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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading with a view to the adoption of 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
– Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 11 July 2023, the Commission submitted to the Council and the European Parliament a proposal¹ 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. The Council adopted its general approach at the TTE (transport) Council on 18 June 2024.
3. The European Parliament adopted its negotiating mandate at the plenary session on 12 March 2024.
4. A first trilogue was organised on 19 November 2024 giving an overall mandate to the technical level. Two more trilogues were organised on 3 March 2025 and 10 June 2025. In the fourth and final trilogue on 18 November 2025 the Council and the Parliament reached a provisional agreement.
5. On 19 December 2025, the Committee of Permanent Representatives analysed the final compromise text with a view to reaching agreement and confirmed it.
6. On 27 January 2026, the TRAN Committee Chair sent a letter to the Chair of the Committee of Permanent Representatives confirming that, should the Council approve the agreed text at first reading, after legal-linguistic revision, the Parliament will approve the Council's position in its second reading.

¹ ST 11718/23 + ADD 1 to 4

II. **OBJECTIVE**

7. The Regulation aims at applying a single regulatory framework to the operation of rail network capacity. The rules on capacity allocation set out in Directive 2012/34/EU are replaced by those set out in this Regulation. 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. By starting to plan longer in advance, it will allow for a more optimal use of infrastructure. It will also for a more balanced split between the different types of users of the railway capacity, be it either passengers or freight, especially in the advantage of freight transport that should become more reliable.
8. In terms of organisation, the proposal of the Commission reinforced the centralisation at EU level, with a reinforced European Network of Infrastructure Managers (ENIM) and the creation of a new entity: the Network Coordinator. The originally proposed Performance Review Body was turned into the Advisory Performance Body. At the request of the European Parliament stakeholders will get the possibility to set up the European Rail Platform (ERP).

III. **ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING**

9. Based on the Commission proposal, the Parliament and the Council conducted negotiations with the aim of concluding an early-second reading agreement based on the Council's first-reading position. The Council's position at first reading contains the following main elements, on which an agreement between the co-legislators has been found.

Summary of the main issues

10. The Regulation introduces new rules for the allocation of the railway infrastructure capacity, allowing for a longer-term planning of train services and thereby aspires to have a better use of the infrastructure and allow for more train services, both for passengers and freight. The new system is based on a comprehensive system of consultations to allow the infrastructure managers to better understand the needs of the different applicants. After the consultation phase, the capacity will be allocated. Once allocated there are also detailed rules to allow for changes to the planning. The new system is also designed to allow for better coordination over the borders and allow for better multi-network services to be set up. There is also a system of penalties that is designed to be dissuasive and avoid too many changes.
11. A Member State may provide the infrastructure manager with strategic guidance based on the indicative railway infrastructure development strategy, while respecting the operational responsibilities of the infrastructure manager. This strategic guidance may allow specific national characteristics and requirements to be considered in the overall context of a more European approach of railway capacity planning and allocation. It is important for Member States to be able to decide on the specific nature of timetable design, to set minimum volumes for specific types of rail transport services and to have the possibility to reflect national priorities in the parameters for capacity partitioning or conflict resolution.
12. The management of railway infrastructure capacity will be based on a longer-term planning. Every timetable that will enter into force as from December 2030 and that will apply for the next year will be prepared and implemented following three consecutive steps: planning, allocation and adaptation. In every step there is a consultation phase to listen to the needs of the applicants. To support infrastructure managers and operational stakeholders in the process of the planning, allocation and adaptation, ENIM will prepare a framework for capacity management. This framework will provide tools, methodologies and procedural arrangements for the management of infrastructure capacity and for the coordination between infrastructure managers and other operational stakeholders.

1. Planning: the infrastructure managers will start with strategic capacity planning and ensure that these plans are coordinated among the infrastructure managers. This will make it easier for applicants to organise cross-border services. Starting from the strategic plan, the infrastructure manager will go into a more detailed planning, first with a capacity strategy, followed by the capacity model to end with the capacity supply plan. Special procedures are designed to manage highly utilised or congested infrastructure.
 2. Allocation: after the planning, the rights to use the infrastructure will need to be allocated to the applicants, both single and multi-network capacity rights. For the latter, the Regulation also sets out specific rules. The allocation will be done via digital tools and digital services. Infrastructure managers will have different ways to allocate the capacity rights and need to take into account issues related to the capacity of service facilities. Infrastructure managers are also required to integrate infrastructure works in the planning. If at the end of the allocation process there are conflict remaining between the requests from the applicants and the available capacity, there is a process of conflict resolution. If no consensual solution can be found, the conflict resolution can lead to the application of an equitable, transparent and non-discriminatory methodology, based on a set of operational, socio-economic and environmental criteria.
 3. Adaptation: before the timetable enters into force both infrastructure managers and applicants are allowed to ask for changes. However, the request for changes should be limited to the greatest extent possible. To avoid too many changes, a system of penalties has been set up, to dissuade either the infrastructure manager or the applicant to ask for a change.
13. The result of the planning and allocation is the timetable that enters into force at the beginning of December of each year. This results in the traffic management, based on the timetable. Under the new system it can still happen that unexpected events happen that will require disruption management and crisis management. It is important that everybody involved in managing traffic, disruptions and crises keep each other informed. ENIM will prepare a framework to support infrastructure managers and operational stakeholders to coordinate the traffic management, disruption management and crisis management, with common tools, methodologies and procedural arrangements.

14. ENIM shall monitor and benchmark performance of railway infrastructure services. ENIM will prepare a framework to support infrastructure managers with common tools, methodologies and procedural arrangements for this performance review. ENIM will publish a European performance review report and update this report every year. The Commission may set up an advisory performance panel as an independent and impartial expert panel. The panel shall provide recommendations on performance and review the draft performance report and shall present a self-standing section in the performance review report.
15. Governance
 1. The Regulation assigns new responsibilities to ENIM: to set up the three frameworks and to better coordinate the work of the infrastructure managers when it relates to multi-network railway services. It will also appoint the network coordinator, following consent from the European Commission.
 2. A network coordinator shall be appointed to support the work of ENIM. This network coordinator shall act as the secretariat of ENIM, contribute to the preparation of the frameworks, contribute to the coordination among infrastructure managers, identify obstacles for multi-network rail services, act as a contact point and support the work on digitalisation.
 3. The European Network of Rail Regulatory Bodies (ENRRB) will get specific functions under this Regulation to monitor regulatory issues and coordinate among national regulators, when issues would arise with multi-network rail services.
 4. Operational stakeholder may decide to set up the ERP to ensure effective consultation of the railway sector vis-à-vis ENIM.
16. In case ENIM would fail to present one or more of the frameworks or elements thereof, or if one or more of the frameworks or elements thereof are inadequate to meet the intended objectives, or one or more of the frameworks are not sufficient to ensure the uniform conditions for the implementation of the Regulation, the Commission is empowered to adopt implementing act to adopt the relevant framework or elements thereof.

17. The first timetable following the new rules under this Regulation will be published in 2030 and that timetable will start to apply as from 14 December 2030.

IV. CONCLUSION

18. The Council's position supports the aim of the Commission proposal and fully reflects the compromise reached in the informal negotiations between the Council and the European Parliament, with the support of the Commission.
 19. Once adopted, the 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, will be an important contribution to the transport sector.
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