



FEPORT Feedback on Proposal for a Regulation on the use of Railway Infrastructure Capacity in the Single European Railway Area

1. Introduction

FEPORT represents the interests of 1225 private port companies and terminals performing cargo handling and logistics related activities in the seaports of the EU. FEPORT Members employ over 390.000 workers.

FEPORT welcomes the possibility to provide feedback regarding the proposal for a Regulation on the use of capacity in the single European railway area, amending Directive 2012/34/EU and repealing Regulation (EU) No 913/2010.

The proposal is of relevance to our members as an efficient and reliable framework regarding capacity allocation to freight trains as well as effective coordination with terminal operators is a prerequisite for them to be able to offer multi-modal transport solutions to their customers.

FEPORT in particular supports the proposal's efforts to enhance the availability of rail infrastructure capacity by improving processes regarding capacity allocation for passenger and freight trains. For example, by allowing railway undertakings to request capacity on an annual basis but also closer to the time of operation through ad hoc capacity requests.

In addition, FEPORT welcomes the approach introduced by the regulation proposal to include cost incentives for both infrastructure managers as well as railway undertakings to honour capacity-related commitments. This has the potential of increasing the schedule reliability of rail services which will also positively impact terminal operators.

The remainder of this paper includes a number of comments aimed at improving the coordination between terminal operators, infrastructure managers and railway undertakings.

2. Consultation of terminal operators in the framework of strategic capacity planning

FEPORT agrees with the impact assessment's conclusions that the Terminal Advisory Groups only had limited influence on the corridor management boards' decisions, meaning that the coordination with terminals was sub-optimal (p.4)

FEPORT in this light supports that, following the abolishment of the corridor approach, the Terminal Advisory Groups are also dissolved. Nevertheless, it is crucial that infrastructure managers consult terminal operators when performing capacity planning as it is important to assess the availability of handling capacity at terminals before granting train paths to railway undertakings. In case of a mismatch between the allocated train paths and terminal capacity, this can lead to longer waiting times for trains and possibly congestion at the terminals.

It is therefore a positive signal that article 13(1) of the proposal requires infrastructure managers to consult all operational stakeholders on strategic capacity planning. However, in order to ensure that also terminal operators are properly consulted, FEPORT recommends explicitly referring to operators of service facilities in this article.

3. Cooperation between infrastructure managers, railway undertakings and terminal operators on the allocation of rail infrastructure and terminal capacity

In line with the above call for a better consultation of terminal operators on capacity allocation, FEPORT supports the aims of article 29 which seeks to achieve a better coordination between infrastructure managers and operators of service facilities in order to ensure that the capacity of rail infrastructure and at service facilities offered to railway undertakings is aligned.

It is indeed key that terminal capacity is ensured first, before train paths are granted. Yet, in FEPORT's opinion, it should be the railway undertaking that verifies whether slots at the terminal are available as opposed to the infrastructure manager, as on this occasion also the required commercial and operational information can be shared. In addition, it should be ensured that article 29 does not go to the detriment of terminal operators' ability to negotiate contracts with railway undertakings at their own capacity.

In light of the above, FEPORT prefers an approach, as currently stipulated in article 7(2) of Implementing Regulation 2017/2177, which requires coordination between infrastructure managers, operators of service facilities and railway undertakings in view of ensuring a match between the allocation of capacity on railway infrastructure and at service facilities, rather than a mechanism where infrastructure managers can offer capacity at service facilities on behalf of the latter as currently provided in article 29 of the proposal.

FEPORT supports that the proposal improves the reliability of allocated train paths to railway undertakings, for example, by including requirements for compensation in case of changes to capacity rights (see recital 18 and article 40). However, for planning purposes, also terminal operators need certainty as regards to when and how many trains they can expect at their facilities. FEPORT therefore recommends that, in the event that infrastructure managers grant train paths with terminal capacity included, terminal operators are provided guarantees regarding the amount of trains they can expect at their facilities. Article 29 should clearly specify this. It could also be considered referring to operators of service facilities in article 40 on compensation for changes to capacity rights, in order for terminal operators to be able to receive compensation in case they

receive a lower amount of trains than communicated by the infrastructure manager as part of an offer by the latter to railway undertakings including both train paths and terminal capacity.

4. Concluding remarks

It is key that terminal operators are closely involved in capacity planning as it should be prevented that paths are allocated to freight trains without the adequate handling capacity at terminals being available.

It is therefore a positive signal that the proposal seeks to improve the coordination between terminal operators and infrastructure managers, including by allowing the latter to offer train paths that include rail facility capacity. Yet, this option should not go to the detriment of terminal operators' capacity to independently negotiate contracts with railway undertakings. Finally, in case train paths are offered with terminal capacity included, terminal operators should be able to receive guarantees as regards to the amount of trains they can expect at their facilities.