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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport

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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 - Presidency revised compromise proposal on empowerments = Comments from Hungary
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Delegations will find, attached, comments from Hungary on the above-mentioned document.

Hungary's comments on Railway Capacity Management Regulation

9 July 2025

Regarding the empowerment provisions, we would like to continue to consider the principles of “better regulation” and “simplification” as the main guiding directions on this matter. We do not support granting the Commission new legal instruments compared to the original proposal solely for the purpose of making certain elements mandatory, especially if these elements were not considered necessary when drafting the initial text.

On the issue of deadlines, there is still no agreement on the timeline for the preparation of the various documents following the entry into force of the regulation. We request the Presidency to ensure full consistency in this respect, as more and more obligations are being formulated in connection with ENIM, specifying what must be prepared within how many months, with whom prior consultations must be held, and how many months are foreseen for incorporating the feedback and comments into the final documents. Therefore, we continue to suggest a general period of **18 months**. (We note that the EP proposal still refers to **24 months** in several instances; ultimately, this could also be supported.)

Regarding the additional tasks assigned to ENIM, we suggest that the legislative process take into account that the responsibilities and consultation obligations of ENIM have significantly increased compared to the original Commission proposal. This should be factored into the coordination of deadlines.

Concerning the **market study or analysis** (European Transport Market Study): this is a new element, highlighted in green in the current document as an “agreement reached during the 3rd trilogue”. However, in this exact form, it has not appeared in previous drafts. We consider it duplicative that the regulation obliges both the infrastructure managers (IMs) to carry out regular market analyses for their strategic planning, and also expects the Network Coordinator (NC) to prepare a market study that IMs must also take into account. Ideally, there should be no discrepancy between the two, as the NC cannot produce such a study independently — it can only do so through the data and resources of the IMs. While the NC’s study must be published, no such requirement exists for the IMs’ market analyses, nor are there clear provisions regarding their format, reference period, etc. While this may not necessarily be a problem, we would like to point out that such an obligation could lead to divergent interpretations and implementations by the IMs, meaning the regulation would not ensure harmonisation in this regard either.

The **effectiveness and measurement of the frameworks** still raise many questions: how would effectiveness be measured, based on what indicators, and what would qualify as good or poor performance? We maintain our previous comments and concerns on this matter.

In terms of the **implementation timeline for the frameworks**, there is currently no requirement on how quickly they must be implemented, as they are only intended to provide guidance. We consider the proposed performance evaluation after three years to be premature. The technical condition of the infrastructure and the proportion of the TEN-T network vary greatly across Member States and within individual IMs, which will impact the pace at which the expectations set out in the frameworks can be met. Therefore, we suggest that a performance review should be conducted **five years** after the adoption of the frameworks, jointly by the Commission and the **Advisory Performance Panel (APP)**.

We continue to have concerns about the **establishment, mandate, and scope of the APP**. Based on the interpretation of the text, it appears to be a kind of “supra-body” that monitors all actors and engages with all stakeholders, and could even assign tasks or request assessments from the ETC coordinators. If this is indeed the intention, then a much more detailed description is needed — clarifying the extent of their responsibilities, the source of their mandate, the parameters used in their analyses and assessments, the legal weight of their findings, and what happens if the IM does not implement the APP’s advice, recommendations, or requirements.

Although the inclusion of **ERA** at a conceptual level contradicts the Council mandate and was not part of the Commission’s original proposal, we do not raise specific objections in this regard.