedule for capacity allocation which are different from those referred to in this Regulation and in point 2(b) of Annex VI of Directive 2012/34/EU if the establishment of international train paths in cooperation with infrastructure managers of third countries on a network whose track gauge is different from the main rail	2. Infrastructure managers may decide time periods and deadlines for the schedule for capacity allocation which are different from those referred to in this Regulation and in point 2(b) of Annex VI of Directive 2012/34/EU if ~~the establishment of international train paths in cooperation with infrastructure managers of third countries on a network whose track gauge is different from the main rail~~	2. Infrastructure managers may decide time periods and deadlines for the schedule for capacity allocation ***of capacity rights for international trains services*** which are different from those referred to in this Regulation and in point 2(b) of Annex VI of Directive 2012/34/EU if: Provisionally agreed in ITM 21

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	network within the Union has a significant impact on the schedule for capacity allocation in general.	network within the Union has a significant impact on the schedule for capacity allocation in general.	~~network within the Union has a significant impact on the schedule for capacity allocation in general.~~**:**	
Article 38(2), second subparagraph				
G 447a			**- the establishment of international train paths in cooperation with infrastructure managers of third countries on a network whose track gauge is different from the main rail network within the Union has a significant impact on the schedule for capacity allocation in general; or**	***2a.*** - the establishment of international train paths in cooperation with infrastructure managers of third countries on a network whose track gauge is different from the main rail network within the Union has a significant impact on the schedule for capacity allocation in general; or Provisionally agreed in ITM 21
Article 38(2), third subparagraph				
G 447b			**- the establishment of international train paths in cooperation with infrastructure managers of other third countries has a significant impact on the schedule for capacity allocation in general, provided that this has no impact on the capacity allocation processes of other infrastructure managers of the Union that are not involved in those international train paths.**	- the establishment of international train paths in cooperation with infrastructure managers of other third countries has a significant impact on the schedule for capacity allocation ~~*in general*~~, provided that this has no impact on the capacity allocation processes of other infrastructure managers of the Union ~~*that are not involved in those international train paths.*~~. Provisionally agreed in ITM 21

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Article 38(3)				
448	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend sections 4, 5, 6, and 7 of Annex I with a view to ensure an efficient allocation process and address planning, operational, technical and commercial interests of the stakeholders concerned relating to scheduling and capacity allocation.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend sections 4, 5, 6, and 7 of Annex I with a view to ensure an efficient allocation process and address planning, operational, technical and commercial interests of the stakeholders concerned relating to scheduling and capacity allocation.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend **the deadlines and durations set out in** sections 4, 5, 6, and 7 of Annex I**, and to adjust, within the limits of the framework laid down in Articles 31 to 34, the milestones and time periods set out therein, where those elements have proven ineffective or have led to major difficulties of implementation, taking into account the experience of infrastructure managers and of applicants, with the objectives to rationalise the capacity allocation processes,** ~~with a view~~ to ensure an efficient allocation process and **to** address planning, operational, technical and commercial interests of the stakeholders concerned relating to scheduling and capacity allocation.	3. The Commission ~~shall be~~**is** empowered to adopt delegated acts in accordance with Article 71 to amend the deadlines and durations set out in sections 4, 5, 6, and 7 of Annex I, and to adjust, within the limits of the framework laid down in Articles 31 to 34, the milestones and time periods set out therein, where those elements have proven ineffective or have led to major difficulties of implementation, taking into account the experience of infrastructure managers and of applicants, with the objectives to rationalise the capacity allocation processes, to ensure an efficient allocation process and to address planning, operational, technical and commercial interests of the stakeholders concerned relating to scheduling and capacity allocation. Provisionally agreed in ITM 21
SECTION 4				
449	SECTION 4 Adaptation and rescheduling	SECTION 4 Adaptation and rescheduling	SECTION 4 Adaptation and rescheduling	SECTION 4 Adaptation and rescheduling
Article 39				

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	450	Article 39 Changes to capacity rights after allocation	Article 39 Changes to capacity rights after allocation	Article 39 Changes to capacity rights after allocation	Article 39 Changes to capacity rights after allocation	G
Article 39(1), first subparagraph						
G	451	1. Infrastructure managers may change capacity rights allocated to an applicant on their own initiative only in accordance with this Regulation. Applicants may request changes to allocated capacity at all times. A cancellation shall be considered a specific type of change.	1. Infrastructure managers may change capacity rights allocated to an applicant on their own initiative only in accordance with this Regulation. Applicants may request changes to allocated capacity at all times. A cancellation shall be considered a specific type of change.	1. Infrastructure managers may change capacity rights allocated to an applicant on their own initiative only in accordance with this Regulation. Applicants may request changes to allocated capacity at all times. ~~A cancellation shall be considered a specific type of change.~~	1. Infrastructure managers may change capacity rights allocated to an applicant on their own initiative only in accordance with this Regulation. Applicants may request changes to allocated capacity at all times. Provisionally agreed in ITM 22	G
Article 39(1), second subparagraph						
G	452	In the event of changes to allocated capacity rights, Article 40 shall apply. Infrastructure managers shall, without delay, update the working timetable referred to in Article 30.	In the event of changes to allocated capacity rights, Article 40 shall apply. Infrastructure managers shall, without delay, update the working timetable referred to in Article 30.	In the event of changes to allocated capacity rights, Article 40 shall apply. Infrastructure managers shall, without delay, update the working timetable referred to in Article 30.	In the event of changes to allocated capacity rights, Article 40 shall apply. Infrastructure managers shall, without delay, update the working timetable referred to in Article 30.	G
Article 39(2)						
G	453	2. Infrastructure managers and applicants shall limit changes to capacity rights after allocation to the largest extent possible, in accordance with the objectives set out in Article 2(3).	2. Infrastructure managers and applicants shall limit changes to capacity rights after allocation to the largest extent possible, in accordance with the objectives set out in Article 2(3).	2. Infrastructure managers ~~and applicants~~ shall limit changes to capacity rights after allocation to the largest extent possible, in accordance with the ~~objectives~~**principles** set out in Article 2(3). **Applicants shall also limit their request for changes to**	2. Infrastructure managers shall limit changes to capacity rights after allocation to the largest extent possible, in accordance with the principles set out in Article 2(3). Applicants shall also limit their request for changes to such rights after allocation to the largest extent possible.	G

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			such rights after allocation to the largest extent possible.	Provisionally agreed in ITM 22
Article 39(3), first subparagraph				
G 454	3. Changes to capacity rights shall include cases where the infrastructure manager cannot allow the train to run in accordance with the allocated capacity right and has sufficient time to offer the applicant an alternative capacity right after having informed the applicant of the need for the change.	3. Changes to capacity rights shall include cases where the infrastructure manager cannot allow the train to run in accordance with the allocated capacity right and has sufficient time to offer the applicant an alternative capacity right after having informed the applicant of the need for the change.	3. Changes to capacity rights shall include cases where the infrastructure manager cannot allow the train to run in accordance with the allocated capacity right and has sufficient time to offer the applicant an alternative capacity right after having informed the applicant of the need for the change.	3. Changes to capacity rights shall include cases where the infrastructure manager cannot allow the train to run in accordance with the allocated capacity right and has sufficient time to offer the applicant an alternative capacity right after having informed the applicant of the need for the change. G
Article 39(3), first subparagraph a				
G 454a			**3aa. A cancellation of capacity rights shall also be considered as a specific type of change.**	3aa. A cancellation of capacity rights shall also be considered as a specific type of change. G Provisionally agreed in ITM 22
Article 39(3), second subparagraph				
G 455	Infrastructure managers may indicate different deadlines for the allocation of capacity rights on a single network and the allocation of multi-network capacity rights. Infrastructure managers shall provide information on the time necessary to construct a train path in the network statement. This time shall not be longer than the	Infrastructure managers may indicate different deadlines for the allocation of capacity rights on a single network and the allocation of multi-network capacity rights. Infrastructure managers shall provide information on the time necessary to construct a train path in the network statement. This time shall not be longer than the	**3a. In case of changes to capacity rights,** infrastructure managers may ~~indicate different~~**apply shorter** deadlines for the allocation of ~~capacity~~**such** rights ~~on a single network and the allocation of multi-network capacity rights~~**compared to the deadlines indicated in section 8 of Annex I**. Infrastructure	3a. In case of changes to capacity rights, infrastructure managers may apply shorter deadlines for the allocation of such rights compared to the deadlines indicated in section 8 of Annex I. Infrastructure managers shall provide information on the time necessary to construct a train path in the network statement. G

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	deadlines indicated in section 8 of Annex I.	deadlines indicated in section 8 of Annex I.	managers shall provide information on the time necessary to construct a train path in the network statement. ~~This time shall not be longer than the deadlines indicated in section 8 of Annex I.~~	Provisionally agreed in ITM 22
Article 39(4)				
G 456	4. The rules and procedures to be applied in the event of a change to a capacity right shall take into account the impact of the change to the capacity right on the applicant in operational and commercial terms. For that purpose, changes shall be categorised based on their impact in accordance with paragraph 8 of this Article and shall give rise to different levels of compensation referred to in Article 40.	4. The rules and procedures to be applied in the event of a change to a capacity right shall take into account the impact of the change to the capacity right on the applicant in operational and commercial terms. For that purpose, changes shall be categorised based on their impact in accordance with paragraph 8 of this Article and shall give rise to different levels of compensation referred to in Article 40.	4. The rules and procedures to be applied **by the infrastructure manager** in the event of a change to a capacity right shall take into account the impact of the change to the capacity right on the applicant in operational and commercial terms. For that purpose, ~~changes~~**infrastructure managers** shall ~~be categorised~~**categorise changes** based on their impact ~~in accordance with~~**and identify category of changes having a major impact, taking into account the procedures adopted by ENIM on the basis of** paragraph 8 ~~of this Article and shall give rise to different levels of compensation referred to in Article 40~~.	4. The rules and procedures to be applied by the infrastructure manager in the event of a change to a capacity right shall take into account the impact of the change to the capacity right on the applicant in operational and commercial terms. For that purpose, infrastructure managers shall categorise changes based on their impact and identify category of changes having a ~~*major*~~***significant*** impact, taking into account the procedures adopted by ENIM on the basis of paragraph 8. Provisionally agreed in ITM 25
Article 39(4a)				

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456a		***4a. In the cases where capacity is reserved but not used, a compensation payment shall apply in accordance to Article 40.***		*deleted* *Provisionally agreed in ITM 25*
Article 39(5), first subparagraph				
457	*5.* In the event of a change to a multi-network capacity right, the infrastructure managers concerned shall make all reasonable efforts to ensure the consistency between the capacity rights over the entire train run.	5. In the event of a change to a multi-network capacity right, the infrastructure managers concerned shall make all reasonable efforts to ensure the consistency between the capacity rights over the entire train run.	5. In the event of a change to a multi-network capacity right, the infrastructure managers concerned shall make all reasonable efforts to ensure the consistency between the capacity rights over the entire train run.	5. In the event of a change to a multi-network capacity right, the infrastructure managers concerned shall make all reasonable efforts to ensure the consistency between the capacity rights over the entire train run.
Article 39(5), first subparagraph a				
457a				***A cancellation due to force majeure on one network shall be considered as a cancellation due to force majeure for the capacity right along the entire route covered by it.*** Provisionally agreed in ITM 25
Article 39(5), second subparagraph				
458	The infrastructure manager making a change to a multi-network capacity right shall be responsible for the process to coordinate the allocation of an alternative multi-network capacity right with the other infrastructure managers concerned and shall	The infrastructure manager making a change to a multi-network capacity right shall be responsible for the process to coordinate the allocation of an alternative multi-network capacity right with the other infrastructure managers concerned and shall	The infrastructure manager making a change to a multi-network capacity right shall ~~be responsible for the process to~~ coordinate the allocation of an alternative multi-network capacity right with the other infrastructure managers concerned and shall	The infrastructure manager making a change to a multi-network capacity right shall coordinate ***and be responsible for the process of allocating*** ~~*the allocation of*~~ an alternative multi-network capacity right with the other infrastructure managers

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	inform the applicant and all parties concerned about the outcome of the coordination. That outcome can be either the allocation of an alternative multi-network capacity right or the information that no alternative capacity right is available.	inform the applicant and all parties concerned about the outcome of the coordination. That outcome can be either the allocation of an alternative multi-network capacity right or the information that no alternative capacity right is available.	inform the applicant and all parties concerned about the outcome of the coordination. That outcome can be either the allocation of an alternative multi-network capacity right or the information that no alternative capacity right is available.	concerned and shall inform the applicant and all parties concerned about the outcome of the coordination. That outcome can be either the allocation of an alternative multi-network capacity right or the information that no alternative capacity right is available. Provisionally agreed in ITM 22
Article 39(6)				
G 459	6. For the purpose of this Regulation, failure to use an allocated capacity right by railway undertakings shall be considered equivalent to a cancellation on the day of the train run concerned.	6. For the purpose of this Regulation, failure to use an allocated capacity right by railway undertakings shall be considered equivalent to a cancellation on the day of the train run concerned.	*deleted*	***6. For the purpose of this Regulation, failure to use an allocated capacity right by railway undertakings shall be considered equivalent to a cancellation on the day of the train run concerned.*** Provisionally agreed in ITM 25
Article 39(7), first subparagraph				
G 460	7. Where an infrastructure manager changes an allocated capacity right, it shall inform the applicant and the railway undertaking concerned without delay.	7. Where an infrastructure manager changes an allocated capacity right, it shall inform the applicant and the railway undertaking concerned without delay.	7. Where an infrastructure manager changes an allocated capacity right, it shall inform the applicant and the railway undertaking concerned without delay.	7. Where an infrastructure manager changes an allocated capacity right, it shall inform the applicant and the railway undertaking concerned without delay.
Article 39(7), second subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G 461	The infrastructure manager shall offer alternative capacity rights to the applicant within the deadlines set out in section 8 of Annex I. Where this is not possible, the infrastructure manager shall provide the applicant with relevant information enabling the applicant to place a new request for infrastructure capacity. Where relevant, that information shall make reference to the capacity supply plan referred to in Article 18 and the contingency planning referred to in Article 19.	The infrastructure manager shall offer alternative capacity rights to the applicant within the deadlines set out in section 8 of Annex I. Where ~~*this is not possible*~~***no alternative offer is feasible in accordance with Article 32(5) and Article 33 (4)***, the infrastructure manager***(s)*** shall provide the applicant with relevant information enabling the applicant to place a new request for infrastructure capacity. Where relevant, that information shall make reference to the capacity supply plan referred to in Article 18 and the contingency planning referred to in Article 19.	The infrastructure manager shall offer alternative capacity rights to the applicant within the deadlines set out in section 8 of Annex I. Where this is not possible, the infrastructure manager shall provide the applicant with relevant information enabling the applicant to place a new request for infrastructure capacity. Where relevant, that information shall make reference to the capacity supply plan referred to in Article 18 and the contingency planning referred to in Article 19.	The infrastructure manager shall offer alternative capacity rights to the applicant within the deadlines set out in section 8 of Annex I. Where this is not possible, the infrastructure manager shall provide the applicant with relevant information enabling the applicant to place a new request for infrastructure capacity. Where relevant, that information shall make reference to the capacity supply plan referred to in Article 18 and the contingency planning referred to in Article 19. Provisionally agreed in ITM 22	G
Article 39(8), first subparagraph					
G 462	8. ENIM shall prepare and adopt harmonised procedures to manage changes to capacity rights after allocation and include them in the European framework for capacity management referred to in Article 6.	8. ***By ... [12 months from the entry into force of this Regulation],*** ENIM shall prepare and adopt harmonised procedures to manage changes to capacity rights after allocation and include them in the European framework for capacity management referred to in Article 6.	8. ENIM shall prepare and adopt ~~harmonised~~**uniform** procedures to manage changes to capacity rights after allocation and include them in the European framework for capacity management referred to in Article 6.	8. ENIM shall prepare and adopt uniform procedures to manage changes to capacity rights after allocation and include them in the European framework for capacity management referred to in Article 6. Provisionally agreed in ITM 22	G
Article 39(8), second subparagraph					

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
463	These harmonised procedures shall differentiate between changes, which have a major impact on applicants and railway undertakings in commercial and operational terms and changes with minor impacts. The criteria to be used to categorise a change as major shall take into account, among others, the ability of the railway undertaking to perform the service in accordance with its contractual obligations, delays at departure or changes to the route that result in increase of distance, time of travel, track access charges or other related costs, as well as thresholds for these changes. More stringent criteria shall apply to changes with major impact.	These harmonised procedures shall differentiate between changes, which have a major impact on applicants and railway undertakings in commercial and operational terms and changes with minor impacts. The criteria to be used to categorise a change as major shall take into account, among others, the ability of the railway undertaking to perform the service in accordance with its contractual obligations, delays at departure or changes to the route that result in increase of distance, time of travel, track access charges or other related costs, as well as thresholds for these changes. More stringent criteria shall apply to changes with major impact.	~~These harmonised~~**Those** procedures shall **establish criteria to** differentiate between changes~~, which have a major~~ **depending on their** impact on applicants and railway undertakings in commercial and operational terms ~~and changes with minor impacts. The~~**, including** criteria ~~to be used~~ to categorise ~~a change as major shall take into account, among others, the ability of the railway undertaking to perform the service in accordance with its contractual obligations, delays at departure or~~ changes ~~to the route that result in increase of distance, time of travel, track access charges or other related costs, as well as thresholds for these changes. More stringent criteria shall apply to changes with~~**as having a** major impact.	Those procedures shall establish criteria to differentiate between changes depending on their impact on applicants and railway undertakings in commercial and operational terms, including criteria to categorise changes as having a ~~*major*~~***significant*** impact. ***To categorise a change as having a significant impact ENIM shall take into account, among others, the ability of the railway undertaking to perform the service in accordance with its contractual obligations, delays at departure or changes to the route that result in increase of distance, time of travel, track access charges or other related costs, as well as thresholds for these changes.*** Provisionally agreed in ITM 25
Article 39(8a)				
463a		***8a The Commission shall be empowered to adopt, delegated acts in accordance with Article 71 to set out rules and procedures to manage changes to capacity rights after allocation and to***		*deleted* *Provisionally agreed in ITM 22*

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		amend paragraph 8 of this Article. Those delegated acts shall be adopted by ... [24 months from the entry into force of this Regulation]. They shall be included in the European framework for capacity management.		
Article 39(9)				
G *464*	*9.* The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend section 8 of Annex I with a view to ensure efficient adaptation and rescheduling processes taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	9. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend section 8 of Annex I with a view to ensure efficient adaptation and rescheduling processes taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	9. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend **the durations set out in** section 8 of Annex I ~~with a view~~ to ensure efficient adaptation and rescheduling processes taking into account planning, operational, technical and commercial considerations of the stakeholders concerned. **In doing so, the Commission shall take into account the experience of infrastructure managers and of applicants.**	9. ***Within 18 months after the entry into force of this Regulation,*** the Commission shall ~~*be empowered to*~~ adopt delegated acts in accordance with Article 71 to amend ~~*the durations set out in*~~ section 8 of Annex I ***with a view*** to ensure efficient adaptation and rescheduling processes taking into account planning, operational, technical and commercial considerations of the stakeholders concerned. In doing so, the Commission shall ***consider introducing rescheduling windows for smaller works not categorised as having major, high or medium impact and will also*** take into account the experience of infrastructure managers and of applicants. G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Provisionally agreed on 5/11
Article 40				
465	Article 40 Compensation for changes to capacity rights	Article 40 Compensation for changes to capacity rights	Article 40 ~~Compensation~~**Penalty** for changes to capacity rights	Article 40 Penalty for changes to capacity rights
Article 40, 1.				
466	1. Where the infrastructure manager or an applicant do not fulfil their commitments with respect to an allocated capacity right and where this results in a change that is categorised as major in accordance with Article 39, the party initiating the change shall pay a compensation to the other party.	1. Where the infrastructure manager or an applicant do not fulfil their commitments with respect to an allocated capacity right and where this results in a change that is categorised as major in accordance with Article 39, the party initiating the change shall pay a compensation to the other party.	1. Where the infrastructure manager or an applicant ~~do~~**does** not fulfil ~~their~~**its** commitments with respect to an allocated capacity right and where this results in a change that is categorised as major in accordance with Article ~~39, the party initiating the change~~**39(4), it** shall pay a ~~compensation~~**penalty** to the other party.	1. Where the infrastructure manager or an applicant does not fulfil its commitments with respect to an allocated capacity right and where this results in a change that is categorised as ~~*major*~~***significant*** in accordance with Article 39(4), it shall pay a penalty to the other party. Provisionally agreed in ITM 25
Article 40(1), second subparagraph				
466a			**For the purpose of this Article, failure to use an allocated capacity right by railway undertakings shall be considered equivalent to a cancellation after the time of departure of the train concerned.**	*deleted* *Provisionally agreed in ITM 25*
Article 40(2)				
467	*2.* The compensation referred to in paragraph 1 shall not be due in cases of force majeure.	2. The compensation referred to in paragraph 1 shall not be due in cases of force majeure.	2. The ~~compensation~~**penalty** referred to in paragraph 1 shall not be due in cases of force majeure.	2. The penalty referred to in paragraph 1 shall not be due in cases of**:** ~~*force majeure. In the*~~

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
			In the case of multi-network capacity rights, a cancellation due to force majeure on one network shall be considered as a cancellation due to force majeure for the capacity rights along the entire route covered by it.	~~*case of multi-network capacity rights, a cancellation due to force majeure on one network shall be considered as a cancellation due to force majeure for the capacity rights along the entire route covered by it.*~~ Provisionally agreed in ITM 25
Article 40(2a)				
Y	467a		**2a. Where an infrastructure manager, in accordance with Articles 10 and 35, plans and schedules a capacity restriction falling within the scope of section 3 of Annex I and complies with the schedule and requirements set out therein, the penalty referred to in paragraph 1 shall not be due.**	~~*2a*~~***a***. ~~*Where an infrastructure manager, in accordance with Articles 10 and 35, plans and schedules a capacity restriction falling within the scope of section 3 of Annex I and complies with the schedule and requirements set out therein, the penalty referred to in paragraph 1 shall not be due.*~~ ***force majeure;***
Article 40(2b)				
Y	467b		**2b. Where an infrastructure manager withdraws capacity rights in accordance with measures taken by Member States in accordance with Article 10a, the penalty referred to in paragraph 1 shall not be due.**	~~*2b*~~***b***. where an infrastructure manager withdraws capacity rights in accordance with measures taken by Member States in accordance with Article 10a~~*, the penalty referred to in paragraph 1 shall not be due.*~~**;**
Article 40(2c)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
467c				***c. when amending framework agreements in accordance with Article 31(5);*** Provisionally agreed on 5/11
Article 40(2d)				
467d				***d. the use of derogations in accordance with Article 35(6a).***
Article 40(3), first subparagraph				
467e			**3. Infrastructure managers shall include in their network statement conditions giving rise to a penalty taking into account the guidelines adopted by ENIM pursuant to the second subparagraph of this paragraph.**	~~3~~***2a***. ***The level of the penalty due by the*** infrastructure ~~*managers*~~***manager*** shall ~~*include in their*~~***be calculated on the basis of the average level of track access charges charged for the 'minimum access package' as defined in Annex II of Directive 2012/34/EU, in the corresponding*** network~~*- statement conditions giving rise to a*~~***, during the year before the last where the*** penalty ~~*taking into account the guidelines adopted by ENIM pursuant to the second subparagraph of this*~~***shall apply.*** ***The penalty due by an infrastructure manager shall not be differentiated by market segment.***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				The penalty due by the infrastructure manager may be modulated in accordance with paragraph ~~–~~ ***4.*** Provisionally agreed in ITM 26
Article 40(2f)				
467f				***2b. The level of the penalty due by the applicant shall be calculated on the basis of the average level of track access charges charged for the 'minimum access package' as defined in Annex II of Directive 2012/34/EU, in the corresponding network, during the year before the last where the penalty shall apply. The level of the penalty shall be differentiated according to the market segment. These market segments can be differentiated in accordance with Annex VI of Directive 2012/34/EU.*** ***The penalty due by the applicant may be modulated in accordance with paragraph 4.***
Article 40(2g)				
467g				***The levels of penalty shall be such that they provide effective***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				incentives for the infrastructure manager and for applicants to respect the planned use of capacity. These levels shall be proportionate and non-discriminatory. ***Those levels shall, in particular, take into account the rules and procedures set out under Article 39(4) and (8).***
Article 40(3)				
468	3. Following a consultation of the ENRRB, ENIM shall define harmonised conditions giving rise to compensation. Those conditions shall take into account the rules set out in Article 39(4) and (8). ENIM shall include these conditions in the European framework for capacity management referred to in Article 6. The ENRRB shall publish an opinion on the conditions defined by ENIM.	3. Following a consultation of the ENRRB ***and ERP***, ENIM shall***, by [12 months from the entry into force of this Regulation],*** define harmonised conditions giving rise to compensation. Those conditions shall take into account the rules set out in Article 39(4) and (8). ENIM shall include these conditions in the European framework for capacity management referred to in Article 6. The ENRRB shall publish an opinion on the conditions defined by ENIM.	~~3.~~ Following a consultation of the **applicants and the** ENRRB, ENIM ~~shall define harmonised~~**may adopt guidelines for the definition of uniform** conditions giving rise to ~~compensation. Those conditions shall take~~**a penalty taking** into account the rules **and procedures** set out ~~in~~**under** Article 39(4) and (8). ENIM shall include these ~~conditions~~**guidelines** in the European framework for capacity management referred to in Article 6. The ENRRB shall publish an opinion on ~~the conditions~~**those guidelines** defined by ENIM.	***3.*** ~~*Following a consultation of the applicants and the ENRRB, ENIM may adopt guidelines for the definition of uniform conditions giving rise to a penalty*~~ Taking into account the ~~*rules and procedures*~~***criteria*** set out ~~*under Article 39(4) and (8).*~~***in paragraph 4a,*** ENIM shall ~~*include these*~~***set out*** guidelines ***for the application and determination of the modulation*** in the European framework for capacity management referred to in Article 6. ~~*The ENRRB shall publish an opinion on those*~~***As part of these*** guidelines ~~*defined by ENIM*~~***, ENIM shall develop a tool to calculate the level of the penalties***

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				for changes to multi-network capacity right. Provisionally agreed in ITM 26 Provisionally agreed on 5/11
Article 40(4), first subparagraph				
469	4. Following the approval of the regulatory body, the infrastructure managers shall set out in the network statement the levels of compensation to be paid by the applicants.	4. Following the approval of the regulatory body, the infrastructure managers shall set out in the network statement the levels of compensation to be paid by the applicants.	4. Following the approval of the regulatory body, the infrastructure managers shall set out in the network statement the levels of ~~compensation~~**penalty** to be paid by the applicants.	4. ***Taking into account the criteria referred to in paragraph 3 and*** following the approval of the regulatory body, the infrastructure managers shall set out in the network statement the ***modulation*** levels ~~*of penalty*~~ to be ~~*paid*~~***applied to the penalties due*** by the ~~*applicants*~~***applicant***. Provisionally agreed in ITM 26
Article 40(4), second subparagraph				
470	Following a proposal by the infrastructure manager and after consulting applicants and potential applicants, the regulatory body shall set the levels of compensation to be paid by the infrastructure manager. The infrastructure manager shall publish that information in the network statement.	Following a proposal by the infrastructure manager and after consulting applicants and potential applicants, the regulatory body shall set the levels of compensation to be paid by the infrastructure manager. The infrastructure manager shall publish that information in the network statement.	Following a proposal by the infrastructure manager and after consulting applicants ~~and potential applicants~~, the regulatory body shall set the levels of ~~compensation~~**penalty** to be paid by the infrastructure manager. The infrastructure manager shall publish that information in the network statement.	Following a proposal by the infrastructure manager ***that takes into account the criteria referred to in paragraph 3,*** and after consulting applicants, the regulatory body shall set the ***modulation*** levels ~~*of*~~***to be applied to the*** penalty ~~*to be paid*~~***due*** by the infrastructure manager. The infrastructure manager shall publish that information in the network statement.

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				Provisionally agreed in ITM 26
Article 40(4), third subparagraph				
471	The levels of compensation shall be such that they provide effective incentives for the infrastructure manager and for applicants to respect the planned use of capacity and minimise disturbances. These levels shall be proportionate and non-discriminatory.	The levels of compensation shall be such that they provide effective incentives for the infrastructure manager and for applicants to respect the planned use of capacity and minimise disturbances. These levels shall be proportionate and non-discriminatory.	The levels of ~~compensation~~**penalty** shall be such that they provide effective incentives for the infrastructure manager and for applicants to respect the planned use of capacity and minimise disturbances. These levels shall be proportionate and non-discriminatory.	*deleted*
Article 40(4), fourth subparagraph				
472	Infrastructure managers and regulatory bodies may set different levels of compensation depending on the impact of the change and whether the capacity can be re-allocated and used by another applicant. Those levels shall, in particular, take into account the rules in Article 39(4) and (8), the time left after the change was requested or took place until the time of the train run and the rate of utilisation of the rail infrastructure included in the capacity right.	Infrastructure managers and regulatory bodies may set different levels of compensation depending on the impact of the change and whether the capacity can be re-allocated and used by another applicant. Those levels shall, in particular, take into account the rules in Article 39(4) and (8), the time left after the change was requested or took place until the time of the train run and the rate of utilisation of the rail infrastructure included in the capacity right.	~~Infrastructure managers and regulatory bodies may set different levels of compensation depending on the impact of the change and whether the capacity can be re-allocated and used by another applicant.~~ Those levels shall, in particular, take into account the rules ~~in~~**and procedures set out under** Article 39(4) and (8)~~, the time left after the change was requested or took place until the time of the train run and the rate of utilisation of the rail infrastructure included in the capacity right~~ .	*deleted*
Article 40(4), fifth subparagraph				
472a			**The level of the penalties shall be modulated up to twice the**	***4a.*** The ***modulation*** level ~~*of the penalties*~~ shall be ~~*modulated*~~

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			level of track access charges on the basis of at least the following criteria:	~~*up to twice the level of track access charges on the basis of*~~***based on*** at least the following criteria:
Article 40(4), fifth subparagraph, point (a)				
Y	472b		**(a) impact of the change to capacity rights,**	(a) impact of the change to capacity rights,
Article 40(4), fifth subparagraph, point (b)				
Y	472c		**(b) the timing of the notification of the change provided by the party initiating the change to the other party,**	(b) the timing of the notification of the change provided by the party initiating the change to the other party,
Article 40(4), fifth subparagraph, point (c)				
Y	472d		**(c) where the change is caused by the infrastructure manager, the quality of the alternative capacity provided in terms of routing, timing, technical characteristics and other relevant aspects, when alternative capacity exists, or**	(c) where the change is caused by the infrastructure manager, the quality of the alternative capacity provided in terms of routing, timing, technical characteristics and other relevant aspects, when alternative capacity exists, or
Article 40(4), fifth subparagraph, point (d)				
Y	472e		**(d) where the change is caused by the applicant, whether the capacity can be re-allocated and used by another applicant.**	(d) where the change is caused by the applicant, whether the capacity can be re-allocated and used by another applicant.
Article 40(4), fourth subparagraph b				

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	472f		**For the purposes of applying the fifth subparagraph of this paragraph, a Member State may define modulation scales. Those scales shall comply with the conditions laid down in the third subparagraph of this paragraph. Member States shall endeavour to coordinate between themselves in accordance with Article 53a.**	*deleted*
Article 40(5)				
	473	5. In the case of multi-network capacity rights, the obligation to pay the compensation to the applicant shall apply to the infrastructure manager or managers which is or are responsible for the change to the capacity right, taking into account the capacity right in its entirety and, where more than one infrastructure manager is responsible, the ratio of the length of their networks in the capacity right. The compensation for the entirety of the capacity right shall not exceed the compensation due for the capacity right allocated by the infrastructure manager multiplied by three.	5. In the case of multi-network capacity rights, the obligation to pay the compensation to the applicant shall apply to the infrastructure manager or managers which is or are responsible for the change to the capacity right, taking into account the capacity right in its entirety and, where more than one infrastructure manager is responsible, the ratio of the length of their networks in the capacity right. The compensation for the entirety of the capacity right shall not exceed the compensation due for the capacity right allocated by the infrastructure manager multiplied by three.	5. ~~In the case of~~**A** multi-network capacity ~~rights,~~**right shall be considered as a single capacity right.** The obligation to pay the ~~compensation~~**penalty** to the applicant shall apply to the infrastructure manager or managers which is or are responsible for the change to the capacity right, taking into account the capacity right in its entirety and, where more than one infrastructure manager is responsible, the ratio of the length of their networks in the capacity right. The ~~compensation~~**penalty** for the entirety of the capacity right shall not exceed the ~~compensation~~**penalty** due for the	5. ***In case of*** a multi-network capacity right ***the total penalty*** shall be ~~*considered as a single capacity right. The obligation to pay the penalty to the applicant shall apply to the infrastructure manager or managers which is or are responsible for the change to the capacity right, taking into account the capacity right in its entirety and, where more than one infrastructure manager is responsible, the ratio*~~***calculated by adding the final amount*** of the ~~*length of their*~~***penalties, including the modulation, in each of the*** networks~~*in the capacity right. The penalty for the entirety of the capacity right shall not exceed the*~~

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			capacity right allocated by the infrastructure manager multiplied by ~~three~~**two**.	~~*penalty due for the capacity right allocated by the infrastructure manager multiplied by two.*~~*.*
Article 40(5a)				
473a				***5a. The obligation to pay the penalty to the applicant shall apply to the infrastructure manager or managers which is or are responsible for the change to the capacity right, taking into account the capacity right in its entirety. Where more than one infrastructure manager is responsible, the penalty shall be shared based on the ratio of the length of their networks in the total capacity right.*** ***The penalty due by a single infrastructure manager shall be up to three times the level of the penalty due in its own network but not more than the sum of the penalties for the entire capacity right.***
Article 40(5b)				
473b				***5b. The obligation to pay the penalty to the infrastructure managers shall apply to the applicant who requested the***

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				change taking into account the capacity right in its entirety. ***The penalty shall be paid to the infrastructure managers concerned, according to their relative part in the multi-network capacity right.***
Article 40(6)				
474	6. Regulatory bodies shall decide on disputes related to the reason for the change to a capacity right or delayed compensation and shall take a decision without delay and within one month of collecting all the necessary information to assess the cause of the change. Regulatory bodies shall inform and may consult the ENRRB on such decisions. The ENRRB shall ensure that such decisions are coherent and based on commonly recognized principles.	6. Regulatory bodies shall decide on disputes related to the reason for the change to a capacity right or ~~*delayed*~~***delays in the payment of the*** compensation and shall take a decision without delay and within one month of collecting all the necessary information to assess the cause of the change. Regulatory bodies shall inform and may consult the ENRRB on such decisions. The ENRRB shall ensure that such decisions are coherent and based on commonly recognized principles.	6. **The** regulatory bodies **concerned** shall decide on disputes related to the reason for the change to a capacity right or ~~delayed compensation~~**related to delays in the payment of a penalty** and shall take a decision without delay and within ~~one months~~**six weeks** of collecting all the necessary information to assess the cause of the change. Regulatory bodies shall inform and may consult the ENRRB on such decisions. **When consulted,** the ENRRB shall **advise Regulatory bodies with the aim to** ensure that such decisions are coherent and based on commonly recognized principles.	6. The regulatory bodies concerned shall decide on disputes related to the reason for the change to a capacity right or related to delays in the payment of a penalty and shall take a decision without delay and within ~~*six weeks*~~***one month*** of collecting all the necessary information to assess the cause of the change. Regulatory bodies shall inform and may consult the ENRRB on such decisions. When consulted, the ENRRB shall advise Regulatory bodies with the aim to ensure that such decisions are coherent and based on commonly recognized principles. Provisionally agreed in ITM 26
Article 40(6), second subparagraph				

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474a			**In the case of multi-network capacity rights an applicant shall have the right to appeal to the regulatory body responsible for the infrastructure manager acting as the single point of contact according to Article 28. The regulatory body responsible shall inform the other relevant regulatory bodies and the ENRRB.**	In the case of multi-network capacity rights an applicant shall have the right to appeal to the regulatory body responsible for the infrastructure manager acting as the single point of contact according to Article 28. The regulatory body responsible shall inform the other relevant regulatory bodies and the ENRRB. Provisionally agreed in ITM 26
Article 40(7)				
475	7. The Commission may adopt implementing acts setting out the conditions giving rise to the payment of compensations, the categorisation of changes to capacity rights and the methodologies to set the levels of compensation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	7. The Commission ~~*may*~~***shall be empowered to*** adopt ~~*implementing acts setting*~~***delegated acts in accordance with Article 71 to set*** out the conditions giving rise to the payment of compensations, the categorisation of changes to capacity rights and the methodologies to set the levels of compensation ***and to amend paragraph 2 of this Article***. Those ~~*implementing*~~***delegated*** acts shall be adopted ~~*in accordance with the examination procedure referred to in Article 72(3)*~~***by ... [24 months from the entry into force of this Regulation]. They shall be***	~~7.~~ **If ENIM fails to adopt the procedures referred to in Article 39(8) or the conditions referred to in Article 40(3) [within 24 months from the date of application referred to in the introductory part of Article 77(2)] or if those procedures and conditions do not allow for a uniform implementation of Article 39 or of Article 40 either for reasons linked to the content of those procedures and conditions or for reasons due to a lack of implementation by infrastructure managers,** the Commission may adopt implementing acts setting out the	*deleted*

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		included in the European framework for capacity management.	~~conditions giving rise to the payment of compensations, the~~ categorisation of changes to capacity rights and the ~~methodologies to set the levels of compensation~~**conditions giving rise to the payment of penalties**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).	
Article 40(7)				
Y	*475a*		**7. Without prejudice to the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 ('COTIF'), in particular to Appendix E to that Convention, where applicable, and to the right to appeal under national and EU law any decision taken pursuant to this Article, the payment of a penalty by the party initiating the change to capacity rights in accordance with this Article exhausts for the other party other financial claims related to the same change.**	7. Without prejudice to the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 ('COTIF'), in particular to Appendix E to that Convention, where applicable, and to the right to appeal under national and EU law any decision taken pursuant to this Article, the payment of a penalty by the party initiating the change to capacity rights in accordance with this Article exhausts for the other party other financial claims related to the same change. Y
Article 40a				

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G 475b			**Article 40a** **Implementing acts relating to the changes to capacity rights and penalty**	*deleted* *Provisionally agreed in ITM 30*
Article 40a				
G *475c*	*7.* The Commission may adopt implementing acts setting out the conditions giving rise to the payment of compensations, the categorisation of changes to capacity rights and the methodologies to set the levels of compensation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3). Moved reference text		~~*7.*~~ **If ENIM fails to adopt the procedures referred to in Article 39(8) or the conditions referred to in Article 40(3) [within 24 months from the date of application referred to in the introductory part of Article 77(2)] or if those procedures and conditions do not allow for a uniform implementation of Article 39 or of Article 40 either for reasons linked to the content of those procedures and conditions or for reasons due to a lack of implementation by infrastructure managers,** the Commission may adopt implementing acts setting out the ~~conditions giving rise to the payment of compensations, the~~ categorisation of changes to capacity rights and the ~~methodologies to set the levels of compensation~~**conditions giving rise to the payment of penalties**. Those implementing acts shall be	*deleted* *Provisionally agreed in ITM 30* G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
			adopted in accordance with the examination procedure referred to in Article 72(3). Moved from row 475 [475 - 475c]		
Article 41					
G	*476*	Article 41 Rescheduling in the context of disruption management and crisis management	Article 41 Rescheduling in the context of disruption management and crisis management	Article 41 Rescheduling in the context of disruption management and crisis management	Article 41 Rescheduling in the context of disruption management and crisis management	G
Article 41(1)					
G	477	1. In the event of a network disruption as referred to in Article 46 or of a crisis situation as referred to in Article 47, the infrastructure manager or managers concerned shall make all possible efforts to reschedule traffic affected by the disruption. For that purpose, infrastructure managers shall allocate rail infrastructure capacity in accordance with the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44, on the basis of the contingency plans prepared in accordance with Article 19 and in close	1. In the event of a network disruption as referred to in Article 46 or of a crisis situation as referred to in Article 47, the infrastructure manager or managers concerned shall make all possible efforts to reschedule traffic affected by the disruption. For that purpose, infrastructure managers shall allocate rail infrastructure capacity in accordance with the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44, on the basis of the contingency plans prepared in accordance with Article 19 and in close	1. In the event of a network disruption as referred to in Article 46 or of a crisis situation as referred to in Article 47, the infrastructure manager or managers concerned shall make all possible efforts to reschedule traffic affected by the disruption. For that purpose, infrastructure managers shall allocate rail infrastructure capacity ~~in accordance with the European framework for the cross-border coordination of traffic management, disruption management and crisis management~~**taking into account the guidelines** referred to in ~~Article 44~~**paragraph 2**, on the basis of the contingency plans	1. In the event of a network disruption as referred to in Article 46 or of a crisis situation as referred to in Article 47, the infrastructure manager or managers concerned shall make all possible efforts to reschedule traffic affected by the disruption. For that purpose, infrastructure managers shall allocate rail infrastructure capacity taking into account the guidelines referred to in paragraph 2, on the basis of the contingency plans prepared in accordance with Article 19 and in close coordination with operational stakeholders and, where relevant, other stakeholders concerned.	G

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	coordination with operational stakeholders and, where relevant, other stakeholders concerned.	coordination with operational stakeholders and, where relevant, other stakeholders concerned.	prepared in accordance with Article 19 and in close coordination with operational stakeholders and, where relevant, other stakeholders concerned.	Provisionally agreed in ITM 27
Article 41(2), first subparagraph				
G 478	2. ENIM shall develop and adopt guidelines for managing and allocating infrastructure capacity in the event of a network disruption in a transparent and non-discriminatory way. In particular, ENIM shall provide guidelines on the application of the simultaneous capacity allocation process and the first come, first served principle.	2. ***By... [12 months from the entry into force of this Regulation],*** ENIM shall develop and adopt guidelines for managing and allocating infrastructure capacity in the event of a network disruption in a transparent and non-discriminatory way. In particular, ENIM shall provide guidelines on the application of the simultaneous capacity allocation process and the first come, first served principle.	2. ENIM shall develop and adopt guidelines for managing and allocating infrastructure capacity in the event of a network disruption in a transparent and non-discriminatory way. In particular, ENIM shall provide guidelines on the application of the ~~simultaneous capacity allocation process~~**disruption management** and the first come, first served principle.	2. ENIM shall develop and adopt guidelines for managing and allocating infrastructure capacity in the event of a network disruption ***and include them in the European framework for the coordination of cross-border traffic management, disruption management and crisis management*** ~~*in a transparent and non-discriminatory way*~~. In particular, ENIM shall provide guidelines on the application of the disruption management and the first come, first served principle. Provisionally agreed in ITM 27
Article 41(2), second subparagraph				
G 479	Where the simultaneous allocation process applies, ENIM shall provide guidelines on the procedures to applied, involving as appropriate the application of the consensual conflict resolution process referred to in Article 36	Where the simultaneous allocation process applies, ENIM shall provide guidelines on the procedures to ***be*** applied, involving as appropriate the application of the consensual conflict resolution	~~Where the simultaneous allocation process~~**When disruption management** applies, ENIM shall provide guidelines on the procedures to **be** applied, involving as appropriate the application of the consensual	When disruption management applies, ENIM shall provide guidelines on the procedures to be applied, involving as appropriate the application of the consensual conflict resolution mechanism referred to in Article 36 and of the

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	and of the formal conflict resolution process referred to in Article 37. ENIM shall include those guidelines in the European framework for capacity management referred to in Article 6.	~~process~~***mechanism*** referred to in Article 36 and of the formal conflict resolution ~~process~~***mechanism*** referred to in Article 37.– ENIM shall include those guidelines in the European framework for capacity management referred to in Article 6.	conflict resolution ~~process~~**mechanism** referred to in Article 36 and of the formal conflict resolution ~~process~~**mechanism** referred to in Article 37.– ENIM shall include those guidelines in the European framework for ~~capacity~~**the coordination of cross-border traffic management, disruption management and crisis** management referred to in Article ~~6~~**44**.	formal conflict resolution mechanism referred to in Article 37. ENIM shall include those guidelines in the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44. Provisionally agreed in ITM 27
Article 41(3)				
G	480 3. When rescheduling, infrastructure managers shall not unilaterally change or cancel existing capacity rights for the purpose of managing disruptions. However, based on the experience of regulatory bodies, infrastructure managers and railway undertakings and on the activities of ENIM and the ENRRB, the Commission may adopt an implementing act setting out the criteria and procedures for rescheduling, including unilateral changes to allocated capacity rights by infrastructure managers for the purpose of managing	3. When rescheduling, infrastructure managers shall not unilaterally change or cancel existing capacity rights for the purpose of managing disruptions. However, based on the experience of regulatory bodies, infrastructure managers and railway undertakings and on the activities of ENIM and the ENRRB, the Commission ~~may~~***shall be empowered to*** adopt ~~*an implementing act setting*~~***a delegated act in accordance with Article 71 to set*** out the criteria and procedures for rescheduling, including unilateral changes to	3. When rescheduling, infrastructure managers shall **do its utmost not to**~~not~~ unilaterally change or cancel existing capacity rights for the purpose of managing disruptions. ~~However, based on the experience of regulatory bodies, infrastructure managers and railway undertakings and on the activities of ENIM and the ENRRB, the Commission may adopt an implementing act setting out the criteria and procedures for rescheduling, including unilateral changes to allocated capacity rights by infrastructure managers for the purpose of managing~~	*deleted* *Provisionally agreed in ITM 32*

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	network disruptions. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 72(3).	allocated capacity rights by infrastructure managers for the purpose of managing network disruptions ***and to amend paragraph 2 of this Article. Those delegated acts*** ~~*. That implementing act*~~ shall be adopted ~~*in accordance with the examination procedure referred to in Article 72(3)*~~***by ... [24 months from the entry into force of this Regulation]. They shall be included in the European framework for capacity management***.	~~network disruptions. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 72(3).~~	
Article 41(4)				
G *481*	*4.* Infrastructure managers and applicants may conclude, on a voluntary basis, agreements providing for a replacement of certain capacity rights in the event of a network disruption. Such agreements shall be mentioned in the contingency plan referred to in Article 19.	4. Infrastructure managers and applicants may conclude, on a voluntary basis, agreements providing for a replacement of certain capacity rights in the event of a network disruption. Such agreements shall be mentioned in the contingency plan referred to in Article 19.	4. Infrastructure managers and applicants may ~~conclude, on a voluntary basis, agreements~~**define measures** providing for a replacement of certain capacity rights in the event of a network disruption. Such ~~agreements~~**measures** shall be mentioned in the contingency plan referred to in Article 19.	4. Infrastructure managers and applicants may ~~*define measures*~~***conclude, on a voluntary basis, agreements*** providing for a replacement of certain capacity rights in the event of a network disruption. Such ~~*measures*~~***agreements*** shall be mentioned in the contingency plan referred to in Article 19. Provisionally agreed in ITM 27 G
Article 41(5)				
G 482	5. In the case of a network disruption affecting traffic on more than one network, the	5. In the case of a network disruption affecting traffic on more than one network, the	5. In the case of a network disruption affecting traffic on more than one network, the	5. In the case of a network disruption affecting traffic on more than one network, the G

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	infrastructure managers concerned shall coordinate the allocation of alternative capacity in accordance with Article 53 and with the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44.	infrastructure managers concerned shall coordinate the allocation of alternative capacity in accordance with Article 53 and with the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44.	infrastructure managers concerned shall coordinate the allocation of alternative capacity in accordance with Article 53 and ~~with~~**taking into account** the European framework for the ~~cross-border~~ coordination of **cross-border** traffic management, disruption management and crisis management referred to in Article 44.	infrastructure managers concerned shall coordinate the allocation of alternative capacity in accordance with Article 53 and taking into account the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44. Provisionally agreed in ITM 27 (30/09) subject to the outcome on 'taking into account'
Article 41(6)				
G 482a			**6. If ENIM fails to adopt the guidelines for managing and allocating infrastructure capacity in the event of a network disruption *[within 24 months from the date of application referred to in the introductory part of Article 77(2)]* or if those guidelines do not allow for a uniform implementation of this Article either for reasons linked to the content of those guidelines or for reasons due to a lack of implementation by**	*deleted* *Provisionally agreed in ITM 32* G

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			infrastructure managers, the Commission may adopt an implementing act setting out the criteria and procedures for rescheduling, including unilateral changes to allocated capacity rights by infrastructure managers for the purpose of managing network disruptions. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 72(3).	
CHAPTER III				
483	CHAPTER III TRAFFIC, DISRUPTION AND CRISIS MANAGEMENT	CHAPTER III TRAFFIC, DISRUPTION AND CRISIS MANAGEMENT	CHAPTER III TRAFFIC, DISRUPTION AND CRISIS MANAGEMENT	CHAPTER III TRAFFIC, DISRUPTION AND CRISIS MANAGEMENT
Article 42				
G 484	Article 42 Traffic management, disruption management and crisis management	Article 42 Traffic management, disruption management and crisis management	Article 42 Traffic management, disruption management and crisis management	Article 42 Traffic management, disruption management and crisis management G
Article 42(1), first subparagraph				
G 485	1. Infrastructure managers shall perform traffic management in accordance with this Regulation and Directive (EU) 2016/797 and the specifications laid down in implementing acts adopted under that Directive.	1. Infrastructure managers shall perform traffic management in accordance with this Regulation and Directive (EU) 2016/797 and the specifications laid down in implementing acts adopted under that Directive.	1. Infrastructure managers shall perform traffic management in accordance with this Regulation and Directive (EU) 2016/797 and the specifications laid down in implementing acts adopted under that Directive.	1. Infrastructure managers shall perform traffic management in accordance with this Regulation and Directive (EU) 2016/797 and the specifications laid down in implementing acts adopted under that Directive. G

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Article 42(1), second subparagraph						
G	486	For that purpose, infrastructure managers shall perform:	For that purpose, infrastructure managers shall perform:	For that purpose, infrastructure managers shall perform:	For that purpose, infrastructure managers shall perform:	G
Article 42(1), second subparagraph, point (a)						
G	487	(a) traffic management during normal operating conditions involving the management of incidents resulting in limited deviations from the working timetable;	(a) traffic management during normal operating conditions involving the management of incidents resulting in limited deviations from the working timetable;	(a) traffic management during normal operating conditions involving the management of incidents resulting in limited deviations from the working timetable;	(a) traffic management during normal operating conditions involving the management of incidents resulting in limited deviations from the working timetable;	G
Article 42(1), second subparagraph, point (b)						
G	488	(b) disruption management to address significant disturbances to network operations requiring concerted action in accordance with Article 46;	(b) disruption management to address significant disturbances to network operations requiring concerted action in accordance with Article 46;	(b) disruption management to address significant disturbances to network operations requiring concerted action in accordance with Article 46;	(b) disruption management to address significant disturbances to network operations requiring concerted action in accordance with Article 46;	G
Article 42(1), second subparagraph, point (c)						
G	489	(c) traffic management during crisis situations as set out in Article 47.	(c) traffic management during crisis situations as set out in Article 47.	(c) traffic management during crisis situations as set out in Article 47.	(c) traffic management during crisis situations as set out in Article 47.	G
Article 42(2)						
G	490	2. In the event of large-scale crisis situations, both within and beyond the transport sector, Member States may implement measures derogating from the rules applicable in normal situations in accordance with Article 47. In such cases and	2. In the event of large-scale crisis situations, both within and beyond the transport sector, Member States may implement measures derogating from the rules applicable in normal situations in accordance with Article 47. In such cases and	*deleted*	*deleted* *Provisionally agreed in ITM 25*	G

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	where relevant, infrastructure managers shall adopt and apply special rules and procedures, subject to the conditions specified in Article 47.	where relevant, infrastructure managers shall adopt and apply special rules and procedures, subject to the conditions specified in Article 47.		
Article 42(2a)				
490a		***2a. Infrastructure managers shall publish and make freely accessible the special rules and procedures referred to in paragraph 2. They shall notify them to the Commission.***		*deleted* *Provisionally agreed in ITM 23*
Article 42(3), first subparagraph				
491	*3.* When managing traffic, infrastructure managers shall adhere to the principles set out in Article 2.	3. When managing traffic, infrastructure managers shall adhere to the principles set out in Article 2.	3. When managing traffic, infrastructure managers shall adhere to the principles set out in Article 2.	3. When managing traffic, infrastructure managers shall adhere to the principles set out in Article 2.
Article 42(3), second subparagraph				
492	In particular, infrastructure managers shall minimise disturbances and their impact on rail traffic and shall:	In particular, infrastructure managers shall minimise disturbances and their impact on rail traffic and shall:	In particular, infrastructure managers shall minimise disturbances and their impact on rail traffic and shall:	In particular, infrastructure managers shall minimise disturbances and their impact on rail traffic and shall:
Article 42(3), second subparagraph, point (a)				
493	(a) ensure a fast and coordinated reaction to disturbances, in particular in the event of network disruptions and crisis situations;	(a) ensure a fast and coordinated reaction to disturbances, in particular in the event of network disruptions and crisis situations;	(a) ensure a fast and coordinated reaction to disturbances, in particular in the event of network disruptions and crisis situations;	(a) ensure a fast and coordinated reaction to disturbances, in particular in the event of network disruptions and crisis situations;
Article 42(3), second subparagraph, point (b)				

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G	494	(b) stabilise and optimise rail traffic during the entire duration of network disruptions and crises;	(b) stabilise and optimise rail traffic during the entire duration of network disruptions and crises;	(b) stabilise and optimise rail traffic during the entire duration of network disruptions and crises;	(b) stabilise and optimise rail traffic during the entire duration of network disruptions and crises;	G
Article 42(3), second subparagraph, point (c)						
G	495	(c) provide relevant, accurate and up-to-date information to operational stakeholders and to other concerned parties, in particular authorities in charge of managing crisis situations outside the rail sector. This information shall be provided by the appropriate means, including those referred to in Article 62.	(c) provide relevant, accurate and up-to-date information to operational stakeholders and to other concerned parties, in particular authorities in charge of managing crisis situations outside the rail sector. This information shall be provided by the appropriate means, including those referred to in Article 62.	(c) provide relevant, accurate and up-to-date information to operational stakeholders and to other concerned parties, in particular authorities in charge of managing crisis situations outside the rail sector. This information shall be provided by the appropriate means, including those referred to in Article 62.	(c) provide relevant, accurate and up-to-date information to operational stakeholders and to other concerned parties, in particular authorities in charge of managing crisis situations outside the rail sector. This information shall be provided by the appropriate means, including those referred to in Article 62.	G
Article 43						
G	496	Article 43 Rules and procedures for traffic management and disruption management	Article 43 Rules and procedures for traffic management and disruption management	Article 43 Rules and procedures for traffic management and disruption management	Article 43 Rules and procedures for traffic management and disruption management	G
Article 43(1)						
G	497	1. Infrastructure managers shall put in place rules and procedures to manage deviations of train movements from the working timetable. Those rules and procedures shall be published in the network statement referred to in Article 27 of Directive 2012/34/EU and shall cover traffic management in the situations set	1. ***By ... [18 months from the entry into force of this Regulation],*** infrastructure managers shall put in place rules and procedures to manage deviations of train movements from the working timetable. Those rules and procedures shall be published in the network statement referred to in Article 27 of	1. Infrastructure managers shall put in place rules and procedures to manage deviations of train movements from the working timetable. Those rules and procedures shall be published in the network statement referred to in Article 27 of Directive 2012/34/EU and shall cover traffic management in the situations set	1. Infrastructure managers shall put in place rules and procedures to manage deviations of train movements from the working timetable. Those rules and procedures shall be published in the network statement referred to in Article 27 of Directive 2012/34/EU and shall cover traffic management in the situations set	G

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	out in Article 42(1), points (a), (b) and (c) of this Regulation.	Directive 2012/34/EU and shall cover traffic management in the situations set out in Article 42(1), points (a), (b) and (c) of this Regulation.	out in Article 42(1), points (a), (b) and (c) of this Regulation.	out in Article 42(1), points (a), (b) and (c) of this Regulation. Provisionally agreed in ITM 23
Article 43(2)				
G 498	2. The rules and procedures referred to in paragraph 1 shall aim at minimising the overall impact of deviations from the timetable on rail traffic, taking into account the needs of all types of transport. The principles may involve priority rules for the management between the different types of traffic and the specific procedures, criteria and targets to be applied in an optimisation-based approach that relies on the optimisation of a target function, such as the minimization of the delay minutes or of the time to return to normal operations, rather than explicit priority rules.	2. The rules and procedures referred to in paragraph 1 shall aim at minimising the overall impact of deviations from the timetable on rail traffic, taking into account the needs of all types of transport. The ~~principles~~***rules and procedures*** may involve priority rules for the management between the different types of traffic and the specific procedures, criteria and targets to be applied in an optimisation-based approach that relies on the optimisation of a target function, such as the minimization of the delay minutes or of the time to return to normal operations, rather than explicit priority rules.	2. The rules and procedures referred to in paragraph 1 shall aim at minimising the overall impact of deviations from the timetable on **all types of** rail traffic, taking into account the needs of all types of transport. The ~~principles~~**rules and procedures** may involve priority rules for the management between the different types of traffic and the specific procedures, criteria and targets to be applied in an optimisation-based approach that relies on the optimisation of a target function, such as the minimization of the delay minutes or of the time to return to normal operations, rather than explicit priority rules.	2. The rules and procedures referred to in paragraph 1 shall aim at minimising the overall impact of deviations from the timetable on all types of rail traffic, taking into account the needs of all types of transport. The rules and procedures may involve priority rules for the management between the different types of traffic and the specific procedures, criteria and targets to be applied in an optimisation-based approach that relies on the optimisation of a target function, such as the minimization of the delay minutes or of the time to return to normal operations, rather than explicit priority rules. Provisionally agreed in ITM 23 G
Article 43(3)				
G 499	3. In the event of a disruption to train movements caused by technical failure or	3. In the event of a disruption to train movements caused by technical failure or	3. In the event of a disruption to train movements caused by technical failure or	3. In the event of a disruption to train movements caused by technical failure or G

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	accident, the infrastructure manager shall take all necessary steps to restore the situation to normal. To that end, it shall implement a contingency plan in accordance with Article 19. In the event of a disturbance which has a potential impact on cross-border traffic, the infrastructure managers concerned shall cooperate with each other to restore the cross-border traffic to normal in accordance with the European framework for the coordination of traffic, disruption and crisis management referred to in Article 44.	accident, the infrastructure manager shall, ***without delay,*** take all necessary steps to restore the situation to normal. To that end, it shall implement a contingency plan in accordance with Article 19. In the event of a disturbance which has a potential impact on cross-border traffic, the infrastructure managers concerned shall cooperate with each other to restore the cross-border traffic to normal in accordance with the European framework for the coordination of traffic, disruption and crisis management referred to in Article 44.	accident, the infrastructure manager shall take all necessary steps to restore the situation to normal. To that end, it shall implement ~~a~~**the** contingency plan **developed** in accordance with Article 19. In the event of a disturbance which has a potential impact on cross-border traffic, the infrastructure managers concerned shall cooperate with each other to restore the cross-border traffic to normal in accordance with the European framework for the coordination of traffic, disruption and crisis management referred to in Article 44.	accident, the infrastructure manager shall take all necessary steps to restore the situation to normal. To that end, it shall implement the contingency plan developed in accordance with Article 19. In the event of a disturbance which has a potential impact on cross-border traffic, the infrastructure managers concerned shall cooperate with each other to restore the cross-border traffic to normal in accordance with the European framework for the coordination of traffic, disruption and crisis management referred to in Article 44. Provisionally agreed in ITM 23
Article 43(4)				
G	500	4. When setting out the rules and procedures referred to in paragraph 1, infrastructure managers shall take the utmost account of the European framework for the coordination of traffic, disruption and crisis management referred to in Article 44. They shall explain in the network statement the reason for any deviation from the common	4. When setting out the rules and procedures referred to in paragraph 1, infrastructure managers shall take the utmost account of the European framework for the coordination of traffic, disruption and crisis management referred to in Article 44. They shall explain in the network statement the reason for any deviation from the common	4. When setting out the rules and procedures referred to in paragraph 1, infrastructure managers shall take ~~*the utmost*~~ account of the European framework for the coordination of traffic, disruption and crisis management referred to in Article 44. ***They shall explain in the network statement the reason for any deviation from the common***

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	rules and procedures established in the European framework for the coordination of traffic, disruption and crisis management.	rules and procedures established in the European framework for the coordination of traffic, disruption and crisis management.	~~rules and procedures established in the European framework for the coordination of traffic, disruption and crisis management.~~	***rules and procedures established in the European framework for the coordination of traffic, disruption and crisis management.*** Provisionally agreed in ITM 23
Article 43(4a)				
500a		***4a. Deviations shall only be allowed in duly justified cases and shall be approved by the national regulatory body.***		*deleted* *Provisionally agreed in ITM 23*
Article 43(5), first subparagraph				
501	*5.* In cases of force majeure, and, where absolutely necessary, on account of an incident making the infrastructure temporarily unusable, allocated capacity rights may be withdrawn without warning for as long as is necessary to repair the system.	5. In cases of force majeure, and, where absolutely necessary, on account of an incident making the infrastructure temporarily unusable, allocated capacity rights may be withdrawn without warning for as long as is necessary to repair the system ***whilst at the same time making the utmost efforts to provide possible alternatives***.	5. In cases of force majeure, and, where absolutely necessary, on account of an incident making the infrastructure temporarily unusable, allocated capacity rights may be withdrawn without warning for as long as is necessary to repair the system.	5. In cases of force majeure, and, where absolutely necessary, on account of an incident making the infrastructure temporarily unusable, allocated capacity rights may be withdrawn without warning for as long as is necessary to repair the system ***whilst at the same time making the utmost efforts to provide possible alternatives***. Provisionally agreed in ITM 23
Article 43(5), second subparagraph				
502	The infrastructure manager may, if it deems this necessary, require railway undertakings to make	The infrastructure manager may, if it deems this necessary, require railway undertakings to make	The infrastructure manager may, if it deems this necessary, require railway undertakings to make	The infrastructure manager may, if it deems this necessary, require railway undertakings to make

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	available to it the resources which it considers are the most appropriate to restore the situation to normal as soon as possible.	available to it the resources which it considers are the most appropriate to restore the situation to normal as soon as possible.	available to it the resources which it considers are the most appropriate to restore the situation to normal as soon as possible.	available to it the resources which it considers are the most appropriate to restore the situation to normal as soon as possible.	
Article 43(5), second subparagraph a					
G 502a		***5a. In the case of a capacity withdrawal, infrastructure managers shall inform railway undertakings timely on their time management, on progress of repairs and on possible alternatives to their allocated capacity.***		***5a. In case of a capacity cancellation, infrastructure managers shall inform railway undertakings on their time management, on progress of repairs and on possible alternatives to their allocated capacity.*** Provisionally agreed in ITM 25	G
Article 43(5), second subparagraph b					
G 502b		***6a. The Commission shall adopt, by [24 months from the entry into force of this Regulation], implementing acts to set out rules and procedures to manage deviations of train movements from the working timetable and amend paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).***		*deleted* *Provisionally agreed in ITM 25*	G
Article 43(6)					

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G	*503*	*6.* Member States may require railway undertakings to be involved in assuring the enforcement and monitoring of their own compliance with the safety standards and rules.	6. Member States may require railway undertakings to be involved in assuring the enforcement and monitoring of their own compliance with the safety standards and rules.	*deleted*	***6. Member States may require railway undertakings to be involved in assuring the enforcement and monitoring of their own compliance with the safety standards and rules.*** Provisionally agreed in ITM 23	G
	Article 44					
G	504	Article 44 European framework for the coordination of cross-border traffic management, disruption management and crisis management	Article 44 European framework for the coordination of cross-border traffic management, disruption management and crisis management	Article 44 European framework for the coordination of cross-border traffic -management, disruption management and crisis management	Article 44 European framework for the coordination of cross-border traffic- management, disruption management and crisis management	G
	Article 44(1), first subparagraph					
Y	505	1. ENIM shall develop and adopt a European framework for the coordination of cross border traffic, traffic disruption and crisis management in accordance with Article 42 at the latest by [12 months after the entry into force of this Regulation].	1. ENIM shall develop and adopt a European framework for the coordination of cross border traffic, traffic disruption and crisis management in accordance with Article 42 at the latest by [12 months after the entry into force of this Regulation].	1. **By [24 months of the entry into force of this Regulation],** ENIM shall develop and adopt a **'**European framework for the coordination of cross border traffic~~, traffic~~ **management,** disruption **management** and crisis management**'** in accordance with **the principles referred to in** Article 42 ~~at the latest by [12 months after the entry into force of this Regulation]~~**, laying down guidelines for the coordination between infrastructure**	1. By [24 months of the entry into force of this Regulation], ENIM shall develop and adopt a 'European framework for the coordination of cross border traffic management, disruption management and crisis management' in accordance with the principles referred to in Article 42, laying down guidelines for the coordination between infrastructure managers, railway undertakings and other operational stakeholders***, and taking into account the work of the Europe's***	Y

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			managers, railway undertakings and other operational stakeholders. Infrastructure managers shall strive to follow those guidelines for the coordination of cross border traffic management, disruption management and crisis management. They shall explain, in the network statement, the reasons for any deviation from those guidelines.	***Rail Joint Undertaking established under Article 3(1), point (d), of Regulation (EU 2021/2085)***. Infrastructure managers shall ~~*strive to follow*~~ ***take the utmost account of*** those guidelines for the coordination of cross border traffic management, disruption management and crisis management. ~~*They shall explain, in the network statement, the reasons for any deviation from those guidelines.*~~ Provisionally agreed in ITM 32
Article 44(1), first subparagraph a				
505a				***1a. When preparing the network statement referred to in Article 27 of Directive 2012/34/EU and Article 5(2) of this Regulation, infrastructure managers shall take the utmost account of the European framework for the coordination of cross-border traffic management, disruption management and crisis management. They shall explain, in the network statement, the reason for any deviation from the***

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				guidelines for the coordination established in this framework.	
Article 44(1), second subparagraph					
G 506	ENIM shall develop the European framework for the coordination of cross-border traffic management, disruption management and crisis management in cooperation with operational stakeholders and interested parties through the consultation process referred to in Article 54, taking into account the work of the Europe's Rail Joint Undertaking established in Title IV of Regulation (EU 2012/2085.	ENIM shall develop the European framework for the coordination of cross-border traffic management, disruption management and crisis management in cooperation with operational stakeholders and interested parties through the consultation process referred to in Article 54, taking into account the work of the Europe's Rail Joint Undertaking established in Title IV of Regulation (EU***) 2021/2085*** ~~*2012/2085*~~.	**1a.** ENIM shall develop the European framework for the coordination of cross-border traffic management, disruption management and crisis management in cooperation with operational stakeholders and interested parties through the consultation process referred to in Article 54, taking into account the work of the Europe's Rail Joint Undertaking established ~~in Title IV~~**under Article 3(1), point (d),** of Regulation (EU ~~2012/2085~~**2021/2085)**.	~~*1a*~~***1b***. ENIM shall ~~*develop*~~***publish a draft of*** the European framework for the coordination of cross-border traffic management, disruption management and crisis management ~~*in cooperation with*~~***for consulting ERP and operational stakeholders. ERP and*** operational stakeholders ~~*and interested parties through*~~***may submit their replies to*** the consultation ~~*process referred to in Article 54, taking into account the work of the Europe's Rail Joint Undertaking established under Article 3(1), point (d), of Regulation (EU 2021/2085)*~~***within three months after the publication of this draft***. Provisionally agreed in ITM 32 Provisionally agreed in ITM 23	G
Article 44(2)					
Y 507	2. The European framework for the coordination of cross-border traffic management, disruption management and crisis	2. The European framework for the coordination of cross-border traffic management, disruption management and crisis	~~*2*~~**1b**. **ENIM shall submit a draft for** the European framework for the coordination of cross-border traffic management,	~~*1b*~~***1c***. ENIM shall submit ***the final*** ~~*a*~~ draft for the European framework for the coordination of cross-border traffic management,	Y

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	management shall provide guidelines for the coordination between infrastructure managers, railway undertakings and other operational stakeholders.	management shall provide guidelines for the coordination between infrastructure managers, railway undertakings and other operational stakeholders**,** ***including ENRRB***.	disruption management and crisis management **to the ENRRB within 18 months after the entry into force of this Regulation. The ENRRB** shall ~~provide guidelines~~**submit a recommendation to ENIM on the European framework** for the coordination ~~between infrastructure managers, railway undertakings and other operational stakeholders~~**of cross-border traffic management, disruption management and crisis management, within 4 months after receiving the draft prepared by ENIM. ENIM shall take the utmost account of this recommandation when adopting the European framework for the coordination of cross-border traffic management, disruption management and crisis management.**	disruption management and crisis management to the ENRRB within ***[***18 months after the entry into force***]*** of this Regulation. The ENRRB shall submit a recommendation to ENIM on the European framework for the coordination of cross-border traffic management, disruption management and crisis management, within ~~4~~***three*** months after receiving the draft prepared by ENIM. ENIM shall take the utmost account of this ~~recommandation~~***recommendation*** when adopting the European framework for the coordination of cross-border traffic management, disruption management and crisis management. Provisionally agreed in ITM 23 Provisionally agreed in ITM 32
Article 44(3)				
G 508	3. In particular, the European framework for the cross-border coordination of traffic management, disruption management and crisis	3. In particular, the European framework for the cross-border coordination of traffic management, disruption management and crisis	3. ~~In particular,~~ The European framework for the ~~cross-border~~ coordination of **cross-border** traffic management, disruption management and crisis management shall comprise **at**	3. The European framework for the coordination of cross-border traffic management, disruption management and crisis management shall comprise ***of*** at least the elements listed in Annex G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	management shall comprise the elements listed in Annex V.	management shall comprise the elements listed in Annex V.	**least** the elements listed in Annex V **and shall be updated when necessary to take into account the experience of infrastructure managers, railway undertakings and other applicants and based on the activities of ENIM. When updating the European framework for the coordination of cross-border traffic management, disruption management and crisis management, ENIM shall submit a draft to the ENRRB for recommendation.**	V and shall be updated when necessary to take into account the experience of ~~*infrastructure managers, railway undertakings and other applicants and based on*~~ ***operational stakeholders as well as*** the activities of ENIM. When ~~*updating*~~ the European framework for the coordination of cross-border traffic management, disruption management and crisis management ***is updated, ENIM shall consult ERP and operational stakeholders, and***~~*ENIM*~~ shall submit a draft to the ENRRB for recommendation***, in accordance with paragraph 1b and 1c***. Provisionally agreed in ITM 23 Provisionally agreed in ITM 32
Article 44(3a)				
G 508a				***3a. When exercising its powers in relation to the network statement in accordance with Article 56(1) and 56(2) of Directive 2012/34/EU, the regulatory body shall take into account the recommendation on the European framework for the coordination of cross border*** G

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				traffic management, disruption management and crisis management adopted by ENRRB, in accordance with paragraph 1a and without prejudice to the principle of independence of regulatory bodies. Provisionally agreed in ITM 32
Article 44(3b)				
G 508b		***3a. Taking into account the framework adopted by ENIM in accordance with paragraph 1, the Commission shall be empowered , to adopt delegated acts in accordance with Article 71 to set out the details for the coordination of cross-border traffic management, disruption management and crisis management and to amend paragraph 2 of this Article. Those delegated acts shall be adopted by ... [24 months from the entry into force of this Regulation]..***		***3b. The Commission is empowered, in accordance with Article 70b, to adopt [implementing/delegated] acts setting out the European Framework for the coordination of cross border traffic management, disruption management and crisis management, as defined in paragraph 3 of this Article.*** ***Those [implementing] acts shall be adopted in accordance with the [examination procedure referred to in Article 72, paragraph 3].*** Provisionally agreed in ITM 29
Article 45				
G 509	Article 45	Article 45	Article 45	Article 45

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	Coordination of traffic management, disruption management and crisis management	Coordination of traffic management, disruption management and crisis management	Coordination of **cross-border** traffic management, disruption management and crisis management	Coordination of cross-border traffic management, disruption management and crisis management	
Article 45, first paragraph					
G 510	Infrastructure managers shall coordinate traffic management in accordance with Article 53 and on the basis of the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44.	Infrastructure managers shall coordinate traffic management in accordance with Article 53 and on the basis of the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44.	Infrastructure managers shall coordinate traffic management in accordance with Article 53~~ and on the basis~~**. When doing so, they shall take the utmost account** of the European framework for the ~~cross-border~~ coordination of **cross-border** traffic management, disruption management and crisis management referred to in Article 44.	Infrastructure managers shall coordinate traffic management in accordance with Article 53~~. When doing so, they shall take the utmost account~~ ***and on the basis*** of the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44. Provisionally agreed in ITM 23	G
Article 45, second paragraph					
G 511	Coordination shall ensure in particular:	Coordination shall ensure in particular:	Coordination shall ensure in particular:	Coordination shall ensure in particular:	G
Article 45, second paragraph, point (a)					
G 512	(a) that international rail services operate with minimum disruptions both under regular operations and in disturbed situations;	(a) that international rail services operate with minimum disruptions both under regular operations and in disturbed situations;	(a) that international rail services operate with minimum disruptions both under regular operations and in disturbed situations;	(a) that international rail services operate with minimum disruptions both under regular operations and in disturbed situations;	G
Article 45, second paragraph, point (b)					

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G 513	(b) that the specific challenges related to cross-border sections resulting, inter alia, from limited interoperability in terms of infrastructure, technical equipment and operations, language and training requirements related to staff, administrative or border formalities are properly taken into account;	(b) that the specific challenges related to cross-border sections resulting, inter alia, from limited interoperability in terms of infrastructure, technical equipment and operations, language and training requirements related to staff, administrative or border formalities are properly taken into account;	(b) that the specific challenges related to cross-border sections resulting, inter alia, from limited interoperability in terms of infrastructure, technical equipment and operations, language and training requirements related to staff, administrative or border formalities are properly taken into account;	(b) that the specific challenges related to cross-border sections resulting, inter alia, from limited interoperability in terms of infrastructure, technical equipment and operations, language and training requirements related to staff, administrative or border formalities are properly taken into account; G
Article 45, second paragraph, point (c)				
G 514	(c) an efficient exchange of up-to-date and relevant information between infrastructure managers, applicants, railway undertakings and other operational stakeholders, as well as any EU-level relevant crisis management governance structures as appropriate, including in accordance with Article 62.	(c) an efficient exchange of up-to-date and relevant information between infrastructure managers, applicants, railway undertakings and other operational stakeholders, as well as any EU-level relevant crisis management governance structures as appropriate, including in accordance with Article 62.	(c) an efficient exchange of up-to-date and relevant information between infrastructure managers, applicants~~, railway undertakings~~ and other operational stakeholders, as well as any EU-level relevant crisis management governance structures as appropriate, including in accordance with Article 62.	(c) an efficient exchange of up-to-date and relevant information between infrastructure managers, applicants***, railway undertakings*** and other operational stakeholders, as well as any EU-level relevant crisis management governance structures as appropriate, including in accordance with Article 62. G
Article 46				
515	Article 46 Network disruptions	Article 46 Network disruptions	Article 46 Network disruptions	Article 46 Network disruptions
Article 46(1), first subparagraph				
G 516	1. Where an incident results or is likely to result in restrictions to network operations, which require concerted action by operational stakeholders to ensure	1. Where an incident results or is likely to result in restrictions to network operations, which require concerted action by operational stakeholders to ensure	1. Where an incident results or is likely to result in restrictions to network operations, which require concerted action by operational stakeholders to ensure	1. Where an incident results or is likely to result in restrictions to network operations, which require concerted action by operational stakeholders to ensure G

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	the best possible management of traffic during the restrictions, the affected infrastructure managers shall assess the likely duration and impact of the incident on the basis of all available information and previous experience.	the best possible management of traffic during the restrictions, the affected infrastructure managers shall assess the likely duration and impact of the incident on the basis of all available information and previous experience.	the best possible management of traffic during the restrictions, the affected infrastructure managers shall assess the likely duration and impact of the incident on the basis of all available information and previous experience, **taking utmost account of the common method referred to in paragraph 5a**.	the best possible management of traffic during the restrictions, the affected infrastructure managers shall assess the likely duration and impact of the incident on the basis of all available information and previous experience, taking ~~*utmost*~~ account of the ~~*common*~~ method referred to in paragraph 5a. Provisionally agreed in ITM 25
Article 46(1), second subparagraph				
G 517	If the estimated duration and impact meet the criteria for the declaration of network disruptions as set out in Annex VI, the infrastructure managers concerned shall declare a network disruption and implement the measures laid down in Article 43.	If the estimated duration and impact meet the criteria for the declaration of network disruptions as set out in Annex VI, the infrastructure managers concerned shall declare a network disruption and implement the measures laid down in Article 43.	If the estimated duration and impact meet the criteria for the declaration of network disruptions as set out in Annex VI, the infrastructure managers concerned shall declare a network disruption and implement the measures laid down in Article 43.	If the estimated ***likely*** duration and impact meet the criteria for the declaration of network disruptions as set out in Annex VI, the infrastructure managers concerned shall declare a network disruption and implement the measures laid down in Article 43. Provisionally agreed in ITM 24 G
Article 46(2)				
G 518	2. Where the incident has, or is likely to have, impacts on more than one network, the infrastructure manager where the incident took place shall declare a multi-network disruption and coordinate actions in accordance with Articles 44, 45 and 53.	2. Where the incident has, or is likely to have, impacts on more than one network, the ***manager of the*** infrastructure ~~*manager where*~~***in which*** the incident took place shall declare a multi-network disruption and coordinate actions	2. Where the ~~incident~~**network disruption** has, or is likely to have, impacts on more than one network, the **manager of the** infrastructure ~~manager where the incident~~**on which the network disruption** took place shall declare a multi-	2. Where the network disruption has, or is likely to have, impacts on more than one network, the manager of the infrastructure on which the network disruption took place shall declare a multi-network disruption and coordinate actions G

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		in accordance with Articles 44, 45 and 53.	network disruption and coordinate actions in accordance with Articles ~~44,~~ 45 and 53, **while taking the utmost account of the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44**.	in accordance with ~~*Articles 45 and 53*~~***Article 45***, while taking ~~*the utmost*~~ account of the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44. Provisionally agreed in ITM 25
Article 46(2a), first subparagraph				
G	518a		**2a. Where the network disruption has impacts on a line part of a European Transport Corridor, and is resulting in a partial or a total interruption of services for more than 15 days, the infrastructure manager shall provide an incident report to the Nework Coordinator as soon as possible after the declaration of the disruption made pursuant to paragraph 1 or 2, and provide an update every 30 days during the entire duration of the disruption.**	2a. Where the network disruption has ***cross-border*** impacts ~~*on a line part of a European Transport Corridor*~~, and is resulting in a partial or a total interruption of services for more than 15 days, the infrastructure manager shall provide an incident report to the ~~*Nework*~~***Network*** Coordinator as soon as possible after the declaration of the disruption made pursuant to paragraph 1 or 2, and provide an update every 30 days during the entire duration of the disruption. Provisionally agreed in ITM 25
Article 46(2a), second subparagraph				
G	518b			***The incident report shall include information on all operational***

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				measures undertaken to ensure alternative routes and the restoration of regular services; Provisionally agreed in ITM 25
Article 46(2a), third subparagraph				
518c			**The Network Coordinator shall submit this report to ENIM and the relevant European Coordinators and, upon request, to the applicants concerned.**	The Network Coordinator shall submit ~~*this*~~***the incident*** report to ENIM and the relevant European Coordinators and, upon request, to the applicants concerned. Provisionally agreed in ITM 25
Article 46(3)				
519	3. ENIM shall define a harmonised method to estimate the likely duration and impact of network disruptions and include it in the European framework for the coordination of traffic and crisis management referred to in Article 44.	3. ENIM shall define a harmonised method to estimate the likely duration and impact of network disruptions and include it in the European framework for the coordination of traffic***, disruption management*** and crisis management referred to in Article 44.	*deleted*	*deleted* *Provisionally agreed in ITM 25*
Article 46(4), first subparagraph				
520	*4.* The infrastructure manager shall inform, as soon as possible, interested parties about the unavailability of infrastructure capacity, in particular due to an incident.	4. The infrastructure manager shall inform, as soon as possible, interested parties about the unavailability of infrastructure capacity, in particular due to an incident.	4. The infrastructure manager shall inform, as soon as possible, interested parties about the unavailability of infrastructure capacity~~, in particular due to an incident~~.	4. The infrastructure manager shall inform, as soon as possible, interested parties about the unavailability of infrastructure capacity.

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				Provisionally agreed in ITM 25
Article 46(4), first subparagraph a				
520a				***Member States may require the infrastructure manager to make such information available to the competent authority referred to in Article 9(1) of Directive 2022/2557/UE.*** Provisionally agreed in ITM 32
Article 46(4), second subparagraph				
521	The regulatory body may require the infrastructure manager to make such information available to it, if it deems it necessary.	The regulatory body may require the infrastructure manager to make such information available to it, if it deems it necessary.	The regulatory body may require the infrastructure manager to make such information available to it, if it deems it necessary.	The regulatory body may require the infrastructure manager to make such information available to it, if it deems it necessary.
Article 46(4), second subparagraph a				
521a		***4a. In the case of a partial or total interruption of services caused by disruption of train operation due to a technical failure, incident or an accident on a cross-border line that lasts longer than 15 days, the impacted infrastructure managers shall, within 30 days of the occurrence, prepare an incident report. The incident report shall include at least:***		*deleted* *Provisionally agreed in ITM 25*

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		a) information on all operational measures undertaken to ensure alternative routes; ***b) information on all actions undertaken to restore regular services on the interrupted line.*** ***The report shall be made publicly available and shall be regularly updated until the interruption is lifted.*** ***ERA may issue recommendations on improved measures to address the disruption and the traffic capacity restrictions caused by the accident.***		
Article 46(5)				
G *522*	*5.* The Network Coordinator shall collect information on network disruptions, analyse the response, draw conclusions on the effectiveness of the management of such incidents and consult operational stakeholders in accordance with Article 54 and report to ENIM and the Performance Review Body.	5. The Network Coordinator shall collect information on network disruptions, analyse the response, draw conclusions on the effectiveness of the management of such incidents and consult operational stakeholders in accordance with Article 54 and report to ENIM and the Performance Review Body.	5. The Network Coordinator shall collect information on network disruptions, analyse the response, draw conclusions on the effectiveness of the management of such incidents ~~and~~**,** consult operational stakeholders**, taking into account the guidelines adopted by ENIM** in accordance with Article ~~54~~**54(1),** and report to ENIM ~~and the Performance Review Body.~~**.**	5. The Network Coordinator shall collect information on network disruptions, analyse the response, draw conclusions on the effectiveness of the management of such incidents, consult operational stakeholders, taking into account the guidelines adopted by ENIM in accordance with Article 54(1), and report to ENIM ***and the Advisory Performance Panel***. Provisionally agreed in ITM 24 G

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Article 46(5), second subparagraph				
G 522a			**ENIM shall take into account the conclusions of the Network Coordinator on network disruptions when updating the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44.**	***5a.*** ENIM shall take into account the conclusions of the Network Coordinator on network disruptions when updating the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44. Provisionally agreed in ITM 24
Article 46(5a)				
G 522b			**5a. ENIM shall define a common method to estimate the likely duration and impact of network disruptions on traffic, define the minimum content of the incident report and provide a template for the incident report. ENIM shall include that method, that minimum content and that template in the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44. Infrastructure managers shall take utmost**	~~*5a*~~***5b***. ENIM shall define a ~~*common*~~ method to estimate the likely duration and impact of network disruptions on traffic, define the minimum content of the incident report and provide a template for the incident report. ENIM shall include that method, ~~*that*~~ minimum content and ~~*that*~~ template in the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44. Infrastructure managers shall take ~~*utmost*~~ account of that

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			account of that common method, that minimum content and that template.	~~*common*~~ method, ~~*that*~~ minimum content and ~~*that*~~ template. Provisionally agreed in ITM 25
Article 46(6)				
Y 523	6. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex VI with a view to ensure an effective and efficient management of network disruptions, taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	6. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex VI with a view to ensure an effective and efficient management of network disruptions, taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	*deleted*	*deleted* *Provisionally agreed in ITM 32*
Article 47				
524	Article 47 Crisis situations	Article 47 Crisis situations	Article 47 Crisis situations	Article 47 Crisis situations
Article 47(1), first subparagraph				
R 525	1. In cases of crises related to public safety, health epidemics, natural disasters, environmental, defence and security crises, that have or are expected to have a critical effect on the supply or demand of rail transport services, Member States shall be allowed to apply emergency measures that include, by way of derogation from the rules of this Regulation:	1. In cases of crises related to public safety, health epidemics, natural disasters, environmental, defence and security crises, that have or are expected to have a critical effect on the supply or demand of rail transport services, Member States shall be allowed to apply emergency measures that include, by way of derogation from the rules of this Regulation:	1. **Without prejudice to Article 1(5),** in cases of crises **or imminent risk of a crisis occuring** related to public safety, health epidemics, natural disasters, ~~environmental~~**environment**, defence ~~and~~**or** security ~~crises,~~ that have or are expected to have a critical effect on the supply or demand of rail transport services, Member States shall be allowed to	1. Without prejudice to ***[***Article 1(5)***]***, in cases of crises or imminent risk of a crisis ~~*occuring*~~***occurring*** related to public safety, health epidemics, natural disasters~~, defence or security~~ ***and*** environment~~, defence or security~~ that have or are expected to have a critical effect on the supply or demand of rail transport services, Member States shall be allowed to

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			apply emergency measures that include, by way of derogation from the rules of this Regulation:	apply emergency measures that include, by way of derogation from the rules of this Regulation ***and from the rules related to the allocation of rail infrastructure capacity laid down in section 3 of Chapter IV of Directive 2012/34/EU***: Provisionally agreed in ITM 32
Article 47(1), first subparagraph, point (a)				
G 526	(a) the cancellation of capacity rights without compensation;	(a) the cancellation of capacity rights without compensation;	(a) the cancellation of capacity rights without ~~compensation~~**penalty in accordance with Article 40**;	(a) the cancellation of capacity rights without penalty in accordance with Article 40; Provisionally agreed in ITM 27
Article 47(1), first subparagraph, point (b)				
G 527	(b) alternative principles, rules and procedures for capacity management, in particular for the allocation of scarce infrastructure capacity;	(b) alternative principles, rules and procedures for capacity management, in particular for the allocation of scarce infrastructure capacity;	(b) alternative principles, rules and procedures for capacity management~~, in particular for the allocation of scarce infrastructure capacity~~;	(b) alternative principles, rules and procedures for capacity management; Provisionally agreed in ITM 24
Article 47(1), first subparagraph, point (c)				
G 528	(c) alternative procedures for traffic management;	(c) alternative procedures for traffic management;	(c) alternative procedures for traffic management;	(c) alternative procedures for traffic management;
Article 47(1), first subparagraph, point (d)				
G 529	(d) the use of alternative routes;	(d) the use of alternative routes;	(d) the use of alternative routes;	(d) the use of alternative routes;
Article 47(1), first subparagraph, point (e)				

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G	530	(e) the amendment of capacity supply plans.	(e) the amendment of capacity supply plans.	(e) the amendment of capacity supply plans.	(e) the amendment of capacity supply plans.	G
Article 47(1), second subparagraph						
G	531	The Member State concerned shall ensure that the emergency measures follow to the extent possible the principles on capacity and traffic management set out in this Regulation and that they make use of existing plans prepared in accordance with Article 19. They shall coordinate such emergency measures with other Member States.	The Member State concerned shall ensure that the emergency measures follow to the extent possible the principles on capacity and traffic management set out in this Regulation and that they make use of existing plans prepared in accordance with Article 19. ~~*They*~~***It*** shall coordinate such emergency measures with other Member States.	The Member State concerned shall ensure that the emergency measures follow to the extent possible the principles on capacity and traffic management set out in this Regulation and that they make use of existing **contingency** plans prepared in accordance with Article 19. ~~They~~**It** shall coordinate such emergency measures with other Member States **in accordance with Article 53a**.	The Member State concerned shall ensure that the emergency measures follow to the extent possible the principles on capacity and traffic management set out in this Regulation and that they make use of existing contingency plans prepared in accordance with Article 19. It shall coordinate such emergency measures with other Member States in accordance with Article 53a. Provisionally agreed in ITM 24	G
Article 47(1), second subparagraph a						
G	531a			**The content and the duration of emergency measures shall be limited to what is strictly necessary to address the crisis situation in question.**	The content and the duration of emergency measures shall be limited to what is strictly necessary ***and proportionate*** to address the crisis situation in question. Provisionally agreed in ITM 24	G
Article 47(2)						
G	532	2. The Member State concerned shall inform the Commission and ENIM without	2. The Member State concerned shall inform the Commission and ENIM without	2. The Member State concerned shall inform the Commission and ENIM without	2. The Member State concerned shall inform the Commission and ENIM without	G

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	delay of its decision to apply emergency measures and shall provide a justification and a description of those measures and the expected duration of their application. If applicable, the Member States shall also notify the Commission and the central liaison offices as foreseen under Article 8 of the [Regulation on a Single Market Emergency Instrument].	delay of its decision to apply emergency measures and shall provide a justification and a description of those measures and the expected duration of their application. If applicable, the Member States shall also notify the Commission and the central liaison offices as foreseen under Article 8 of the [Regulation on a Single Market Emergency Instrument].	delay of its decision to apply emergency measures**, and of the repeal of such measures,** and shall provide a justification and a description of those measures and the expected duration of their application. ~~If applicable~~**Where [Regulation establishing a framework of measures on the emergency and resilience of the internal market] applies**, the Member ~~States~~**State concerned** shall also notify the ~~Commission and the~~ central liaison ~~offices as foreseen under~~**office designated by that Member State pursuant to** Article ~~8 of the [~~**[5] of that** Regulation ~~on a Single Market Emergency Instrument]~~**of the measures adopted pursuant to this Article**.	delay of its decision to apply emergency measures, and of the repeal of such measures, and shall provide a justification and a description of those measures and the expected duration of their application. Where [Regulation establishing a framework of measures on the emergency and resilience of the internal market] applies, the Member State concerned shall also notify the central liaison office designated by that Member State pursuant to Article [5] of that Regulation of the measures adopted pursuant to this Article. Provisionally agreed in ITM 24
Article 47(3)				
G 533	3. The infrastructure manager shall appoint a focal point in the meaning of Article 60, which shall provide information to the Commission, ENIM, other infrastructure managers and other interested parties about the emergency measures and shall help coordinate such measures.	3. The infrastructure manager shall appoint a focal point in the meaning of Article 60, which shall provide information to the Commission, ENIM, other infrastructure managers and other interested parties about the emergency measures and shall help coordinate such measures.	3. ~~The infrastructure manager shall appoint a~~ Focal ~~point in the meaning of~~**points appointed in accordance with** Article 60~~, which~~ shall provide information to the Commission, ENIM, other infrastructure managers and other interested parties about the emergency	3. Focal points appointed in accordance with Article 60 shall provide information to the Commission, ENIM, other infrastructure managers***, the competent authority referred to in Article 9(1) of Directive 2022/2557/UE,*** ~~-~~and other interested parties about the G

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			measures and shall help coordinate such measures.	emergency measures and shall help coordinate such measures. Provisionally agreed in ITM 24
Article 47(4)				
G	534	4. Where emergency measures have a significant impact on cross-border traffic, infrastructure managers shall coordinate between themselves in accordance with Articles 53 and 54 . When performing coordination through dedicated coordination structures in accordance with Article 53, paragraph 2, point (a), the Commission and the Member States concerned shall be involved.	4. Where emergency measures have a significant impact on cross-border traffic, infrastructure managers shall coordinate between themselves in accordance with ~~Articles 53 and 54~~ **Article 53, while taking into account the guidelines adopted by ENIM in accordance with Article 54(1)**. When performing coordination through dedicated coordination structures in accordance with Article 53, paragraph 2, point (a), the Commission and the Member States concerned shall be involved.	4. Where emergency measures have a significant impact on cross-border traffic, infrastructure managers shall coordinate between themselves in accordance with Article 53, while taking into account the guidelines adopted by ENIM in accordance with Article 54(1). When performing coordination through dedicated coordination structures in accordance with Article 53, paragraph 2, point (a), the Commission and the Member States concerned shall be involved. Provisionally agreed in ITM 24
Article 47(5)				
R	535	5. At the request of the Commission, regulatory bodies and the ENRRB shall provide their opinion on the emergency measures to the Commission within the deadline set by the latter. The Commission may adopt	5. **Where emergency measures have a significant impact on cross-border traffic and** at the request of the Commission, regulatory bodies and the ENRRB shall provide their opinion on the emergency	5. Where emergency measures have a significant impact on cross-border traffic and at the request of the Commission, regulatory bodies ***concerned*** and the ENRRB shall provide their opinion on the emergency

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	decisions requiring a Member State to repeal the emergency measures, if they are deemed not to be necessary.	decisions requiring a Member State to repeal the emergency measures, if they are deemed not to be necessary.	measures to the Commission within the deadline set by the latter. ~~The Commission may adopt decisions requiring a Member State to repeal the emergency measures, if they are deemed not to be necessary.~~	measures to the Commission within the deadline set by the latter. ***The Commission may, on the basis of these opinions, issue recommendations to the Member State concerned on the possible solutions to mitigate the impact of the emergency measures on cross-border traffic, including the repeal of the emergency measures.***
Article 47(6)				
G 536	6. Member States shall provide updated information where necessary or upon the request of the Commission. Member States shall provide all the information required by the Commission about the emergency measures within the deadlines set by the latter.	6. Member States shall provide updated information where necessary or upon the request of the Commission. Member States shall provide all the information required by the Commission about the emergency measures within the deadlines set by the latter.	6. Member States shall provide updated information where necessary or upon the request of the Commission. Member States shall provide all the information required by the Commission about the emergency measures within the deadlines set by the latter.	6. Member States shall provide updated information where necessary or upon the request of the Commission. Member States shall provide all the information required by the Commission about the emergency measures within the deadlines set by the latter. G
Article 47(7)				
G 537	7. Public authorities in charge of managing crisis situations, including the military, civil protection agencies, and others, may organise exercises simulating crisis situations falling within the scope of this Article. In such cases, the infrastructure	7. Public authorities in charge of managing crisis situations, including the military, civil protection agencies, and others, may organise exercises simulating crisis situations falling within the scope of this Article. In such cases, the infrastructure	7. Public authorities in charge of managing crisis situations, including the military, civil protection agencies, and others, may organise exercises simulating crisis situations falling within the scope of this Article. In such cases, the infrastructure	7. Public authorities in charge of managing crisis situations, including the military, civil protection agencies, and others, may organise exercises simulating crisis situations falling within the scope of this Article. In such cases, the infrastructure G

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	manager shall allocate capacity as needed, including the cancellation of allocated capacity rights if necessary. The public authorities concerned shall compensate the applicants concerned in accordance with Article 40.	manager shall allocate capacity as needed, including the cancellation of allocated capacity rights if necessary. The public authorities concerned shall compensate the applicants concerned in accordance with Article 40.	manager shall allocate capacity as needed, including the cancellation of allocated capacity rights if necessary. The public authorities concerned shall ~~compensate the applicants concerned in accordance with~~**be subject to a penalty for changes to capacity rights. The rules set out in** Article 40 **shall apply mutatis mutandis to such penalty**.	manager shall allocate capacity as needed, including the cancellation of allocated capacity rights if necessary. The public authorities concerned shall be subject to a penalty for changes to capacity rights~~. The rules set out~~***, aligned with the principles*** in Article 40 ~~shall apply mutatis mutandis to such penalty~~. Provisionally agreed in ITM 27
Article 48				
538	Article 48 Exchange of information on traffic management	Article 48 Exchange of information on traffic management	Article 48 Exchange of information on traffic management	Article 48 Exchange of information on traffic management
Article 48(1), first subparagraph				
539	1. All operational stakeholders directly involved in the operation of a rail transport service shall have the right of access to the information concerning this rail transport service set out in Annex VIII.	1. All operational stakeholders directly involved in the operation of a rail transport service shall have the right of access to the information concerning this rail transport service set out in Annex VIII.	1. All operational stakeholders directly involved in the operation of a rail transport service shall have the right of access to the information concerning this rail transport service set out in Annex VIII.	1. All operational stakeholders directly involved in the operation of a rail transport service shall have the right of access to the information concerning this rail transport service set out in Annex VIII.
Article 48(1), second subparagraph				
540	The parties concerned may only use this information for the purposes of this Regulation and for the purposes of Directive (EU) 2016/797 and implementing acts	The parties concerned may only use this information for the purposes of this Regulation and for the purposes of Directive (EU) 2016/797 and implementing acts	The parties concerned may only use this information for the purposes of this Regulation and for the purposes of Directive (EU) 2016/797 and implementing acts	The parties concerned may only use this information for the purposes of this Regulation and for the purposes of Directive (EU) 2016/797 and implementing acts

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	adopted under that Directive, unless specified otherwise in contractual agreements.	adopted under that Directive, unless specified otherwise in contractual agreements.	adopted under that Directive, unless specified otherwise in contractual agreements.	adopted under that Directive, unless specified otherwise in contractual agreements.
Article 48(2)				
541	2. The information shall be made accessible in accordance with Article 62.	2. The information shall be made accessible in accordance with Article 62.	2. The information shall be made accessible in accordance with Article 62.	2. The information shall be made accessible in accordance with Article 62.
Article 48(3)				
542	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex VIII with a view to ensure that it reflects any changes to the technical specifications for interoperability laid down in the relevant implementing acts that are adopted in accordance with Directive (EU) 2016/797 and taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex VIII with a view to ensure that it reflects any changes to the technical specifications for interoperability laid down in the relevant implementing acts that are adopted in accordance with Directive (EU) 2016/797 and taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex VIII with a view to ensure that it reflects any changes to the technical specifications for interoperability laid down in the relevant implementing acts that are adopted in accordance with Directive (EU) 2016/797 and taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.	3. The Commission ~~shall be~~*is* empowered to adopt delegated acts in accordance with Article 71 to amend Annex VIII with a view to ensure that it reflects any changes to the technical specifications for interoperability laid down in the relevant implementing acts that are adopted in accordance with Directive (EU) 2016/797 and taking into account planning, operational, technical and commercial considerations of the stakeholders concerned.
CHAPTER IV				
543	CHAPTER IV PERFORMANCE REVIEW	CHAPTER IV PERFORMANCE REVIEW	CHAPTER IV PERFORMANCE REVIEW	CHAPTER IV PERFORMANCE REVIEW Agreed at 3rd trilogue
Article 49				

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	544	Article 49 General principles for performance review	Article 49 General principles for performance review	Article 49 General principles for performance review	Article 49 General principles for performance review Agreed at 3rd trilogue	G
Article 49(1)						
G	545	1. In accordance with Article 7f, point (d) of Directive 2012/34/EU, ENIM shall monitor and benchmark performance of rail infrastructure services taking into account the general objectives set out in Article 2 of this Regulation. Rail infrastructure managers shall also monitor the performance of rail transport services.	1. ***The Commission shall adopt the Union performance targets for the performance areas set out in Annex VII. The targets shall be in accordance with modal shift goals and shall be updated regularly.*** In accordance with Article 7f, point (d) of Directive 2012/34/EU, ENIM**,** ***with the support of rail infrastructure managers*** shall monitor and benchmark performance of rail infrastructure services ***and rail transport services*** taking into account the ~~*general objectives set out in Article 2 of this Regulation. Rail*~~***Union and*** infrastructure managers ***performance targets. ENIM*** shall ~~*also monitor*~~***periodically inform*** the Performance ~~*of rail transport services*~~***Review Body and the Commission***.	1. In accordance with Article 7f, point (d) of Directive 2012/34/EU, ENIM shall monitor and benchmark performance of rail infrastructure services **provided by infrastructure managers,** taking into account the general ~~objectives~~**principles** set out in Article 2 of this Regulation. ~~Rail infrastructure managers~~**ENIM** shall ~~also monitor the performance of rail transport services~~**cooperate with the European Coordinators and ENRRB for that purpose**.	1. In accordance with Article 7f, point (d) of Directive 2012/34/EU, ENIM shall monitor and benchmark performance of rail infrastructure services provided by infrastructure managers, taking into account the general principles set out in Article 2 of this Regulation. ***Where relevant,*** ENIM shall cooperate with the European Coordinators***, the Advisory Performance Panel*** and ENRRB for that purpose. Agreed at 3rd trilogue	G
Article 49(2)						

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G 546	2. For this purpose, infrastructure managers shall set out their own performance targets in the plan referred to in Article 8(3) of Directive 2012/34/EU, taking into account any objectives set out in the contractual agreements referred to in Article 30 of that Directive. They shall put in place and perform 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. These procedures shall take into account the European framework for performance review referred to in Article 50 of this Regulation. Infrastructure managers shall explain in the network statement the reason for any deviation from the common procedures established in the European framework for performance review.	2. For this purpose, infrastructure managers shall ~~*set out*~~***lay down*** their own performance targets in the plan referred to in Article 8(3) of Directive 2012/34/EU, taking into account any objectives set out in the contractual agreements referred to in Article 30 of that Directive***. The infrastructure managers shall consult with the relevant national and European bodies in order to assure that those targets are consistent with Union performance targets***. They shall put in place and perform 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. These procedures shall take into account the European framework for performance review referred to in Article 50 of this Regulation. Infrastructure managers shall explain in the network statement the reason for any deviation from the common procedures	2. ~~For this purpose,~~ Infrastructure managers shall set out their own performance targets **defined in accordance with Article 50(2)(c)** in the **business** plan referred to in Article 8(3) of Directive 2012/34/EU, taking into account any ~~objectives~~**targets** set out in the contractual agreements referred to in Article ~~30~~**30(2)** of that Directive. ~~They shall put in place and perform procedures to monitor and report on progress towards the achievement of the~~**These** targets~~, to identify the causes of performance deficiencies with operational stakeholders and to design and implement remedial measures to improve performance. These procedures~~ shall ~~take into account the European framework for performance review referred to in~~ **include the target values set out in [**Article ~~50 of this~~**19(1), points (a) and (b) of new TEN-T** Regulation**]**. ~~Infrastructure managers shall explain in the network statement the reason for any deviation from the common procedures established in the European framework for performance review.~~	2. Infrastructure managers shall set out their own performance targets defined in accordance with Article 50(2)(c) in the business plan referred to in Article 8(3) of Directive 2012/34/EU, taking into account any targets set out in the contractual agreements referred to in Article 30(2) of that Directive. These targets shall include the target values set out in ~~[~~Article 19(1), points (a) and (b) of ~~*new TEN-T*~~ Regulation~~]~~ ***(EU) 2024/1679***. Agreed at 3rd trilogue G

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		established in the European framework for performance review. ***Deviations shall only be allowed in duly justified cases and shall be approved by the regulatory body.***			
Article 49(2), second subparagraph					
G 546a			**Infrastructure managers shall put in place and perform 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. These procedures shall take into account the European framework for performance review referred to in Article 50 of this Regulation.**	***2a.*** Infrastructure managers shall put in place and perform 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. These procedures shall take into account the European framework for performance review referred to in Article 50 of this Regulation. Agreed at 3rd trilogue	G
Article 49(3)					
G 547	3. ENIM shall cooperate with the European Coordinators on performance reviews in accordance with the operational requirements for the European Transport Corridors set out in	3. ENIM shall cooperate with the European Coordinators on performance reviews in accordance with the operational requirements for the European Transport Corridors set out in	*deleted*	*deleted* *Agreed at 3rd trilogue*	G

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	Article 18 of [new TEN-T Regulation].	Article 18 of [new TEN-T Regulation].		
Article 49(3)				
547a			**3. Where related to their own performance targets, infrastructure managers shall also monitor the performance of rail transport services.**	~~3~~***3a***. Where related to their own performance targets, infrastructure managers shall also monitor the performance of rail transport services. Agreed at 3rd trilogue
Article 50				
548	Article 50 European framework for performance review	Article 50 European framework for performance review	Article 50 European framework for performance review	Article 50 European framework for performance review Agreed at 3rd trilogue
Article 50(1)				
549	1. ENIM shall set up and implement by [12 months after the entry into force of this Regulation] a European framework for the review of performance. This framework shall take into account in particular the principles defined in Article 2(3), Article 8(4), Article 42(3) and the operational requirements, the performance objectives and target values set out in [Article 18 of the new TEN-T Regulation].	1. ***ERA, with the support of*** ENIM shall set up and implement by [12 months ~~after~~***from*** the entry into force of this Regulation] a European framework for the review of performance. This framework shall take into account in particular the principles defined in Article 2(3), Article 8(4), Article 42(3) and the operational requirements, the performance objectives and target values set out in ~~[~~Article ~~18 of~~ ***19 of Regulation***	1. ~~ENIM shall set up and implement by [12~~**By [24** months ~~after~~**of** the entry into force of this Regulation]**, ENIM shall develop and adopt a '**~~a~~European framework for ~~the review of~~ performance **review', after consulting the operational stakeholders, laying down common principles and procedures**. This framework shall take into account in particular the principles defined in Article 2(3)~~,~~	1. By [~~24~~***30*** months of the entry into force of this Regulation], ENIM shall develop and adopt a 'European framework for performance review'~~, after consulting the operational stakeholders,~~ laying down common principles and procedures~~. This framework shall take~~ ***takeing*** into account ~~in particular~~ the principles defined in Article 2(3) and Article 42(3) and the operational priorities set out in

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		(EU) 2024/... [the new TEN-T Regulation ***]***.	~~Article 8(4),~~ **and** Article 42(3) and the operational ~~requirements, the performance objectives and target values~~**priorities** set out in [Article ~~18~~**19** of the new TEN-T Regulation]**, and the implementing acts adopted under Article 15(6) of Directive 2012/34/EU. Infrastructure managers shall strive to follow those common principles and procedures. They shall explain, in the network statement, the reason for any deviation from the common principles and procedures established in the European framework for performance review.**	~~[~~Article 19 of ~~the new TEN-T~~ Regulation~~]~~ ***(EU) 2024/1679***, and the implementing acts adopted under Article 15(6) of Directive 2012/34/EU. Infrastructure managers shall ~~strive to follow~~***take the utmost account of*** those common principles and procedures. ~~They shall explain, in the network statement, the reason for any deviation from the common principles and procedures established in the European framework for performance review.~~ Agreed at 3rd trilogue Provisionally agreed in ITM 32
Article 50(1a)				
549a				***1a. When preparing the network statement referred to in Article 27 of Directive 2012/34/EU and Article 5(2) of this Regulation, infrastructure managers shall take the utmost account of the European framework for performance management. They shall explain, in the network statement, the reason for any deviation from the common principles and***

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				procedures established in this framework.
Article 50(1b)				
549b				***1b. ENIM shall publish a draft of the European framework for performance review for consulting ERP and operational stakeholders. ERP and operational stakeholders may submit their replies to the consultation within three months after the publication of this draft.*** Agreed at 3rd trilogue
Article 50(1c)				
549c		***1a. The ENRRB shall adopt a recommendation on the European framework for the review of performance by [six months from the entry into force of this Regulation]. While setting up and implementing the European framework for the review of performance, ERA shall take into account the recommendation issued by the ENRRB.***	**1a. ENIM shall submit a draft for the European framework for performance review to the ENRRB within 18 months after the entry into force of this Regulation. The ENRRB shall submit a recommendation to ENIM on the European framework for performance review, within 4 months after receiving the draft prepared by ENIM. ENIM shall take the utmost account of this recommendation when adopting the European framework for performance review.**	~~*1a*~~***1c***. ENIM shall submit a ***final*** draft for the European framework for performance review to the ENRRB within ***[18]***~~*18*~~ months after the entry into force of this Regulation. The ENRRB shall submit a recommendation to ENIM on the European framework for performance review, within ~~*4*~~***three*** months after receiving the draft prepared by ENIM. ENIM shall take the utmost account of this recommendation when adopting the European framework for performance review.

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					Agreed at 3rd trilogue Provisionally agreed in ITM 32
Article 50(2)					
G	550	2. The European framework shall cover the performance areas set out in Annex VII. In particular, it shall include:	2. The European framework shall cover the performance areas set out in Annex VII. In particular, it shall include:	2. The European framework shall cover **at least** the performance areas set out in Annex VII. In particular, it shall include:	2. The European framework ***for performance review*** shall cover at least the performance areas set out in Annex VII. In particular, it shall include: Agreed at 3rd trilogue
Article 50(2), point (a)					
G	551	(a) a list of priority performance issues to be addressed in the performance areas set out in Annex VII;	(a) a list of priority performance issues to be addressed in the performance areas set out in Annex VII;	(a) a list of priority performance issues to be addressed in the performance areas set out in Annex VII;	(a) a list of priority performance issues to be addressed in the performance areas set out in Annex VII; Agreed at 3rd trilogue
Article 50(2), point (b)					
G	552	(b) performance indicators allowing to monitor progress on the performance issues, including methodology and data requirements to calculate such indicators;	(b) performance indicators allowing to monitor progress on the performance issues, including methodology and data requirements to calculate such indicators;	(b) performance indicators allowing to monitor progress on the performance issues, including methodology and data requirements to calculate such indicators;	(b) performance indicators allowing to monitor progress on the performance issues, including methodology and data requirements to calculate such indicators; Agreed at 3rd trilogue
Article 50(2), point (c)					

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G	553	(c) criteria and procedures to define performance objectives at the level of infrastructure managers;	(c) criteria and procedures to define performance objectives at the level of infrastructure managers;	(c) criteria and procedures to define performance ~~objectives~~**targets** at the level of infrastructure managers;	(c) criteria and procedures to define performance targets at the level of infrastructure managers; Agreed at 3rd trilogue
Article 50(2), point (d)					
G	554	(d) procedures to monitor and review the elements in points (a) to (c) as well as the implementation of corrective measures and the achievement of the performance objectives referred to in paragraph 4.	(d) procedures to monitor and review the elements in points (a) to (c) as well as the implementation of corrective measures and the achievement of the performance objectives referred to in paragraph 4.	(d) procedures to monitor and review the elements in points (a) to (c) as well as the implementation of corrective measures and the achievement of the performance ~~objectives referred to in paragraph 4.~~**targets.**	(d) procedures to monitor and review the elements in points (a) to (c) as well as the implementation of corrective measures and the achievement of the performance targets. Agreed at 3rd trilogue
Article 50(3)					
G	555	3. On the basis of paragraph 2, point (d), ENIM shall regularly review the European framework for performance review and the results of its implementation and shall propose appropriate changes to the framework.	3. On the basis of paragraph 2, point (d), ENIM shall regularly review the European framework for performance review and the results of its implementation and shall propose appropriate changes to the framework.	3. On the basis of paragraph 2, point (d), ENIM shall regularly review the European framework for performance review and ~~the results of~~ its implementation **by infrastructure managers and, when**~~and shall propose~~ appropriate~~ changes to~~**, update** the framework. **When updating the European framework for performance review, ENIM shall submit a draft to the ENRRB for recommendation.**	3. ~~*On the basis of paragraph 2, point (d), ENIM*~~***The European framework for performance review*** shall ~~*regularly review*~~***be updated when necessary to take into account the experience of operational stakeholders as well as the activities of ENIM. When*** the European framework for performance review ~~*and its implementation by infrastructure managers and, when appropriate, update the framework. When updating the European framework for performance review, ENIM*~~***is updated, ENIM shall consult***

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				ERP and operational stakeholders, and shall submit a draft to the ENRRB for recommendation***, in accordance with paragraph 1b and 1c***. Agreed at 3rd trilogue Provisionally agreed in ITM 32
Article 50(4)				
556	4. Infrastructure managers shall take the utmost account of the European framework for performance review when fulfilling their functions. In particular, infrastructure managers shall include the objectives defined in accordance with paragraph 2 point (c) of this Article in the business plan referred to in Article 8(3) of Directive 2012/34/EU. These objectives shall include the target values set out in [Article 18(1), points (a) and (b) of new TEN-T Regulation].	4. Infrastructure managers shall take the utmost account of the European framework for performance review when fulfilling their functions. In particular, infrastructure managers shall include the objectives defined in accordance with paragraph 2 point (c) of this Article in the business plan referred to in Article 8(3) of Directive 2012/34/EU. These objectives shall include the target values set out in [Article 18(1), points (a) and (b) of new TEN-T Regulation].	*deleted*	*deleted* *Agreed at 3rd trilogue Provisionally agreed in ITM 32* *Moved directly after paragraph 1*
Article 50(4a)				
556a				***4a. When exercising its powers in relation to the network statement in accordance with Article 56(1) and 56(2) of Directive 2012/34/EU, the***

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				regulatory body shall take into account the recommendation on the European framework for performance management adopted by ENRRB, in accordance with paragraph 1a and without prejudice to the principle of independence of regulatory bodies.
Article 50(5)				
G 557	5. The Commission may adopt implementing acts, setting out detailed rules on the elements in paragraph 2, points (b) to (d), in accordance with the advisory procedure referred to in Article 72(2). In doing so, the Commission shall take into account the work done by ENIM in accordance with paragraph 3 and any recommendations of the performance review body.	5. The Commission ~~*may*~~***shall, by [24 months from the entry into force of this Regulation],*** adopt implementing acts~~*, setting out*~~ ***to set out uniform conditions for the application of the elements referred to in paragraph 2 of this Article by ... [36 months from the entry into force of this Regulation, including*** detailed rules on the elements in paragraph 2, points (b) to (d)~~*,*~~ ***and performance targets. Those implementing acts shall be adopted*** in accordance with the advisory procedure referred to in Article 72(2). In doing so, the Commission shall ~~*take into account the work done by ENIM in accordance with paragraph 3 and any recommendations of*~~***consult***	5. The Commission may adopt implementing acts, setting out detailed rules on the elements in paragraph 2, points (b) to (d), in accordance with the ~~advisory~~**examination** procedure referred to in Article ~~72(2). In doing so~~**72(3). When preparing draft implementing acts**, the Commission shall take into account the work done by ENIM in accordance with paragraph 3 ~~and any recommendations~~**, as well as the self-standing section** of the **European** performance review ~~body~~**report referred to in Article 51(2)**.	5. The Commission ~~*may*~~***is empowered, in accordance with Article 70b, to*** adopt ~~*implementing acts,*~~***[implementing/delegated] acts*** setting out ~~*detailed rules on the elements*~~***the European Framework for performance review, as defined*** in paragraph 2~~*, points (b) to (d),*~~ ***of this Article.*** ***Those [implementing] acts shall be adopted*** in accordance with the ***[***examination procedure referred to in Article ~~*72(3). When preparing draft implementing acts*~~***72***~~*, the Commission shall take into account the work done by ENIM in accordance with*~~ paragraph 3~~*, as well as the self-standing section of the European performance review report referred to in Article 51(2)*~~***]***. G

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		ENIM, ERP, ENRRB, the Performance Review Body***, ERA and the Europe's Rail Joint Undertaking***.		Provisionally agreed in ITM 32
Article 51				
G 558	Article 51 European performance review report	Article 51 European performance review report	Article 51 European performance review report	Article 51 European performance review report Agreed at 3rd trilogue
Article 51(1)				
G 559	1. Without prejudice to Article 15 of Directive 2012/34/EU and Article 3 of Commission Implementing Regulation (EU) 2015/1100[1], ENIM shall prepare and publish by [24 months after the entry into force of this Regulation] a European performance review report on the basis of the European framework for performance review referred to in Article 50 of this Regulation and publish it every year. 1. Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring (OJ L 181, 9.7.2015, p. 1).	1. Without prejudice to Article 15 of Directive 2012/34/EU and Article 3 of Commission Implementing Regulation (EU) 2015/1100[1], ENIM shall prepare and publish by [24 months ~~after~~***from*** the entry into force of this Regulation] a ***draft*** European performance review report on the basis of the European framework for performance review referred to in Article 50 of this Regulation and ~~publish~~***update*** it every year. ***Based on this report, ERA shall support the Commission in monitoring and reporting progress on the Union's objectives for rail, including forecasted rail traffic growth foreseen for 2030 and***	1. Without prejudice to Article 15 of Directive 2012/34/EU and ~~Article 3 of Commission~~**to the** implementing ~~Regulation (EU) 2015/1100~~[1]**acts adopted on the basis thereof**, ENIM shall prepare and publish by [~~24~~**30** months after the entry into force of this Regulation] a European performance review report on the basis of the European framework for performance review referred to in Article 50 of this Regulation**. ENIM shall prepare** and publish ~~it~~**an update of the report** every year. ~~1. Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member~~	1. Without prejudice to Article 15 of Directive 2012/34/EU and to the implementing acts adopted on the basis thereof, ENIM shall prepare and publish by [30 months after the entry into force of this Regulation] a European performance review report on the basis of the European framework for performance review referred to in Article 50 of this Regulation. ENIM shall prepare and publish an update of the report every year. Agreed at 3rd trilogue

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		2050. The draft European performance review report shall be sent to the Performance Review Body. _____ 1. Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring (OJ L 181, 9.7.2015, p. 1).	~~States in the framework of rail market monitoring (OJ L 181, 9.7.2015, p. 1).~~	
Article 51(2)				
G 560	2. The Performance Review Body shall prepare a self-standing section of the report providing its assessment of the performance of rail infrastructure services and rail transport services, recommendations on performance issues to be addressed with priority and recommendations on measures to improve performance.	2. The Performance Review Body shall ~~*prepare a self-standing section of the*~~***elaborate and adopt the European performance review*** report**,** providing its assessment of the performance of rail infrastructure services and rail transport services, ***disagreements raised and*** recommendations on performance issues ~~*to be addressed with priority and recommendations on*~~***, including*** measures to improve performance**,** ***shall be included within the next upcoming programme in accordance with Article 55 (8)***.	2. ~~The Performance Review Body~~**ENRRB** shall prepare a self-standing section of the report providing its assessment of the performance of rail infrastructure services and rail transport services, recommendations on performance issues to be addressed with priority and recommendations on measures to improve performance. **ENIM shall include that section in the report referred to in paragraph 1.**	2. ~~*ENRRB*~~***The Advisory Performance Panel*** shall prepare a self-standing section of the report providing its assessment of the performance of rail infrastructure services and rail transport services, recommendations on performance issues to be addressed with priority and recommendations on measures to improve performance. ENIM shall include that section in the report referred to in paragraph 1. Agreed at 3rd trilogue
Article 51(3)				
G 561	3. The performance review report shall cover at least the lines included in the European	3. The ***European*** performance review report shall cover at least the lines included in	3. The **European** performance review report shall cover at least the lines included in	3. The European performance review report shall cover at least the lines included in

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	Transport Corridors referred to in Regulation [new TEN-T Regulation] and shall include the information required by [Article 53(3)(g)] thereof. The information presented shall be sufficiently detailed in terms of geographical scope and should cover a sufficiently long period of time to allow for meaningful interpretations.	the ***Single*** European ~~*Transport Corridors referred to in Regulation [new TEN-T Regulation]*~~***Railway Area*** and shall include the information required by ~~[~~Article ~~*53(3)(g)]*~~ ~~*thereof*~~***54(3)(g) of Regulation (EU) 2024/...[new TEN-T Regulation]***. The information presented shall be sufficiently detailed in terms of geographical scope and should cover a sufficiently long period of time to allow for meaningful interpretations.	the European Transport Corridors ~~referred to in Regulation [new TEN-T Regulation]~~ and shall include the information ~~required by~~**referred to in** [Article ~~53(3)(g)~~**54(3)(g)**] ~~thereof~~**of the [new TEN-T Regulation]**. The information presented shall be sufficiently detailed in terms of geographical scope and ~~should~~ cover a sufficiently long period of time to allow for meaningful interpretations.	the European Transport Corridors and shall include the information referred to in ~~[~~Article 54(3)(g)] of the ~~*[new TEN-T*~~ Regulation~~*]*~~ ***(EU) 2024/1679***. The information presented shall be sufficiently detailed in terms of geographical scope and cover a sufficiently long period of time to allow for meaningful interpretations. Agreed at 3rd trilogue
Article 51(4)				
562	4. The performance review report shall include a dedicated section on the performance of coordination between infrastructure managers in accordance with Article 53 and on the consultation mechanism referred to in Article 54 of this Regulation.	4. The ***European*** performance review report shall include a dedicated section on the performance of coordination between infrastructure managers in accordance with Article 53 and on the consultation mechanism referred to in Article 54 of this Regulation.	4. The **European** performance review report shall include a dedicated section on the performance of coordination between infrastructure managers in accordance with Article 53 and on the consultation mechanism referred to in Article 54 of this Regulation.	4. The European performance review report shall include a dedicated section on the performance of coordination between infrastructure managers in accordance with Article 53 and on the consultation mechanism referred to in Article 54 of this Regulation. Agreed at 3rd trilogue
Article 51(4a)				
562a		***4a. The European performance review report shall contain a separate section about***		*deleted*

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		the implementation of the processes introduced by ENIM. It shall also contain an analysis of the progress in implementation in various Member States, including reports concerning national exemptions and recommendations for further harmonisation.		*Agreed at 3rd trilogue*
Article 52				
G *563*	Article 52 Performance Review Body	Article 52 Performance Review Body	*deleted*	***Article 52*** ***Advisory Performance Panel*** Agreed at 3rd trilogue
Article 52(1)				
G 564	1. In accordance with the procedure referred to in Article 73(3), the Commission may set up or designate an impartial and competent body to act as a Performance Review Body.	1. ~~*In accordance with the procedure referred to in Article 73(3)*~~ ***By... [six months from the entry into force of this Regulation]***, ~~*the Commission may set up or designate an impartial and competent body to act as*~~ a Performance Review Body ***shall be established as an impartial, competent and self-standing body. Its members shall be appointed on the basis of merit as well as to ensure a mix of skills and experience relevant to the rail capacity management.***	*deleted*	***1. In accordance with the procedure referred to in Article 72(3), the Commission may set up or designate an impartial and competent body to act as an Advisory Performance Panel. The Advisory Performance Panel shall be established as an independent and impartial, expert panel. Its members shall be appointed on the basis of merit as well as to ensure a mix of skills and experience relevant to rail capacity, traffic, disruption and crisis management.***

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		The members of the Performance Review Body shall be nominated by the Commission through a call for experts procedure. The Commission shall be empowered to adopt a delegated act in accordance with Article 71 to set out details of the organisation, governance and financing of the Performance Review Body. That delegated act shall be adopted by... [12 months from the entry into force of this Regulation]. ***When carrying out the tasks conferred upon it by this Regulation, the Performance Review Body shall be independent and shall not seek or follow instructions from any government of a Member State, from the Commission, from ERA or any other public or private entity.***		***The Advisory Performance Panel shall consist of not more than 9 members. The Members shall be nominated by the Commission. It shall meet at least 4 times per year. The work of the Advisory Performance Panel shall be financed by the Commission.*** ***The Members of the Advisory Performance Panel are appointed for a term of 4 years and their mandate can be renewed two times.*** Agreed at 3rd trilogue
Article 52(2)				
G	565	2. The Performance Review Body shall provide advice to the Commission and the European Coordinators on matters related to the performance of rail infrastructure services and rail	*deleted*	*deleted* *Agreed at 3rd trilogue*

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	transport services, on request by the Commission or the European Coordinators.	transport services, on request by the Commission, ***ERA*** or the European Coordinators.		
Article 52(3)				
566	*3.* The Performance Review Body shall perform the following tasks:	3. The Performance Review Body shall perform the following tasks:	*deleted*	***3. The Advisory Performance Panel shall perform the following tasks:*** Agreed at 3rd trilogue
Article 52(3), point (a)				
567	(a) providing recommendations to ENIM as regards the establishment and review of the European framework for performance review referred to in Article 50, including on performance areas, performance issues to be addressed under each of the performance areas, harmonisation of methodologies, processes, criteria and definitions for the collection and analysis of data related to performance and performance indicators;	(a) providing recommendations to ***the Commission and*** ENIM as regards the establishment and review of the European framework for performance review referred to in Article 50, including on performance areas, performance issues to be addressed under each of the performance areas, harmonisation of methodologies, processes, criteria and definitions for the collection and analysis of data related to performance and performance indicators;	*deleted*	***(a) providing recommendations to ENIM as regards the establishment and review of the European framework for performance review referred to in Article 50, including on performance areas, performance issues to be addressed under each of the performance areas, harmonisation of methodologies, processes, criteria and definitions for the collection and analysis of data related to performance and performance indicators;*** Agreed at 3rd trilogue
Article 52(3), point (b)				
568	(b) providing recommendations to ENIM, the	(b) providing recommendations to ENIM, ***ERA***,	*deleted*	***(b) providing recommendations to ENIM, the***

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	ENRRB, infrastructure managers, applicants, regulatory bodies, Member State authorities, and, where relevant, other stakeholders for corrective measures, on capacity management, traffic management, disruption management and crisis management;	the ENRRB, infrastructure managers, applicants, regulatory bodies, Member State authorities, and, where relevant, other stakeholders for corrective measures, on capacity management, traffic management, disruption management and crisis management;		***ENRRB, infrastructure managers, applicants, regulatory bodies, Member State authorities, and, where relevant, other stakeholders for corrective measures, on capacity management, traffic management, disruption management and crisis management;*** Agreed at 3rd trilogue
Article 52(3), point (c)				
G 569	(c) reviewing the results of the draft European performance report and, preparing the self-standing section referred to in Article 51(2);	(c) reviewing the results of the draft European performance ***review*** report and, preparing the ~~*self-standing section*~~***report*** referred to in Article 51(2);	*deleted*	***(c) reviewing the results of the draft European performance report and, preparing the self-standing section referred to in Article 51(2);*** Agreed at 3rd trilogue
Article 52(3), point (d)				
G 570	(d) providing opinions and recommendations relating to the performance of rail infrastructure services in relation to the indicative rail infrastructure development strategy referred to in Article 8(1), the business plan referred to in Article 8(3), the contractual agreements referred to in Article 30(2) and the	(d) providing opinions and recommendations relating to the performance of rail infrastructure services in relation to the indicative rail infrastructure development strategy referred to in Article 8(1), the business plan referred to in Article 8(3), the contractual agreements referred to in Article 30(2) and the	*deleted*	***(d) providing opinions and recommendations relating to the performance of rail infrastructure services in relation to the indicative rail infrastructure development strategy referred to in Article 8(1), the business plan referred to in Article 8(3), the contractual agreements referred to in Article***

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	performance scheme referred to in Article 35 of Directive 2012/34/EU.	performance scheme referred to in Article 35 of Directive 2012/34/EU.		***30(2) and the performance scheme referred to in Article 35 of Directive 2012/34/EU.*** Agreed at 3rd trilogue
Article 52(3), point (e)				
G 571	(e) providing advice to the European Coordinators on matters related to the performance of rail infrastructure services and rail transport services.	(e) providing advice to the European Coordinators on matters related to the performance of rail infrastructure services and rail transport services.	*deleted*	***(e) providing advice to the European Coordinators on matters related to the performance of rail infrastructure services and rail transport services.*** Agreed at 3rd trilogue
Article 52(4)				
G 572	4. The addressees of opinions and recommendations referred to in paragraph 3 shall provide responses to the Performance Review Body within the deadlines set by the latter.	4. The addressees of opinions and recommendations referred to in paragraph 3 shall provide responses to the Performance Review Body within the deadlines set by the latter.	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 52(5)				
G *573*	*5.* ENIM, the Network Coordinator, infrastructure managers, regulatory bodies, the ENRRB and, where relevant, other stakeholders shall cooperate with the performance review body, in particular by providing information related to performance	5. ENIM, the Network Coordinator, infrastructure managers, regulatory bodies, the ENRRB***, ERA*** and, where relevant, other stakeholders shall cooperate with the performance review body, in particular by providing information related to	*deleted*	***5. ENIM, the Network Coordinator, infrastructure managers, regulatory bodies, the ENRRB and, where relevant, other stakeholders shall cooperate with the Advisory Performance Panel, in particular by providing information related***

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	on their own initiative or upon the body's request and make the utmost effort to take into account its recommendations in their work on rail performance management.	performance ~~*on their own initiative or upon the body's request*~~ and make the utmost effort to take into account its recommendations in their work on rail performance management.		***to performance on their own initiative or upon the body's request and make the utmost effort to take into account its recommendations in their work on rail performance management.*** Agreed at 3rd trilogue
Article 52(6)				
574	6. The performance review body shall respect the confidentiality of business secrets when handling information provided by relevant stakeholders or the Commission.	6. The performance review body shall respect the confidentiality of business secrets when handling information provided by relevant stakeholders or the Commission.	*deleted*	***6. The Advisory Performance Panel shall respect the confidentiality of business secrets when handling information provided by relevant stakeholders or the Commission.*** Agreed at 3rd trilogue
CHAPTER V				
575	CHAPTER V EUROPEAN NETWORK FOR COORDINATION	CHAPTER V EUROPEAN NETWORK FOR COORDINATION	CHAPTER V EUROPEAN NETWORK FOR COORDINATION	CHAPTER V EUROPEAN NETWORK FOR COORDINATION
Article 53				
576	Article 53 Coordination between infrastructure managers	Article 53 Coordination between infrastructure managers	Article 53 Coordination between infrastructure managers	Article 53 Coordination between infrastructure managers Agreed at 3rd trilogue
Article 53(1)				

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G	577	1. When reference is made to this Article, infrastructure managers shall coordinate between themselves and with other relevant stakeholders in relation to the responsibilities and tasks entrusted to them in this Regulation.	1. When reference is made to this Article, infrastructure managers shall coordinate between themselves and with other relevant stakeholders in relation to the responsibilities and tasks entrusted to them in this Regulation.	1. When reference is made to this Article, infrastructure managers shall coordinate between themselves and with other relevant stakeholders **at least** in relation to the responsibilities and tasks entrusted to them in this Regulation.	1. When reference is made to this Article, infrastructure managers shall coordinate between themselves and with other relevant stakeholders ~~*at least*~~ in relation to the responsibilities and tasks entrusted to them in this Regulation. Agreed at 3rd trilogue	G
Article 53(2), first subparagraph						
G	578	2. Infrastructure managers shall coordinate at least on the issues set out in Annex IX and shall comply with the specific coordination requirements set out in the Articles referenced therein.	2. Infrastructure managers shall coordinate at least on the issues set out in Annex IX and shall comply with the specific coordination requirements set out in the Articles referenced therein.	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
Article 53(2), second subparagraph						
G	*579*	Infrastructure managers shall in particular:	Infrastructure managers shall in particular:	**2.** Infrastructure managers shall in particular:	Infrastructure managers shall in particular: Agreed at 3rd trilogue	G
Article 53(2), second subparagraph, point (a)						
G	580	(a) establish organisational structures, procedures and tools, as appropriate, including the digital tools referred to in Article 62;	(a) establish organisational structures, procedures and tools, as appropriate, including the digital tools referred to in Article 62;	(a) establish organisational structures, procedures and tools, as appropriate, including the digital tools referred to in Article 62;	(a) establish organisational structures, procedures and tools, as appropriate, including the digital tools referred to in Article 62; Agreed at 3rd trilogue	G
Article 53(2), second subparagraph, point (b)						

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G 581	(b) coordinate at the most appropriate geographical level, involving the entities which are best placed to achieve effective and efficient outcomes, in line with the principle of subsidiarity;	(b) coordinate at the most appropriate geographical level, involving the entities which are best placed to achieve effective and efficient outcomes, in line with the principle of subsidiarity;	(b) coordinate at the most appropriate geographical level**, including at the level of the European Transport Corridors**, involving the entities which are best placed to achieve effective and efficient outcomes, in line with the principle of subsidiarity;	(b) coordinate at the most appropriate geographical level, including at the level of the European Transport Corridors, involving the entities which are best placed to achieve effective and efficient outcomes, in line with the principle of subsidiarity; Agreed at 3rd trilogue	G
Article 53(2), second subparagraph, point (c)					
G 582	(c) cooperate with other infrastructure managers through the designated focal points referred to in Article 60;	(c) cooperate with other infrastructure managers through the designated focal points referred to in Article 60;	(c) cooperate with other infrastructure managers through the designated focal points referred to in Article 60;	(c) cooperate with other infrastructure managers through the designated focal points referred to in Article 60; Agreed at 3rd trilogue	G
Article 53(2), second subparagraph, point (d)					
G 583	(d) involve ENIM or the Network Coordinator, as appropriate, on matters having Union relevance. Coordination between infrastructure managers may be implemented at more than one level, in particular for matters where coordination is required both at Union level and within a more specific geographical scope;	(d) involve ENIM or the Network Coordinator, as appropriate, on matters having Union relevance. Coordination between infrastructure managers may be implemented at more than one level, in particular for matters where coordination is required both at Union level and within a more specific geographical scope;	(d) involve ENIM or the Network Coordinator, as appropriate, on matters having Union relevance~~. Coordination between infrastructure managers may be implemented at more than one level, in particular for matters where coordination is required both at Union level and within a more specific geographical scope~~;	(d) involve ENIM or the Network Coordinator, as appropriate, on matters having Union relevance; Agreed at 3rd trilogue	G
Article 53(2), second subparagraph, point (e)					

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G 584	(e) appoint a leading entity, whenever coordination activities involve multiple actors, which shall report to ENIM and shall be responsible for organising consultation activities in accordance with Article 54;	(e) appoint a leading entity, whenever coordination activities involve multiple actors, which shall report to ENIM and shall be responsible for organising consultation activities in accordance with Article 54;	(e) appoint a leading entity, whenever coordination activities involve multiple actors, which shall report to ENIM and shall be responsible for organising consultation activities ~~in accordance with Article 54~~;	(e) appoint a leading entity, whenever coordination activities involve multiple actors, which shall report to ENIM and shall be responsible for organising consultation activities ***in accordance with Article 54***; Agreed at 3rd trilogue	G
Article 53(2), second subparagraph, point (f)					
G 585	(f) refer to ENIM cases where agreed outcomes cannot be reached at first instance;	(f) refer to ENIM cases where agreed outcomes cannot be reached at first instance;	(f) refer to ENIM cases where agreed outcomes cannot be reached ~~at first instance~~;	(f) refer to ENIM cases where agreed outcomes cannot be reached; Agreed at 3rd trilogue	G
Article 53(2), second subparagraph, point (g)					
G 586	(g) review the performance of coordination activities in accordance with Chapter IV.	(g) review the performance of coordination activities in accordance with Chapter IV.	(g) review the performance of coordination activities in accordance with Chapter IV.	(g) review the performance of coordination activities in accordance with Chapter IV. Agreed at 3rd trilogue	G
Article 53(2), second subparagraph					
G 586a			**Coordination between infrastructure managers may be implemented at more than one level, in particular for matters where coordination is required both at Union level and within a more specific geographical scope.**	***2a.*** Coordination between infrastructure managers may be implemented at more than one level, in particular for matters where coordination is required both at Union level and within a more specific geographical scope.	G

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				Agreed at 3rd trilogue
Article 53(2), third subparagraph				
G 586b			**Where ENIM or the Network Coordinator are involved in the coordination between the infrastructure managers, they shall ensure that cross-border aspects are well taken into account.**	***2b.*** Where ENIM or the Network Coordinator are involved in the coordination between the infrastructure managers, they shall ensure that cross-border aspects are well taken into account. Agreed at 3rd trilogue
Article 53(3), first subparagraph				
G 587	3. Coordination shall cover all lines and nodes which are part of the European Transport Corridors set out in Article 7 of and Annex III to [new TEN-T Regulation].	3. Coordination shall ~~*cover all*~~***particularly be reinforced for those TEN-T*** lines and nodes which are part of the European Transport Corridors set out in Article 7 of and Annex III to [new TEN-T Regulation].	*deleted*	***3. Coordination shall cover all sections and nodes which are part of the European Transport Corridors.*** Agreed at 3rd trilogue
Article 53(3), second subparagraph				
G 588	Infrastructure managers may extend coordination to additional lines subject to an agreement between all infrastructure managers concerned.	Infrastructure managers may extend coordination to additional lines subject to an agreement between all infrastructure managers concerned.	*deleted*	***Infrastructure managers may extend coordination to additional lines subject to an agreement between all infrastructure managers concerned.*** Agreed at 3rd trilogue
Article 53(3), second subparagraph a				

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588a		***The Member States and the public service authorities can extend the cover to other lines.***		*deleted* *Agreed at 3rd trilogue*
Article 53(4)				
589	*4.* Coordination between infrastructure managers relating to the allocation of multi-network capacity rights in accordance with Article 29 shall cover the entire networks of the infrastructure managers which are members of ENIM.	4. Coordination between infrastructure managers relating to the allocation of multi-network capacity rights in accordance with Article 29 shall cover the entire networks of the infrastructure managers which are members of ENIM.	*deleted*	***4. Coordination between infrastructure managers relating to the allocation of multi-network capacity rights in accordance with Article 28 shall cover the entire networks of the infrastructure managers which are members of ENIM.*** Provisionally agree in ITM 31
Article 53(5)				
590	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex IX with a view to ensure an efficient coordination between infrastructure managers, taking into account planning, operational and commercial considerations of all stakeholders concerned, and in the light of experience gained in the implementation of this Regulation.	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 71 to amend Annex IX with a view to ensure an efficient coordination between infrastructure managers, taking into account planning, operational and commercial considerations of all stakeholders concerned, and in the light of experience gained in the implementation of this Regulation.	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 53a				
590a			**Article 53a**	Article 53a

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			Coordination between Member States	Coordination between Member States Agreed at 3rd trilogue
Article 53a(1)				
G 590b			**1. When reference is made to this Article, or for the purpose of promoting cross-border traffic by addressing issues on capacity, Member States shall coordinate between themselves. They shall in particular define, where necessary, procedures and timings for their coordination.**	1. ~~*When reference is made to this Article, or*~~ For the purpose of promoting ~~*cross-border*~~***international passenger and rail freight*** traffic ~~*by addressing issues on capacity*~~, Member States shall coordinate ***to ensure consistency*** between ~~*themselves.*~~ ***their respective strategic guidance and national requirements, in accordance with Article 3a.*** They shall in particular define~~*, where necessary,*~~ ***and publish*** procedures and timings for their coordination~~.~~ Agreed at 3rd trilogue
Article 53a(2)				
G 590c			**2. For the purposes of paragraph 1, Member States shall in particular:**	2. For the purposes of paragraph 1, Member States shall in particular: Agreed at 3rd trilogue
Article 53a(2), point (a)				

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G 590d			**(a) coordinate at the most appropriate geographical level and, to the extent possible, in the context of existing fora, to achieve effective and efficient outcomes, in line with the principle of subsidiarity, in particular at the level of European Transport Corridors;**	(a) coordinate at the most appropriate geographical level and, to the extent possible, in the context of existing fora, to achieve effective and efficient outcomes, in ~~*line with the principle of subsidiarity, in*~~ particular at the level of European Transport Corridors; Agreed at 3rd trilogue
Article 53a(2), point (b)				
G 590e			**(b) involve the European Coordinators, as appropriate, and in particular when making progress on the operational priorities set out in Article 19 of [new TEN-T Regulation];**	(b) involve the European Coordinators, as appropriate, and in particular when making progress on the operational priorities set out in Article 19 of ~~*[new TEN-T*~~ Regulation~~]~~ ***(EU) 2024/1679***; Agreed at 3rd trilogue
Article 53a(2), point (c)				
G 590f			**(c) invite the European Commission for matters where coordination is required at Union level or where otherwise relevant.**	(c) invite the European Commission for matters where coordination is required at Union level or where otherwise relevant. Agreed at 3rd trilogue
Article 54				
G 591	Article 54	Article 54	Article 54	Article 54

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	Consultation mechanism for European and cross-border matters	Consultation mechanism for European and cross-border matters	Consultation mechanism for European and cross-border matters	Consultation mechanism for European and cross-border matters Agreed at 3rd trilogue
Article 54(0)				
591a			**0. Infrastructure managers shall ensure an appropriate and regular consultation of interested parties on European and cross-border matters. For this purpose, they shall take into account the guidelines developed by ENIM referred to in paragraph 1.**	0. Infrastructure managers shall ensure an appropriate and regular consultation of interested parties on European and cross-border matters. For this purpose, they shall take into account the guidelines developed by ENIM referred to in paragraph 1. Agreed at 3rd trilogue
Article 54(1)				
592	1. ENIM shall prepare, adopt and implement guidelines to ensure appropriate and regular consultation of interested parties and include them in the European framework for capacity management referred to in Article 6, the European framework for the cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44 and the European framework for performance review referred to in Article 50. The process shall be	1. ENIM shall***, by ... [12 months from the entry into force of this Regulation]*** prepare, adopt and implement guidelines to ensure appropriate and regular consultation of interested parties***, including representatives from ERA and the Member States, as well as the representative bodies referred to in Article 38(4) of Regulation (EU) 2016/796*** and include them in the European framework for capacity management referred to in Article 6, the European framework for the	1. ENIM shall prepare, adopt and implement guidelines ~~to ensure~~**with the purpose of ensuring** appropriate and regular consultation of interested parties **regarding European and cross-border matters** and include them in the European framework for capacity management referred to in Article 6, the European framework for the ~~cross-border~~ coordination of **cross-border** traffic management, disruption management and crisis management referred to in Article	1. ENIM shall prepare, adopt and implement guidelines with the purpose of ensuring appropriate and regular consultation of interested parties regarding European and cross-border matters and include them in the European framework for capacity management referred to in Article 6, the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 and the European framework

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	developed and implemented with the support of the Network Coordinator and with the involvement of the designated focal points of infrastructure managers referred to in Article 60.	cross-border coordination of traffic management, disruption management and crisis management referred to in Article 44 and the European framework for performance review referred to in Article 50. The ~~*process*~~***mechanism*** shall be developed and implemented with the support of the Network Coordinator and with the involvement of the ~~*designated*~~ focal points ~~*of*~~***designated by*** infrastructure managers referred to in Article 60.	44 and the European framework for performance review referred to in Article 50. ~~The process~~**Those guidelines** shall be developed and implemented with the support of the Network Coordinator and with the involvement of the ~~designated~~ focal points ~~of~~**designated by** infrastructure managers ~~referred to in~~**under** Article 60.	for performance review referred to in Article 50. Those guidelines shall be developed***, after having consulted the ERP,*** and implemented with the support of the Network Coordinator and with the involvement of the focal points designated by infrastructure managers under Article 60. Agreed at 3rd trilogue
Article 54(2)				
G 593	2. Where ENIM adopts an opinion or a recommendation likely to have an impact on railway undertakings, other applicants, other operational stakeholders and interested parties, it shall publish a draft for the consultation of concerned parties. The concerned parties shall be given an appropriate amount of time to provide feedback on the draft decision. Member State authorities shall be involved when required.	2. Where ENIM adopts an opinion or a recommendation likely to have an impact on railway undertakings, other applicants, other operational stakeholders and interested parties***, including representatives from ERA and the Member States, as well as the representative bodies referred to in Article 38 (4) of Regulation (EU) 2016/796***, it shall publish a draft for the consultation of concerned parties. The concerned parties shall be given an appropriate amount of	2. Where ENIM adopts an opinion or a recommendation likely to have ~~an~~**a substantial** impact on ~~railway undertakings, other~~ applicants, other operational stakeholders and interested parties, it shall publish a draft for the consultation of concerned parties. The concerned parties shall be given ~~an appropriate amount of time~~**at least two weeks** to provide feedback on the draft ~~decision~~**opinion or recommendation**. Member State	2. Where ENIM ***prepares and*** adopts an opinion or a recommendation***, not related to the European framework for capacity management, the European framework for the coordination of cross-border traffic management, disruption management and crisis management, the European framework for performance review, which is*** likely to have a substantial impact on applicants, other operational stakeholders and interested parties, it shall publish a G

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		time to provide feedback on the draft decision. Member State authorities shall be involved when required. ***When ENIM takes a decision likely to have an impact on the ERP, ENIM shall consult the respective advisory groups.***	authorities shall be involved ~~when required~~**where necessary**.	draft for the consultation of ~~concerned~~***the*** parties~~. The~~ concerned***, including ERP. The*** parties ***concerned*** shall be given ~~at least two~~***six*** weeks to provide feedback on the draft opinion or recommendation. Member State authorities shall be involved where necessary. Agreed at 3rd trilogue
Article 54(3)				
G 594	3. ENIM shall take account of the feedback provided by concerned parties in accordance with paragraph 2 when adopting the final opinion or recommendation. Where ENIM fails to take into account significant elements of the feedback provided, it shall provide the reasons for doing so.	3. ENIM shall take account of the feedback provided by concerned parties in accordance with paragraph 2 when adopting the final opinion or recommendation. Where ENIM fails to take into account significant elements of the feedback provided, it shall provide the ***justified*** reasons for doing so.	3. ENIM shall take account of the feedback provided by concerned parties **when preparing the guidelines referred to** in ~~accordance with~~ paragraph ~~2~~**1 and** when adopting the final opinion or recommendation **referred to in paragraph 2**. Where ENIM fails to take into account significant elements of the feedback provided, it shall provide the reasons ~~for doing so~~**thereof**.	3. ENIM shall take account of the feedback provided by concerned parties when preparing the guidelines referred to in paragraph 1 and when adopting the final opinion or recommendation referred to in paragraph 2. Where ENIM fails to take into account significant elements of the feedback provided, it shall provide the reasons thereof. Agreed at 3rd trilogue
Article 54(3a)				
G 594a		***3a. In the case of diverging views between ENIM and the consultative bodies, the consultative bodies shall inform the ENRRB. The ENRRB shall***		*deleted* *Agreed at 3rd trilogue*

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		take account of such divergent views in its European performance review report referred to in Article 51.		
Article 54(3b)				
594b		***3b. The Commission shall adopt, by ... [24 months from the entry into force of this Regulation], implementing acts to set out uniform conditions to ensure appropriate and regular consultation of interested parties and to amend paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3). They shall be included in the European framework for capacity management.***		*deleted* *Provisionally agreed in ITM 30*
Article 55				
595	Article 55 Organisation of the European Network of Infrastructure Managers	Article 55 Organisation of the European Network of Infrastructure Managers	Article 55 Organisation of the European Network of Infrastructure Managers	Article 55 Organisation of the European Network of Infrastructure Managers
Article 55(1)				
596	1. For the purposes of this Regulation, the European Network of Infrastructure Managers referred to in Article 7f of	1. For the purposes of this Regulation, the European Network of Infrastructure Managers referred to in Article 7f of	1. For the purposes of this Regulation, the European Network of Infrastructure Managers **(ENIM)** referred to in Article 7f of	1. For the purposes of this Regulation, the European Network of Infrastructure Managers (ENIM) referred to in Article 7f of

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	Directive 2012/34/EU shall be organised in accordance with this article.	Directive 2012/34/EU shall be organised in accordance with this article.	Directive 2012/34/EU shall be organised in accordance with this Article.	Directive 2012/34/EU shall be organised in accordance with this Article.
Article 55(1a)				
596a				***1a. The members of ENIM shall provide ENIM with the necessary resources to perform its tasks.*** agreed at 2nd trilogue
Article 55(2)				
597	2. All rail infrastructure managers, which are responsible for lines that form part of the core and extended core TEN-T network, referred to in [Article 6 of and Annex I to new TEN-T Regulation], shall be members of ENIM. They shall appoint a representative and an alternate.	2. All rail infrastructure managers~~, *which are responsible for lines that form part* of the *core and extended core TEN-T network, referred to in [Article 6 of and Annex I to new TEN-T Regulation],*~~ ***Single European Rail Area*** shall be members of ENIM. They shall appoint a representative and an alternate.	2. All~~ rail~~ infrastructure managers, which are responsible for lines that form part of the core and extended core TEN-T network~~, referred to in [Article 6 of and Annex I to new TEN-T Regulation],~~ shall be members of ENIM. They shall appoint a representative and an alternate.	2. All infrastructure managers ***[***, which are responsible for lines that form part of the core and extended core TEN-T network***],*** ~~shall be members of ENIM. *They*~~ ***Other infrastructure managers that are included in strategic capacity management under Article 12 of this Regulation may be members of ENIM. Every member*** shall appoint a representative and an alternate. Agreed at 3rd trilogue
Article 55(3)				
598	3. Rail infrastructure managers, which do not meet the criterion defined in paragraph 2	3. Rail infrastructure managers, which do not meet the criterion defined in paragraph 2	3. ~~Rail~~ Infrastructure managers, which ~~do not meet the criterion defined~~**are not**	3. Infrastructure managers, which are not responsible for the lines referred to in paragraph 2 and

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	may appoint a non-member representative to participate in the deliberations of ENIM.	may appoint a non-member representative to participate in the deliberations of ENIM.	**responsible for the lines referred to** in paragraph 2 **and are thus not members of ENIM,** may ~~appoint a non-member representative to~~ participate in the deliberations of ENIM **without voting rights**. **They may submit statements for consideration by ENIM.**	are thus not members of ENIM, may participate in the deliberations of ENIM ***as observers*** without voting rights. They may submit statements for consideration by ENIM. Agreed at 3rd trilogue
Article 55(3a), first subparagraph				
G 598a			**3a. Infrastructure managers responsible for lines that form part of the core and extended core TEN-T network of States which are members of the European Free Trade Association (EFTA) and of South East European Parties to the Treaty establishing the Transport Community signed by the Union in accordance with Council Decision (EU) 2017/1937 shall have the right to become members, without voting rights, of ENIM provided that those States or parties apply this Regulation pursuant to an international agreement concluded with the Union and in accordance with the conditions set out under such agreement.**	3a. Infrastructure managers responsible for lines that form part of the core and extended core TEN-T network of States which are members of the European Free Trade Association (EFTA) and of South East European Parties to the Treaty establishing the Transport Community signed by the Union in accordance with Council Decision (EU) 2017/1937 shall have the right to become members~~,~~ ~~*without voting rights,*~~ of ENIM provided that those States or parties apply this Regulation pursuant to an international agreement concluded with the Union and in accordance with the ~~*conditions*~~***modalities of participation*** set out under such agreement. G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
				Agreed at 3rd trilogue	
Article 55(3a), second subparagraph					
G 598b			**ENIM shall conclude working arrangements defining the details of the participation of the infrastructure managers concerned.**	*deleted* *Agreed at 3rd trilogue*	G
Article 55(3b)					
G *598c*			**3b. Without prejudice to paragraph 3a, ENIM may, on an ad hoc basis, invite infrastructure managers from third countries to participate in its meetings as observers, without voting rights.**	3b. ~~*Without prejudice to paragraph 3a,*~~ ENIM may ***invite***, on an ~~*ad hoc*~~***ad-hoc*** basis, ~~*invite*~~***rail*** infrastructure managers ~~*from*~~***of*** third countries ~~*to participate in its meetings*~~***not covered under paragraph 3a which are managing railway lines of the TEN-T core and extended core,*** as observers~~*, without voting rights*~~. Agreed at 3rd trilogue	G
Article 55(4)					
R 599	4. Following the consultation of and the approval by the Commission, ENIM shall adopt and publish its rules of procedure. It shall organise its activities in accordance with the rules of procedure.	4. Following the consultation of and the approval by the Commission, ENIM shall adopt and publish its rules of procedure. It shall organise its activities in accordance with the rules of procedure.	4. ~~Following the consultation of and the approval by~~**After consulting** the Commission, ENIM shall adopt and publish its rules of procedure. It shall organise its activities in	4. After consulting the Commission, ENIM shall adopt and publish its rules of procedure. It shall organise its activities in accordance with those rules of procedure.	R

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
			accordance with ~~the~~**those** rules of procedure.		
Article 55(5)					
G 600	5. ENIM shall take its decisions by a simple majority, unless otherwise provided for in the rules of procedure. All members from one Member State shall together have one vote. In the absence of a member, the alternate shall be entitled to exercise the right to vote.	5. ENIM shall take its decisions by a simple majority, unless otherwise provided for in the rules of procedure. All members from one Member State shall together have one vote. In the absence of a member, the alternate shall be entitled to exercise the right to vote.	5. ENIM shall take its decisions by a ~~simple~~ majority **of two-thirds of its members**, unless otherwise provided for in the rules of procedure. All members from one Member State shall together have one vote. In the absence of a member **representative**, the alternate shall be entitled to exercise the right to vote.	5. ENIM shall take its decisions by a ~~*majority of* two~~-thirds ~~*of its members, unless otherwise provided for*~~***majority. Where specified*** in the rules of ~~*procedure*~~***procedures, ENIM may take certain decisions by a simple majority***. All members from one Member State shall together have one vote. In the absence of a member representative, the alternate shall be entitled to exercise the right to vote. agreed at 2nd trilogue	G
Article 55(6)					
G 601	6. ENIM shall meet at regular intervals. It shall elect a Chair from among its members with a two-thirds majority of its members.	6. ENIM shall meet at regular intervals. It shall elect a Chair from among its members with a two-thirds majority of its members.	6. ENIM shall meet at regular intervals. It shall elect a Chair from among its members **in accordance with the voting procedure referred to in paragraph 5**~~with a two-thirds majority of its members~~.	6. ENIM shall meet at regular intervals. It shall elect a Chair from among its members ~~*in accordance with the voting procedure referred to in paragraph 5*~~. Agreed at 3rd trilogue	G
Article 55(7)					
G 602	7. The Commission shall be a non-voting member of ENIM. It	7. The Commission ***and ERA*** shall be a non-voting	7. The Commission shall be a non-voting member of ENIM. It	7. The Commission shall be a non-voting member of ENIM. It	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	shall support the work of ENIM and facilitate coordination.	member of ENIM. ~~#~~***They*** shall support the work of ENIM and facilitate coordination.	shall support the work of ENIM and facilitate coordination **among ENIM members**.	shall support the work of ENIM and facilitate coordination ~~*among ENIM members*~~. Agreed at 3rd trilogue
Article 55(8)				
G 603	8. ENIM shall define its work programme. The work programme shall cover at least a period of two years. ENIM shall consult applicants and other operational stakeholders through the consultation mechanism referred to in Article 54 on the draft work programme. In addition, it shall consult the European Commission, the European Union Agency for Railways and the Europe's Rail Joint Undertaking and, as appropriate, other stakeholders	8. ENIM shall define its work programme. The work programme shall cover at least a period of two years. ENIM shall consult ***ERP, the advisory groups established in Article 55 a,*** applicants and other operational stakeholders through the consultation mechanism referred to in Article 54 on the draft work programme. In addition, it shall consult the European Commission, the European Union Agency for Railways and the Europe's Rail Joint Undertaking and, as appropriate, other stakeholders	8. ENIM shall define its work programme. The work programme shall cover at least a period of two years **and five years at most**. ENIM shall consult applicants and other operational stakeholders**, following the guidelines** ~~through the consultation mechanism~~ referred to in Article 54**,** on the draft work programme~~. In addition, it shall consult the European~~**, as well as the** Commission, the European Union Agency for Railways ~~and~~**,** the Europe's Rail Joint Undertaking and, as appropriate, other stakeholders**.**	8. ENIM shall define its work programme. The work programme shall cover at least a period of two years and five years at most. ENIM shall consult ***ERP,*** applicants and other operational stakeholders~~,~~ following the guidelines referred to in Article 54, on the draft work programme, as well as the Commission, the European Union Agency for Railways, the Europe's Rail Joint Undertaking and, as appropriate, other stakeholders. ***The concerned parties shall be given four weeks to provide feedback on the draft work programme.*** agreed at 2nd trilogue
Article 55(8a)				
G 603a		***8a. In the development of the European frameworks for capacity management, traffic management, and performance***		*deleted* *Agreed at 3rd trilogue*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
		management, ENIM shall consult with ERP.			
Article 55(8b)					
G *603b*		***8b. Rail infrastructure managers and allocation bodies of third countries which are responsible for lines of the trans-European transport network shall be allowed to join ENIM as observers.***		*deleted* *Agreed at 3rd trilogue*	G
Article 55a					
G *603c*		***Article 55a*** ***European Railway Platform***		***Article 55a*** ***European Railway Platform*** Agreed at 3rd trilogue Move this Article after Article 56	G
Article 55a(1)					
G 603d		***1. The European Railway Platform (ERP) is hereby established as a consultative body to ENIM.***		***1. Within 6 months of the entry into force of this regulation, operational stakeholders, other than infrastructure managers, may submit a proposal to the Commission for establishing the European Railway Platform (ERP) to facilitate their exchanges and consultation with ENIM. The purpose of the ERP is***	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				to ensure effective consultation of the sector vis-a-vis ENIM. ***Such proposal shall include the rules of procedure of the platform, setting out working arrangements and criteria for the selection and renewal of its members.*** Agreed at 3rd trilogue
Article 55a(2)				
G	603e	***2. ERP shall be composed of representatives of railway undertakings using European rail infrastructure. ERP may also include, as member, any applicant using European rail infrastructure individually or through associations, operators of service facilities and terminals, multimodal capacity stakeholders, such as sea and inland waterway ports and owners of other rail-related service facilities. Each member shall appoint one representative and one alternate. The Commission and ERA shall also be appointed as observers within ERP. The rail industry may be invited to attend***		***2. The ERP shall allow for a balanced representation of interest of all operational stakeholders other than infrastructure managers.*** ***The ERP shall be open for participation based on transparent, fair and non-discriminatory criteria.*** Agreed at 3rd trilogue

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
		consultative groups and discussions to enable better information and preparedness.			
Article 55a(3)					
G 603f		***3. The Commission shall assist the ERP by establishing the modalities of functioning of ERP, including conditions for admission to the platform of representatives of the categories under paragraph 2.***		***3. Within 2 months of receiving a proposal under paragraph 1, the Commission, having heard the opinion of the ENRRB, shall assess whether the proposal complies with the requirements in paragraph 2 and require changes in the proposal as appropriate.*** Agreed at 3rd trilogue	G
Article 55a(4)					
G 603g		***4. Following the consultation of and the approval by the Commission, ERP shall adopt and publish its rules of procedure. It shall organise its activities in accordance of the rule of procedure. The ERP rules of procedure shall set, inter alia, the frequency of meetings and the organisation of its activities. ERP may organise its activities in subgroups, grouping stakeholder types and regional clusters.***		***4. Following the assessment in paragraph 3 and the adoption of any required changes in the proposal, the Commission shall communicate its agreement to the establishment of the ERP.*** ***After the Commission agreement ERP shall make its rules of procedure publicly available on its website.*** Agreed at 3rd trilogue	G
Article 55a(5)					

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	603h		***5. ENIM shall consult ERP before preparing and adopting European frameworks for capacity management, traffic management and performance management. ERP may issue its own opinions, which shall be taken into account by ENIM. ERP may also issue own initiative opinions addressed to ERA and/or to the Commission.***		***5. The establishment of ERP shall be without prejudice to the right of operational stakeholders, other than infrastructure managers, to respond to consultations by ENIM and infrastructure managers on an individual basis.*** Agreed at 3rd trilogue	G
	Article 55a(6)					
G	603i		***6. Consultations under this Article shall be without prejudice to the right of applicants to appeal decisions by ENIM.***		***6. ERP may also issue own-initiative opinions.*** Agreed at 3rd trilogue	G
	Article 55a(7)					
G	603j		***7. ERP shall address to ERA and to the Commission an annual report of its activities. This report shall be published.***		***7. ERP shall address to the Commission an annual report of its activities. This report shall be published.*** Agreed at 3rd trilogue	G
	Article 56					
G	604	Article 56 Responsibilities of ENIM	Article 56 Responsibilities of ENIM	Article 56 Responsibilities of ENIM	Article 56 Responsibilities of ENIM	G
	Article 56(1)					
G	605	1. In addition to the tasks laid down in Article 7f of	1. In addition to the tasks laid down in Article 7f of	1. In addition to the tasks laid down in Article 7f of	1. In addition to the tasks laid down in Article 7f of	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	Directive 2012/34/EU, ENIM shall be responsible for all tasks assigned to it in this Regulation. It shall, in particular:	Directive 2012/34/EU, ENIM shall be responsible for all tasks assigned to it in this Regulation. It shall, in particular:	Directive 2012/34/EU, ENIM shall be responsible for all tasks assigned to it in this Regulation. **Those tasks may not be delegated.** It shall, in particular:	Directive 2012/34/EU, ENIM shall be responsible for all tasks assigned to it in this Regulation. ~~*Those tasks may not be delegated.*~~ It shall, in particular: Agreed at 3rd trilogue
Article 56(1), point (a)				
606	(a) adopt the European framework for capacity management referred to in Article 6;	(a) adopt the European framework for capacity management referred to in Article 6;	(a) adopt the European framework for capacity management referred to in Article 6;	(a) adopt the European framework for capacity management referred to in Article 6;
Article 56(1), point (b)				
607	(b) adopt the European framework for the coordination of traffic and crisis management referred to in Article 44;	(b) adopt the European framework for the coordination of traffic and crisis management referred to in Article 44;	(b) adopt the European framework for the coordination of **cross-border** traffic **management, disruption management** and crisis management referred to in Article 44;	(b) adopt the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44; Agreed at 3rd trilogue
Article 56(1), point (c)				
608	(c) adopt the European framework for performance review, referred to in Article 50;	(c) adopt the European framework for performance review, referred to in Article 50;	(c) adopt the European framework for performance review, referred to in Article 50;	(c) adopt the European framework for performance review, referred to in Article 50;
Article 56(1), first subparagraph, point (ca)				
608a			**(ca) adopt a common structure for the network statement and a common**	(ca) adopt a common structure for the network statement and a

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
			schedule for consultation, referred to in Article 61;	common schedule for consultation, referred to in Article 61; agreed at 2nd trilogue
Article 56(1), point (d)				
G 609	(d) adopt opinions and recommendations to infrastructure managers in accordance with the provisions of this Regulation and on its own initiative;	(d) adopt opinions and recommendations to infrastructure managers in accordance with the provisions of this Regulation and on its own initiative;	(d) adopt opinions and recommendations to infrastructure managers in accordance with the provisions of this Regulation and on its own initiative;	(d) adopt opinions and recommendations to infrastructure managers in accordance with the provisions of this Regulation and on its own initiative;
Article 56(1), point (e)				
G 610	(e) adopt opinions and recommendations to infrastructure managers in the cases referred to in Article 53(2)(f);	(e) adopt opinions and recommendations to infrastructure managers in the cases referred to in Article 53(2)(f);	*deleted*	***(e) adopt opinions and recommendations to infrastructure managers in the cases referred to in Article 53(2)(f);*** Agreed at 3rd trilogue
Article 56(1), point (f)				
G 611	(f) organising the coordination between infrastructure managers in accordance with Article 53.	(f) organising the coordination between infrastructure managers in accordance with Article 53.	(f) ~~organising~~**organise, with the contribution of the Network Coordinator,** the coordination between infrastructure managers in accordance with Article 53.	(f) organise, with the contribution of the Network Coordinator, the coordination between infrastructure managers in accordance with Article 53 ***and Article 60***. Agreed at 3rd trilogue
Article 56(1), second subparagraph				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G 611a			**ENIM shall have no policy-making or regulatory powers.**	***1a.*** ENIM shall have no policy-making or regulatory powers. Provisionally agreed in ITM 32	G
Article 56(1a)					
G 611b			**1a. ENIM shall establish working groups to ensure the coordination between infrastructure managers and other operational stakeholders, including railway undertakings, operators of service facilities and operators of intermodal transport, and the consultation of those operational stakeholders. Members of the working groups may issue an opinion on any proposal by ENIM which has consequences on operational stakeholders. They may also issue own initiative opinions addressed to ENIM.**	~~*1a*~~***1b***. ENIM ~~*shall*~~***may*** establish working groups ~~*to ensure the coordination between infrastructure managers and other operational stakeholders, including railway undertakings, operators of service facilities and operators of intermodal transport, and the consultation of those operational stakeholders*~~. ~~*Members of the working groups may issue an opinion on any proposal by ENIM which has consequences on operational stakeholders. They may also issue own initiative opinions addressed to ENIM.*~~ agreed at 2nd trilogue	G
Article 56(2)					
G 612	2. When performing coordination through dedicated coordination groups, infrastructure managers shall appoint the entities participating in this group,	2. When performing coordination through dedicated coordination groups, infrastructure managers shall appoint the entities participating in this group,	*deleted*	*deleted* *Agreed at 3rd trilogue*	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	including focal points appointed by infrastructure managers in accordance with Article 60, the Network Coordinator or both.	including focal points appointed by infrastructure managers in accordance with Article 60, the Network Coordinator or both.		
Article 57				
613	Article 57 Transparency	Article 57 Transparency	Article 57 Transparency	Article 57 Transparency
Article 57(1)				
614	1. ENIM shall ensure that its membership, methods of operation and all relevant information about its work are made publicly available on its website. It shall include contact details of dedicated coordination groups, established by the infrastructure managers and references to coordination tools and procedures in accordance with Article 53.	1. ENIM shall ensure that its membership, methods of operation and all relevant information about its work are made publicly available on its website. It shall include contact details of dedicated coordination groups, established by the infrastructure managers and references to coordination tools and procedures in accordance with Article 53.	1. ENIM shall ensure that its membership, ~~methods of operation~~**functioning** and all relevant information about its work are made publicly available on its website. It shall include contact details of dedicated coordination groups, established by the infrastructure managers**,** and references to coordination tools and procedures in accordance with Article 53.	1. ENIM shall ensure that its membership, ~~*functioning*~~***methods of operation*** and all relevant information about its work are made publicly available on its website. It shall include contact details of dedicated coordination groups, established by the infrastructure managers~~,~~ and references to coordination tools and procedures in accordance with Article 53. Agreed at 3rd trilogue
Article 57(2)				
615	2. ENIM shall invite the Commission, including the European Coordinators and, where relevant, representatives of the Member States, to its meetings with a view to discuss issues related to the development of rail	2. ENIM shall invite the Commission, including the European Coordinators***, ERP*** and, where relevant, representatives of ***ERA and*** the Member States, ***as well as the representative bodies as referred to in Article 38(4) of***	2. ENIM shall invite ~~the Commission, including~~ the European Coordinators and, where relevant, representatives of the Member States, to its meetings with a view to discuss issues related to the development of rail	2. ENIM shall invite the European Coordinators***,*** and, where relevant, representatives of the ***ERP and ERA representatives of the*** Member States ***and other bodies***, to its meetings with a view to discuss issues related to the

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		infrastructure and to ensure cooperation with the European Coordinators, as outlined in [new TEN-T Regulation]. ENIM shall provide the information required under [Article 53, third subparagraph of the new TEN-T Regulation].	***Regulation (EU) 2016/796*** to its meetings with a view to discuss issues related to the development of rail infrastructure and to ensure cooperation with the European Coordinators, as outlined in [new TEN-T Regulation]. ENIM shall provide the information required under [Article 53, third subparagraph of the new TEN-T Regulation].	infrastructure and to ensure cooperation with the European Coordinators, as outlined in [new TEN-T Regulation]. ~~ENIM shall provide the information required under [Article 53, third subparagraph of the new TEN-T Regulation].~~	development of rail infrastructure and to ensure cooperation with the European Coordinators, as outlined in ~~*[new TEN-T*~~ Regulation~~]~~ ***(EU) 2024/1679*** . Agreed at 3rd trilogue	
Article 57a						
G	615a		***Article 57a*** ***Responsibilities of ERA***		*deleted* *Agreed at 3rd trilogue*	G
Article 57a(1)						
G	*615b*		***1. In addition to the tasks laid down in Regulation (EU) 2016/796, ERA shall be responsible for all tasks assigned to it in this Regulation. It shall, in particular:***		*deleted* *Agreed at 3rd trilogue*	G
Article 57a(1), point (a)						
G	*615c*		***(a) provide support, upon request from the Commission in preparing the specific implementing and delegated acts foreseen by this Regulation;***		*deleted* *Agreed at 3rd trilogue*	G
Article 57a(1), point (b)						

		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	*615d*		***(b) coordinate, as system authority, according to Article 23 of Regulation (EU) 2016/796 the tasks as set out in Article 62 of this Regulation;***		*deleted* *Agreed at 3rd trilogue*	G
	Article 57a(1), point (c)					
G	*615e*		***(c) fulfil the tasks as set out in Article 50 of this Regulation;***		*deleted* *Agreed at 3rd trilogue*	G
	Article 57a(1), point (d)					
G	*615f*		***(d) provide, on request, support to the regulatory bodies in identifying rules, procedures and tools within the scope of this Regulation;***		*deleted* *Agreed at 3rd trilogue*	G
	Article 57a(1), point (e)					
G	*615g*		***(e) identify obstacles for multi-network rail services;***		*deleted* *Agreed at 3rd trilogue*	G
	Article 57a(2)					
G	*615h*		***2. In its work, the Agency shall:***		*deleted* *Agreed at 3rd trilogue*	G
	Article 57a(2), point (a)					

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
G 615i		***(a) draw up its recommendations based on the work of ENIM and the network coordinator;***		*deleted* Agreed at 3rd trilogue
Article 57a(2), point (b)				
G 615j		***(b) where appropriate, take account of technical progress and acknowledged research work;***		*deleted* Agreed at 3rd trilogue
Article 57a(2), point (c)				
G 615k		***(c) take account of the estimated costs and benefits of its recommendations and underline the most viable solutions;***		*deleted* Agreed at 3rd trilogue
Article 57a(2), point (d)				
G 615l		***(d) fulfil the criteria of openness, consensus and transparency as defined in Annex II to Regulation (EU) No 1025/2012.***		*deleted* Agreed at 3rd trilogue
Article 57a(3)				
G 615m		***3. The amount of the financial resources dedicated to the performance of ERA tasks under this regulation shall be drawn from the unallocated margins under MFF ceilings or mobilised through the non-***		*deleted* Agreed at 3rd trilogue

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		thematic MFF special instruments.		
Article 58				
616	Article 58 Network Coordinator	Article 58 Network Coordinator	Article 58 Network Coordinator	Article 58 Network Coordinator
Article 58(1), first subparagraph				
617	1. The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. For this purpose, they shall appoint by [12 months after the entry into force of this Regulation] an impartial and competent entity to fulfil the functions referred to in Article 59. Such entity will be designated as a Network Coordinator.	1. The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. For this purpose, ~~they~~***the Commission*** shall***, after consultation with Member States and ENIM,*** appoint by [~~12~~***six*** months ~~after~~***from*** the entry into force of this Regulation] an impartial and competent entity to fulfil the functions referred to in Article 59. Such entity will be designated as a Network Coordinator. ***ENIM may decide to change the entity appointed as Network Coordinator with consent of the Commission.***	1. ~~The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. For this purpose, they~~**ENIM** shall appoint by [12 months after the entry into force of this Regulation] an impartial and competent entity to fulfil the functions referred to in Article 59. Such entity ~~will~~**shall** be designated as ~~a~~**the** Network Coordinator.	1. ENIM shall appoint by [12 months after the entry into force of this Regulation] an impartial and competent entity to fulfil the functions referred to in Article 59. Such entity shall be designated as the Network Coordinator.
Article 58(1), second subparagraph				
618	Prior to the appointment of the Network Coordinator, infrastructure managers shall seek the consent of the Commission regarding the designated entity and the following aspects:	Prior to the appointment of the Network Coordinator, infrastructure managers shall seek the consent of the Commission regarding the designated entity and the following aspects:	**The members of ENIM shall provide the Network Coordinator with the necessary resources to perform its tasks.** Prior to the appointment of the Network Coordinator,	The members of ENIM shall provide the Network Coordinator with the necessary resources to perform its tasks. Prior to the appointment of the Network Coordinator, the members of

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
				~~infrastructure managers~~**the members of ENIM** shall ~~seek the consent of~~**consult** the Commission regarding the designated entity and the following aspects:	ENIM shall consult the Commission regarding the designated entity and the following aspects:	
Article 58(1), second subparagraph, point (a)						
G	619	(a) the terms and conditions for the appointment of the Network Coordinator;	(a) the terms and conditions for the appointment of the Network Coordinator;	(a) the terms and conditions for the appointment of the Network Coordinator;	(a) the terms and conditions for the appointment of the Network Coordinator;	G
Article 58(1), second subparagraph, point (b)						
R	620	(b) the conditions of withdrawal of the appointment;	(b) the conditions of withdrawal of the appointment;	(b) the conditions of withdrawal of the appointment **and of appointment of a new Network Coordinator**;	(b) the conditions of withdrawal of the appointment and of appointment of a new Network Coordinator;	R
Article 58(1), second subparagraph, point (c)						
G	621	(c) the procedure to regularly monitor its work and to assess whether it has performed its tasks effectively;	(c) the procedure to regularly monitor its work and to assess whether it has performed its tasks effectively;	(c) the procedure to regularly monitor its work and to assess whether it has performed its tasks effectively;	(c) the procedure to regularly monitor its work and to assess whether it has performed its tasks effectively;	G
Article 58(1), second subparagraph, point (d)						
G	622	(d) any additional operational duties and tasks of the Network Coordinator.	(d) any additional operational duties and tasks of the Network Coordinator.	(d) any additional operational duties and tasks of the Network Coordinator.	(d) any additional operational duties and tasks of the Network Coordinator.	G
Article 58(1), second subparagraph a						
R	622a			**Aspects covered by points (a) to (c) of this paragraph shall be regulated by ENIM rules of procedure adopted pursuant to**	Aspects covered by points (a) to (c) of this paragraph shall be regulated by ENIM rules of procedure adopted pursuant to	R

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
				Article 55. The operational duties and tasks of the Network Coordinator referred to in point (d) of this paragraph shall be specified in the act by which ENIM appoints the Network Coordinator.	Article 55. The operational duties and tasks of the Network Coordinator referred to in point (d) of this paragraph shall be specified in the act by which ENIM appoints the Network Coordinator.	
Article 58(2)						
R	623	2. The Network Coordinator shall execute its tasks in an impartial and cost-effective manner and shall act on behalf of ENIM. For this purpose, it shall submit to ENIM its annual work programme with respect to the tasks set out in this Regulation as well as an annual report on the implementation of the work programme.	2. The Network Coordinator shall execute its tasks in an impartial and cost-effective manner and shall act on behalf of ENIM ***and the Commission***. For this purpose, it shall submit to ENIM ***and the Commission*** its annual work programme with respect to the tasks set out in this Regulation as well as an annual report on the implementation of the work programme.	2. The Network Coordinator shall execute its tasks in an impartial**, transparent** and cost-effective manner ~~and shall act on behalf of ENIM~~. For this purpose, it shall submit to ENIM its annual work programme with respect to the tasks set out in this Regulation as well as an annual report on the implementation of the work programme. **ENIM shall approve the annual work programme and the annual report prior to their adoption.**	2. The Network Coordinator shall execute its tasks in an impartial, transparent and cost-effective manner. For this purpose, it shall submit to ENIM its annual work programme with respect to the tasks set out in this Regulation as well as an annual report on the implementation of the work programme. ENIM shall approve the annual work programme and the annual report prior to their adoption.	R
Article 59						
G	624	Article 59 Tasks and responsibilities of the Network Coordinator	Article 59 Tasks and responsibilities of the Network Coordinator	Article 59 Tasks and responsibilities of the Network Coordinator	Article 59 Tasks and responsibilities of the Network Coordinator	G
Article 59, first paragraph						
G	625	The Network Coordinator shall carry out in support of ENIM the following tasks:	The Network Coordinator shall carry out in support of ENIM the following tasks:	The Network Coordinator shall carry out in support of ENIM the following tasks:	The Network Coordinator shall carry out in support of ENIM the following tasks:	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 59, first paragraph, point (a)					
G	626	(a) act as secretariat and prepare ENIM's meetings, documents, decisions and opinions;	(a) act as secretariat and prepare ENIM's meetings, documents, decisions and opinions**, in particular by contributing to the preparation of the European framework for capacity management referred to in Article 6, the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 and the European framework for performance review referred to in Article 50**;	(a) act as secretariat and prepare ENIM's meetings, documents, decisions and opinions~~, in particular by contributing to the preparation of the European framework for capacity management referred to in Article 6, the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 and the European framework for performance review referred to in Article 50~~; agreed at 2nd trilogue	G
Article 59, first paragraph, point (b)					
G	627	(b) contribute to the preparation of the European framework for capacity management referred to in Article 6, the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 and the European framework for performance review referred to in Article 50;	*deleted*	***(b) contribute to the preparation of the European framework for capacity management referred to in Article 6, the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 and the European***	G

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				framework for performance review referred to in Article 50; agreed at 2nd trilogue
Article 59, first paragraph, point (c)				
628	(c) contribute to the operational coordination between infrastructure managers in accordance with Article 53;	(c) contribute to the operational coordination between infrastructure managers in accordance with Article 53;	(c) contribute to the operational coordination between infrastructure managers in accordance with Article 53;	(c) contribute to the operational coordination between infrastructure managers in accordance with Article 53;
Article 59, first paragraph, point (d)				
629	(d) identify rules, procedures and tools within the scope of this Regulation and adopted at national or infrastructure manager level which create obstacles for multi-network rail services, as set out in this Regulation;	(d) identify rules, procedures and tools within the scope of this Regulation and adopted at national or infrastructure manager level which create obstacles for multi-network rail services, as set out in this Regulation;	(d) identify rules, procedures and tools within the scope of this Regulation and adopted at national or infrastructure manager level which create obstacles for multi-network rail services, as set out in this Regulation**, and propose to ENIM methods to facilitate crossborder rail services**;	(d) identify rules, procedures and tools within the scope of this Regulation and adopted at national or infrastructure manager level which create obstacles for multi-network rail services, as set out in this Regulation, and propose to ENIM methods to facilitate ~~*crossborder*~~***cross-border*** rail services; agreed at 2nd trilogue
Article 59, first paragraph, point (da)				
629a			**(da) contribute to the coordination between infrastructure managers concerning strategic capacity planning according to Article 14 by elaborating specific timetable designs facilitating competitive**	(da) contribute to the coordination between infrastructure managers concerning strategic capacity planning according to Article 14 by elaborating specific timetable designs facilitating competitive

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			multi-network long-distance train paths;	multi-network long-distance train paths; agreed at 2nd trilogue
Article 59, first paragraph, point (e)				
G 630	(e) act as a contact point on behalf of infrastructure managers for enquiries related to capacity planning and allocation, in particular regarding potential requests for capacity, for information or contact points related to rail incidents and temporary capacity restrictions;	(e) act as a contact point on behalf of infrastructure managers for enquiries related to capacity planning and allocation, in particular regarding potential requests for capacity, for information or contact points related to rail incidents and temporary capacity restrictions;	(e) act as a contact point on behalf of infrastructure managers for ~~enquiries related to capacity planning and allocation~~**the provision of information**, in particular ~~regarding potential requests for capacity, for information or contact points~~ related to rail incidents and temporary capacity restrictions;	(e) act as a contact point on behalf of infrastructure managers for ~~*the provision of information*~~***enquiries related to capacity planning and allocation***, in particular ***regarding potential requests for capacity, for information or contact points*** related to rail incidents and temporary capacity restrictions; agreed at 2nd trilogue
Article 59, first paragraph, point (f)				
G 631	(f) act as a first point of contact for stakeholders outside the rail sector interested in using rail services, providing contacts to relevant actors at infrastructure managers and other operational stakeholders;	(f) act as a first point of contact for stakeholders outside the rail sector interested in using rail services, providing contacts to relevant actors at infrastructure managers and other operational stakeholders;	(f) act as a first point of contact ~~for stakeholders outside the rail sector interested in using rail services~~, providing contacts to relevant actors at infrastructure managers and other operational stakeholders~~;~~**.**	(f) act as a first point of contact ***for stakeholders interested in using rail services***, providing contacts to relevant actors ~~*at*~~***such as*** infrastructure managers and other operational stakeholders~~.~~**;** agreed at 2nd trilogue
Article 59, first paragraph, point (g)				
G 632	(g) act as a contact point on behalf of ENIM for applicants and	(g) act as a contact point on behalf of ENIM for applicants and	*deleted*	***(g) act as a contact point on behalf of ENIM for applicants***

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	other operational stakeholders on issues not explicitly covered by this Regulation, in particular the launch or change of cross-border rail transport services or organising support for ad hoc activities, in particular to address the crisis situations referred to in Article 47.	other operational stakeholders on issues not explicitly covered by this Regulation, in particular the launch or change of cross-border rail transport services or organising support for ad hoc activities, in particular to address the crisis situations referred to in Article 47.		***and other operational stakeholders on issues not explicitly covered by this Regulation, in particular the launch or change of cross-border rail transport services or organising support for ad hoc activities, in particular to address the crisis situations referred to in Article 47.*** agreed at 2nd trilogue
Article 59, first paragraph, point (ga)				
G 632a		***(ga) provide existing and new shared B2B-services to Infrastructure Mangers and Railway Undertakings to improve rail services and boost trans-European rail traffic.***		***(ga) offer services, in particular in terms of digital and IT tools, when requested, to improve rail services and boost trans-European rail traffic.*** agreed at 2nd trilogue
Article 60				
G 633	Article 60 Focal points for coordination of infrastructure managers	Article 60 Focal points for coordination of infrastructure managers	Article 60 Focal points for coordination of infrastructure managers	Article 60 Focal points for coordination of infrastructure managers
Article 60(1)				
G 634	1. In order to ensure coordination between infrastructure managers in accordance with Article 53, the infrastructure managers shall	1. In order to ensure coordination between infrastructure managers in accordance with Article 53, the infrastructure managers shall	1. In order to ensure coordination between infrastructure managers in accordance with Article 53, the infrastructure managers shall	1. In order to ensure coordination between infrastructure managers in accordance with Article 53, the infrastructure managers shall

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	designate focal points. The focal point shall act as the central interface between the organisation of the infrastructure manager and the other entities involved in the coordination activities.	designate focal points. The focal point shall act as the central interface between the organisation of the infrastructure manager and the other entities involved in the coordination activities.	designate focal points. The focal point shall act as the central interface between the organisation of the infrastructure manager and the other entities involved in the coordination activities.	designate focal points. The focal point shall act as the central interface between the organisation of the infrastructure manager and the other entities involved in the coordination activities.
Article 60(1a)				
634a			**1a. For each European Transport Corridor, infrastructure managers managing infrastructure part of such European Transport Corridor may designate a single focal point to act as the central interface between them and the other entities involved in the coordination activities, in accordance with point (a) of paragraph 2 of Article 53.**	*deleted* *agreed at 2nd trilogue*
Article 60(1b)				
634b			**1b. The designated single focal point referred to in paragraph 1a shall act as a contact point for applicants and other operational stakeholders for the launch or change of cross-border rail transport services or for organising support for ad hoc activities, in particular to address the crisis**	*deleted* *agreed at 2nd trilogue*

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			situations referred to in Article 47.		
Article 60(1c)					
G *634c*			**1c. The designated single focal point referred to in paragraph 1a shall monitor the allocation of the multi-network capacity requests on the railway lines part of the European Transport Corridors until the end of the annual working timetable.**	*deleted* *agreed at 2nd trilogue*	G
Article 60(2)					
G *635*	*2.* Infrastructure managers shall inform without delay ENIM about any changes in focal points for inclusion in the publications referred to in Article 57(1) (Transparency).	2. Infrastructure managers shall inform without delay ENIM about any changes in focal points for inclusion in the publications referred to in Article 57(1) (Transparency).	2. Infrastructure managers shall inform without delay ENIM about any changes in focal points for inclusion in the publications referred to in Article 57(1) ~~(Transparency)~~.	2. Infrastructure managers shall inform without delay ENIM about any changes in focal points for inclusion in the publications referred to in Article 57(1) ***(Transparency)***.	G
Article 61					
636	Article 61 Common structure, contents and schedule for network statements	Article 61 Common structure, contents and schedule for network statements	Article 61 Common structure, contents and schedule for network statements	Article 61 Common structure, contents and schedule for network statements	
Article 61(1)					
Y 637	1. ENIM shall prepare and adopt a common structure for the network statement referred to in Article 27 of Directive 2012/34/EU, which shall take into	1. ENIM shall***, by [12 months from the entry into force of this Regulation],*** prepare and adopt a common structure for the network statement referred to in	1. ENIM shall prepare and adopt a common structure for the network statement referred to in Article 27 of Directive 2012/34/EU, which shall take into	1. ENIM shall prepare and adopt a common structure for the network statement referred to in Article 27 of Directive 2012/34/EU, which shall take into	Y

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	consideration the information listed in Annex IV to that Directive, Annex IV to this Regulation, and a common schedule for the consultation of interested parties on the draft network statement. Infrastructure managers shall take the utmost account of this structure and schedule when preparing the network statement.	Article 27 of Directive 2012/34/EU, which shall take into consideration the information listed in Annex IV to that Directive, Annex IV to this Regulation, and a common schedule for the consultation of interested parties on the draft network statement. Infrastructure managers shall take the utmost account of this structure and schedule when preparing the network statement.	consideration the information listed in Annex IV to that Directive, Annex IV to this Regulation, and a common schedule for the consultation of interested parties on the draft network statement. Infrastructure managers shall take the utmost account of this structure and schedule when preparing the network statement.	consideration the information listed in Annex IV to that Directive, Annex IV to this Regulation, and a common schedule for the consultation of interested parties on the draft network statement. Infrastructure managers shall take the utmost account of this structure and schedule when preparing the network statement.
Article 61(1a)				
G 637a				***1a. ENIM shall submit a draft of the common structure for the network statement referred to in paragraph 1 of this Article within [deadline, e.g. 12 months] after the entry into force of this Regulation. The ENRRB shall submit a recommendation to ENIM on this common structure within [deadline, e.g. 3 months] after receiving the draft prepared by ENIM. ENIM shall take account of this recommendation.*** agreed at 2nd trilogue
Article 61(2)				

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G	638	2. When preparing the network statement referred to in Article 27 of Directive 2012/34/EU, the infrastructure manager shall the take utmost account of the European framework for capacity management, the European framework for the cross-border coordination of traffic management, disruption management and crisis management and the European framework for performance review, referred to respectively in Articles 6, 44 and 50 of this Regulation.	2. When preparing the network statement referred to in Article 27 of Directive 2012/34/EU, the infrastructure manager shall the take utmost account of the European framework for capacity management, the European framework for the cross-border coordination of traffic management, disruption management and crisis management and the European framework for performance review, referred to respectively in Articles 6, 44 and 50 of this Regulation.	2. When preparing the network statement referred to in Article 27 of Directive 2012/34/EU, the infrastructure manager shall ~~the~~ take **the** utmost account of the European framework for capacity management **referred to in Article 6 of this Regulation**, the European framework for the ~~cross-border~~ coordination of **cross-border** traffic management, disruption management and crisis management **referred to in Article 44 of this Regulation** and the European framework for performance review~~,~~ referred to ~~respectively in Articles 6, 44 and~~**in Article** 50 of this Regulation.	2. When preparing the network statement referred to in Article 27 of Directive 2012/34/EU, the infrastructure manager shall take the utmost account of the European framework for capacity management referred to in Article 6 of this Regulation, the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 of this Regulation and the European framework for performance review referred to in Article 50 of this Regulation. Provisionally agree in ITM 31	G
Article 61(3)						
G	639	3. Where the infrastructure manager does not comply with paragraph 1 or 2, it shall provide a justification in the network statement and inform the competent regulatory body and ENIM.	3. Where the infrastructure manager does not comply with paragraph 1 or 2, it shall provide a justification in the network statement and inform the competent regulatory body and ENIM.	3. ~~Where the~~ Infrastructure ~~manager does not comply with paragraph 1 or 2, it~~**managers** shall ~~provide a justification~~**explain** in the network statement **the reason for deviation from the structure and schedule referred to in paragraph 1 and the European frameworks referred to in paragraph 2** and inform the	3. Infrastructure managers shall explain in the network statement the reason for deviation from the structure and schedule referred to in paragraph 1 and the European frameworks referred to in paragraph 2 and inform the competent regulatory body and ENIM of those reasons. Provisionally agree in ITM 31	G

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			competent regulatory body and ENIM **of those reasons**.	
Article 62				
640	Article 62 Digitalisation of capacity and traffic management	Article 62 Digitalisation of capacity and traffic management	Article 62 Digitalisation of capacity and traffic management	Article 62 Digitalisation of capacity and traffic management
Article 62(1)				
G 641	1. Infrastructure managers shall ensure that capacity management and traffic management processes within the scope of this Regulation are implemented by means of digital tools and digital services.	1. Infrastructure managers shall ensure that capacity management and traffic management processes within the scope of this Regulation are implemented by means of digital tools and digital services.	1. Infrastructure managers shall ensure that capacity management and traffic management processes within the scope of this Regulation are implemented by means of digital tools and digital services.	1. Infrastructure managers shall ensure that capacity management and traffic management processes within the scope of this Regulation are implemented by means of digital tools and digital services. G
Article 62(1), second subparagraph				
G 641a			**Capacity management tools shall be compliant with the requirements concerning capacity planning and allocation process laid down in Chapter II of this Regulation and the requirements defined in the Directive (EU) 2016/797 and the delegated and implementing acts adopted on the basis thereof. Infrastructure managers may continue to use capacity management tools existing prior to the date of application referred to in Article 77(2)(d)**	Capacity management tools ***used by infrastructure managers*** shall be compliant with the requirements concerning capacity planning and allocation process laid down in Chapter II of this Regulation ~~and~~ ***. The digital tools shall comply with*** the requirements defined in the Directive (EU) 2016/797 and the delegated and implementing acts adopted on the basis thereof ***to ensure interoperability of systems and alignment of data with the register of infrastructure referred*** G

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			provided that those tools allow infrastructure managers to comply with the abovementioned requirements.	***to in Article 49 of Directive (EU) 2016/797***. Infrastructure managers may continue to use capacity management tools existing prior to the date of application referred to in Article 77(2)(d) provided that those tools allow infrastructure managers to comply with the abovementioned requirements. Provisionally agreed in ITM 30
Article 62(2)				
642	2. The digital tools deployed and the digital services provided shall:	2. The digital tools deployed and the digital services provided shall:	2. The digital tools deployed and the digital services provided shall:	2. The digital tools deployed and the digital services provided shall:
Article 62(2), point (a)				
643	(a) improve the performance and the quality, including full interoperability, of the services infrastructure managers provide to applicants;	(a) improve the performance and the quality, including full interoperability, of the services infrastructure managers provide to applicants;	(a) ~~improve the~~**ensure effective** performance and ~~the~~ quality, including full interoperability, of the services infrastructure managers provide to applicants;	(a) ensure effective performance and quality, including full interoperability, of the services infrastructure managers provide to applicants; provisionally agreed in ITM 28
Article 62(2), point (b)				
644	(b) improve the transparency of rail capacity management and traffic management throughout all their phases;	(b) improve the transparency of rail capacity management and traffic management throughout all their phases***, including digital and real time solutions which shall be***	(b) ~~improve~~**ensure** the transparency of rail capacity management and traffic management throughout all their phases **including through real**	(b) ensure the transparency of rail capacity management and traffic management throughout all their phases including through ~~*real time*~~***real-time*** solutions which shall be ***elaborated with relevant***

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		gradually elaborated with relevant stakeholders;	**time solutions which shall be deployed gradually**;	***stakeholders and*** deployed ~~*gradually*~~***according to the requirements defined in Directive (EU) 2016/797***; provisionally agreed in ITM 28
Article 62(2), point (c)				
G 645	(c) reduce the administrative burden for applicants by requesting each piece of information only once and by providing information or data in a single place, including as regards cross-border services.	(c) reduce the administrative burden for applicants by requesting each piece of information only once and by providing information or data in a single place, including as regards cross-border services.	(c) reduce the administrative burden for applicants by requesting each piece of information only once and by providing information or data in a single place, including as regards cross-border services~~.~~**;**	(c) reduce the administrative burden for applicants by requesting each piece of information only once and by providing information or data in a single place, including as regards cross-border services~~;~~ .
Article 62(2), point (d)				
G 645a			**(d) ensure data alignment with the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.**	*deleted*
Article 62(2), point (cb)				
G *645b*		***Where applicable, the digital tools and the digital services shall comply with TAF/TAP TSI and RINF, referred to in Article 49 of Directive EU 2016/797, to ensure interoperability of relevant systems.***		*deleted*
Article 62(2a)				

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G 645c		***2a. The infrastructure managers shall ensure that the digital tools and digital services fulfil the requirements of the capacity planning and allocation process set out in Section 3 of this Regulation. In order to achieve the improvements indicated in paragraph 2, point (a), of this Article, the infrastructure managers shall also use a tool for the digitalisation of temporary capacity restrictions and a digital illustration of the trains running on the European rail network.***		*deleted* G
Article 62(3)				
G 646	*3.* Where the digital tools or of the digital services necessary to support capacity management or traffic management processes need to be covered by technical specifications for interoperability, or where existing specifications covering or partially covering those tools, as provided for by Directive (EU) 2016/797 and the implementing acts adopted under that Directive, need to be amended, ENIM and infrastructure managers shall contribute to the development and maintenance of	3. Where the digital tools or ~~of~~ the digital services necessary to support capacity management or traffic management processes need to be covered by technical specifications for interoperability, or where existing specifications covering or partially covering those tools, as provided for by Directive (EU) 2016/797 and the implementing acts adopted under that Directive, need to be amended, ENIM and infrastructure managers shall contribute to the development and maintenance of	*deleted*	***3. Where the digital tools or the digital services necessary to support capacity management or traffic management processes need to be covered by technical specifications for interoperability, or where existing specifications covering or partially covering those tools, as provided for by Directive (EU) 2016/797 and the implementing acts adopted under that Directive, need to be amended, ENIM and infrastructure managers shall contribute to the development and*** G

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	such specifications in cooperation with the Europe's Rail Joint Undertaking and through the process referred to in Article 5 of Directive (EU) 2016/797.	such specifications in cooperation with ***ERA and*** the Europe's Rail Joint Undertaking**,** and through the process referred to in Article 5 of Directive (EU) 2016/797.		***maintenance of such specifications in cooperation with ERA and the Europe's Rail Joint Undertaking, and through the process referred to in Article 5 of Directive (EU) 2016/797.*** provisionally agreed in ITM 28
Article 62(4)				
G 647	4. Infrastructure managers shall contribute the work of the Europe's Rail Joint Undertaking on issues that fall within the scope of this Regulation. For this purpose, ENIM and the infrastructure managers shall seek for appropriate representation in the System Pillar Steering Group and the Deployment Group referred to respectively in Articles 96 and 97 of Regulation (EU) 2021/2085.	4. Infrastructure managers shall contribute the work of the Europe's Rail Joint Undertaking on issues that fall within the scope of this Regulation. For this purpose, ENIM and the infrastructure managers shall seek for appropriate representation in the System Pillar Steering Group and the Deployment Group referred to respectively in Articles 96 and 97 of Regulation (EU) 2021/2085.	4. Infrastructure managers shall contribute **to** the work of the Europe's Rail Joint Undertaking on issues that fall within the scope of this Regulation. For this purpose, ENIM and the infrastructure managers shall ~~seek for~~**ensure** appropriate representation in the System Pillar Steering Group and the Deployment Group referred to respectively in Articles 96 and 97 of Regulation (EU) 2021/2085.	4. Infrastructure managers shall contribute to the work of the Europe's Rail Joint Undertaking on issues that fall within the scope of this Regulation. For this purpose, ENIM and the infrastructure managers shall ensure appropriate representation in the System Pillar Steering Group and the Deployment Group referred to respectively in Articles 96 and 97 of Regulation (EU) 2021/2085. provisionally agreed in ITM 28
Article 62(5), first subparagraph				
G 648	5. Infrastructure managers, railway undertakings, other applicants and, where relevant, the operators of rail service facilities shall exchange digital information related to capacity management	5. Infrastructure managers, railway undertakings, other applicants and, where relevant, the operators of rail service facilities shall exchange digital information related to capacity management	5. Infrastructure managers, ~~railway undertakings, other~~ applicants and, where relevant, the operators of ~~rail~~ service facilities shall exchange digital information related to capacity management	5. Infrastructure managers, ~~*applicants*~~***operational stakeholders*** and, where relevant, the operators of service facilities shall exchange digital information related to capacity management

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	and traffic management by means of digital tools and digital services which are based on a harmonised architecture and which involve standardised interfaces or common systems in accordance with Directive (EU) 2016/797 and the specifications laid down in implemented acts adopted under that Directive.	and traffic management by means of digital tools and digital services which are based on a harmonised architecture and which involve standardised interfaces or common systems in accordance with Directive (EU) 2016/797 and the specifications laid down in implemented acts adopted under that Directive.	and traffic management by means of digital tools and digital services which are based on a harmonised architecture and which involve standardised interfaces or common systems in accordance with Directive (EU) 2016/797 and the specifications ~~laid down in implemented acts~~ adopted ~~under that Directive~~**on the basis thereof**.	and traffic management by means of digital tools and digital services which are based on a harmonised architecture and which involve standardised interfaces or common systems in accordance with Directive (EU) 2016/797 and the specifications adopted on the basis thereof. provisionally agreed in ITM 28
Article 62(5), second subparagraph				
G 649	In the case of multi-network rail services, infrastructure managers shall provide digital services and digital information through a single interface or common systems developed and deployed under coordination of ENIM in accordance with paragraph 3.	In the case of multi-network rail services, infrastructure managers shall provide digital services and digital information through a single interface or common systems developed and deployed under coordination of ENIM in accordance with paragraph 3.	In the case of multi-network rail **services or cross-border** services, infrastructure managers shall provide digital services and digital information through a single interface or common systems developed and deployed under coordination of ENIM**, in particular in order to manage capacity allocation** ~~in accordance with paragraph 3~~.	In the case of multi-network rail services or cross-border services, infrastructure managers shall provide digital services and digital information through a single interface or common systems developed and deployed under coordination of ENIM~~, in particular~~. ***ENIM shall establish a one-stop-shop*** in order to ~~*manage*~~***allow applicants to request multi-network*** capacity ~~*allocation*~~***rights in a single place and in a single operation***. provisionally agreed in ITM 28 G
Article 62(5), second subparagraph a				

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G 649a		***5a. Infrastructure managers shall ensure that the digital tools and digital services referred to in paragraph 1 shall be fully operational in accordance with the timelines set out in this Regulation: The following digital European rail capacity and traffic management systems shall be implemented:***		***5a. Infrastructure managers shall ensure that the digital tools and digital services referred to in paragraph 1 are operational by the deadlines set out in Article 77. The Network Coordinator shall provide common European digital tools and services for capacity and traffic management developed and deployed in accordance with paragraph 3. ERA shall, in accordance with Article 23 of Regulation (EU) 2016/796, monitor the deployment and compliance of the digital systems against the technical specifications for interoperability, coordinate the development and updating of these specifications and assist the Commission in this process.*** Provisionally agreed on 13/10
Article 62(5), second subparagraph a, point (a)				
G 649b		***(a) a European digital system for the capacity management processes set out in Chapter II of this Regulation, consisting of:***		*deleted* *Provisionally agreed on 13/10*
Article 62(5), second subparagraph a, point (b)				
G *649c*		***(i) a digital display of capacity models referred to in***		*deleted*

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		Article 17 by 1 July 2025 ("European capacity management tool") to be used from timetable period 2027;		*Provisionally agreed on 13/10*
Article 62(5), second subparagraph a, point (c)				
G *649d*		***(ii) a tool to submit multi-network annual capacity requests and receive answers in a single place and operation by 1 January 2026 (= "path coordination system") to be used from timetable period 2027;***		*deleted* *Provisionally agreed on 13/10* G
Article 62(5), second subparagraph a, point (d)				
G *649e*		***(iii) a digital display of the capacity supply plan in real time referred to in Articles 9 and 18 by 1 December 2028 ("European Capacity management tool") to be used from timetable period 2030;***		*deleted* *Provisionally agreed on 13/10* G
Article 62(5), second subparagraph a, point (e)				
G *649f*		***(iv) a digital display and tool for coordination of temporary capacity restrictions referred to in Article 10 by 1 December 2027 ("temporary capacity restrictions tool") to be used from timetable period 2029;***		*deleted* *Provisionally agreed on 13/10* G
Article 62(5), second subparagraph a, point (f)				

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G 649g		***(v) a capacity broker for requesting multi-network capacity according to the processes described in Articles 32 to 34 by 1 January 2029 ("capacity broker") to be used from timetable period 2030 ;***		*deleted* *Provisionally agreed on 13/10*
Article 62(5a)				
G 649h			**5a. By [6 months after the date of application referred to in 77(2)(d)], ENIM shall provide guidelines on the functional and technical requirements for the exchange of information under paragraph 5 between infrastructure managers, applicants and, where relevant, the operators of service facilities, taking into account the work of the Europe's Rail Joint Undertaking.**	*deleted* *provisionally agreed in ITM 28*
Article 62(5b), first subparagraph				
G 649i		***(b) a European digital system as a support of the European traffic management network concept, for the traffic management processes set out in Chapter III of this Regulation ("Train information system"), providing for***		*deleted* *Provisionally agreed on 13/10*

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Article 62(5b), first subparagraph, point (a)				
649j		***(i) a European-wide overview of multi-network train runs from origin to destination as of the date of application of the Regulation;***		*deleted* *Provisionally agreed on 13/10*
Article 62(5b), first subparagraph, point (b)				
649k		***(ii) a regular exchange of information on estimated time of arrival by December 2027;***		*deleted* *Provisionally agreed on 13/10*
Article 62(5b), first subparagraph, point (c)				
649l		***(iii) a reporting of incidents to or via this common system by December 2030;***		*deleted* *Provisionally agreed on 13/10*
Article 62(5b), first subparagraph, point (d)				
649m		***(iv) a common platform for communication and cooperation of national traffic control centres by December 2030.***		*deleted* *Provisionally agreed on 13/10*
Article 62(5b), second subparagraph				
649n		***ERA in cooperation with ENIM and the network coordinator shall, in accordance with Article 19 of Regulation (EU) 2016/796, provide by ... [12 months from the entry into force of this Regulation], a recommendation***		*deleted* *Provisionally agreed on 13/10*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		to the Commission, setting out tools on the implementation and governance of the digital European rail capacity and traffic management system. The recommendation shall take into account the tools already in operation or under development, as well as investments committed, and the tools and timelines provided in this paragraph. Based on this recommendation, the Commission shall be empowered to adopt a delegated act in accordance with Article 71 to set out these tools on the implementation and governance of the digital European rail capacity and traffic management system and to identify the tasks of the Europe's Rail Joint Undertaking, ERA, infrastructure managers, ENIM, ENRRB and the Network Coordinator in this process.		
Article 62(5c)				
G *649o*		***5b. ERA shall coordinate these tasks. The central tools of the European digital capacity and traffic management systems shall***		*deleted* *Provisionally agreed on 13/10* G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
		be operated by the Network Coordinator. ***ERA shall ensure compliance of digital systems developed by the sector with the technical standards for interoperability.***		
Article 62(5d)				
R *649p*		***5c. The Commission and Member States shall support the financing of the activities set out in this Article, including from the CEF, in order to ensure a timely, cross-border harmonised and interoperable implementation of digital tools and services.***		*deleted* R
CHAPTER VI				
650	CHAPTER VI REGULATORY OVERSIGHT OF CAPACITY AND TRAFFIC MANAGEMENT	CHAPTER VI REGULATORY OVERSIGHT OF CAPACITY AND TRAFFIC MANAGEMENT	CHAPTER VI REGULATORY OVERSIGHT OF CAPACITY AND TRAFFIC MANAGEMENT	CHAPTER VI REGULATORY OVERSIGHT OF CAPACITY AND TRAFFIC MANAGEMENT
SECTION 1				
651	SECTION 1 Regulatory bodies	SECTION 1 Regulatory bodies	SECTION 1 Regulatory bodies	SECTION 1 Regulatory bodies
Article 63				
G 652	Article 63 Responsibilities of regulatory bodies	Article 63 Responsibilities of regulatory bodies	Article 63 Responsibilities of regulatory bodies	Article 63 Responsibilities of regulatory bodies G
Article 63(1)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
653	1. The functions and the powers laid down in Article 56 of Directive 2012/34/EU shall also be exercised with respect to the matters covered by this Regulation. In particular, the regulatory body shall monitor the activities of infrastructure managers as set out in Chapters II to V and shall verify compliance with this Regulation on its own initiative and with a view to preventing discrimination against applicants.	1. The functions and the powers laid down in Article 56 of Directive 2012/34/EU shall also be exercised with respect to the matters covered by this Regulation. In particular, the regulatory body shall monitor the activities of infrastructure managers ***and the European network coordinator,*** as set out in Chapters II to V ***of this Regulation*** and shall verify compliance with this Regulation on its own initiative and with a view to preventing discrimination against applicants.	1. **Member States shall ensure that** the functions and the powers laid down in Article 56 of Directive 2012/34/EU ~~shall also be~~**are also** exercised with respect to the matters covered by this Regulation. In particular, the regulatory body shall monitor the activities of infrastructure managers as set out in Chapters II to V **of this Regulation** and shall verify compliance with this Regulation on its own initiative and with a view to preventing discrimination against applicants.	1. ~~*Member States shall ensure that*~~ The functions and the powers laid down in Article 56 of Directive 2012/34/EU ~~*are also*~~***shall also be*** exercised with respect to the matters covered by this Regulation. In particular, the regulatory body shall monitor the activities of infrastructure managers as set out in Chapters II to V of this Regulation and shall verify compliance with this Regulation on its own initiative and with a view to preventing discrimination against applicants. Provisionally agreed in ITM 32	G
Article 63(1a)					
653a		***1a. The regulatory body shall participate and supervise the strategic planning of capacity provided in Section II of this Regulation. The regulatory body shall also evaluate proportionality, non-discrimination and transparency. The regulatory body may issue and share opinions with infrastructure managers, ENIM and ERP. The infrastructure managers shall take into account***		*deleted* *Provisionally agreed in ITM 32*	G

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		the proposals of regulatory bodies in elaborating the strategic planning of capacity.		
Article 63(2)				
654	*2.* A railway undertaking, an applicant, a potential applicant, a national, regional or local authority responsible for transport shall have the right to appeal to the regulatory body in accordance with article 56 of Directive 2012/34/EU if it believes it has been unfairly treated, discriminated against or in any other way aggrieved by the infrastructure manager when the latter carried out the activities set out in Chapters II, III, IV and V of this Regulation (Management of infrastructure; Traffic and crisis management; Performance review and management; European network for coordination).	2. A railway undertaking, ~~*an*~~***other*** applicant, a potential applicant, a national, regional or local authority responsible for transport shall have the right to appeal to the regulatory body in accordance with article 56 of Directive 2012/34/EU if it believes it has been unfairly treated, discriminated against or in any other way aggrieved by the infrastructure manager when the latter carried out the activities set out in Chapters II, III, IV and V of this Regulation ~~*(Management of infrastructure; Traffic and crisis management; Performance review and management; European network for coordination)*~~.	2. ~~A railway undertaking, an applicant, a potential~~**An** applicant, a national, regional or local authority responsible for **rail** transport **services** shall have the right to appeal to the regulatory body **under the procedure set out** in ~~accordance with~~ Article 56 of Directive 2012/34/EU if it believes it has been unfairly treated, discriminated against or in any other way aggrieved by the infrastructure manager when the latter carried out the activities set out in Chapters II, III, IV and V of this Regulation ~~(Management of infrastructure; Traffic and crisis management; Performance review and management; European network for coordination)~~.	2. An applicant, a national, regional or local authority responsible for rail transport services shall have the right to appeal to the regulatory body under the procedure set out in Article 56 of Directive 2012/34/EU if it believes it has been unfairly treated, discriminated against or in any other way aggrieved by the infrastructure manager when the latter carried out the activities set out in Chapters II, III, IV and V of this Regulation. Provisionally agreed in ITM 32
Section 2				
654a	SECTION 2 Tasks and responsibilities of the European Network of Rail Regulatory Bodies Moved reference text		SECTION 2 ~~Tasks and responsibilities of the~~ European Network of Rail Regulatory Bodies Moved from row 665 [665 - 654a]	SECTION 2 European Network of Rail Regulatory Bodies

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Article 64					
G 655	Article 64 Cooperation of regulatory bodies within the European Network of Rail Regulatory Bodies (ENRRB)	Article 64 Cooperation of regulatory bodies within the European Network of Rail Regulatory Bodies (ENRRB)	Article 64 Cooperation of regulatory bodies within the European Network of Rail Regulatory Bodies (ENRRB)	Article 64 Cooperation of regulatory bodies within the European Network of Rail Regulatory Bodies (ENRRB)	G
Article 64(1), first subparagraph					
G 656	1. For the purpose of fulfilling their responsibilities under this Regulation, the regulatory bodies shall cooperate in the framework of the ENRRB referred to in Article 57(1) of Directive 2012/34/EU, including through joint consultations and investigations, by adopting opinions or recommendations or through other relevant activities. Regulatory bodies shall provide all the required information to the ENRRB.	1. For the purpose of fulfilling their responsibilities under this Regulation, the regulatory bodies shall cooperate in the framework of the ENRRB referred to in Article 57(1) of Directive 2012/34/EU, including through joint consultations and investigations, by adopting opinions or recommendations or through other relevant activities. Regulatory bodies shall provide all the required information to the ENRRB ***and take into account the opinions and recommendations adopted by ENRRB***.	1. For the purpose of fulfilling their responsibilities under this Regulation, the regulatory bodies shall cooperate in the framework of the ENRRB ~~referred to in~~**established under** Article 57(1) of Directive 2012/34/EU, including through joint consultations and investigations, by adopting opinions or recommendations or through other relevant activities. Regulatory bodies shall provide all the required information to the ENRRB **in accordance with paragraph 6**.	1. For the purpose of fulfilling their responsibilities under this Regulation, the regulatory bodies shall cooperate in the framework of the ENRRB established under Article 57(1) of Directive 2012/34/EU, including through joint consultations and investigations, by adopting opinions or recommendations or through other relevant activities. Regulatory bodies shall provide all the required information to the ENRRB in accordance with paragraph 6. Agreed at 3rd trilogue	G
Article 64(1), second subparagraph					
G 657	When acting within the scope of this Regulation, the ENRRB shall have the tasks and responsibilities and organise its work as defined in section 2 of this Chapter.	When acting within the scope of this Regulation, the ENRRB shall have the tasks and responsibilities and organise its work as defined in section 2 of this Chapter.	When acting within the scope of this Regulation, the ENRRB shall have the tasks and responsibilities and organise its work as defined in **this** section ~~2 of this Chapter~~.	When acting within the scope of this Regulation, the ENRRB shall have the tasks and responsibilities and organise its work as defined in this section.	G

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				Agreed at 3rd trilogue
Article 64(2)				
658	2. In the case of a complaint or an own-initiative investigation on a matter falling within the scope of this Regulation and affecting the access to or the use of rail networks in more than one Member State, the regulatory body concerned shall inform the ENRRB and the Commission of the complaint or the investigation.	2. In the case of a complaint or an own-initiative investigation on a matter falling within the scope of this Regulation and affecting the access to or the use of rail networks in more than one Member State, the regulatory body concerned shall inform the ENRRB and the Commission of the complaint or the investigation.	2. In the case of a complaint or an own-initiative investigation on a matter falling within the scope of this Regulation and affecting the access to or the use of rail networks in more than one Member State, the regulatory body concerned shall inform the ENRRB and the Commission of the complaint or the investigation.	2. In the case of a complaint or an own-initiative investigation on a matter falling within the scope of this Regulation and affecting the access to or the use of rail networks in more than one Member State, the regulatory body concerned shall inform the ENRRB and the Commission of the complaint or the investigation.
Article 64(3)				
659	3. A regulatory body may transmit any relevant matter, complaint or investigation to the ENRRB for an exchange of views or for the adoption of an opinion or recommendation.	3. A regulatory body may transmit any relevant matter, complaint or investigation to the ENRRB for an exchange of views or for the adoption of an opinion or recommendation.	3. A regulatory body may transmit any relevant matter, complaint or investigation to the ENRRB for an exchange of views or for the adoption of an opinion or recommendation.	3. A regulatory body may transmit any relevant matter, complaint or investigation to the ENRRB for an exchange of views or for the adoption of an opinion or recommendation.
Article 64(4)				
660	4. When taking decisions on matters affecting more than one Member State, the regulatory bodies concerned shall cooperate in preparing their respective decisions under the coordination of the ENRRB in order to bring about a resolution of the matter. For that purpose, the regulatory bodies concerned shall carry out	4. When taking decisions on matters affecting more than one Member State, the regulatory bodies concerned shall cooperate in preparing their respective decisions under the coordination of the ENRRB in order to bring about a resolution of the matter. For that purpose, the regulatory bodies concerned shall carry out	4. When taking decisions on matters ~~affecting more than one Member State~~**impacting cross-border rail services**, the regulatory bodies concerned shall cooperate in preparing their respective decisions under the coordination of the ENRRB in order to bring about a resolution of the matter. For that purpose, the	4. When taking decisions on matters ~~*impacting cross-border rail services*~~***falling within the scope of this Regulation and affecting the access to or the use of rail networks in more than one Member State***, the regulatory bodies concerned shall cooperate ~~*in preparing their respective decisions*~~ under the coordination

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	their functions in accordance with paragraph 1 of this Article and Article 56 of Directive 2012/34/EU. They shall take into account any relevant opinion and recommendation adopted by the ENRRB and shall provide these decisions to the ENRRB.	their functions in accordance with paragraph 1 of this Article and Article 56 of Directive 2012/34/EU. They shall take into account any relevant opinion and recommendation adopted by the ENRRB and shall provide these decisions to the ENRRB.	regulatory bodies concerned shall carry out their functions in accordance with paragraph 1 of this Article and Article 56 of Directive 2012/34/EU. They shall take into account any relevant opinion and recommendation adopted by the ENRRB and shall provide these decisions to the ENRRB.	of the ENRRB in order to ~~*bring about a resolution of the matter*~~***ensure the consistency of their respective decisions***. For that purpose, the regulatory bodies concerned shall carry out their functions in accordance with paragraph 1 of this Article and Article 56 of Directive 2012/34/EU. They shall take into account any relevant opinion and recommendation adopted by the ENRRB and shall provide these decisions to the ENRRB. agreed at 2nd trilogue
Article 64(4a)				
660a			**4a. Where the cooperation referred to in paragraph 4 results in diverging decisions of the regulatory bodies concerned, they shall provide to the ENRRB an explanation laying out the differences.**	*deleted* *Agreed at 3rd trilogue*
Article 64(5)				
661	*5.* Where a regulatory body adopts a decision, which departs from any relevant opinion or recommendation of the ENRRB or where it refuses to adopt a decision, it shall provide to the	5. Where a regulatory body adopts a decision, which departs from any relevant opinion or recommendation of the ENRRB or where it refuses to adopt a decision, it shall provide to the	5. Where a regulatory body adopts a decision, which departs from any relevant opinion or recommendation of the ENRRB or where it refuses to adopt a decision, it shall provide to the	5. Where a regulatory body adopts a decision, which departs from any relevant opinion or recommendation of the ENRRB or where it refuses to adopt a decision, it shall provide to the

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	ENRRB an explanation laying out the differences and its reasoning for not following the opinions or recommendations of the ENRRB.	ENRRB an explanation laying out the differences and its reasoning for not following the opinions or recommendations of the ENRRB ***and include the relevant explanation in its decision***.	ENRRB an explanation laying out the differences and its reasoning for not following the opinions or recommendations of the ENRRB.	ENRRB an explanation laying out the differences and its reasoning for not following the opinions or recommendations of the ENRRB ***and include the relevant explanation in its decision***. Agreed at 3rd trilogue
Article 64(6)				
G 662	6. The regulatory bodies consulted by the ENRRB shall reply within the deadlines set by the ENRRB and, upon the latter's request, shall provide all the information that they have the right to request under their national law. This information may only be used for the purpose of the activities carried out by the regulatory bodies in accordance with this Regulation.	6. The regulatory bodies consulted by the ENRRB shall reply within the deadlines set by the ENRRB and, upon the latter's request, shall provide all the information that they have the right to request under their national law. This information may only be used for the purpose of the activities carried out by the regulatory bodies in accordance with this Regulation.	6. The regulatory bodies consulted by the ENRRB shall reply within the deadlines set by the ENRRB and, upon the latter's request, shall provide all the information that they have the right to request under their national law. This information may only be used for the purpose of the activities carried out by the regulatory bodies in accordance with this Regulation.	6. The regulatory bodies consulted by the ENRRB shall reply within the deadlines set by the ENRRB and, upon the latter's request, shall provide all the information that they have the right to request under their national law. This information may only be used for the purpose of the activities carried out by the regulatory bodies in accordance with this Regulation. G
Article 64(7)				
G 663	7. Infrastructure managers shall provide, without delay, all the information necessary for the purpose of handling the complaint or investigation referred to in this Article and requested by the regulatory body of the Member State in which the infrastructure manager is located. Regulatory	7. Infrastructure managers shall provide, without delay, all the information necessary for the purpose of handling the complaint or investigation referred to in this Article and requested by the regulatory body of the Member State in which the infrastructure manager is located. Regulatory	7. Infrastructure managers shall provide, without delay, all the information necessary for the purpose of handling the complaint or investigation referred to in this Article and requested by the regulatory body of the Member State in which the infrastructure manager is located. Regulatory	7. Infrastructure managers shall provide, without delay, all the information necessary for the purpose of handling the complaint or investigation referred to in this Article and requested by the regulatory body of the Member State in which the infrastructure manager is located. Regulatory G

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	bodies shall have the right to request information from ENIM on investigations within their competence. Regulatory bodies shall be entitled to transfer such information to the ENRRB.	bodies shall have the right to request information from ENIM on investigations within their competence. Regulatory bodies shall be entitled to transfer such information to the ENRRB.	bodies shall have the right to request information from ENIM on investigations within their competence. Regulatory bodies shall be entitled to transfer such information to the ENRRB.	bodies shall have the right to request information from ENIM on investigations within their competence. Regulatory bodies shall be entitled to transfer such information to the ENRRB.
Article 64(8)				
664	8. Rail regulatory bodies shall provide the necessary resources for the functioning of the ENRRB.	8. Rail regulatory bodies shall provide the necessary resources for the functioning of the ENRRB.	8. Rail regulatory bodies shall provide the necessary resources for the functioning of the ENRRB.	8. Rail regulatory bodies shall provide the necessary resources for the functioning of the ENRRB.
Article 64(8a)				
664a		***8a. ENRRB shall ensure that its structure, methods of operation and all relevant information about its work, including opinions and recommendations are made publicly available on its website. It shall include contact details of working groups.***		*deleted* *Agreed at 3rd trilogue*
Article 64a				
664b	Article 66 Organisation and structure of the European Network of Rail Regulatory Bodies (ENRRB) Moved reference text		Article ~~66~~**64a** Organisation and structure of the European Network of Rail Regulatory Bodies (ENRRB) Moved from row 674 [674 - 664b]	Article 64a Organisation and structure of the European Network of Rail Regulatory Bodies (ENRRB) Agreed at 3rd trilogue
Article 64a, first paragraph				

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G	664c	For the purpose of this regulation, the ENRRB shall be organised into: Moved reference text		For the purpose of this regulation, the ENRRB shall be organised into: Moved from row 675 [675 - 664c]	For the purpose of this regulation, the ENRRB shall be organised into: Agreed at 3rd trilogue	G
Article 64a, first paragraph, point (a)						
G	664d	(a) a Board of Regulatory Bodies; Moved reference text		(a) a Board of Regulatory Bodies **(the 'Board')**; Moved from row 676 [676 - 664d]	(a) a Board of Regulatory Bodies (the 'Board'); Agreed at 3rd trilogue	G
Article 64a, first paragraph, point (b)						
G	664e	(b) a Secretariat. Moved reference text		(b) a Secretariat. Moved from row 677 [677 - 664e]	(b) a Secretariat. Agreed at 3rd trilogue	G
Article 64a, second paragraph						
G	664f	Regulatory bodies shall ensure the operation of the Secretariat. Moved reference text		Regulatory bodies shall ensure the operation of the Secretariat. Moved from row 678 [678 - 664f]	Regulatory bodies shall ensure the operation of the Secretariat. Agreed at 3rd trilogue	G
SECTION 2						
G	665	SECTION 2 Tasks and responsibilities of the European Network of Rail Regulatory Bodies	SECTION 2 Tasks and responsibilities of the European Network of Rail Regulatory Bodies	Moved to row 654a [665 - 654a]	*deleted* *Agreed at 3rd trilogue*	G
Article 65						
G	*666*	Article 65 Tasks and responsibilities	Article 65 Tasks and responsibilities	Article 65 Tasks and responsibilities **of the ENRRB**	Article 65 Tasks and responsibilities of the ENRRB	G

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Article 65(1)					
667	1. In addition to its tasks under Directive 2012/34/EU, the ENRRB shall also have the tasks and responsibilities laid down in this Regulation.	1. In addition to its tasks under Directive 2012/34/EU, the ENRRB shall also have the tasks and responsibilities laid down in this Regulation.	1. In addition to its tasks under Directive 2012/34/EU, the ENRRB shall also have the tasks and responsibilities laid down in this Regulation. **The ENRRB shall make public any opinion and recommandation it has adopted. The ENRRB shall have no policy-making or regulatory powers.**	1. In addition to its tasks under Directive 2012/34/EU, the ENRRB shall also have the tasks and responsibilities laid down in this Regulation. The ENRRB shall make public any opinion and ~~*recommandation*~~***recommendation*** it has adopted. The ENRRB shall have no policy-making or regulatory powers. Provisionally agreed in ITM 32	G
Article 65(2)					
668	2. The ENRRB shall coordinate all cooperation activities of rail regulatory bodies as outlined in Article 64 and promote alignment of decisions of regulatory bodies in relation to international rail services.	2. The ENRRB shall coordinate all cooperation activities of rail regulatory bodies as outlined in Article 64 and promote alignment of decisions of regulatory bodies in relation to international rail services.	2. The ENRRB shall**, where relevant,** coordinate all cooperation activities of rail regulatory bodies as outlined in Article 64 and promote alignment of decisions of regulatory bodies in relation to ~~international~~**cross-border** rail services.	2. The ENRRB shall, where relevant, coordinate all cooperation activities of rail regulatory bodies as outlined in Article 64 and promote alignment of decisions of regulatory bodies in relation to cross-border rail services. Agreed at 3rd trilogue	G
Article 65(2a)					
668a		***2a. ENRRB shall assess, before adopted, the European frameworks for capacity managements, traffic management and performance***		*deleted* *Agreed at 3rd trilogue*	G

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		review as well as the network statement common structure and issue and share an opinion with national regulatory bodies that may take action in accordance with Article 56 of Directive 2012/34/EU. ENRRB may assess all ENIM decisions and issue and share opinions with ENIM, regulatory bodies, ERP and infrastructure managers.		
Article 65(3)				
669	*3.* Based on requests by applicants, infrastructure managers, and other interested parties, the ENRRB shall provide opinions or recommendations on pending or adopted decisions on complaints submitted to the rail regulatory bodies.	*deleted*	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 65(4), first subparagraph				
670	*4.* Interested parties may lodge a complaint with the ENRRB on matters within the scope of this Regulation or affecting the access to or the use of rail infrastructure in more than one Member State. Where the ENRRB receives such a complaint, it shall transfer it to the	4. Interested parties may lodge a complaint with the ENRRB on matters within the scope of this Regulation or affecting the access to or the use of rail infrastructure in more than one Member State. Where the ENRRB receives such a complaint, it shall transfer it to the	4. ~~Interested parties may lodge a complaint with~~**Applicants may inform** the ENRRB on ~~matters~~**issues falling** within the scope of this Regulation ~~or affecting~~**which may affect** the access to or the use of rail infrastructure in more than one Member State. Where the ENRRB	4. ~~*Applicants*~~***Operational stakeholders*** may inform the ENRRB on issues falling within the scope of this Regulation which may affect the access to or the use of rail infrastructure in more than one Member State. Where the ENRRB receives such information, it shall transfer it to

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	competent regulatory body or bodies without delay.	competent regulatory body or bodies without delay.	receives such ~~a complaint~~**information**, it shall transfer it to the competent regulatory body or bodies without delay.	the competent regulatory body or bodies without delay. agreed at 2nd trilogue	
Article 65(4), second subparagraph					
G	671	In such cases, the ENRRB shall immediately inform the rail regulatory bodies concerned about its intention to adopt an opinion or recommendation on any such matter.	In such cases, the ENRRB shall immediately inform the rail regulatory bodies concerned about its intention to adopt an opinion or recommendation on any such matter.	**The ENRRB may decide to adopt an opinion or recommendation on such issues.** In such cases, the ENRRB shall immediately inform the ~~rail~~ regulatory bodies concerned about its intention ~~to adopt an opinion or recommendation on any such matter.~~**thereto.**	The ENRRB may decide to adopt an opinion or recommendation on such issues. In such cases, the ENRRB shall immediately inform the regulatory bodies concerned about its intention thereto. Agreed at 3rd trilogue	G
Article 65(5)					
G	672	5. The ENRRB shall submit its opinion or recommendation to the rail regulatory bodies concerned within one month of receipt of all the relevant information regarding the complaint. The ENRRB may extend the period for particularly complex matters.	5. The ENRRB shall submit its opinion or recommendation to the rail regulatory bodies concerned within one month of receipt of all the relevant information regarding the complaint. The ENRRB may extend the period for particularly complex matters.	~~5.~~ The ENRRB shall submit its opinion or recommendation to the ~~rail~~ regulatory bodies concerned within ~~one month~~**four weeks** of receipt of all the relevant information regarding the ~~complaint~~**issue in question**. The ENRRB may extend the period for particularly complex matters.	The ENRRB shall submit its opinion or recommendation to the regulatory bodies concerned within four weeks of receipt of all the relevant information regarding the issue in question. The ENRRB may extend the period for particularly complex matters. Agreed at 3rd trilogue	G
Article 65(5a)					
G	672a		***5a. The ENRRB shall provide recommendations to the ENIM as regards the***		*deleted*	G

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		establishment and review of the European framework for performance review referred to in Article 50, including on performance areas, performance issues to be addressed under each of the performance areas, harmonisation of methodologies, processes, criteria and definitions for the collection and analysis of data related to performance and performance indicators;		*Provisionally agreed in ITM 32*
Article 65(5b)				
672b				***5b. The ENRRB may adopt opinions and recommendations on decisions taken by ENIM, or by the network coordinator, following requests from applicants or on its own initiative. When adopting an opinion or recommendation under this paragraph, it shall inform the regulatory bodies concerned.*** Agreed at 3rd trilogue
Article 65(6)				
673	6. The ENRRB shall develop common principles and practices for taking the decisions for which regulatory bodies are empowered under this Regulation.	6. The ENRRB shall develop common principles and practices for taking the decisions for which regulatory bodies are empowered under this Regulation.	6. The ENRRB shall develop common principles and practices for ~~taking~~**the adoption, by regulatory bodies, of** the decisions for which	6. The ENRRB shall develop common principles and practices for the adoption, by regulatory bodies, of the decisions for which

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			~~regulatory~~**those** bodies are empowered under this Regulation.	those bodies are empowered under this Regulation. Agreed at 3rd trilogue
Article 65(7)				
673a			**7. The ENRRB shall provide recommendations on the European framework for capacity management referred to in Article 6, the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 and the European framework for performance review referred to in Article 50, before their adoption by ENIM.**	*deleted* *Agreed at 3rd trilogue*
Article 65(8)				
673b			**8. The ENRRB shall prepare a self-standing section of the European performance review report referred to in Article 51, providing its assessment of and recommendations on the performance of rail infrastructure services and rail transport services. It shall provide advice to the**	*deleted* *Agreed at 3rd trilogue*

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			Commission and the European Coordinators on matters related to performance of rail infrastructure services and rail transport services.	
Article 65(9)				
G *673c*			**9. The ENRRB shall provide its opinions or recommandations to the Commission on any shortcomings of the coordination process referred to Article 14 and, on request of the Commission, on emergency measures adopted by Member States having a significant impact on cross-border traffic as referred to in Article 47(5).**	9. The ENRRB shall provide its opinions or ~~*recommandations*~~***recommendations*** to the Commission on any shortcomings of the coordination process referred to Article 14 and, on request of the Commission, on emergency measures adopted by Member States having a significant impact on cross-border traffic as referred to in Article 47(5). Agreed at 3rd trilogue G
Article 65(10)				
G 673d			**10. The ENRRB shall submit its opinion or recommendation to ENIM on the guidelines developed by ENIM on the definition of conditions giving rise to penalty, as referred to in Article 40(3).**	10. The ENRRB shall submit its opinion or recommendation to ENIM on the guidelines developed by ENIM on the definition of conditions giving rise to penalty, as referred to in Article 40(3). Agreed at 3rd trilogue G
Article 65(6e)				

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673e		***6a. ENRRB shall assess the European frameworks for capacity managements, traffic management and performance review as well as the network statement common structure and issue an opinion. Regulatory bodies shall take utmost account of the opinion of ENRRB in checking network statements.***		***11. ENRRB can issue own-initiative opinions on matters within its competence.*** Agreed at 3rd trilogue
Article 66				
674	Article 66 Organisation and structure of the European Network of Rail Regulatory Bodies (ENRRB)	Article 66 Organisation and structure of the European Network of Rail Regulatory Bodies (ENRRB)	Moved to row 664a [674 - 664a]	*deleted* *Agreed at 3rd trilogue*
Article 66, first paragraph				
675	For the purpose of this regulation, the ENRRB shall be organised into:	For the purpose of this regulation, the ENRRB shall be organised into:	Moved to row 664b [675 - 664b]	*deleted* *Agreed at 3rd trilogue*
Article 66, first paragraph, point (a)				
676	*(a)* a Board of Regulatory Bodies;	(a) a Board of Regulatory Bodies;	Moved to row 664c [676 - 664c]	*deleted* *Agreed at 3rd trilogue*
Article 66, first paragraph, point (b)				
677	*(b)* a Secretariat.	(b) a Secretariat.	Moved to row 664d [677 - 664d]	*deleted*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Agreed at 3rd trilogue
Article 66, second paragraph				
678	Regulatory bodies shall ensure the operation of the Secretariat.	Regulatory bodies shall ensure the operation of the Secretariat.	Moved to row 664e [678 - 664e]	*deleted* Agreed at 3rd trilogue
Article 66, second paragraph a				
678a		***ENRRB shall ensure that its methods of operation and all relevant information about its work are made publicly available on a common website. It shall include contact details for complaints, contact information for dedicated working groups, and information about procedures.*** moved to 689a		*deleted* Agreed at 3rd trilogue
Article 66, second paragraph b				
678b		***ENRRB shall publish its opinions and recommendations on a dedicated website.***		*deleted* Agreed at 3rd trilogue
Article 67				
679	Article 67 Composition of the Board of Regulatory Bodies	Article 67 Composition of the Board of Regulatory Bodies	Article 67 Composition **and organisation** of the Board ~~of Regulatory Bodies~~	Article 67 Composition and organisation of the Board

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Agreed at 3rd trilogue
Article 67(1)				
680	1. The Board of Regulatory Bodies shall be composed of one voting member from each Member State that has a rail network in use and one member appointed by the Commission.	1. The Board of Regulatory Bodies shall be composed of one voting member from each Member State that has a rail network in use and one member appointed by the Commission. ***ERA shall be an observer with no voting rights.***	1. The ~~Board of~~ Regulatory Bodies ~~shall be composed of one voting member~~ from each Member State that has a rail network in use ~~and one member appointed by the Commission~~**shall be members of the Board**. **They shall appoint a representative and an alternate to the Board.**	1. The Regulatory Bodies from each Member State that has a rail network in use shall be members of the Board. They shall appoint a representative and an alternate to the Board. ***The Commission shall appoint a member who shall be a non-voting member of the Board.*** Provisionally agreed in ITM 32
Article 67(2)				
681	2. The voting members shall be the head, or a deputy head, of the regulatory body referred to in Article 55 of Directive 2012/34/EU. They shall have one alternate to represent the member in her or his absence. The alternate shall be appointed by the regulatory body from among the governance or the management of the regulatory body or, where this is not possible, from its staff.	2. The voting members shall be the head, or a deputy head, of the regulatory body referred to in Article 55 of Directive 2012/34/EU. They shall have one alternate to represent the member in her or his absence. The alternate shall be appointed by the regulatory body from among the governance or the management of the regulatory body or, where this is not possible, from its staff.	The ~~voting members~~**representatives** shall be the head, or a deputy head, of the regulatory body referred to in Article 55 of Directive 2012/34/EU. ~~They shall have one alternate to represent the member in her or his absence.~~ The alternate shall be appointed ~~by the regulatory body~~ from among the governance or the management of the regulatory body or, where this is not possible, from its staff.	The representatives shall be the head, or a deputy head, of the regulatory body referred to in Article 55 of Directive 2012/34/EU. The alternate shall be appointed from among the governance or the management of the regulatory body or, where this is not possible, from its staff. Agreed at 3rd trilogue
Article 67(3)				

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	682	3. Members of the Board and their alternates shall act independently and objectively in the interests of the Union, regardless of any particular national or personal interests. They shall neither seek nor take instructions from any government, institution, person or body.	3. Members of the Board and their alternates shall act independently and objectively in the interests of the Union, regardless of any particular national or personal interests. They shall neither seek nor take instructions from any government, institution, person or body.	3. Members of the Board ~~and their alternates~~ shall act independently and objectively in the interests of the Union, regardless of any particular national or personal interests. They shall neither seek nor take instructions from any government, institution, person or body.	3. Members of the Board ***and their alternates*** shall act independently and objectively in the interests of the Union, regardless of any particular national or personal interests. They shall neither seek nor take instructions from any government, institution, person or body. Agreed at 3rd trilogue	G
	Article 67(4)					
G	683	4. An up-to-date list of members of the Board and their alternates, together with their declarations of interest, shall be made public by the Secretariat of the ENRRB.	4. An up-to-date list of members of the Board and their alternates, together with their declarations of interest, shall be made public by the Secretariat of the ENRRB.	4. An up-to-date list of **representatives of the** members of the Board and their alternates, together with their declarations of interest, shall be made public by the Secretariat of the ENRRB.	4. An up-to-date list of ~~*representatives of the*~~ members of the Board and their alternates, together with their declarations of interest~~.~~ ***and contact details*** shall be made ~~*public*~~***publicly available*** by the Secretariat of the ENRRB. Agreed at 3rd trilogue	G
	Article 67(5)					
R	683a		***4a. The Board shall adopt its rules of procedure, following approval by the Commission.*** moved from 691 (15/07)	**5. After consulting the Commission, the Board shall adopt and publish its rules of procedure. The rules of procedure may establish more detailed voting arrangements, in particular the procedure for voting on urgent matters.**	5. After consulting the Commission, the Board shall adopt and publish its rules of procedure. The rules of procedure may establish more detailed voting arrangements, in particular the procedure for voting on urgent matters.	R

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 67(6)					
G	683b		**6. The Board shall take decisions by a majority of two-thirds of its members, unless otherwise provided for in the rules of procedure. Each member shall have one vote. In the absence of a member representative, the alternate shall be entitled to exercise the right to vote.**	6. The Board shall take decisions by a majority of two-thirds of its members, unless otherwise provided for in the rules of procedure. Each member shall have one vote. In the absence of a member representative, the alternate shall be entitled to exercise the right to vote. agreed at 2nd trilogue	G
Article 67(7)					
R	683c	***4b. The Commission shall attend, support and facilitate coordination during the meetings of the Board. It shall have no voting right.*** moved from line 692 (15/07)	**7. The Commission shall be a non-voting member of the Board. It shall coordinate and support the work of the Board and make recommendations to the Board, as appropriate.**	~~7~~***4c***. The Commission ~~*shall be a non-voting member of the Board. It*~~ shall coordinate and support the work of the Board and make recommendations to the Board, as appropriate. Provisionally agreed in ITM 32	R
Article 67(8)					
G	683d		**8. The Secretariat shall provide the necessary services for organising the meetings and the work of the Board.**	8. The Secretariat shall provide the necessary services for organising the meetings and the work of the Board. Agreed at 3rd trilogue	G
Article 67(9), first subparagraph					

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G 683e			**9. In accordance with the Board's rules of procedure, the Board may decide to set up working groups to organise the work of the ENRRB on specific topics related to the implementation of this Regulation, in particular on matters related to the performance of rail infrastructure services.**	9. In accordance with the Board's rules of procedure, the Board may decide to set up working groups to organise the work of the ENRRB on specific topics related to the implementation of this Regulation, in particular on matters related to the performance of rail infrastructure services. Agreed at 3rd trilogue	G
Article 67(9), second subparagraph					
G 683f			**The working groups shall be open to the participation of experts from rail regulatory bodies and the Commission. The experts from operational stakeholders and from other public or private bodies may be invited to participate in those working groups on an ad-hoc basis.**	The working groups shall be open to the participation of experts from rail regulatory bodies and the Commission. The experts from operational stakeholders and from other public or private bodies may be invited to participate in those working groups on an ad-hoc basis. Agreed at 3rd trilogue	G
Article 68					
G 684	Article 68 Role and tasks of the Board	Article 68 Role and tasks of the Board	Article 68 Role and tasks of the Board	Article 68 Role and tasks of the Board Agreed at 3rd trilogue	G
Article 68(1)					

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	685	1. The Board shall perform all tasks of the ENRRB set out in this Regulation.	1. The Board shall perform all tasks of the ENRRB set out in this Regulation.	1. The Board shall perform all tasks of the ENRRB set out in this Regulation.	1. The Board shall perform all tasks of the ENRRB set out in this Regulation.	G
Article 68(2)						
G	686	2. In particular, the Board shall:	2. In particular, the Board shall:	2. In particular, the Board shall:	2. In particular, the Board shall:	G
Article 68(2), point (a)						
G	687	(a) adopt opinions or recommendations on complaints or investigations presented to it by its Chair or by a regulatory body or bodies in accordance with the rules laid down in Article 69;	(a) adopt opinions or recommendations on complaints or investigations presented to it by its Chair or by a regulatory body or bodies in accordance with the rules laid down in Article 69;	(a) adopt**, in accordance with the procedural rules laid down in, or referred to in, Article 67,** opinions or recommendations **of the ENRRB** on complaints or investigations ~~presented~~**transmitted** to it ~~by its Chair or~~ by a regulatory body or bodies ~~in accordance with the rules laid down in~~**pursuant to** Article ~~69~~**64(3)**;	(a) adopt, in accordance with the procedural rules laid down in, or referred to in, Article ~~67~~***67(6) or referred to in Article 67(5)***, opinions or recommendations of the ENRRB on complaints or investigations transmitted to it by a regulatory body or bodies pursuant to Article 64(3); Agreed at 3rd trilogue	G
Article 68(2), point (aa)						
G	687a		***(aa) adopt opinions and recommendations on decisions taken by ENIM working in cooperation with the network coordinator within the scope of this regulation***		***(aa) adopt opinions and recommendations on decisions taken by ENIM working in cooperation with the network coordinator within the scope of this regulation;*** Provisionally agreed in ITM 32	G
Article 68(2), point (ab)						

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G 687b		***(ab) following complaints from railway undertakings, operators of service facilities and other interested parties, adopt recommendations and opinions of the ENRRB in relation to the consultations referred to in Article 55 a, as well as to the decisions taken by ENIM working in cooperation with the network coordinator.***		***(ab) following complaints from railway undertakings, operators of service facilities and other interested parties, adopt recommendations and opinions of the ENRRB in relation to the consultations referred to in Article 55a.*** Provisionally agreed in ITM 32	G
Article 68(2), point (b)					
G 688	(b) draft and adopt an annual report on the ENRRB's activities;	(b) draft and adopt an annual report on the ENRRB's activities;	(b) draft and adopt an annual report on the ENRRB's activities;	(b) draft and adopt an annual report on the ENRRB's activities;	G
Article 68(2), point (c)					
G 689	(c) set up working groups and appoint their Chairs.	(c) set up working groups and appoint their Chairs.	(c) set up working groups and appoint their Chairs.	(c) set up working groups and appoint their Chairs.	G
Article 68(2), point (ca)					
G 689a		***(ca) draft and adopt a recommendation to the ENIM as regards the establishment and review of the European framework for performance review.***		***(ca) ensure that ENRRB's methods of operation and all relevant information about its work including its opinions and recommendations are made publicly available on its website. It shall include contact details for complaints, contact information for dedicated working groups, and information about procedures.***	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Agreed at 3rd trilogue
Article 69				
690	Article 69 Organisation of the work of the Board	Article 69 Organisation of the work of the Board	*deleted*	*deleted* *Agreed at 3rd trilogue*
Article 69(1)				
691	*1.* The Board shall adopt its rules of procedure, following approval by the Commission.	1. The Board shall adopt its rules of procedure, following approval by the Commission.	*deleted*	*deleted*
Article 69(1a)				
691a		***1a. The Board shall meet in regular intervals. It shall elect a Chair from among its members with a two-thirds majority of its members and shall serve a term of one year.***		*deleted* *Agreed at 3rd trilogue*
Article 69(2)				
692	*2.* The Commission shall chair the meetings of the Board. It shall have no voting right.	2. The Commission shall ~~*chair*~~***attend, support and facilitate coordination during*** the meetings of the Board. It shall have no voting right.	*deleted*	*deleted*
Article 69(3)				
693	*3.* The Secretariat shall provide the necessary services for organising the meetings and the work of the Board.	3. The Secretariat shall provide the necessary services for organising the meetings and the work of the Board.	*deleted*	*deleted* *Agreed at 3rd trilogue*

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Article 69(4)						
G	*694*	*4.* The Board shall take decisions by a simple majority of its members, unless otherwise provided for in the rules of procedure.	4. The Board shall take decisions by a simple majority of its members, unless otherwise provided for in the rules of procedure.	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
Article 69(5)						
G	*695*	*5.* Each member shall have one vote. In the absence of a member, the alternate shall be entitled to exercise the right to vote.	5. Each member shall have one vote. In the absence of a member, the alternate shall be entitled to exercise the right to vote.	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
Article 69(6)						
G	*696*	*6.* The rules of procedure may establish more detailed voting arrangements, in particular the procedure for voting on urgent matters and on cases of recommendations on decisions of rail regulatory bodies.	6. The rules of procedure may establish more detailed voting arrangements, in particular the procedure for voting on urgent matters and on cases of recommendations on decisions of rail regulatory bodies.	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
Article 70						
G	*697*	Article 70 Working groups of the ENRRB	Article 70 Working groups of the ENRRB	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
Article 70(1)						
G	*698*	*1.* On its own initiative or upon a proposal by the Commission, and in accordance	1. On its own initiative or upon a proposal by the Commission, and in accordance	*deleted*	*deleted*	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	with the Board's rules of procedure, the Board may decide with a simple majority to set up working groups to organise the work of the ENRRB on specific topics related to the implementation of this Regulation.	with the Board's rules of procedure, the Board may decide with a simple majority to set up working groups to organise the work of the ENRRB on specific topics related to the implementation of this Regulation.		Agreed at 3rd trilogue
Article 70(2)				
G	*699*	*2.* The Board shall define the mandate of the working group and appoint the Chairs of the working groups, representing, where possible, different rail regulatory bodies.	2. The Board shall define the mandate of the working group and appoint the Chairs of the working groups, representing, where possible, different rail regulatory bodies.	*deleted*	*deleted* Agreed at 3rd trilogue
Article 70(3)				
G	*700*	*3.* The working groups shall be open to the participation of experts from rail regulatory bodies, the Commission, operational stakeholders and, where relevant, from other public or private bodies.	3. The working groups shall be open***, upon invitation,*** to the participation of experts from rail regulatory bodies, the Commission, ~~*operational stakeholders*~~***ERA,*** and, where relevant, from ***operational stakeholders and****from* other public or private bodies.	*deleted*	*deleted* Agreed at 3rd trilogue
Article 70(4)				
G	*701*	*4.* The Secretariat shall provide administrative support to the working groups.	4. The Secretariat shall provide administrative support to the working groups.	*deleted*	*deleted* Agreed at 3rd trilogue
Article 70(5)				

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	*702*	*5.* The Board or the Chairs of the working groups may invite individual experts recognised as competent in the relevant field to participate in the working group meetings if necessary on a case-by-case basis.	5. The Board or the Chairs of the working groups may invite ***experts from rail regulatory bodies, the Commission, ERA, operational stakeholders and - where relevant - from other public or private bodies as well as*** individual experts recognised as competent in the relevant field to participate in the working group meetings if necessary on a case-by-case basis.	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
CHAPTER VII						
G	*703*	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	G
Article 70a						
Y	703a				***Article 70a*** ***Monitoring of European frameworks*** Provisionally agreed in ITM 29	Y
Article 70a(1)						
Y	703b				***1. The Advisory Performance Panel shall monitor the adoption and application of the European framework on capacity management and the elements thereof referred to in Article 6, the European framework for the coordination***	Y

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				of cross-border traffic management, disruption management and crisis management and the elements thereof referred to in Article 44, and the European framework for performance review and the elements thereof referred to in Article 50. Provisionally agreed in ITM 29
Article 70a(2)				
Y	703c			***2. The Advisory Performance Panel shall, within 3 years after the adoption by ENIM of the frameworks referred to in the previous paragraph, present to ENIM and the Commission a report on the application of these frameworks evaluating their effectiveness. The report may also include recommendations on how to address specific shortcomings. Where the Advisory Performance Panel has identified significant shortcomings in the frameworks, it shall ask ENIM to address them, updating accordingly the relevant framework, within [3] months.***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				The report shall be made publicly available. ***The Advisory Performance Panel shall issue a report at least every three years.*** Provisionally agreed in ITM 29
Article 70a(3)				
Y	703d			***3. The Advisory Performance Panel shall closely cooperate with national regulatory bodies and the ENRRB when monitoring the frameworks and preparing the report. The Advisory Performance Panel may consult ERP and other operational stakeholders, where relevant.*** Provisionally agreed in ITM 29
Article 70b				
Y	703e			***Article 70b*** ***[Implementing] acts relating to the monitoring of the European frameworks*** Provisionally agreed in ITM 29
Article 70b(1)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
Y	703f			***1. The Commission shall adopt [no later than 18 months from the moment when ENIM is to adopt the relevant framework] an [implementing] act setting out the European frameworks referred to in Articles 6, 44 and 50, or elements thereof, in the following cases:*** Provisionally agreed in ITM 29
Article 70b(1), point a				
Y	703g			***a. where ENIM fails to adopt the European framework on capacity management, or elements thereof, referred to in Article 6 within 18 months of the entry into force of this Regulation;*** Provisionally agreed in ITM 29
Article 70b(1), point b				
Y	703h			***b. where ENIM fails to adopt the European framework for the coordination of cross-border traffic management, disruption management and crisis management, or elements thereof, referred to in Article 44 within [24] months of the entry into force of this Regulation;***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Provisionally agreed in ITM 29
Article 70b(1), point c				
703i				***c. where ENIM fails to adopt the European framework for performance review, or elements thereof, referred to in Article 50 within [24] months of the entry into force of this Regulation.*** Provisionally agreed in ITM 29
Article 70b(2)				
703j				***2. The Commission shall adopt an [implementing] act [no later than 12 months (9+3) after the publication of the APP report] setting out the European frameworks, or elements thereof, referred to in Articles 6, 44 and 50, where the Commission concludes, taking into account the report from the Advisory Performance Panel referred to in Article 70a, that:*** Provisionally agreed in ITM 29
Article 70b(2), point a				
703k				***a. the common principles and procedures, as set out in the***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				European framework on capacity management, are inadequate to meet their intended objectives and to ensure the management of rail infrastructure capacity or the coordination between infrastructure managers and other operational stakeholders; Provisionally agreed in ITM 29
Article 70b(2), point b				
Y	703l			***b. the guidelines, as set out in the European framework for the coordination of cross-border traffic management, disruption management and crisis management, are inadequate to meet their intended objectives and to ensure cross-border traffic management between infrastructure managers, railway undertakings and other operational stakeholders; or*** Provisionally agreed in ITM 29
Article 70b(2), point c				
Y	703m			***c. the common principles and procedures, as set out in the European framework for performance review, are inadequate to meet their intended***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				objectives and to ensure performance review of the infrastructure managers falling under this Regulation; or Provisionally agreed in ITM 29
Article 70b(2), point d				
703n				***d. the European framework for capacity management is not sufficient to ensure the uniform conditions for the implementation of this Regulation; or the European framework for coordination of cross-border traffic management, disruption management and crisis management is not sufficient to ensure the uniform conditions for the implementation of this Regulation; or the European framework for performance review is not sufficient to ensure the uniform conditions for the implementation of this Regulation.*** Provisionally agreed in ITM 29
Article 70b(2), sixth subparagraph				
703o				***e. ENIM did not sufficiently address within the 3 month deadline the shortcomings***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				identified by the Advisory Performance Panel in the report referred to in Article 70a(2).
Article 70b(3)				
Y 703p				***3. Those [implementing] acts shall be adopted in accordance with the [examination procedure referred to in Article 72(3)].*** Provisionally agreed in ITM 29 Y
Article 70b(4)				
Y 703q				***4. In the preparation of the draft [implementing] acts, the Commission shall take into account the work of ENIM and the report from the Advisory Performance Panel, where available.*** Provisionally agreed in ITM 29 Y
Article 71				
704	Article 71 Exercise of the delegation	Article 71 Exercise of the delegation	Article 71 Exercise of the delegation	Article 71 Exercise of the delegation
Article 71(1)				
G 705	1. The power to adopt delegated acts is conferred on the Commission subject to the	1. The power to adopt delegated acts is conferred on the Commission subject to the	1. The power to adopt delegated acts is conferred on the Commission subject to the	1. The power to adopt delegated acts is conferred on the Commission subject to the G

PUBLIC

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	conditions laid down in this Article.	conditions laid down in this Article.	conditions laid down in this Article.	conditions laid down in this Article.
Article 71(2)				
706	2. The power to adopt delegated acts referred to in Article 10(8), Article 11(2), Article 21(9), Article 38(3), Article 39(9), Article 46(6), Article 48(3) and Article 53(5) shall be conferred on the Commission for a period of five years from [1 January 2026]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article ***6(4a), Article 8(7), Article*** 10(8), Article 11(2) ***and (4a), Article 12(9a), Article 18(10a), Article 19(5), Article 20(4a)***, Article 21(9), Article 38(3), Article ~~39(9)~~***39 (8a) and (9), Article 40(7), Article 41 (3), Article 44(3a)***, Article 46(6), Article 48(3) ~~and~~***Article 52 (1),*** Article 53(5) ***and Article 62(5a), and*** shall be conferred on the Commission for a period of five years from [1 January 2026]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 10(8), Article 11(2), Article 21(9), Article 38(3), Article 39(9), ~~Article 46(6),~~**and** Article 48(3) ~~and Article 53(5)~~ shall be conferred on the Commission for a period of five years from [1 January ~~2026~~**2029**]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 10(8), Article 11(2), Article 21(9), Article 38(3), Article 39(9), and Article 48(3) shall be conferred on the Commission for a period of five years from [1 January 2029]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. Provisionally agreed in ITM 32
Article 71(3)				

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	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.CEU	Draft Agreement	
Y	706a					**3. The delegation of powers referred to in Article 10(8), Article 11(2), Article 21(9), Article 38(3), Article 39(9) and Article 48(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**		~~3~~ 2a. The delegation of powers referred to in [Article 10(8), Article 11(2), Article 21(9), Article 38(3), Article 39(9) and Article 48(3)] may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. Provisionally agreed in ITM 32	Y
Article 71(4)									
G	706b					**4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.**		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. Provisionally agreed in ITM 32	G
Article 71(5)									

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	706c			**5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.**	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. Provisionally agreed in ITM 32	G
Article 71(6)						
Y	706d			**6. A delegated act adopted pursuant to Article 10(8), Article 11(2), Article 21(9), Article 38(3), Article 39(9) and Article 48(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.**	~~6~~ 2d. A delegated act adopted pursuant to [Article 10(8), Article 11(2), Article 21(9), Article 38(3), Article 39(9) and Article 48(3)] shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. Provisionally agreed in ITM 32	Y
Article 72						
	707	Article 72	Article 72	Article 72	Article 72	

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
	Committee procedure	Committee procedure	Committee procedure	Committee procedure	
Article 72(1)					
G	708	1. The Commission shall be assisted by the Committee referred to in Article 62 of Directive 2012/34/EU. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Committee referred to in Article 62 of Directive 2012/34/EU. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Committee referred to in Article 62 of Directive 2012/34/EU. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Committee referred to in Article 62 of Directive 2012/34/EU. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	G
Article 72(2)					
R	709	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	*deleted*	*deleted*	R
Article 72(3)					
G	*710*	*3.* Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	G
Article 72(3), second subparagraph					
R	710a		**Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.**	Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	R
Article 73					

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
711	Article 73 Report and review	Article 73 Report and review	Article 73 Report and review	Article 73 Report and review
Article 73, first paragraph				
Y 712	By [31 December 2030], the Commission shall evaluate the impact of this Regulation on the rail sector and shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on its implementation.	By [31 December 2030], the Commission shall evaluate the impact of this Regulation on the rail sector and shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on its implementation.	By [~~31 December 2030~~***10 years after entry into force of this Regulation***], the Commission shall evaluate the impact of this Regulation on the rail sector and shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on its implementation.	By [***5***~~*10*~~ *years after* ~~*entry into force of this*~~***full application of the*** *Regulation*], the Commission shall evaluate the impact of this Regulation on the rail sector and shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on its implementation. Provisionally agreed in ITM 32 Y
Article 73, second paragraph				
G 713	The report shall, in particular, evaluate:	The report shall, in particular, evaluate:	The report shall, in particular, evaluate:	The report shall, in particular, evaluate: G
Article 73, second paragraph, point (a)				
G 714	(a) the impact of this Regulation on the performance of rail infrastructure services;	(a) the impact of this Regulation on the performance of rail infrastructure services;	(a) the impact of this Regulation on the performance of rail infrastructure services;	(a) the impact of this Regulation on the performance of rail infrastructure services; G
Article 73, second paragraph, point (b)				
G 715	(b) the impact of this Regulation on the development of rail services, notably international services, long-distance services and freight services;	(b) the impact of this Regulation on the development of rail services, notably international services, long-distance services and freight services;	(b) the impact of this Regulation on the development of rail **transport** services, notably international services, long-	(b) the impact of this Regulation on the development of rail transport services, notably international services, long- G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
			distance services and freight services;	distance services and freight services; Provisionally agreed in ITM 32
Article 73, second paragraph, point (ba)				
715a			**(ba) the financial and administrative impacts of this Regulation on the infrastructure managers and other operational stakeholders, regulatory bodies and Member States authorities;**	*deleted* *Provisionally agreed in ITM 32*
Article 73, second paragraph, point (c)				
716	*(c)* the work of the European Network of Infrastructure Managers, of the Network Coordinator, the European Network of Rail Regulatory Bodies and the Performance Review Body in general and in relation to the development, adoption and implementation of common criteria, methodologies and procedures.	(c) the work of the European Network of Infrastructure Managers, of the Network Coordinator, the European Network of Rail Regulatory Bodies and the Performance Review Body in general and in relation to the development, adoption and implementation of common criteria, methodologies and procedures.	(c) the work of ~~the European Network of Infrastructure Managers~~**ENIM**, of the Network Coordinator~~, the European Network of Rail Regulatory Bodies and the Performance Review Body~~ **and of the ENRRB** in general and in relation to the development, adoption and implementation of common criteria, methodologies and procedures~~.~~**;**	(c) the work of ENIM, of the Network Coordinator and of the ENRRB in general and in relation to the development, adoption and implementation of common criteria, methodologies and procedures; Provisionally agreed in ITM 32
Article 73, second paragraph, point (d)				
717	(d) the need to reinforce coordination mechanisms by replacing elements of the European frameworks referred to	(d) the need to reinforce coordination mechanisms by replacing elements of the European frameworks referred to	(d) the ~~need to reinforce~~**effectiveness of the** coordination mechanisms ~~by replacing elements of~~**within** the European ~~frameworks~~**framework**	(d) the effectiveness of the coordination mechanisms within the European framework for capacity management referred to in Article 6, the European

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	in Articles 6 and 44 with binding rules;	in Articles 6 and 44 with binding rules;	**for capacity management** referred to in ~~Articles 6 and 44 with binding rules~~**Article 6, the European framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 and the European framework for performance review referred to in Article 50**;	framework for the coordination of cross-border traffic management, disruption management and crisis management referred to in Article 44 and the European framework for performance review referred to in Article 50; Provisionally agreed in ITM 32
Article 73, second paragraph, point (e)				
G 718	(e) the need to strengthen regulatory oversight by establishing a Union rail regulatory body.	(e) the need to strengthen regulatory oversight by establishing a Union rail regulatory body.	*deleted*	***(e) the effectiveness of the regulatory oversight at national and European level;*** Provisionally agreed in ITM 32
Article 73, second paragraph, point (e)				
G 718a			**(e) the functioning of the socioeconomic, operational and environmental criteria, and the need to submit, if appropriate, a proposal for possible amendments to Articles 25 and 37.**	~~*(e)*~~***(ea)*** the functioning of the ~~*socioeconomic*~~***socio-economic***, operational and environmental criteria~~*, and the need to submit, if appropriate, a proposal for possible amendments to Articles 25 and 37.*~~**;** Provisionally agreed in ITM 32
Article 73, second paragraph, point (eb)				
G 718b				*deleted*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Provisionally agreed in ITM 32
Article 74				
719	Article 74 Amendments to Directive 2012/34/EU	Article 74 Amendments to Directive 2012/34/EU	Article 74 Amendments to Directive 2012/34/EU	Article 74 Amendments to Directive 2012/34/EU
Article 74(1)				
720	1. Directive 2012/34/EU is amended as follows:	1. Directive 2012/34/EU is amended as follows:	1. Directive 2012/34/EU is amended as follows:	1. Directive 2012/34/EU is amended as follows:
Article 74(1), point (a)				
721	(a) In Article 1, point (c) is replaced by the following:	(a) In Article 1, point (c) is replaced by the following:	(a) In Article 1, point (c) is replaced by the following:	(a) In Article 1, point (c) is replaced by the following:
Article 74(1), point (a), amending provision, numbered paragraph (c)				
722	‘ (c) the principles and procedures applicable to the setting and collecting of railway infrastructure charges as set out in Chapter IV. ’	‘ (c) the principles and procedures applicable to the setting and collecting of railway infrastructure charges as set out in Chapter IV. ’	‘ (c) the principles and procedures applicable to the setting and collecting of railway infrastructure charges as set out in Chapter IV. ’	‘ (c) the principles and procedures applicable to the setting and collecting of railway infrastructure charges as set out in Chapter IV. ’
Article 74(1), point (b)				
723	(b) In Article 2, paragraph 6 is deleted;	(b) In Article 2, paragraph 6 is deleted;	(b) In Article 2, paragraph 6 is deleted;	(b) In Article 2, paragraph 6 is deleted;
Article 74(1), point (c)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
724	(c) points (20), (22), (23), (27) and (28) are deleted;	(c) ***In Article 3,*** points (20), (22), (23), (27) and (28) are deleted;	(c) **In Article 3,** points (20), (22), (23), (27) and (28) are deleted;	(c) In Article 3, points (20), (22), (23), (27) and (28) are deleted;	
Article 74(1), point (d)					
725	(d) Article 7b is deleted;	(d) Article 7b is deleted;	(d) Article 7b is deleted;	(d) Article 7b is deleted;	
Article 74(1), point (da)					
725a			**(da) Article 27(2) is replaced by the following:**	(da) Article 27(2) is replaced by the following: Provisionally agreed in ITM 32	
Article 74(1), point (da), amending provision, numbered paragraph (2)					
725b			‘ **2. The network statement shall contain information setting out the conditions for access to the relevant railway infrastructure. The network statement shall also contain information setting out the conditions for access to service facilities connected to the network of the infrastructure manager and for supply of services in these facilities or indicate a website where such information is made available free of charge in electronic format. The content of the network statement is laid down in Annex IV.**	‘ 2. The network statement shall contain information setting out the conditions for access to the relevant railway infrastructure. The network statement shall also contain information setting out the conditions for access to service facilities connected to the network of the infrastructure manager and for supply of services in these facilities or indicate a website where such information is made available free of charge in electronic format. The content of the network statement is laid down in Annex IV. ’	

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
			’	Provisionally agreed in ITM 32
Article 74(1), point (e)				
726	(e) Article 36 is deleted;	(e) Article 36 is deleted;	(e) Article 36 is deleted;	(e) Article 36 is deleted;
Article 74(1), point (f)				
727	(f) Articles 38 to 54 are deleted;	(f) Articles 38 to 54 are deleted;	(f) Articles 38 to 54 are deleted;	(f) Articles 38 to 54 are deleted;
Article 74(1), point (g)				
728	(g) In Annex IV, points (1) and (3) are deleted;	(g) In Annex IV, points (1) and (3) are deleted;	(g) In Annex IV, points (1) and (3) are deleted;	(g) In Annex IV, points (1) and (3) are deleted;
Article 74(1), point (h)				
729	(h) Annex VII is deleted.	(h) Annex VII is deleted.	(h) Annex VII is deleted.	(h) Annex VII is deleted.
Article 74(2)				
730	2. References to the deleted provisions of Directive 2012/34/EU shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Section 1 of Annex X.	2. References to the deleted provisions of Directive 2012/34/EU shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Section 1 of Annex X.	2. References to the deleted provisions of Directive 2012/34/EU shall be construed as references to this Regulation and shall be read in accordance with the correlation table in section 1 of Annex X.	2. References to the deleted provisions of Directive 2012/34/EU shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Section 1 of Annex X.
Article 74a				
730a		***Article 74a*** ***Amendments to Regulation (EU) 2016/796***		*deleted* *Agreed at 3rd trilogue*
Article 74a, first paragraph				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
G 730b		***1. Regulation (EU) 2016/796 is amended as follows:*** ***a) In Article 19 (1), the following point is added::*** ***(m) issue recommendations to the Commission, upon request, regarding the drafting and updating of implementing and delegated acts provided for in Regulation of the European Parliament and of the Council (EU) .../...[Regulation on the use of railways infrastructure capacity in the single European railways area, amending Directive 2012/34/EU and repealing Regulation (EU) No 913/2010] .***		*deleted* *Agreed at 3rd trilogue*
Article 74b				
G 730c		***Article 74b*** ***Amendments to Directive (EU) 2016/797***		*deleted* *Provisionally agreed in ITM 32*
Article 74b, first paragraph				
G 730d		***1. Directive (EU) 2016/797 is amended as follows:*** ***(a) In point 2 of Annex II, the following point is added:*** ***2.9 Use of railway infrastructure capacity: the structures, bodies and procedures***		*deleted* *Provisionally agreed in ITM 32*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
		referred to in Regulation (EU) .../... of the European Parliament and of the Council [this Regulation]			
Article 75					
G	*731*	Article 75 Transitional provisions	Article 75 Transitional provisions	Article 75 Transitional provisions	G
Article 75(1)					
G	732	1. Framework agreements concluded in accordance with Article 42 of Directive 2012/34/EU shall continue to apply until their expiration date.	1. Framework agreements concluded in accordance with Article 42 of Directive 2012/34/EU ***before 1 January 2026*** shall continue to apply until their expiration date.	1. Framework agreements concluded in accordance with Article 42 of Directive 2012/34/EU shall continue to apply until their expiration date. Provisionally agreed in ITM 32	G
Article 75(2)					
Y	733	2. Article 3, points (20), (22), (23), (27) and (28), Articles 7b, 36 and 38 to 54, Annex IV point (3) and Annex VII of Directive 2012/34/EU shall not apply to activities and tasks carried out in relation to the working timetables entering into force after [8 December 2029].	2. Article 3, points (20), (22), (23), (27) and (28), Articles 7b, 36 and 38 to 54, Annex IV point (3) and Annex VII of Directive 2012/34/EU shall not apply to activities and tasks carried out in relation to the working timetables entering into force **on or** after [~~8~~**13** December ~~2029~~**2031**].	2. Article 3, points (20), (22), (23), (27) and (28), Articles 7b, 36 and 38 to 54, Annex IV point (3) and Annex VII of Directive 2012/34/EU shall not apply to activities and tasks carried out in relation to the working timetables entering into force on or after [13 December 2031]. Provisionally agreed in ITM 32	Y
Article 75(3)					

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	733a			**3. The Commission shall, by [2 years after the date referred in Article 77(2), first subparagraph], submit a report to the Council and the European Parliament on the monitoring of the transition provisions referred to in Article 75.**	*deleted* *Provisionally agreed in ITM 32*	G
Article 76						
	734	Article 76 Repeal	Article 76 Repeal	Article 76 Repeal	Article 76 Repeal	
Article 76(1)						
Y	735	1. Regulation (EU) No 913/2010 is repealed with effect from [9 December 2029].	1. Regulation (EU) No 913/2010 is repealed with effect from [9 December 2029].	1. Regulation (EU) No 913/2010 is repealed with effect from [~~9~~**8** December 2029].	1. Regulation (EU) No 913/2010 is repealed with effect from [8 December 2029].	Y
Article 76(2)						
G	736	2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Section 2 of Annex X.	2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Section 2 of Annex X.	2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Section 2 of Annex X.	2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Section 2 of Annex X.	G
Article 77						
Y	737	Article 77 Entry into force and application	Article 77 Entry into force and application	Article 77 Entry into force and application	Article 77 Entry into force and application	Y
Article 77(1)						
G	738	1. This Regulation shall enter into force on the day	1. This Regulation shall enter into force on the day	1. This Regulation shall enter into force on the day	1. This Regulation shall enter into force on the day	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
	following that of its publication in the Official Journal of the European Union.	following that of its publication in the Official Journal of the European Union.	following that of its publication in the Official Journal of the European Union.	following that of its publication in the Official Journal of the European Union.	
Article 77(2), first subparagraph					
Y	739	2. It shall apply from [1 January 2026]. However:	2. It shall apply from [1 January 2026]. However:	2. It shall apply from [1 January ~~2026~~**2029**]. However:	2. It shall apply from [1 January 2029]. However:	Y
Article 77(2), first subparagraph, point (a)					
Y	740	(a) Articles 1, 2 and 3, Chapter II, with the exception of Article 9(1) and (2) and Article 27(4), and Chapter III, with the exception of Article 48, of this Regulation shall apply only to activities and tasks carried out in relation to the working timetables entering into force after [8 December 2029];	(a) Articles 1, 2 and 3, Chapter II, with the exception of Article 9(1) and (2) and ~~*Article 27(4)*~~ ***Articles 26, 27, 28, 31, 35, 39 and 40***, and Chapter III, with the exception of Article 48, ~~*of this Regulation*~~ shall apply only to activities and tasks carried out in relation to the working timetables entering into force after ~~[~~8 December ~~*2029]*~~***2027***;	(a) Articles 1, 2 and 3, Chapter II, with the exception of Article 9(1) and (2) and Article 27(4), and Chapter III, with the exception of Article 48, of this Regulation shall apply only to activities and tasks carried out in relation to the working timetables entering into force **on or** after [~~8~~**13** December ~~2029~~**2031**];	(a) Articles 1, 2 and 3***, with the exception of Article 1(5)***, Chapter II, with the exception of Article 9(1) and (2) and Article 27(4), ***28(0),*** and Chapter III, with the exception of ***Article 47 and*** Article 48, of this Regulation shall apply only to activities and tasks carried out in relation to the working timetables entering into force on or after [13 December 2031];	Y
Article 77(2), first subparagraph, point (b)					
Y	741	(b) Article 9(1) and (2) shall apply from [1 January 2028];	(b) Article 9(1) and (2) shall apply from ~~[~~1 January ~~*2028]*~~***2027***;	(b) Article 9(1) and (2) shall apply from [1 January ~~2028~~**2030**];	(b) Article 9(1) and (2) shall apply from [1 January 2030];	Y
Article 77(2), first subparagraph, point (c)					
G	742	(c) Article 27(4) shall apply from [1 March 2026];	(c) Article 27(4) shall apply from [1 March 2026];	*deleted*	*deleted* *Provisionally agreed in ITM 32*	G
Article 77(2), first subparagraph, point (ca)					

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Y	*742a*		***(ca) Article 35 shall apply from 1 December 2028;*** (22/10) Should be part of line 740		*deleted*	Y
	Article 77(2), first subparagraph, point (cb)					
Y	*742b*		***(cb) Article 40 shall apply from 1 December 2027;*** (22/10) Should be part of line 740		*deleted*	Y
	Article 77(2), first subparagraph, point (d)					
Y	*743*	*(d)* Articles 48 and 62 shall apply from [13 December 2026];	(d) Articles 48 and 62 shall apply from [13 December 2026];	(d) Articles **27(4), 28(0),** 48 and 62 shall apply from [~~13~~**31** December ~~2026~~**2029**];	(d) Articles 27(4), 28(0), 48 and 62 shall apply from [31 December 2029]; Provisionally agreed in ITM 32	Y
	Article 77(2), first subparagraph, point (e)					
Y	744	(e) Article 74 shall apply from [9 December 2029].	(e) Article 74 shall apply from ~~[~~9 December ~~2029]~~***2027***.	(e) Article 74 shall apply from [~~9~~**13** December ~~2029~~**2031**].	(e) Article 74 shall apply from [13 December 2031].	Y
	Article 77(2), second subparagraph					
G	745	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	G
	Formula					
G	746	Done at Strasbourg,	Done at Strasbourg,	Done at ~~Strasbourg~~**…**,	Done at …,	G
	Formula					
G	747	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Formula					
748	The President	The President	The President	The President	G
Formula					
749	For the Council	For the Council	For the Council	For the Council	G
Formula					
750	The President	The President	The President	The President	G
Annex I					
751	Annex I	Annex I	Annex I**DELIVERABLES AND SCHEDULE FOR CAPACITY MANAGEMENT REFERRED TO IN ARTICLES 11, 16, 18 AND 38**	Annex IDELIVERABLES AND SCHEDULE FOR CAPACITY MANAGEMENT REFERRED TO IN ARTICLES 11, 16, 18 AND 38	
Annex I, first paragraph					
752	DELIVERABLES AND SCHEDULE FOR CAPACITY MANAGEMENT	DELIVERABLES AND SCHEDULE FOR CAPACITY MANAGEMENT	*deleted*	*deleted*	
Annex I, second paragraph					
753	REFERRED TO IN ARTICLES 11, 16, 18 AND 38	REFERRED TO IN ARTICLES 11, 16, 18 AND 38	*deleted*	*deleted*	
Annex I, section 1.					
754	*1.* Deliverables to be prepared by infrastructure managers in strategic capacity planning referred to in articles 11, 16, 17 and 18	1. Deliverables to be prepared by infrastructure managers in strategic capacity planning referred to in articles 11, 16, 17 and 18	1. Deliverables to be prepared by infrastructure managers in strategic capacity planning referred to in articles 11, 16, 17 and 18	1. Deliverables to be prepared by infrastructure managers in strategic capacity planning referred to in articles 11, 16, 17 and 18	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
				Provisionally agreed in ITM 20
Annex I, section 1., Table 1				
755	Table 1	Table 1	Table 1	Table 1 Provisionally agreed in ITM 20
Annex I, section 2.				
756	2. Schedule for strategic capacity management referred to in articles 11, 16, 17 and 18	2. Schedule for strategic capacity management referred to in articles 11, 16, 17 and 18	2. Schedule for strategic capacity management referred to in articles 11, 16, 17 and 18	2. Schedule for strategic capacity management referred to in articles 11, 16, 17 and 18 Provisionally agreed in ITM 20
Annex I, section 2, first paragraph				
757	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.	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.	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.	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.
Annex I, Section 2, first paragraph, first subparagpraph				
758	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.	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.	Infrastructure managers may define earlier deadlines. Such **earlier** deadlines shall be ~~harmonised at EU level~~**coordinated by ENIM** and included in the European framework for capacity management referred to in Article 6.	*deleted* *Provisionally agreed in ITM 20*
Annex I, Section 2, first paragraph, second subparagpraph				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
G 759	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.	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.	The consultation of stakeholders **regarding European and cross-border matters** shall be carried out in accordance with Article 54 and shall involve ~~at least railway undertakings and other applicants,~~**all** operational stakeholders ~~and public authorities~~. Infrastructure managers shall coordinate the deliverables on a continuous basis ~~when coordinating in accordance with~~**in the framework of the coordination process provided by** Article 53.	The consultation of stakeholders regarding European and cross-border matters shall be carried out in accordance with Article 54 and shall involve all operational stakeholders. Infrastructure managers shall coordinate the deliverables on a continuous basis in the framework of the coordination process provided by Article 53. Provisionally agreed in ITM 20
Annex I, section 2, Table 2				
G 760	Table 2	Table 2	Table 2	Table 2 Provisionally agreed in ITM 20
Annex I, section 2, second paragraph				
G 761	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:	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:	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~~**2030** and December ~~2030~~**2031**:	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 ***[2030]***~~*2030*~~ and December ***[2031]***~~*2031*~~: Provisionally agreed in ITM 20
Annex I, section 2, Table 3				

		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	762	Table 3	Table 3	Table 3	Table 3 Provisionally agreed in ITM 20	G
	Annex I, section 3					
Y	763	3. Schedule for coordination, consultation and publication of capacity restrictions resulting from infrastructure works referred to in Articles 10 and 35	3. Schedule for coordination, consultation and publication of capacity restrictions resulting from infrastructure works referred to in Articles 10 and 35	3. Schedule **and requirements** for coordination, consultation and publication of capacity restrictions resulting from infrastructure works referred to in Articles 10 and 35	3. Schedule and requirements for coordination, consultation and publication of capacity restrictions resulting from infrastructure works referred to in Articles 10 and 35	Y
	Annex I, section 3, point 0					
Y	763a			**0. Capacity restrictions shall be classified depending on their duration in number of consecutive days and their impact on traffic (estimated traffic volume on a railway line per day that is cancelled, re-routed or replaced by other modes of transport) according to the following table.**	0. Capacity restrictions shall be classified depending on their duration ~~*in number of consecutive days*~~ and their impact on traffic (estimated ***affected*** traffic volume on a railway line per day ~~*that is cancelled)*~~, ~~*re-routed or replaced by other modes of transport)*~~ according to the following table.	Y
	Annex I, section 3, Table 3a					
Y	763b			Table 3a	Table 3a	Y
	Annex I, section 3, point 1					
Y	764	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	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	1. As regards ~~temporary~~**capacity** restrictions ~~of the capacity~~ of railway lines, for reasons such as infrastructure works, including associated speed restrictions, axle load, train length,	1. As regards capacity restrictions ~~*of railway lines, for reasons such as infrastructure works, including associated speed restrictions, axle load, train length, traction, or structure*~~	Y

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	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.	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***, as far as they are known,*** 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.	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,~~**that have a high or a major impact** 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 **to the extent they are known** 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.~~	~~*gauge ('capacity restrictions'),*~~ that have a ~~*high or a*~~ major ***or high*** impact 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 to the extent they are known 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.***
Annex I, section 3, point 2				
765	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	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	2. As part of the coordination between **themselves,** infrastructure managers ~~in accordance with Article 53, the entities designated in paragraph 5 of that Article~~ shall ~~also~~ jointly discuss those capacity restrictions,	*deleted*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
	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.	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.	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.		
Annex I, section 3, point 3					
Y	*766*	*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.	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.	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)~~**infrastructure managers which are subject to this Regulation** 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.	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 infrastructure managers ~~*which are subject to this Regulation*~~ 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.	Y
Annex I, section 3, point 4					

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
767	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.	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.	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)~~**infrastructure managers which are subject to this Regulation**, 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.	4. Before publishing capacity restrictions in accordance with point (1), if the impact of the capacity restrictions is not limited to one network, ~~the~~ infrastructure managers ~~which are subject to this Regulation, 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~~***and, if necessary, with interested applicants and operators of service facilities concerned***.
Annex I, section 3, point 4, first subparagraph				
768	The coordination before the second publication shall be completed:	The coordination before the second publication shall be completed:	The coordination before the second publication shall be completed:	The ***final*** coordination ***and consultation*** before the second publication shall be completed:
Annex I, section 3, point 4, first subparagraph, point (a)				
769	(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	(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	(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 **capacity**	(a) no later than 18 months before the change of the working timetable for capacity restrictions with ~~a~~ major impact.

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	modes of transport for a duration of more than 30 consecutive days.	modes of transport for a duration of more than 30 consecutive days.	**restrictions with a major impact**~~a duration of more than 30 consecutive days~~.	
Annex I, section 3, point 4, first subparagraph, point (b)				
770	(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.	(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.	(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 **capacity restrictions with a high impact**~~a duration of more than 7 consecutive days~~.	(b) no later than 13 months and 15 days before the change of the working timetable period for capacity restrictions with ~~a~~ high impact.
Annex I, section 3, point 4, first subparagraph, point (c)				
771	(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.	(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.	(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 **capacity restrictions with a medium impact**~~a duration of 7 consecutive days or less~~.	(c) no later than 13 months and 15 days before the change of the working timetable ~~period~~ for capacity restrictions with ~~a~~ medium impact.
Annex I, section 3, point 4, second subparagraph				
772	The entities performing the coordination between infrastructure managers in accordance with Article 53(5)	The entities performing the coordination between infrastructure managers in accordance with Article 53(5)	The entities performing the coordination between infrastructure managers in accordance with Article	The ~~entities performing the coordination between infrastructure managers in accordance with Article 53(4)~~***final***

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	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.	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.	~~53(5)~~**53(4)** 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.	***publication of capacity restrictions with major, high and medium impact*** shall~~, if necessary, invite the applicants active on the lines~~ ***be completed at least 12 months before the change of the working timetable*** concerned~~ and the main operators of service facilities concerned to get involved in that coordination.~~.
Annex I, section 3, point 5				
Y 773	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	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	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,~~**with a minor impact** 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	5. As regards capacity restrictions with a ~~minor~~***low*** impact 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 Y

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	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.	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.	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.	before the beginning of the capacity restriction, unless the infrastructure manager and the concerned applicants agree on a shorter lead time.
Annex I, section 3, point 6				
774	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.	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.	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~~**2** of Annex IV ~~of Directive 2012/34/EU~~.	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 2 of Annex IV.
Annex I, section 3, point 7				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
775	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.	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.	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.	*deleted*
Annex I, section 3, point 8				
776	*8.* The information to be provided by the infrastructure manager when acting in accordance with points (1), (5) or (7) shall include:	8. The information to be provided by the infrastructure manager when acting in accordance with points (1), (5) or (7) shall include:	8. The information to be provided by the infrastructure manager when acting in accordance with points (1), (5) or (7) shall include:	8. The information to be provided by the infrastructure manager when acting in accordance with points (1)~~,~~ ***or*** (5) or ~~*(7)*~~***Article 35(6a)*** shall include:
Annex I, section 3, point 8, (a)				

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Y	777	(a) the planned day;	(a) the planned day;	(a) the planned day;	(a) the planned day;	Y
	Annex I, section 3, point 8, (b)					
Y	778	(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;	(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;	(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;	(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;	Y
	Annex I, section 3, point 8, (c)					
Y	779	(c) the section of line affected by the restriction;	(c) the section of line affected by the restriction;	(c) the section of line affected by the restriction;	(c) the section of line affected by the restriction;	Y
	Annex I, section 3, point 8, (d)					
Y	780	(d) where applicable, the capacity of diversionary lines.	(d) where applicable, the capacity of diversionary lines.	(d) where applicable, the capacity of diversionary lines.	(d) where applicable, the capacity of diversionary lines.	Y
	Annex I, section 3, point 8, second paragraph					
Y	781	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.	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.	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)~~**(2)** 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.	The infrastructure manager shall publish that information, or a link where it can be found, in its network statement as referred to in point (2) of Annex IV. 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.	Y
	Annex I, section 3, point 9					
Y	782	9. As regards the capacity restrictions of a duration of at least	9. As regards the capacity restrictions of a duration of at least	9. As regards ~~the~~ capacity restrictions ~~of a duration of at least~~	9. As regards capacity restrictions with a major impact,	Y

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	30 consecutive days and affecting more than 50% of the estimated traffic volume on a railway line, the infra-structure 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 alter-natives on the basis of the input provided by the applicants at the time of their requests and jointly with them.	30 consecutive days and affecting more than 50% of the estimated traffic volume on a railway line, the infra-structure 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 alter-natives on the basis of the input provided by the applicants at the time of their requests and jointly with them.	~~30 consecutive days and affecting more than 50% of the estimated traffic volume on a railway line, the infra-structure~~**with a major impact, 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 ~~alter-natives~~**alternatives** on the basis of the input provided by the applicants at the time of their requests and jointly with them.	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.	
Annex I, section 3, point 9, first subparagraph					
Y	783	The comparison shall, for each alternative, include at least:	The comparison shall, for each alternative, include at least:	The comparison shall, for each alternative, include at least:	The comparison shall, for each alternative, include at least:	Y
Annex I, section 3, point 9, first subparagraph, point (a)					
Y	784	(a) the duration of the capacity restriction,	(a) the duration of the capacity restriction,	(a) the duration of the capacity restriction,	(a) the duration of the capacity restriction,	Y
Annex I, section 3, point 9, first subparagraph, point (b)					
Y	785	(b) the expected indicative infrastructure charges due,	(b) the expected indicative infrastructure charges due,	(b) the expected indicative infrastructure charges due,	(b) the expected indicative infrastructure charges due,	Y
Annex I, section 3, point 9, first subparagraph, point (c)					

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Y	786	(c) the capacity available on diversionary lines,	(c) the capacity available on diversionary lines,	(c) the capacity available on diversionary lines,	Y
Annex I, section 3, point 9, first subparagraph, point (d)					
Y	787	(d) the available alternative routes, and	(d) the available alternative routes, and	(d) the available alternative routes, and	Y
Annex I, section 3, point 9, first subparagraph, point (e)					
Y	788	(e) the indicative travel times.	(e) the indicative travel times.	(e) the indicative travel times.	Y
Annex I, section 3, point 9, second subparagraph					
Y	789	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.	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.	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. ***If the analysis of alternative capacity restrictions concerns more than one infrastructure manager, the infrastructure managers shall coordinate amongst themselves.***	Y
Annex I, section 3, point 9, third subparagraph					
Y	790	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	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	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	*deleted*	Y

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	alternative of the capacity restriction in accordance with Article 53.	alternative of the capacity restriction in accordance with Article 53.	alternative of the capacity restriction in accordance with Article 53.	
Annex I, section 3, point 10				
791	*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.	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.	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~~**with a major impact**, 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.	10. As regards capacity restrictions with a major impact, 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.
Annex I, section 3, point 11				
792	11. ENIM shall publish the information required under point (8) on its website.	11. ENIM shall publish the information required under point (8) on its website.	11. ENIM shall publish the information required under point (8) on its website.	11. ENIM shall publish the information required under point (8) on its website.

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Annex I, section 3, point 12					
Y	793	12. The Commission shall review the implementation of section 3 of this Annex until 31 December 2024 and propose a legislative proposal if necessary.	12. The Commission shall review the implementation of section 3 of this Annex until 31 December 2024 and propose a legislative proposal if necessary.	*deleted*	*deleted*	Y
Annex I, section 4.					
G	*794*	*4.* Schedule for capacity allocation through the annual allocation process referred to in Articles 32 and 38	4. Schedule for capacity allocation through the annual allocation process referred to in Articles 32 and 38	4. Schedule for capacity allocation through the annual allocation process referred to in Articles 32 and 38	4. Schedule for capacity allocation through the annual allocation process referred to in Articles 32 and 38	G
Annex I, section 4, point 1					
G	795	1. The infrastructure manager and the applicants shall comply with the following schedule:	1. The infrastructure manager and the applicants shall comply with the following schedule:	1. The infrastructure manager and the applicants shall comply with the following schedule:	1. The infrastructure manager and the applicants shall comply with the following schedule:	G
Annex I, section 4, Table 4					
Y	796	Table 4	Table 4	Table 4	Table 4 Provisionally agreed in ITM 21 Provisionally agreed in ITM 32	Y
Annex I, section 4, point 2					
G	797	2. Infrastructure managers shall allocate capacity requests received in accordance with Article 32(8) on the basis of the first come, first served principle.	2. Infrastructure managers shall allocate capacity requests received in accordance with Article 32(8) on the basis of the first come, first served principle.	*deleted*	*deleted* *Provisionally agreed in ITM 21*	G
Annex I, section 4, point 3					

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	*798*	*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.	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.	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.	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.	G
Annex I, section 5						
G	799	5. Schedule for capacity allocation through framework agreements referred to in Articles 31 and 38	5. Schedule for capacity allocation through framework agreements referred to in Articles 31 and 38	5. Schedule for capacity allocation through framework agreements referred to in Articles 31 and 38	5. Schedule for capacity allocation through framework agreements referred to in Articles 31 and 38 Provisionally agreed in ITM 21	G
Annex I, section 5, point 1 (only point)						
G	800	1. The infrastructure manager shall comply with the following schedule:	1. The infrastructure manager shall comply with the following schedule:	~~1.~~ The infrastructure manager shall comply with the following schedule:	The infrastructure manager shall comply with the following schedule: Provisionally agreed in ITM 21	G
Annex I, section 5, Table 5						
G	801	Table 5	Table 5	Table 5	Table 5 Provisionally agreed in ITM 21	G
Annex I, section 6.						
G	802	6. Schedule for the rolling planning capacity allocation process referred to in Articles 33 and 38	6. Schedule for the rolling planning capacity allocation process referred to in Articles 33 and 38	6. Schedule for the rolling planning capacity allocation process referred to in Articles 33 and 38	6. Schedule for the rolling planning capacity allocation process referred to in Articles 33 and 38	G

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
					Provisionally agreed in ITM 22	
Annex I, section 6, point 1						
G	803	1. The infrastructure manager and the applicants shall comply with the following schedule during the rolling planning process,:	1. The infrastructure manager and the applicants shall comply with the following schedule during the rolling planning process,:	~~1.~~ The infrastructure manager and the applicants shall comply with the following schedule during the rolling planning process~~,~~:	The infrastructure manager and the applicants shall comply with the following schedule during the rolling planning process: Provisionally agreed in ITM 22	G
Annex I, section 6, Table 6						
G	804	Table 6	Table 6	Table 6	Table 6 Provisionally agreed in ITM 22	G
Annex I, section 6, point 2						
G	805	2. Infrastructure managers shall allocate capacity through the rolling planning process based on the first come, first served principle.	2. Infrastructure managers shall allocate capacity through the rolling planning process based on the first come, first served principle.	*deleted*	*deleted* *Provisionally agreed in ITM 22*	G
Annex I, section 7						
G	*806*	Schedule for capacity allocation through the ad hoc process referred to in Articles 34 and 38	Schedule for capacity allocation through the ad hoc process referred to in Articles 34 and 38	**7.** Schedule for capacity allocation through the ad hoc process referred to in Articles 34 and 38	Schedule for capacity allocation through the ad hoc process referred to in Articles 34 and 38 Provisionally agreed in ITM 22	G
Annex I, section 7, point 1 (only point)						
G	807	When allocating infrastructure capacity through the ad hoc	When allocating infrastructure capacity through the ad hoc	When allocating infrastructure capacity through the	When allocating infrastructure capacity through the	G

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
		process, the infrastructure manager shall comply with the following schedule:	process, the infrastructure manager shall comply with the following schedule:	ad hoc process, the infrastructure manager shall comply with the following schedule:	ad hoc process, the infrastructure manager shall comply with the following schedule: Provisionally agreed in ITM 22	
	Annex I, section 7, Table 7					
G	808	Table 7	Table 7	Table 7	Table 7 Provisionally agreed in ITM 32	G
	Annex I, section 8					
G	809	Schedule for changes to capacity allocated referred to in Article 39	Schedule for changes to capacity allocated referred to in Article 39	**8.** Schedule for changes to capacity allocated referred to in Article 39	8. Schedule for changes to capacity allocated referred to in Article 39 Provisionally agreed in ITM 22	G
	Annex I, section 8, point 1 (only point)					
G	810	When changing infrastructure capacity rights, the infrastructure manager shall comply with the following schedule:	When changing infrastructure capacity rights, the infrastructure manager shall comply with the following schedule:	When changing infrastructure capacity rights, the infrastructure manager shall comply with the following schedule:	When changing infrastructure capacity rights, the infrastructure manager shall comply with the following schedule: Provisionally agreed in ITM 22	G
	Annex I, section 8, Table 8					
Y	811	Table 8	Table 8	Table 8	Table 8 Provisionally agreed in ITM 32	Y
	Annex II					
G	812	Annex II	Annex II	Annex II **Thresholds for the declaration of highly utilised and congested infrastructure**	Annex II Thresholds for the declaration of highly utilised and congested infrastructure	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
			referred to in Article 21	referred to in Article 21 Provisionally agreed in ITM 23
Annex II, first paragraph				
G 813	Highly utilized and congested infrastructure referred to in Article 20	Highly utilized and congested infrastructure referred to in Article 20	*deleted*	*deleted* *Provisionally agreed in ITM 23*
Annex II, point 1.point				
G *814*	Thresholds for the declaration of highly utilised and congested infrastructure	Thresholds for the declaration of highly utilised and congested infrastructure	~~Thresholds for the declaration of highly utilised and congested infrastructure~~	Provisionally agreed in ITM 23
Annex II, point 1.point, Table 9				
Y 815	Table 9	Table 9	Table 9	Table 9
Annex II, point 1., first subparagraph				
G 816	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.	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.	*deleted*	***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 Article 21(1a).*** Provisionally agreed in ITM 23
Annex II, first paragraph				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G 816a			**Infrastructure managers shall take utmost account of the method referred to in Article 21(1a) to determine the utilisation of rail infrastructure capacity.**	*deleted* *Provisionally agreed in ITM 23*	G
Annex II, point 1., second subparagraph					
G *817*	‘Homogenous traffic’ means that trains on the section concerned generally have similar characteristics relevant for capacity utilisation, in particular speed, stopping pattern and acceleration.	‘Homogenous traffic’ means that trains on the section concerned generally have similar characteristics relevant for capacity utilisation, in particular speed, stopping pattern and acceleration.	‘Homogenous traffic’ means that trains on the section concerned generally have similar characteristics relevant for capacity utilisation, in particular speed, stopping pattern and acceleration.	‘Homogenous traffic’ means that trains on the section concerned generally have similar characteristics relevant for capacity utilisation, in particular speed, stopping pattern and acceleration.	G
Annex II, point 1., third subparagraph					
G 818	‘Heterogenous traffic’ means that trains on the section concerned differ in 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.	‘Heterogenous traffic’ means that trains on the section concerned differ in 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.	G
Annex II, point 2.point					
G 819	Procedures and methods to calculate the degree of capacity utilisation	Procedures and methods to calculate the degree of capacity utilisation	*deleted*	*deleted* *Provisionally agreed in ITM 23*	G
Annex II, point 2., first subparagraph					
G *820*	Infrastructure managers shall assess the degree of capacity	Infrastructure managers shall assess the degree of capacity	*deleted*	*deleted*	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	utilisation on the basis of objective, transparent and appropriate procedures and methods.	utilisation on the basis of objective, transparent and appropriate procedures and methods.		*Provisionally agreed in ITM 23*
Annex II, point 2., second subparagraph				
821	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.	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.	*deleted*	*deleted* *Provisionally agreed in ITM 23*
Annex II, point 2., third subparagraph				
822	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.	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.	*deleted*	*deleted* *Provisionally agreed in ITM 23*
Annex III				
823	*Annex III*	*Annex III*	Annex III **CONTENTS OF THE EUROPEAN FRAMEWORK FOR CAPACITY MANAGEMENT REFERRED TO IN ARTICLE 6**	Annex III CONTENTS OF THE EUROPEAN FRAMEWORK FOR CAPACITY MANAGEMENT REFERRED TO IN ARTICLE 6

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
					Provisionally agreed in ITM 23
Annex III, first paragraph					
G	824	CONTENTS OF THE EUROPEAN FRAMEWORK FOR CAPACITY MANAGEMENT REFERRED TO IN ARTICLE 6	CONTENTS OF THE EUROPEAN FRAMEWORK FOR CAPACITY MANAGEMENT REFERRED TO IN ARTICLE 6	*deleted*	*deleted* *Provisionally agreed in ITM 23*
Annex III, second paragraph					
G	*825*	The European framework for capacity management referred to in Article 6 shall contain at least the following elements:	The European framework for capacity management referred to in Article 6 shall contain at least the following elements:	The European framework for capacity management referred to in Article 6 shall contain at least the following elements:	The European framework for capacity management referred to in Article 6 shall contain at least the following elements:
Annex III, second paragraph, Table 10					
G	826	Table 10	Table 10	Table 10	Table 10 Provisionally agreed in ITM 23
Annex IV					
G	827	Annex IV	Annex IV	Annex IV **Contents of the Network Statement referred to in Article 27 of Directive 2012/34/EU – section on capacity management and traffic management**	Annex IV Contents of the Network Statement referred to in Article 27 of Directive 2012/34/EU – section on capacity management and traffic management Provisionally agreed in ITM 23
Annex IV, first paragraph					
G	828	Contents of the Network Statement referred to in Article 27 of Directive 2012/34/EU – section	Contents of the Network Statement referred to in Article 27 of Directive 2012/34/EU – section	*deleted*	*deleted*

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	on capacity management and traffic management	on capacity management and traffic management		*Provisionally agreed in ITM 23*
Annex IV, second paragraph				
829	The network statement referred to in Article 27 of Directive 2012/34/EU shall contain:	The network statement referred to in Article 27 of Directive 2012/34/EU shall contain:	**In addition to the elements referred to in Article 27(2) of Directive 2012/34/EU,** the network statement referred to in **that** Article ~~27 of Directive 2012/34/EU~~ shall contain:	In addition to the elements referred to in Article 27(2) of Directive 2012/34/EU, the network statement referred to in that Article shall contain: Provisionally agreed in ITM 23
Annex IV, third paragraph				
830	(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.	(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.	(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.	(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.
Annex IV, 2 paragraph				
831	(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	(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	(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	(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

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
	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:	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:	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:	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:	
Annex IV, 2 paragraph, point (a)					
G	832	(a) the procedures according to which applicants are consulted on strategic capacity planning;	(a) the procedures according to which applicants are consulted, ***as referred to in Article 55 a ,*** on strategic capacity planning;	(a) the procedures according to which applicants are consulted on strategic capacity planning **and provide capacity needs announcements**;	(a) the procedures according to which applicants are consulted on strategic capacity planning and provide capacity needs announcements; Provisionally agreed in ITM 23	G
Annex IV, 2 paragraph, point (b)					
G	833	(b) the procedures according to which applicants may request capacity from the infrastructure manager;	(b) the procedures according to which applicants may request capacity from the infrastructure manager;	(b) the procedures according to which applicants may request capacity from the infrastructure manager;	(b) the procedures according to which applicants may request capacity from the infrastructure manager;	G
Annex IV, 2 paragraph, point (c)					
G	834	(c) the requirements governing applicants;	(c) the requirements governing applicants;	(c) the requirements governing applicants;	(c) the requirements governing applicants;	G
Annex IV, 2 paragraph, point (d)					
G	835	(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	(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	(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	(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	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	the scheduling and the procedures for scheduling planned and unforeseen maintenance work;	the scheduling and the procedures for scheduling planned and unforeseen maintenance work;	the scheduling and the procedures for scheduling planned and unforeseen maintenance work;	the scheduling and the procedures for scheduling planned and unforeseen maintenance work;
Annex IV, 2 paragraph, point (e)				
G 836	(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;	(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;	(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;	(e) the principles governing the consensual conflict resolution mechanism referred to in Article 36 and the formal conflict resolution mechanism referred to in Article 37; Provisionally agreed in ITM 23
Annex IV, 2 paragraph, point (f)				
G 837	(f) the structure and level of compensations for changes to capacity rights;	(f) the structure and level of compensations for changes to capacity rights;	(f) the structure and level of ~~compensations~~**penalties** for changes to capacity rights;	(f) the structure and level of penalties for changes to capacity rights;
Annex IV, 2 paragraph, point (g)				
G 838	(g) the procedures which shall be followed and criteria used where infrastructure is highly utilised or congested;	(g) the procedures which shall be followed and criteria used where infrastructure is highly utilised or congested;	(g) the procedures which shall be followed and criteria used where infrastructure is highly utilised or congested;	(g) the procedures which shall be followed and criteria used where infrastructure is highly utilised or congested;
Annex IV, 2 paragraph, point (h)				
G 839	(h) details of restrictions on the use of infrastructure;	(h) details of restrictions on the use of infrastructure;	(h) details of restrictions on the use of infrastructure;	(h) details of restrictions on the use of infrastructure;
Annex IV, 2 paragraph, point (i)				

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	840	(i) an explanation for any deviations from the European framework referred to in Article 6.	(i) an explanation for any deviations from the European framework referred to in Article 6.	(i) an explanation for any deviations from the European framework referred to in Article 6.	(i) an explanation for any deviations from the European framework referred to in Article 6.	G
Annex IV, 3 paragraph						
G	841	(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:	(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:	(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:	(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:	G
Annex IV, 3 paragraph, point (a)						
G	842	(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;	(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;	(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;	(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;	G
Annex IV, 3 paragraph, point (b)						
G	843	(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;	(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;	(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;	(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;	G
Annex IV, 3 paragraph, point (c)						

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	844	(c) a list of and references to information systems used in operations;	(c) a list of and references to information systems used in operations;	(c) a list of and references to information systems used in operations;	(c) a list of and references to information systems used in operations;	G
	Annex IV, 3 paragraph, point (d)					
G	845	(d) an explanation for any deviations from the European framework referred to in Article 44.	(d) an explanation for any deviations from the European framework referred to in Article 44.	(d) an explanation for any deviations from the European framework referred to in Article 44.	(d) an explanation for any deviations from the European framework referred to in Article 44.	G
	Annex IV, 4 paragraph					
G	846	(4) A section on the key elements of performance management, including in particular:	(4) A section on the key elements of performance management, including in particular:	(4) A section on the key elements of performance management, including in particular:	(4) A section on the key elements of performance management, including in particular:	G
	Annex IV, 4 paragraph, point (a)					
G	847	(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;	(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;	(a) references to performance objectives set out in the business plan referred to in Article ~~8(2)~~**8(3)** of Directive 2012/34/EU and in the contractual agreement referred to in Article 30 of that Directive;	(a) references to performance objectives set out in the business plan referred to in Article 8(3) of Directive 2012/34/EU and in the contractual agreement referred to in Article 30 of that Directive; Provisionally agreed in ITM 23	G
	Annex IV, 4 paragraph, point (b)					
G	848	(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	(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	(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	(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	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
	implement remedial measures to improve performance;	implement remedial measures to improve performance;	implement remedial measures to improve performance;	implement remedial measures to improve performance;
Annex IV, 4 paragraph, point (c)				
G 849	(c) an explanation for any deviations from the European framework referred to in Article 50.	(c) an explanation for any deviations from the European framework referred to in Article 50.	(c) an explanation for any deviations from the European framework referred to in Article 50.	(c) an explanation for any deviations from the European framework referred to in Article 50. G
Annex V				
G 850	Annex V	Annex V	Annex V **CONTENTS OF THE EUROPEAN FRAMEWORK FOR THE COORDINATION OF CROSS-BORDER TRAFFIC MANAGEMENT, DISRUPTION MANAGEMENT AND CRISIS MANAGEMENT REFERRED TO IN ARTICLE 44**	Provisionally agreed in ITM 24 G
Annex V, first paragraph				
G 851	CONTENTS OF THE EUROPEAN FRAMEWORK FOR THE CROSS-BORDER COORDINATION OF TRAFFIC MANAGEMENT, DISRUPTION MANAGEMENT AND CRISIS MANAGEMENT REFERRED TO IN ARTICLE 44	CONTENTS OF THE EUROPEAN FRAMEWORK FOR THE CROSS-BORDER COORDINATION OF TRAFFIC MANAGEMENT, DISRUPTION MANAGEMENT AND CRISIS MANAGEMENT REFERRED TO IN ARTICLE 44	*deleted*	*Provisionally agreed in ITM 24* G
Annex V, second paragraph				

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	*852*	The European framework for the coordination of cross-border traffic, disruption and crisis management shall contain at least the following elements:	The European framework for the coordination of cross-border traffic, disruption and crisis management shall contain at least the following elements:	The European framework for the coordination of cross-border traffic, disruption and crisis management shall contain at least the following elements:	The European framework for the coordination of cross-border traffic, disruption and crisis management shall contain at least the following elements: Provisionally agreed in ITM 24	G
Annex V, second paragraph, Table 11						
G	853	Table 11	Table 11	Table 11	Table 11 Provisionally agreed in ITM 24	G
Annex VI						
G	854	Annex VI	Annex VI	Annex VI **Network Disruptions referred to in Article 46**	Annex VI Network Disruptions referred to in Article 46 Provisionally agreed in ITM 24	G
Annex VI, first paragraph						
G	855	Network Disruptions referred to in Article 46	Network Disruptions referred to in Article 46	*deleted*	*Provisionally agreed in ITM 24*	G
Annex VI, Table 12						
G	*856*	*Table 12*	*Table 12*	*Table 12*	*Table 12* *Provisionally agreed in ITM 24*	G
Annex VI, second paragraph						
G	*857*	The conditions on duration and the likely impact on traffic are cumulative.	The conditions on duration and the likely impact on traffic are cumulative.	The conditions on duration and the likely impact on traffic are cumulative.	Provisionally agreed in ITM 24	G
Annex VII						

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G 858	Annex VII	Annex VII	Annex VII **CONTENTS OF THE EUROPEAN FRAMEWORK FOR PERFORMANCE REVIEW REFERRED TO IN ARTICLE 50**	Annex VII CONTENTS OF THE EUROPEAN FRAMEWORK FOR PERFORMANCE REVIEW REFERRED TO IN ARTICLE 50 Provisionally agreed in ITM 23	G
Annex VII, first paragraph					
G 859	Performance areas subject to performance review referred to in Article 50	Performance areas subject to performance review referred to in Article 50	*deleted*	*deleted* *Provisionally agreed in ITM 23*	G
Annex VII, Table 13					
G *860*	*Table 13*	*Table 13*	*Table 13*	*Table 13* *Provisionally agreed in ITM 23*	G
Annex VIII					
G *861*	*Annex VIII*	*Annex VIII*	Annex VIII **Information to be provided to operational stakeholders referred to in Article 48**	Annex VIII Information to be provided to operational stakeholders referred to in Article 48 Provisionally agreed in ITM 23	G
Annex VIII, first paragraph					
G 862	Information to be provided to operational stakeholders referred to in Article 48	Information to be provided to operational stakeholders referred to in Article 48	*deleted*	*deleted* *Provisionally agreed in ITM 23*	G
Annex VIII, second paragraph					

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	*863*	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:	The following information**,** provided **where applicable** in accordance with Directive (EU) 2016/797 and **the** relevant implementing acts ~~under that~~**adopted on the basis thereof, and subject to the respective responsibilities of stakeholders as referred to by the [Commission** Regulation **(EU) No 1305/2014 and Commission Regulation (EU) No 454/2011 as amended]** shall be ~~in the scope of~~**provided under** Article 48:	The following information, provided where applicable in accordance with Directive (EU) 2016/797 and the relevant implementing acts adopted on the basis thereof, and subject to the respective responsibilities of stakeholders as referred to by the [Commission Regulation (EU) No 1305/2014 and Commission Regulation (EU) No 454/2011 as amended] shall be provided under Article 48: Provisionally agreed in ITM 23	G
Annex VIII, second paragraph					
G	863a		**Information provided by the infrastructure manager:**	Information provided by the infrastructure manager: Provisionally agreed in ITM 23	G
Annex VIII, third paragraph					
G	864	- Train running number	- Train ~~running~~ number	- Train number Provisionally agreed in ITM 23	G
Annex VIII, -a paragraph					
G	865	- Train reporting	- Train reporting	- Train reporting Provisionally agreed in ITM 23	G
Annex VIII, second paragraph, third point					

		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	865a			- **Path allocation**	- Path allocation Provisionally agreed in ITM 23	G
	Annex VIII, second paragraph, fourth point					
G	865b			- **Train Running Information and Train Running Forecast**	- Train running information and train running forecast Provisionally agreed in ITM 23	G
	Annex VIII, second paragraph, fifth point					
G	865c			- **Service Disruption Information**	- Service disruption information Provisionally agreed in ITM 23	G
	Annex VIII, second paragraph, sixth point					
G	865d			- **Data Exchange for Quality Improvement**	- Data exchange for quality improvement Provisionally agreed in ITM 23	G
	Annex VIII, third paragraph					
G	865e			**Information provided by other operational stakeholders:**	Information provided by other operational stakeholders: Provisionally agreed in ITM 23	G
	Annex VIII, -a paragraph					
G	866	- Consignment Note data	- Consignment Note data	- Consignment Note data	- Consignment note data Provisionally agreed in ITM 23	G
	Annex VIII, -a paragraph					

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		CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
G	867	- Path Request and path allocation	- Path Request and path allocation	- Path Request ~~and path allocation~~	- Path request Provisionally agreed in ITM 23	G
	Annex VIII, -a paragraph					
G	868	- Train Preparation	- Train Preparation	- Train Preparation	- Train preparation Provisionally agreed in ITM 23	G
	Annex VIII, -a paragraph					
G	869	- Train Running Information and Train Running Forecast	- Train Running Information and Train Running Forecast	- Train Running Information and Train Running Forecast	- Train running information and train running forecast Provisionally agreed in ITM 23	G
	Annex VIII, -a paragraph					
G	870	- Service Disruption Information	- Service Disruption Information	- Service Disruption Information	- Service disruption information Provisionally agreed in ITM 23	G
	Annex VIII, -a paragraph					
G	871	- Shipment Estimated Time of Departure (ETD), Estimated Time of Interchange (ETI), Estimated Time of Arrival (ETA)	- Shipment Estimated Time of Departure (ETD), Estimated Time of Interchange (ETI), Estimated Time of Arrival (ETA)	- Shipment Estimated Time of Departure (ETD), Estimated Time of Interchange (ETI), Estimated Time of Arrival (ETA)	- Shipment Estimated Time of Departure (ETD), Estimated Time of Interchange (ETI), Estimated Time of Arrival (ETA) Provisionally agreed in ITM 23	G
	Annex VIII, -a paragraph					
G	872	- Wagon Movement	- Wagon Movement	- Wagon Movement	- Wagon movement Provisionally agreed in ITM 23	G

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement	
Annex VIII, -a paragraph					
873	- Data Exchange for Quality Improvement	- Data Exchange for Quality Improvement	- Data Exchange for Quality Improvement	- Data exchange for quality improvement Provisionally agreed in ITM 23	G
Annex IX					
874	Annex IX	Annex IX	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
Annex IX, first paragraph					
875	List of issues for coordination between infrastructure managers referred to in Article 53	List of issues for coordination between infrastructure managers referred to in Article 53	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
Annex IX, Table 14					
876	*Table 14*	*Table 14*	*deleted*	*deleted* *Agreed at 3rd trilogue*	G
Annex X					
877	*Annex X*	*Annex X*	Annex X **Correlation Tables**	Annex X Correlation Tables	
Annex X, first paragraph					
878	Correlation Tables	Correlation Tables	*deleted*	*deleted*	
Annex X, second paragraph					

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.CEU Draft Agreement
879	Correlation table for the provisions deleted in Directive 2012/34/EU	Correlation table for the provisions deleted in Directive 2012/34/EU	**1.** Correlation table for the provisions deleted in Directive 2012/34/EU	1. Correlation table for the provisions deleted in Directive 2012/34/EU
Annex X, Table 15				
880	Table 15	Table 15	Table 15	Table 15
Annex X, third paragraph				
881	Correlation table for Regulation (EU) No 913/2010	Correlation table for Regulation (EU) No 913/2010	**2.** Correlation table for Regulation (EU) No 913/2010	2. Correlation table for Regulation (EU) No 913/2010
Annex X, Table 16				
882	Table 16	Table 16	Table 16	Table 16

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Commission Proposal Table 1

Deliverable	Contents
Capacity strategy (Article 16)	– Planned development of physical infrastructure, including new construction, upgrades, renewals and closures /decommissioning; – Forecasted development of demand for rail transport services; – Strategic guidance on capacity utilisation by Member States, including an outlook on the evolution on public service obligations; – Capacity allocated in framework agreements and capacity required to provide transport services under public service contracts; – Infrastructure declared highly utilised or congested; – Major capacity restrictions resulting from infrastructure works.
Capacity model (Article 17)	– All information included in the capacity strategy, where relevant updated and further detailed – Volume of capacity available to applicants by rail transport market segment and/or by allocation process – Volume of capacity required for infrastructure works by impact on traffic (categories) – Geographical scope: at least the lines included in the TEN-T core and extended core network – Geographical detail: breakdown in appropriate planning sections reflecting infrastructure and demand characteristics – Temporal scope: one working timetable period – Temporal detail: at least annual overview (capacity restrictions) and one or more representative day/days (capacity available for requests)
Capacity supply plan (Article 18)	– All information included in the capacity model, where relevant updated further detailed – Prep-planned capacity available for requests, defined in the form of capacity objects – Capacity restrictions, defined in the form of capacity objects – Alternative capacity available during capacity restrictions – Alternative capacity available in the event of network disruptions

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EP Mandate Table 1

Deliverable	Contents
Capacity strategy (Article 16)	– Planned development of physical infrastructure, including new construction, upgrades, renewals and closures /decommissioning; – Forecasted development of demand for rail transport services; – Strategic guidance on capacity utilisation by Member States, including an outlook on the evolution on public service obligations; – Capacity allocated in framework agreements and capacity required to provide transport services under public service contracts; – Infrastructure declared highly utilised or congested; – Major capacity restrictions resulting from infrastructure works.
Capacity model (Article 17)	– All information included in the capacity strategy, where relevant updated and further detailed – Volume of capacity available to applicants by rail transport market segment and/or by allocation process***, including safeguarded capacity for later requests and capacity assigned by Framework Agreements*** – Volume of capacity required for infrastructure works by impact on traffic (categories) – Geographical scope: at least the lines included in the TEN-T core and extended core network – Geographical detail: breakdown in appropriate planning sections reflecting infrastructure and demand characteristics – Temporal scope: one working timetable period – Temporal detail: at least annual overview (capacity restrictions) and one or more representative day/days (capacity available for requests)
Capacity supply plan (Article 18)	– All information included in the capacity model, where relevant updated further detailed – Prep-planned capacity available for requests, defined in the form of capacity objects – Capacity restrictions, defined in the form of capacity objects – Alternative capacity available during capacity restrictions – Alternative capacity available in the event of network disruptions

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Council Mandate Table 1

Deliverable	Contents
Capacity strategy (Article 16)	**– Geographical scope of the capacity strategy: lines covered by the strategic capacity planning pursuant to Article 12(6); –** Planned development of physical infrastructure, including new construction, upgrades, renewals and closures /decommissioning**, detailing the characteristics of that infrastructure**; – Forecasted development of demand for rail transport services; – **The** strategic guidance on capacity utilisation by Member States, ~~including an outlook on the evolution on public service obligations~~**where Member States have provided such guidance**; – Capacity allocated in framework agreements and capacity **that may be** required to provide transport services under public service contracts; – **Information about the availability and utilisation of railway infrastructure, including** infrastructure declared highly utilised or congested; – ~~Major~~**Planned infrastructure works resulting in** capacity restrictions ~~resulting from infrastructure works~~**with major impact**.
Capacity model (Article 17)	– All information included in the capacity strategy, where relevant updated and further detailed – **Total volume of capacity available, including multi-network capacity, to applicants by network section including** volume of capacity available ~~to applicants~~ by rail transport market segment **for different segment of rail transport services** and/or by allocation process – Volume of capacity ~~required for~~**reserved for capacity restrictions resulting from** infrastructure works by impact on **the estimated** traffic ~~(categories) – Geographical scope: at least the lines included in the TEN-T core and extended core network~~**volume, as laid down in section 3 of Annex I.** – Geographical detail: breakdown in appropriate planning sections reflecting infrastructure and demand characteristics – Temporal scope: one working timetable period– Temporal detail: at least annual overview (capacity restrictions) and one or more representative day/days (capacity available for requests)
Capacity supply plan (Article 18)	– All information included in the capacity model, where relevant updated **and** further detailed – ~~Prep-planned~~**Capacity available for allocation to applicants for the working timetable period to which the capacity supply plan refers: (i) Where applicable under Article 18(4) and in accordance with Article 18(4) and (5), pre-planned** capacity available for requests**, including multi-network capacity**, defined in the form of capacity objects **in accordance with Article 18(5); (ii) capacity, which has not been pre-planned by the infrastructure manager; (iii) capacity, which is available in the service facilities referred to in Article 29(1). – Capacity which is not available for allocation to applicants: (i)** capacity restrictions, defined in the form of capacity objects**, including capacity restrictions referred to in point 1, section 3, of this Annex; (ii) capacity already allocated through framework agreements in accordance with Article 31 or through the multi-annual rolling planning process in accordance with Article 33; (iii) capacity reserved for purposes other than those set out in points (i) and (ii), which shall be clearly indicated by the infrastructure manager; (iv) other capacity already allocated, when updating the capacity supply plan during the working timetable to which the capacity supply plan refers.** – Alternative

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	capacity available during capacity restrictions – Alternative capacity available in the event of network disruptions **– Restrictions applicable for the use of specialised infrastructure referred to in Article 24.**

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Draft Agreement Table 1

Deliverable	Contents
Capacity strategy (Article 16)	– Geographical scope of the capacity strategy: lines covered by the strategic capacity planning pursuant to Article 12(6); – Planned development of physical infrastructure, including new construction, upgrades, renewals and closures /decommissioning, detailing the characteristics of that infrastructure; – Forecasted development of demand for rail transport services; – The strategic guidance on capacity utilisation by Member States, where Member States have provided such guidance; – Capacity allocated in framework agreements and capacity that may be required to provide transport services under public service contracts; – Information about the availability and utilisation of railway infrastructure, including infrastructure declared highly utilised or congested; – Planned infrastructure works resulting in capacity restrictions with major impact.
Capacity model (Article 17)	– All information included in the capacity strategy, where relevant updated and further detailed – Total volume of capacity available, including multi-network capacity, to applicants by network section including volume of capacity available by rail transport market segment for different segment of rail transport services and/or by allocation process***, including safeguarded capacity for later requests and capacity assigned by Framework Agreements*** – Volume of capacity reserved for capacity restrictions resulting from infrastructure works by impact on the estimated traffic volume, as laid down in section 3 of Annex I. – Geographical detail: breakdown in appropriate planning sections reflecting infrastructure and demand characteristics – Temporal scope: one working timetable period– Temporal detail: at least annual overview (capacity restrictions) and one or more representative day/days (capacity available for requests)
Capacity supply plan (Article 18)	– All information included in the capacity model, where relevant updated and further detailed – Capacity available for allocation to applicants for the working timetable period to which the capacity supply plan refers: (i) Where applicable under Article 18(4) and in accordance with Article 18(4) and (5), pre-planned capacity available for requests, including multi-network capacity, defined in the form of capacity objects in accordance with Article 18(5); (ii) capacity, which has not been pre-planned by the infrastructure manager; (iii) capacity, which is available in the service facilities referred to in Article 29(1). – Capacity which is not available for allocation to applicants: (i) capacity restrictions, defined in the form of capacity objects, including capacity restrictions referred to in point 1, section 3, of this Annex; (ii) capacity already allocated through framework agreements in accordance with Article 31 or through the multi-annual rolling planning process in accordance with Article 33; (iii) capacity reserved for purposes other than those set out in points (i) and (ii), which shall be clearly indicated by the infrastructure manager; (iv) other capacity already allocated, when updating the capacity supply plan during the working timetable to which the capacity supply plan refers. – Alternative capacity available during capacity restrictions – Alternative capacity available in the event of network disruptions – Restrictions applicable for the use of specialised infrastructure referred to in Article 24.

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Commission Proposal Table 2

Deliverable	Milestone	Deadline (at latest)
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
Note: (1) ‘X–m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’), in accordance with section 4.		

EP Mandate Table 2

Deliverable	Milestone	Deadline (at latest)
Capacity strategy (Article 16)	~~*Publication of the first elements of the*~~ Capacity strategy ***elaboration phase***	X–60
	First consultation of stakeholders	X–58
	Publication of the draft strategy and second consultation of stakeholders	X–~~*38*~~***48***
	Publication of final capacity strategy following final coordination between infrastructure managers ***Publication of capacity model*** ***Publication of final capacity supply plan following IM and ERP consultation***	X–36 ***X-18*** ***X-11***
Capacity model (Article 17)	Start of preparation	X–36
	Consultation of applicants and operational stakeholders ***Coordination between infrastructure managers and operation participants and feasibility assessments for provided capacity needs that might not be fully considered in the draft capacity model***	X–24 ***X-22***
	Publication of draft capacity model ***and start of the second consultation with the applicants and operation participants***	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 ***Regulatory Body shall analyse the draft capacity supply plan and may take a decision requiring the infrastructure manager to amend the capacity supply plan***	X–14 ***X-14 to X-13***
	Publication of capacity restrictions referred to in point (1) of section (3) of this Annex	X–12

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	Publication of final capacity supply plan following final coordination between infrastructure managers	X–11
	Update of capacity supply plan for late requests	***X-6,5***
	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
Note: (1) 'X–m' means 'm' months before the date of entry into force of the working timetable ('X'), in accordance with section 4.		

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Council Mandate Table 2

Deliverable	Milestone	Deadline (at latest)
Capacity strategy (Article 16)	~~Publication of the first elements~~**Start** of the capacity strategy **phase**	X–60
	First consultation of **operational** stakeholders	X–58
	Publication of the draft strategy ~~and~~ Second consultation of **operational** stakeholders **on the draft strategy**	**X–39** 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~~**Capacity needs announcements by** applicants and **potential applicants and consultation of** 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
Note: (1) 'X–m' means 'm' months before the date of entry into force of the working timetable ('X'), in accordance with section 4.		

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Draft Agreement Table 2

Deliverable	Milestone	Deadline (at latest)
Capacity strategy (Article 16)	Start of the capacity strategy ***elaboration*** phase	X–60
	First consultation of operational stakeholders	X–58
	Publication of the draft strategy ~~-~~***and*** second consultation of operational stakeholders on the draft strategy	X–39 ~~*X–38*~~
	Publication of final capacity strategy following final coordination between infrastructure managers ***and taking into account any comments that the ERP might have issued following the publication of the draft capacity strategy***	X–36
Capacity model (Article 17)	Start of preparation	X–36
	Capacity needs announcements by applicants and potential applicants and consultation of operational stakeholders	X–24
	Publication of draft capacity model ***and start of the second consultation of applicants, operational stakeholders.***	X–21
	~~*Coordination*~~***End of consultation*** with applicants and operational stakeholders ***and taking into account any comments that the regulatory body might have issued following the publication of the draft capacity model***	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
	Regulatory Body shall analyse the draft capacity supply plan and may take a decision requiring the infrastructure manager to amend the capacity supply plan	***X-14 to X-13***
	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
	Update of capacity supply plan for late requests	***X-6,5***
	Publication of capacity restrictions referred to in point (5) of section (3) of this Annex ~~*Update of capacity supply plan to reflect any changes to pre-planned or allocated capacity Until X+12 without delay*~~	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***
Note: (1) 'X–m' means 'm' months before the date of entry into force of the working timetable ('X'), in accordance with section 4.		

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Commission Proposal Table 3

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

EP Mandate Table 3

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

Council Mandate Table 3

Capacity strategy (Article 16)	Publication of the draft strategy and consultation of stakeholders	X–38
	Consultation of operational stakeholders on the draft strategy	**X–37**
	Publication of final capacity strategy following final coordination between infrastructure managers	X–36

Draft Agreement Table 3

Capacity strategy (Article 16)	Publication of the draft strategy and consultation of ***operational*** stakeholders	X–38
	~~*Consultation of operational stakeholders on the draft strategy*~~	~~*X–37*~~
	Publication of final capacity strategy following final coordination between infrastructure managers ***and taking into account any comments that the ERP might have issued following the publication of the draft capacity strategy***	X–36

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Council Mandate Table 3a

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	Duration	Impact on traffic
Major impact	**More than 30 consecutive days**	**More than 50%**
High impact	**More than 7 consecutive days**	**More than 30%**
Medium impact	**7 consecutive days or less**	**More than 50%**
Minor impact	**Unspecified**	**More than 10%**

Draft Agreement Table 3a

	Duration	Impact on traffic	***Finalisation of first coordination and consultation and publication of draft capacity restrictions***	***Finalisation of second coordination and consultation of capacity restrictions with impact on more than one network***	***Publication of final capacity restrictions***	***Provision of details on the alternative train paths offered***
Major impact	More than 30 ~~*consecutive*~~ days	More than 50%	***X-24***	***X-18***	***X-12***	
High impact	More than 7 ~~*consecutive*~~ days	More than 30%	***X-24***	***X-13.5***	***X-12***	
Medium impact~~*Minor impact Unspecified More than 10%*~~	7 ~~*consecutive*~~ days or less	More than 50%		***X-13.5***	***X-12***	
Low impact	***7 days or less***	***More than 10%***			***X-4***	***T-4 Passenger T-1 Freight***
'X-m' means 'm' months before the date of entry into force of the working timetable ('X') in accordance with section 4						
'T-m' means 'm' months before the start of the train run concerned						

PUBLIC

Commission Proposal Table 4

Milestone or time period	Deadline or duration(1)
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
Note: (1) ‘X–m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’)	

PUBLIC

EP Mandate Table 4

Milestone or time period	Deadline or duration(1)
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 ***, ensuring that all prerequisists are met before this 2 week finalisation of ‘observation phase’***	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
Note: (1) ‘X–m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’)	

PUBLIC

Council Mandate Table 4

Milestone or time period	Deadline or duration(1)
Period of validity of the working timetable ('working timetable period')	~~One year~~**Starting at midnight on the second Saturday of December up to midnight of the second Saturday of December of the following 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~~**5.5**
Deadline for infrastructure manager(s) to submit final capacity offer to applicants	X–~~5.5~~**4.5**
Publication of final working timetable Deadline for infrastructure manager to allocate capacity rights to applicants	X–~~5.25~~**4.25**
Conversion of capacity specifications in train paths	To be specified ~~in~~**by the infrastructure managers taking into account** the European framework for capacity management referred to in Article 6
Note: (1) 'X–m' means 'm' months before the date of entry into force of the working timetable ('X')	

Draft Agreement Table 4

Milestone or time period	Deadline or duration(1)
Period of validity of the working timetable (‘working timetable period’)	Starting at midnight on the second Saturday of December up to midnight of the second Saturday of December of the following 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*~~***consultation*** with applicants	X–5.5
Deadline for infrastructure manager(s) to submit final capacity offer to applicants	X–4.5
Publication of ~~*final*~~ working timetable Deadline for infrastructure manager to allocate capacity rights to applicants	X–4.25
Conversion of capacity specifications in train paths	To be specified by the infrastructure managers ***in the network statement,*** taking into account the European framework for capacity management referred to in Article 6
Note: (1) ‘X–m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’)	

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Commission Proposal Table 5

Time period	Duration(1)
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)
Note: (1) 'X–m' means 'm' months before the date of entry into force of the working timetable ('X') in accordance with section 4	

EP Mandate Table 5

Time period	Duration(1)
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)
Note: (1) 'X–m' means 'm' months before the date of entry into force of the working timetable ('X') in accordance with section 4	

Council Mandate Table 5

Time period	Duration(1)
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)
Note: (1) 'X–m' means 'm' months before the date of entry into force of the working timetable ('X') in accordance with section 4	

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Draft Agreement Table 5

Time period	Duration(1)
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)
Note: (1) ‘X–m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’) in accordance with section 4	

PUBLIC

Commission Proposal Table 6

Milestone or time period	Deadline or duration(1)
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
Note: (1) ‘X–m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’) in accordance with section 4	

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EP Mandate Table 6

Milestone or time period	Deadline or duration(1)
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
Note: (1) ‘X–m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’) in accordance with section 4	

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Council Mandate Table 6

Milestone or time period	Deadline or duration(1)
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 **Maximum period for infrastructure managers to prepare an offer of capacity rights under rolling planning process**	To be specified by the infrastructure managers taking into account the European framework for capacity management referred to in Article 6 **15 days**
Note: (1) 'X–m' means 'm' months before the date of entry into force of the working timetable ('X') in accordance with section 4	

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Draft Agreement Table 6

Milestone or time period	Deadline or duration(1)
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 _____ _____ Maximum period for infrastructure managers to prepare an offer of capacity rights under rolling planning process	To be specified by the infrastructure managers taking into account the European framework for capacity management referred to in Article 6 _____ _____ 15 days
Note: (1) ‘X–m’ means ‘m’ months before the date of entry into force of the working timetable (‘X’) in accordance with section 4	

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Commission Proposal Table 7

Time period	Duration
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

EP Mandate Table 7

Time period	Duration
Maximum period for infrastructure managers to prepare an offer of capacity rights concerning a single network ***if the ad hoc request is placed after the publication date of the final working timetable***	~~*1 day*~~***24 hours***
Maximum period for infrastructure managers to prepare an offer of multi-network capacity rights	5 days

Council Mandate Table 7

Time period	Duration
Maximum period for infrastructure managers to prepare an offer of capacity rights concerning a single network	~~1 day~~**5 days**
Maximum period for infrastructure managers to prepare an offer of multi-network capacity rights	~~5~~**8** days

Draft Agreement Table 7

Time period	Duration
Maximum period for infrastructure managers to prepare an offer of capacity rights ~~*concerning a single network*~~	~~*5 days*~~ ***7 calendar days and in any case 24h before the start of the train service***
~~*Maximum period for infrastructure managers to prepare an offer of multi-network capacity rights*~~	~~*8 days*~~

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Commission Proposal Table 8

Milestone or time period	Deadline or duration
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

EP Mandate Table 8

Milestone or time period	Deadline or duration
Maximum time for the infrastructure manager to offer an alternative capacity right involving a single network ***if for use within the next two working days.***	24 hours
Maximum time for infrastructure managers concerned to offer an alternative multi-network capacity right ***with special parameters (e.g. extraordinary consignments, test runs)***	5 ***calendar*** days

Council Mandate Table 8

Milestone or time period	Deadline or duration
Maximum time for the infrastructure manager to offer an alternative capacity right involving a single network	~~24 hours~~**5 days**
Maximum time for infrastructure managers concerned to offer an alternative multi-network capacity right	~~5~~**8** days

Draft Agreement Table 8

Milestone or time period	Deadline or duration
Maximum time for the infrastructure manager to offer an alternative capacity right involving a single network	***[5] calendar days and in any case 24h before the start of the train service*** ~~*5 days*~~
Maximum time for infrastructure managers concerned to offer an alternative multi-network capacity right	***[8] calendar days and in any case 24h before the start of the train service*** ~~*8 days*~~

Commission Proposal Table 9

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

EP Mandate Table 9

Utilisation	Classification	Capacity utilisation	Reference period
Heterogenous traffic	Highly utilised	> ~~*65%*~~ of theoretical capacity ***[value to be determined by ENIM]***	More than 4 hours for more than 200 days per year
Heterogenous traffic	Congested	> ~~*95%*~~ of theoretical capacity ***[value to be determined by ENIM]***	More than 4 hours for more than 250 days per year
Homogeneous traffic	Highly utilised	> ~~*80%*~~ of theoretical capacity ***[value to be determined by ENIM]***	More than 4 hours for more than 200 days per year
Homogenous traffic	Congested	> ~~*95%*~~ of theoretical capacity ***[value to be determined by ENIM]***	More than 4 hours for more than 250 days per year

Council Mandate Table 9

Utilisation	Classification	Capacity utilisation	Reference period
Heterogenous traffic	Highly utilised	> ~~65%~~**85%** 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%~~**90%** of theoretical capacity	More than 4 hours for more than 200 days per year

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Homogenous traffic	Congested	> 95% of theoretical capacity	More than 4 hours for more than 250 days per year

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Draft Agreement Table 9

Utilisation	Classification	Capacity utilisation	Reference period
Heterogenous traffic	Highly utilised	> 85% 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	> 90% 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

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Commission Proposal Table 10

Element	Reference(s)
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)

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EP Mandate Table 10

Element	Reference(s)
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)

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Council Mandate Table 10

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Element	Reference(s)
~~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**, including for the Capacity Needs Announcements**.	**Article 12(4),** Article 12(9), Article 13, Article 14**, Article 17(1), Article 54**
~~Means for publication of the capacity supply plan and process for consultation of applicants~~**Guidelines setting out procedures and methodologies to be used for the transport market analysis**	Article ~~18(10)~~**15(3)**
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~~**Common method on the utilisation of rail infrastructure** capacity~~ specifications~~	Article ~~26(1)~~**21(1a)**
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 definition of** 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)
Guidelines for the consensual conflict resolution mechanism for conflicts including at least one multi-network capacity request	**Article 36(8)**
Procedures ~~to manage changes to~~**and methodologies to resolve conflicts on infrastructure** capacity ~~rights after allocation~~**on the basis of socio-economic and environmental criteria**.	Article ~~39(8)~~**37(1b)**
Procedures to manage changes to capacity rights after allocation.	**Article 39(8)**

Guidelines for the definition of conditions giving rise to ~~compensation~~**penalties** 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)~~

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Draft Agreement Table 10

PUBLIC

Element	Reference(s)
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, including for the Capacity Needs Announcements.	Article 12(4), Article 12(9), Article 13, Article 14, Article 17(1), Article 54
Guidelines setting out procedures and methodologies to be used for the transport market analysis	Article 15(3)
Means for publication of the capacity supply plan and process for consultation of applicants	Article 18(10)
Guidelines on the definition of limits within which the infrastructure manager can propose a capacity model, or a capacity supply plan, that differs from the input received	***Article 17(2a), Article 18(8)***
~~*Rules*~~***Criteria*** and procedures for the allocation of pre-planned capacity included in the capacity supply plan.	Article 20(3)
Specifications for capacity planning objects in human-readable and in machine-readable format	***Article 20(4)***
Common method on the utilisation of rail infrastructure capacity	Article 21(1a)
Methodology for assessment and the list of parameters relating to rail transport services and socio-economic and environmental criteria, including the list of parameters, standard parameter values, or ranges of standard values	***Article 25(2b), Article 37(1c)***
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 definition of 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)
Guidelines for the consensual conflict resolution mechanism for conflicts including at least one multi-network capacity request	Article 36(8)

~~*Procedures and methodologies to resolve conflicts on infrastructure capacity on the basis of socio-economic and environmental criteria.*~~	~~*Article 37(1b)*~~
Procedures to manage changes to capacity rights after allocation.	Article 39(8)
~~*Guidelines*~~***Criteria*** for the ~~*definition of conditions giving rise to*~~***application and determination of*** penalties for changes to capacity rights.	Article 40(3)
Guidelines for appropriate and regular consultation of interested parties regarding European and cross-border matters	***Article 54(1)***

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Commission Proposal Table 11

Element	Reference(s)
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

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EP Mandate Table 11

Element	Reference(s)
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

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Council Mandate Table 11

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Element	Reference(s)
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 **44(2) 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)**, Article 41(2)**
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~~**Common method to estimate the conditions on duration and likely impact on traffic and the content of the incident report of the** Network ~~disruptions and crisis situations.~~**Coordinator**	~~Article 42,~~ Article 46~~, Article 47~~**(5a)**
~~Arrangements to review the performance of traffic management, disruption management and crisis management, including the coordination between operational stakeholders.~~**Guidelines with the purpose of ensuring appropriate and regular consultation of interested parties regarding European and cross-border matters**	Article ~~50, Article 51~~**54(1)**

Draft Agreement Table 11

Element	Reference(s)
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 44(1)***, Article 44(2) Article 45, Article 46
~~*Common rules and procedures*~~***Guidelines*** for managing and allocating capacity in the event of network disruptions and crisis situations.	~~*Article 41(1),*~~ Article 41(2)
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 disruptions and crisis situations	***Article 47(7)***
Common method to estimate the conditions on duration and likely impact on traffic and the content of the incident report of the Network Coordinator~~*Guidelines with the purpose of ensuring appropriate and regular consultation of interested parties regarding European and cross-border matters Article 54(1)*~~	Article 46(5a)
Guidelines with the purpose of ensuring appropriate and regular consultation of interested parties regarding European and cross-border matters	***Article 54(1)***

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Commission Proposal Table 12

Type of incident	Estimated likely duration	Estimated likely impact
Network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	– 50% or more of the trains on the affected section operating on a single network need an operational treatment – 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
Multi-network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	– 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

EP Mandate Table 12

Type of incident	Estimated likely duration	Estimated likely impact
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Multi-network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	– 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

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Council Mandate Table 12

Type of incident	Estimated likely duration	Estimated likely impact
Network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	– 50% or more of the trains on the affected section operating on a single network need an operational treatment – 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
Multi-network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	– 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

Draft Agreement Table 12

Type of incident	Estimated likely duration	Estimated likely impact
Network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	– 50% or more of the trains on the affected section operating on a single network need an operational treatment – 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
Multi-network disruption	The return to pre-incident levels of available capacity for train utilisation requires 3 or more days	– 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

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Commission Proposal Table 13

Performance area	Relevant issues (indicative)
Infrastructure and equipment	– Capacity and capabilities of the physical infrastructure and its equipment, including deployment of TEN-T standards – Reductions in infrastructure capacity or capability due to deferred infrastructure renewal, maintenance or repair
Infrastructure capacity	– Capacity offer in terms of quantity and quality – Capacity utilisation, spare capacity to accommodate traffic growth – Consistency between available capacity (planned or unplanned) and market needs – Stability of the capacity offer, in particular in connection with infrastructure works – Congested infrastructure – Planned dwelling times of trains at border stations
Traffic management	– Punctuality / delays of different types of rail services, at origin, intermediate stops and destination and at operationally important locations – Train cancellations – Actual dwelling times of trains at border stations
Disruption management and crisis management	– Share of traffic that could be re-routed or re-scheduled during the disruption or crisis – Impact of disruptions on rail traffic in terms of delays and cancellations – Impact of disruptions on operators of rail services and their customers – Specific issues encountered (qualitative)
Deployment and performance of digital services, tools and interfaces	– Support of the processes related to capacity management, traffic management and disruption management – Completeness and quality of the information and data provided – Alignment with European architecture developed in ERJU and with the relevant technical specifications in accordance with Directive (EU) 2016/797
Compliance with regulation; regulatory oversight	– Process indicators monitoring compliance with rules and procedures – Complaints lodged with regulatory bodies and ENRRB

EP Mandate Table 13

Performance area	Relevant issues (indicative)
Infrastructure and equipment	– Capacity and capabilities of the physical infrastructure and its equipment, including deployment of TEN-T standards – Reductions in infrastructure capacity or capability due to deferred infrastructure renewal, maintenance or repair
Infrastructure capacity	– Capacity offer in terms of quantity and quality***, including consistency across network borders*** – Capacity utilisation, spare capacity to accommodate traffic growth – Consistency between available capacity (planned or unplanned) and market needs – Stability of the capacity offer, in particular in connection with infrastructure works – Congested infrastructure – Planned dwelling times of trains at border stations
Traffic management	– Punctuality / delays of different types of rail services, at origin, intermediate stops and destination and at operationally important locations – Train cancellations – Actual dwelling times of trains at border stations
Disruption management and crisis management	– Share of traffic that could be re-routed or re-scheduled during the disruption or crisis – Impact of disruptions on rail traffic in terms of delays and cancellations – Impact of disruptions on operators of rail services and their customers – Specific issues encountered (qualitative)
Deployment and performance of digital services, tools and interfaces	– Support of the processes related to capacity management, traffic management and disruption management – Completeness and quality of the information and data provided ***as well as ease of access for operational stakeholders*** – Alignment with European architecture developed in ERJU and with the relevant technical specifications in accordance with Directive (EU) 2016/797
Compliance with regulation; regulatory oversight	– Process indicators monitoring compliance with rules and procedures – Complaints lodged with regulatory bodies and ENRRB

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Council Mandate Table 13

Performance area	Relevant issues (indicative)
Infrastructure and equipment	– Capacity and capabilities of the physical infrastructure and its equipment, including deployment of TEN-T standards – Reductions in infrastructure capacity or capability due to deferred infrastructure renewal, maintenance or repair
Infrastructure capacity	– Capacity offer in terms of quantity and quality – Capacity utilisation, spare capacity to accommodate traffic growth – Consistency between available capacity (planned or unplanned) and market needs**, at single and multi-network levels** – Stability of the capacity offer, in particular in connection with infrastructure works – Congested infrastructure – Planned dwelling times of trains at border stations
Traffic management	– Punctuality / delays of different types of rail services, at origin, intermediate stops and destination and at operationally important locations – Train cancellations – Actual dwelling times of trains at border stations
Disruption management and crisis management	– Share of traffic that could be re-routed or re-scheduled during the disruption or crisis – Impact of disruptions on rail traffic in terms of delays and cancellations – Impact of disruptions on operators of rail services and their customers – Specific issues encountered (qualitative)
Deployment and performance of digital services, tools and interfaces	– Support of the processes related to capacity management, traffic management and disruption management – Completeness and quality of the information and data provided – Alignment with European architecture developed in ~~ERJU~~**Europe's Rail Joint Undertaking** and with the relevant technical specifications in accordance with Directive (EU) 2016/797
Compliance with regulation; regulatory oversight	– Process indicators monitoring compliance with rules and procedures – Complaints lodged with regulatory bodies and ENRRB

Draft Agreement Table 13

Performance area	Relevant issues (indicative)
Infrastructure and equipment	– Capacity and capabilities of the physical infrastructure and its equipment, including deployment of TEN-T standards – Reductions in infrastructure capacity or capability due to deferred infrastructure renewal, maintenance or repair
Infrastructure capacity	– Capacity offer in terms of quantity and quality – Capacity utilisation, spare capacity to accommodate traffic growth – Consistency between available capacity (planned or unplanned) and market needs, at single and multi-network levels – Stability of the capacity offer, in particular in connection with infrastructure works – Congested infrastructure – Planned dwelling times of trains at border stations
Traffic management	– Punctuality / delays of different types of rail services, at origin, intermediate stops and destination and at operationally important locations – Train cancellations – Actual dwelling times of trains at border stations
Disruption management and crisis management	– Share of traffic that could be re-routed or re-scheduled during the disruption or crisis – Impact of disruptions on rail traffic in terms of delays and cancellations – Impact of disruptions on operators of rail services and their customers – Specific issues encountered (qualitative)
Deployment and performance of digital services, tools and interfaces	– Support of the processes related to capacity management, traffic management and disruption management – Completeness and quality of the information and data provided ***as well as ease of access for operational stakeholders*** – Alignment with European architecture developed in Europe's Rail Joint Undertaking and with the relevant technical specifications in accordance with Directive (EU) 2016/797
Compliance with regulation; regulatory oversight	– Process indicators monitoring compliance with rules and procedures – Complaints lodged with regulatory bodies and ENRRB
Arrangements to review the performance of traffic management, disruptions management and crisis management, including the coordination between operational stakeholders	
Guidelines with the purpose of ensuring appropriate and regular consultation of interested parties regarding European and cross-border matters	

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Commission Proposal Table 14

Issues for coordination	Provisions to be covered by coordination
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 and crisis management	Chapter III, in particular: – Article 45 – Article 46 – Article 47
Performance review	Chapter IV, in particular: – Article 51
Deployment of digital services, tools and interfaces; contribution to development of technical specifications	– Article 9(2) – Article 20(4) – Article 27(4) – Article 29(5), Article 29(6) – Article 42(3), point (c) – Article 45, point (c) – Article 48(2), Article 48(3) – Article 62

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EP Mandate Table 14

Issues for coordination	Provisions to be covered by coordination
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 and crisis management	Chapter III, in particular: – Article 45 – Article 46 – Article 47
Performance review	Chapter IV, in particular: – Article 51
Deployment of digital services, tools and interfaces; contribution to development of technical specifications	– Article 9(2) – Article 20(4) – Article 27(4) – Article 29(5), Article 29(6) – Article 42(3), point (c) – Article 45, point (c) – Article 48(2), Article 48(3) – Article 62

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Commission Proposal Table 15

Directive 2012/34/EU	This Regulation
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)
Article 38(4)	Article 26(5)
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)

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Article 41(2)	Article 7 (2)
Article 41(3)	Article 7(3)
Article 42(1)	Article 31(1)
Article 42(2)	Article 31(4)
Article 42(3)	Article 31(5)
Article 42(4)	Article 31(5) and (6)
Article 42(5)	Article 31(7) and Annex I, section 5
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)
Article 45(2)	Article 32(4)
Article 45(3)	Article 32(10)
Article 45(4)	Article 32(11)
Article 46(1)	Article 8(3) Article 20(3) Article 32(3)
Article 46(2)	Article 36(2)
Article 46(3)	Article 36(3)
Article 46(4)	Article 36(4)
Article 46(5)	Article 36(5)

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Article 46(6)	Article 36(6)
Article 47(1)	Article 21(1)
Article 47(2)	Article 21(4)
Article 47(3)	Article 21(5), Article 25(1)
Article 47(4)	Article 8(1), (2), (4) and Article 11(3)
Article 47(5)	Article 8(1) and (4)
Article 47(6)	Article 21(6)
Article 48(1)	Article 34(1)
Article 48(2)	Article 18(4)
Article 49(1)	Article 24(1)
Article 49(2)	Article 24(2)
Article 49(3)	Article 24(3)
Article 50(1)	Article 22(1)
Article 50(2)	Article 22(2)
Article 50(3)	Article 22(1)
Article 51(1)	Article 23(1)
Article 51(2)	Article 23(1) and (2)
Article 51(3)	Article 23(4)
Article 51(4)	Article 23(5)
Article 52(1)	Article 12(8)
Article 52(2)	Article 27(6)
Article 53(1)	Article 35(1)
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Article 42(7)	Article 31(10)
Article 42(8)	Article 31(11)
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Article 43(3)	~~n/a~~
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Article 49(2)	Article 24(2)
Article 49(3)	Article 24(3)
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Article 45(1)	Article 32(2)
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Article 49(2)	Article 24(2)
Article 49(3)	Article 24(3)
Article 50(1)	Article 22(1)
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