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**OPEN LETTER TO THE COMMISSION, COUNCIL AND EUROPEAN PARLIAMENT
PROVIDING INPUT TO THE TRILOGUE NEGOTIATIONS ON
THE NEW RAILWAY INFRASTRUCTURE CAPACITY REGULATION
FROM A FREIGHT PERSPECTIVE**

The demand for freight transport services in the European Union is increasing year on year. With this, the strategic importance of rail freight as a means of connecting European industries, ports and markets is becoming ever more prevalent in ensuring the smooth functioning of European supply chains and the broader economy.

The reality today though is that rail freight is struggling to demonstrate its potential. Too many freight trains experience delays, are restricted due to operational limitations or are cancelled altogether. A large part of this is because infrastructure management is still largely in the national domain with a strong focus on national and passenger needs. More than 50% of freight trains in Europe, and up to 90% for intermodal trains, cross at least one internal border meaning that rail freight today operates dominantly cross-border services on a patchwork of national networks.

The Railway Infrastructure Capacity Regulation provides a valuable opportunity to move towards the Single European Railway Area with a customer orientated approach. This is increasingly important for markets which are particularly reliant on cross-border capacity such as intermodal. Enhanced coordination on capacity management, including a consultation of all relevant stakeholders as proposed in the Regulation, will not only increase the overall capacity available on the European network, but will, crucially, improve the quality and quantity of train paths available to rail freight, thereby making them more attractive to end users and contributing towards better functioning European supply chains.

This will only be achieved if the trilogue partners have the ambition to move away from the status quo, which complicates rail freight's ability to offer competitive cross-border services due to network fragmentation. The trilogue agreement should help deliver the digitalised and flexible timetabling and capacity management needed by cargo owners, shippers, as well as rail freight operators and their direct customers.

To achieve this, trilogue negotiators should ensure that:

- **European Frameworks** are adopted through a process which allows them to be binding, and any deviations would need to be proposed in a transparent process and ultimately require approval by Regulatory bodies.
- The Regulation introduces strong and robust incentives through **reciprocal commercial conditions** which effectively encourage capacity to be managed with a focus on the running of cross-border trains in line with their original train path. This is particularly important to offset the avoidable negative impacts of capacity restriction related bottlenecks.
- Any changes to a train path **must be treated in its entirety**, particularly those train paths which involve more than one infrastructure manager.
- The Regulation requires the use of **objective, transparent and balanced European socio-economic and environmental criteria for capacity allocation** as an allocation method of last resort. This ensures more effective cross-border traffic management and balanced infrastructure usage compared to disparate national rules during both the annual timetabling and when devising the bypass regime around temporary capacity restricted sections and other bottlenecks. A harmonised methodology should be added in Annex to the Regulation.
- The Regulation defines a **clear and independent governance structure** which is steered by KPI's with a focus on improved performance. The KPIs on cross-border freight train punctuality and the time required to complete a border crossing process on internal borders contained in the TEN-T Guidelines Regulation should be recited in the Rail Infrastructure Capacity Management Regulation in recognition of the impact of the latter on their delivery.
- A decisive role is granted to existing and potential path capacity applicants through an **RU Platform** which should be consulted throughout the process of creating European Framework rules and prior to any updates.
- The new Regulatory Framework should guarantee an **improvement on the status quo achieved by the existing Rail Freight Corridors** given that the Rail Freight Corridor Regulation is foreseen to be revoked under this legislative proposal. Under no circumstances can a deterioration compared to the current status quo be accepted.

The above points are crucial to ensure that the negotiating partners arrive at a final Railway Infrastructure Capacity Regulation which fairly balances the needs of businesses and logistics operator vis-à-vis all other users of the rail infrastructure. Rail freight should be enabled to deliver the reliability and punctuality expected by cargo owners, shippers as well as rail freight operators and their direct customers, thereby supporting the function of European supply chains and the overall competitiveness of the European economy.

Signatures

AERRL - Association of European Rail Rolling Stock Lessors

CEFIC - The European Chemical Industry Council

CEPI - Confederation of European Paper Industries

CLECAT - European Association for Forwarding, Transport, Logistics and Customs Services

COCERAL - European Association of Trade in Cereals, Oilseeds, Rice, Pulses, Olive oil, Oils and fats, Animal feed and Agrosupply

ECG – The Association of European Vehicle Logistics

ERFA – European Rail Freight Association

ESC – European Shippers Council

EUROFER – The European Steel Association

FEPORT – The Federation of European Private Port Companies and Terminals

UIP – International Union of Wagon Keepers

UIRR – International Union for Road-Rail Combined Transport