C/2025/1020

27.2.2025

P9_TA(2024)0127

Use of railway infrastructure capacity in the single European railway area, amending Directive 2012/34/EU and repealing Regulation (EU) No 913/2010

European Parliament legislative resolution of 12 March 2024 on the 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 (COM(2023)0443 – C9-0304/2023 – 2023/0271(COD))

(Ordinary legislative procedure: first reading)

(C/2025/1020)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2023)0443),

— having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0304/2023),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 25 October 2023 ([1]),

— having regard to the opinion of the Committee of the Regions of 1 February 2024 ([2]),

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Transport and Tourism (A9-0069/2024),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C, C/2024/891, 6.2.2024, ELI: http://data.europa.eu/eli/C/2024/891/oj.
([2]) Not yet published in the Official Journal.

P9_TC1-COD(2023)0271

Position of the European Parliament adopted at first reading on 12 March 2024 with a view to the adoption of Regulation (EU) 2024/… 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)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

Having regard to the opinion of the Committee of the Regions ([2]),

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The Commission Communication 'The European Green Deal' ([3]) sets a climate 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 ([4]) 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.

(2) The Communication on Sustainable and Smart Mobility Strategy ([5]) 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 more attractive in terms of affordability, reliability ***and accessibility***, and services ***must be*** better adapted to the needs of travellers and freight shippers. **[Am. 1]**

(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 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. **[Am. 2]**

([1]) OJ C,, p..
([2]) OJ C,, p..
([3]) 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.
([4]) 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.
([5]) 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.

(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. **[Am. 3]**

(2c) Shift-to-rail objectives on EU level require national targets based on concrete national plans developed by Member States following bottom-up approach. **[Am. 4]**

(3) Directive 2012/34/EU of the European Parliament and of the Council ([6]) 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.

(4) Regulation (EU) No 913/2010 of the European Parliament and of the Council ([7]) provides for the establishment of rail freight corridors and one-stop shops to facilitate requests for infrastructure capacities for international rail freight services.

(5) Rail infrastructure capacity ***management*** and ***rail*** 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 discrimination in their access to the network. **[Am. 5]**

(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. **[Am. 6]**

(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 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***. **[Am. 7]**

(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 ([8]), 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 social, economic and environmental factors have

([6]) 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).

([7]) 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).

([8]) ***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).***

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.*** **[Am. 8]**

(8a) 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 Council3 ([9])***, 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 performance agreements that should be concluded between Member State and the infrastructure manager for the period of at least five years.*** **[Am. 9]**

(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. ***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.*** **[Am. 10]**

(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. It should allow for better utilisation of rail infrastructure by grouping trains with similar performance characteristics in the capacity allocation phase.

(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. **[Am. 11]**

(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. **[Am. 12]**

([9]) ***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).***

(12) Different rail market segments have different abilities to 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.*** **[Am. 13]**

(12a) Different practises for timetable planning are used in Member States and these concepts should be taken into account in the strategic capacity 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. **[Am. 14]**

(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.

(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-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.*** **[Am. 15]**

(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 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***. **[Am. 16]**

(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. **[Am. 17]**

(15b) ERA's resources are insufficient given the extent of 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. **[Am. 18]**

(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 of 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 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.*** **[Am. 19]**

(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 stakeholders. Those incentives should be both of economic and non-economic nature. **[Am. 20]**

(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 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. **[Am. 21]**

(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 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. **[Am. 22]**

(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.

(22) The rail regulatory bodies should cooperate at Union level to 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.*** **[Am. 23]**

(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 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.*** **[Am. 24]**

(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. **[Am. 25]**

(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.

(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. 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.

(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 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 Agreement of 13 April 2016 on Better Law-Making ([10]). 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.

(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 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 ([11]).

(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.

(29) The ex-post evaluation of Regulation (EU) No 913/2010 ([12]) 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 (EU) No 1315/2013 on Union Guidelines for the development of the trans-European transport network should be amended accordingly.*** **[Am. 26]**

([10]) OJ L 123, 12.5.2016, p. 1.

([11]) 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).

([12]) SWD(2021) 134 final of 2 June 2021

(29a) Similarly, alignment should be ensured with the following implementing regulations, for the allocation rules in service facilities (implementing regulation (EU) 2017/2177) and for procedures and criteria concerning framework agreements (implementing regulation (EU) 2016/545). **[Am. 27]**

(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 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***. **[Am. 28]**

(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 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.*** **[Am. 29]**

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject-matter and scope

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.

1a. This Regulation also lays down rules and procedures for the implementation of an integrated digital European rail traffic management system. **[Am. 30]**

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. **[Am. 31]**

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. **[Am. 32]**

4. This Regulation shall not apply to Cyprus and Malta for as long as no railway system is established within their territory.

Article 2

General responsibilities and principles

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.

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.

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.

3. In fulfilling their responsibilities in accordance with paragraph 1 and 2, infrastructure managers shall:

(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***; **[Am. 33]**

(b) maximize the value to society of rail transport services enabled by rail infrastructure in social, economic and environmental terms;

(c) ensure non-discriminatory management of and transparent access to infrastructure capacity, including during works, with a view to supporting fair competition;

(d) enable seamless ***and punctual*** rail traffic across more than one network ***and across borders by striving to eliminate bottlenecks and operational obstacles***; **[Am. 34]**

(e) ensure transparency about the state and availability of rail infrastructure capacity;

(f) review and improve the performance of rail infrastructure and transport services in close cooperation with rail sector operators***, including service facilities that are directly involved in a railway service***; **[Am. 35]**

(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***. **[Am. 36]**

Article 3

Impartiality of the infrastructure manager in respect of traffic and capacity management, including maintenance planning

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 decisions in respect of those functions shall not be affected by any conflict of interest.

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.

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.

Article 4

Definitions

For the purposes of this Regulation, the definitions in Article 3 of Directive 2012/34/EU shall apply.

The following definitions shall also apply:

(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; **[Am. 37]**

(2) 'interoperability' means interoperability as defined in Article 2(2) of Directive (EU) 2016/797 of the European Parliament and of the Council ([13]);

(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 ([14]) ***and shippers, freight forwarders and combined transport operators, with a public-service or commercial interest in procuring infrastructure capacity;*** **[Am. 38]**

(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; **[Am. 39]**

(4) 'European Coordinator' means the Coordinator referred to in Article 51 of Regulation [... new TEN-T Regulation];

(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 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;

(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;

(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;

(8) 'train path' means the infrastructure capacity needed to run a train between two places over a given period, which is 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;

(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;

(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 different origins and destinations, provided that all wagons or carriages cross over into at least one network operated by a different infrastructure manager;

(11) 'multi-network capacity right' means the entirety of capacity rights enabling the provision of a multi-network rail service;

([13]) 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).

([14]) ***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) No 1191/69 and (EEC) No 1107/70 (OJ L 315 3.12.2007, p. 1).***

(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.

(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;

(14) 'working timetable period' means the period of time during which a given working timetable is valid;

(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;

(16) 'regulatory body' means the regulatory body referred to in Article 55 of Directive 2012/34/EU;

(17) 'incident' shall mean any occurrence, or series of occurrences having the same origin, which causes disruption of rail traffic.

(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. **[Am. 40]**

CHAPTER II

MANAGEMENT OF INFRASTRUCTURE CAPACITY

SECTION 1

General principles for the management of infrastructure capacity

Article 5

Capacity management

1. Infrastructure managers shall manage rail infrastructure capacity through a planning and allocation process comprising three phases:

(a) strategic capacity planning as referred to in section 2;

(b) scheduling and allocation of infrastructure capacity as referred to in section 3;

(c) adaptation and rescheduling of allocated capacity as referred to in section 4.

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.

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.

Article 6

European framework for capacity management

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 ~~the provisions of~~ Chapter II by **…**[12 months ~~of~~***from*** the entry into force of this Regulation]. **[Am. 41]**

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.

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.

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.*** **[Am. 42]**

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]. **[Am. 43]**

Article 7

Applicants

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. **[Am. 44]**

2. The infrastructure manager ~~may~~***shall*** set requirements with regard to 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. **[Am. 45]**

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 examination procedure referred to in Article 72(3). **[Am. 46]**

Article 8

Management of scarce infrastructure capacity

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.

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).

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. **[Am. 47]**

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.

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.

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~~: **[Am. 48]**

(a) operating cost for operators of rail transport services and the resulting impact on prices for customers of rail transport services;

(b) time-related cost for customers of 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; **[Am. 49]**

(d) emissions of greenhouse gases, local air pollutants, noise and other external cost of rail transport services and by their likely alternatives;

(e) safety and public health implications of rail transport services and their likely alternatives.

(ea) modal shift effects towards rail. **[Am. 50]**

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: **[Am. 51]**

(a) design alternative scenarios to partition the capacity available for ***every*** different ~~types~~***type*** of rail transport services ***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***; **[Am. 52]**

(aa) design alternative scenarios to address capacity conflicts between two requests that both are not consistent with the strategic capacity planning; **[Am. 53]**

(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;

(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.

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. **[Am. 54]**

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 ~~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***. **[Am. 55]**

Article 9

Information about infrastructure capacity

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 published capacity strategy, capacity model and capacity supply plan***. **[Am. 56]**

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.

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).

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 single operation or via a single interface ***established in accordance with Article 27 (4)***. **[Am. 57]**

Article 10

Capacity restrictions resulting from infrastructure work and degraded infrastructure

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 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.*** **[Am. 58]**

2. When planning infrastructure works, the infrastructure manager shall act in accordance with Article 2(3) and Article 3.

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 and financial impact on all applicants concerned.

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. **[Am. 59 and 60]**

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. **[Am. 61]**

4. Infrastructure manager shall plan, inform and consult applicants on capacity restrictions 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.

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.

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.

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.

Coordination shall address in particular the optimisation of the schedule of infrastructure works 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. **[Am. 62]**

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. **[Am. 63]**

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.

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.

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.

SECTION 2

STRATEGIC CAPACITY PLANNING

Article 11

Strategic capacity planning

1. Strategic capacity planning shall include all activities set out in Articles 12 to 25.

2. Strategic capacity planning shall result in the following sequence of planning documents which provide progressively increasing level of details about available capacity:

(a) the capacity strategy referred to in Article 16;

(b) the capacity model referred to in Article 17;

(c) the capacity supply plan referred to in Article 18.

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.*** **[Am. 64]**

Infrastructure managers shall adopt the planning documents as a basis for the next phase in the planning process.

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 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. **[Am. 65]**

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 of this Regulation.*** That guidance may cover/contain in particular: **[Am. 66]**

(a) general objectives of national rail policy relevant for strategic capacity planning within the scope of this 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 Parliament and of the Council*** ([15]) [new TEN-T Regulation]; **[Am. 67]**

([15]) ***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...).***

(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;

(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.

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 infrastructure development based on these plans and coordinate the timelines of their implementation.*** **[Am. 68]**

4. Strategic capacity planning shall not involve the granting of capacity rights to individual applicants in accordance with Article 26.

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. **[Am. 69]**

Article 12

General requirements for strategic capacity management

1. Infrastructure managers shall take into account in a balanced, fair and non-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.

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:

(a) freight transport services;

(b) inter-urban passenger services (long distance);

(c) urban and regional passenger services.

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. **[Am. 70]**

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.

4. Strategic capacity planning shall also take into account:

(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;

(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;

(c) ***the capacity needs announced by operational stakeholders and*** the input from the consultation of current and potential applicants in accordance with Article 13; **[Am. 71]**

(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;

(e) the planned infrastructure works which are expected to affect the network;

(f) The characteristics of different rail transport markets, as regards in particular:

(i) speed;

(ii) frequency;

(iii) tolerance for deviations from the allocated train path;

(iv) possibility to re-route, reschedule or replace services by other modes in the event of network disruptions;

(v) volatility of demand for rail transport and the consequent need to plan rail services on a different time horizon.

(fa) as far as possible, the socio-economic and environmental impact of the use of infrastructure capacity. **[Am. 72]**

5. Strategic capacity planning shall reflect the capacity allocated through framework agreements and rolling planning.

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.~~ **[Am. 73]**

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 purpose, the network shall be represented by nodes and sections that allow to take into account relevant characteristics of capacity demand and supply.

These nodes and sections shall be indicated in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.

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 the framework of the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU.

8. Infrastructure managers shall regularly review and update the results of the strategic capacity planning taking account, in particular, of the following:

(a) the development of the railway infrastructure;

(b) changes in market demand for infrastructure capacity ***taking into account needs announced by applicants for new or modified services***; **[Am. 74]**

(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;

(d) insights from traffic management performed in accordance with Chapter III;

(e) the result of disruption and crisis management performed in accordance with Chapter III;

(f) the results of the performance review in accordance with Chapter IV.

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 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. **[Am. 75]**

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. **[Am. 76]**

Article 13

Consultation of stakeholders on strategic capacity planning

1. Infrastructure managers shall consult all operational stakeholders on strategic capacity planning in accordance with Article 7e of Directive 2012/34/EU.

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. **[Am. 77]**

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. **[Am. 78]**

2b. The regulatory body shall monitor the activities of the infrastructure manager in strategic capacity planning in accordance with Article 63. **[Am. 79]**

Article 14

Coordination on strategic capacity planning between infrastructure managers

1. Infrastructure managers shall coordinate their activities related to strategic capacity planning in accordance with Article 53.

Coordination shall ensure in particular:

(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;

(b) appropriate consideration of the capacity needs for multi-network rail services in the capacity strategy, capacity model and capacity supply plan;

(c) a review of the performance of strategic capacity planning and its outcomes in accordance with Chapter IV;

(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. **[Am. 80]**

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 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).

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.

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). **[Am. 81]**

Article 15

Analysis of expected transport market developments

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 decisions. Infrastructure managers shall communicate the results of this analysis to other stakeholders for similar purposes, including the European Coordinators. **[Am. 82]**

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 on the basis of the formal conflict resolution mechanism referred to in Article 37.

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:

(a) projections of the demand for passenger and freight transport for all modes in the Union;

(b) estimates of the potential to increase the volume rail transport, both passenger and freight, and the conditions necessary to achieve such growth;

(c) if possible, a geographical breakdown of the projected transport flows as an input to strategic capacity planning.

(ca) if possible, the impact of projected climate change effects both on infrastructure and services provided. **[Am. 83]**

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. **[Am. 84]**

5. ENIM shall review and update the study as appropriate, and in any case at least every five years.

5a. All data for the study and the study itself shall be published and freely accessible. The data shall be machine readable. **[Am. 85]**

Article 16

Capacity strategy

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.

The capacity strategy shall serve as a tool for communication, consultation and coordination between operational stakeholders.

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.

3. The capacity strategy shall comprise a strategic route map which defines the following:

(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;

(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.

The strategic route map shall be included in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797.

4. The infrastructure manager shall prepare, publish and***, when necessary,*** ~~regularly~~ update the capacity strategy in accordance with the schedule and the contents set out in section 2 of Annex I. **[Am. 86]**

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. **[Am. 87]**

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. **[Am. 88]**

Article 17

Capacity model

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.

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 between the operational stakeholders.

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. **[Am. 89]**

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***. **[Am. 90]**

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. **[Am. 91]**

4a. The infrastructure manager shall submit the capacity model to the regulatory 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. **[Am. 92]**

Article 18

Capacity supply plan

1. The infrastructure manager shall establish a capacity supply plan with a view to providing comprehensive information about:

(a) infrastructure capacity available for allocation to applicants ***in the working timetable and safeguarded for later requests according to Article 33, including service facilities***; **[Am. 93]**

(b) infrastructure capacity not available for allocation.

The capacity supply plan shall provide the basis for capacity allocation.

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.

3. Infrastructure managers shall prepare the capacity supply plan on the basis of the results of the strategic capacity planning process referred to in Articles 11 to 17 and in sections 1 and 2 of Annex I.

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.

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 into account when allocating pre-planned capacity. **[Am. 94]**

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.

6. Subject to paragraph 7, the capacity supply plan shall comprise the following elements:

(a) capacity available for allocation to applicants for the working timetable period to which the capacity supply plan refers:

(i) capacity, which has not been pre-planned by the infrastructure manager;

(ii) capacity, which has been pre-planned by the infrastructure manager.

(b) capacity which is not available for allocation to applicants:

(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;

(ii) capacity reserved for regular time windows allowing to schedule infrastructure works with limited impacts at a later stage;

(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;

(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.

The capacity supply plan shall indicate the restrictions applicable for the use of specialised infrastructure referred to in Article 24.

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.

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***. **[Am. 95]**

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.

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).

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.

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.~~ **[Am. 96]**

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. **[Am. 97]**

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: **[Am. 98]**

(a) the means for publication of the capacity supply plan, including digital services, tools, functions and interfaces;

(b) the process for the consultation of applicants on the capacity supply plan.

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. **[Am. 99]**

Article 19

Contingency planning

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.

Contingency planning shall provide the basis for traffic management, disruption 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.

Infrastructure managers shall document the results of contingency planning in a contingency plan.

2. Contingency planning shall involve in particular:

(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***; **[Am. 100]**

(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;

(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;

(d) the identification and listing of bodies to be informed in the event of serious incidents or serious disruptions to train movements;

(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.

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.

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.

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... [24 months from the entry into force of this Regulation]***. **[Am. 101]**

Article 20

Criteria and procedures for the allocation of pre-planned capacity and for the definition of capacity planning objects

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.

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. **[Am. 102]**

3. ***By.. [12 months from the entry into force of this 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. **[Am. 103]**

4. ENIM shall develop and adopt formal specifications for capacity planning objects 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 ***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. **[Am. 104]**

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 paragraph 1 of this Article. Those delegated acts shall be adopted by... [24 months from the entry into force of this Regulation]. **[Am. 105]**

Article 21

Highly utilised and congested infrastructure

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:

(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;

(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;

(c) infrastructure works resulting in capacity restrictions scheduled in accordance with Article 10 result in capacity becoming scarce.

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.

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. **[Am. 106]**

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 plan, as provided for in Article 23, is already being implemented.

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.

6. Where charges in accordance with Article 31(4) of Directive 2012/34/EU have not 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.

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.

8. The procedures to be followed and the criteria to be used where infrastructure is congested shall be set out in the network statement and shall respect any measures and criteria adopted in accordance with paragraph ~~7~~**6**. **[Am. 107]**

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. **[Am. 108]**

Article 22

Capacity analysis in case of highly utilised or congested infrastructure

1. The infrastructure manager shall carry out a capacity analysis within six months of the declaration of infrastructure as highly utilised or congested.

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 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.*** **[Am. 109]**

2. The capacity analysis shall consider the characteristics of infrastructure in terms of capacity, capabilities and interoperability, operating procedures, the nature of 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. **[Am. 110]**

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.

The infrastructure manager shall make public the result of the capacity analysis. ENIM shall ensure that these publications are easily available.

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. **[Am. 111]**

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

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. **[Am. 112]**

The capacity-enhancement plan shall identify:

(a) the reasons for the congestion;

(b) the likely future development of traffic;

(c) the constraints on infrastructure development;

(d) the options and costs for capacity enhancement, including ***measures described in Article 22 (2) and*** likely changes to access charges. **[Am. 113]**

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.

2. The capacity-enhancement plan shall be established after consultation with users of the relevant congested infrastructure in accordance with Article 13.

It may be subject to prior approval by the Member State.

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.

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].

On the basis of a capacity analysis, the Member State shall construct or upgrade the infrastructure needed. **[Am. 114]**

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 2012/34/EU in one of the following cases:

(a) the infrastructure manager does not produce a capacity-enhancement plan;

(b) the infrastructure manager does not make progress with the actions identified in the capacity enhancement plan.

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:

(a) if the capacity-enhancement plan cannot be realised for reasons beyond its control;

(b) if the options available are not economically or financially viable.

Article 24

Specialised infrastructure

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.

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 in Article 11(2) and shall reserve capacity for the specified types of traffic in the capacity supply plan.

Such designation shall not prevent the use of such infrastructure by other types of traffic when capacity is available.

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.

Article 25

Partitioning of infrastructure capacity on the basis of socio-economic and environmental criteria

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.

2. When partitioning infrastructure capacity ***declared to be congested*** pursuant to paragraph 1, the infrastructure manager shall act in accordance with Article 8. **[Am. 115]**

By... [24 months from the entry into force of this Regulation], where partitioning infrastructure capacity was declared to be highly utilised pursuant to paragraph 1 of this Article, the infrastructure manager shall act in accordance with Article 8. **[Am. 116]**

The infrastructure manager shall take into account the need for capacity for multi-network rail services***, especially international rail freight services***. **[Am. 117]**

SECTION 3

Scheduling and capacity allocation

Article 26

Capacity rights

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.

Infrastructure managers shall allocate the right to use infrastructure capacity to applicants in the form of one of the following:

(a) capacity specifications;

(b) train paths.

ENIM shall define the characteristics of capacity specifications and include those in the European framework for capacity management referred to in Article 6.

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.

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.

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.

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 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.

6. Once allocated to an applicant, a capacity right shall not be transferred by the recipient to another undertaking or service.

Any form of transfer shall lead to exclusion from the further allocation of capacity.

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.

Article 27

Methods of capacity allocation

1. Infrastructure managers shall grant capacity rights to applicants by means of the allocation processes referred to in Articles 31 to 34.

Any change to allocated capacity shall also be considered capacity allocation.

2. Applicants shall ~~have the right to~~ request multi-network capacity rights, and ~~to~~***shall*** receive 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. **[Am. 118]**

Infrastructure managers shall allocate and manage multi-network capacity rights in accordance with Article 28.

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.*** **[Am. 119]**

4. Infrastructure managers shall allocate infrastructure capacity via digital tools and digital services in accordance with Article 62.

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.*** **[Am. 120]**

5. When requesting or making changes to allocated capacity, applicants and infrastructure managers shall comply with Article 39.

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. **[Am. 121]**

The regulatory body shall monitor the transparent and non-discriminatory application of this paragraph and investigate any complaints received.

7. Where the infrastructure manager cancels, in accordance with paragraph 6, multi-network capacity rights, ***it shall inform*** the regulatory body responsible for that infrastructure manager***. That regulatory body*** shall inform the relevant regulatory bodies and the ENRRB. **[Am. 122]**

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 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. **[Am. 123]**

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. **[Am. 124]**

Article 28

Coordination of the allocation of multi-network capacity rights

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.

2. In particular, coordination shall ensure:

(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***; **[Am. 125]**

(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;

(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;

(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.

If infrastructure managers fail to appoint a single point of contact, 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.

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.

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.

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 minimum quality requirements referred to in paragraph 2(b) and include them in the European framework for capacity management referred to in Article 6. **[Am. 126]**

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. **[Am. 127]**

Article 29

Cooperation in the allocation of rail infrastructure capacity and service facilities

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 ([16]) 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. **[Am. 128]**

2. Infrastructure managers shall provide a list in the network statement of 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. **[Am. 129]**

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. **[Am. 130]**

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. **[Am. 131]**

5a. When requesting capacity rights to access a service facility, applicants shall document the agreement of the service facility owner to accommodate their vehicles. **[Am. 132]**

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. **[Am. 133]**

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. **[Am. 134]**

([16]) 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).

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. **[Am. 135]**

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 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). **[Am. 136]**

Article 30

Working timetable

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.

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.

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. **[Am. 137]**

Article 31

Capacity allocation through framework agreements

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, the infrastructure manager shall allocate such capacity through framework agreements concluded with that applicant, subject to paragraph 3 and paragraph 4.

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.

Member States may require prior approval of framework agreements by the regulatory body.

Framework agreements shall be notified to the regulatory body and shall be approved by it. In the case of multi-network framework agreements, the approval shall take into account the opinion of the ENRRB. **[Am. 138]**

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.

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. **[Am. 139]**

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.*** **[Am. 140]**

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.

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.

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 ~~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. **[Am. 141]**

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.

9. Infrastructure managers shall include capacity allocated through framework agreements in the capacity model referred to in Article 17 and in the capacity supply plan referred to in Article 18.

10. While respecting commercial confidentiality, the general nature of each framework agreement shall be made available to any interested party.

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). **[Am. 142]**

Article 32

Capacity allocation through the annual allocation process

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:

(a) requests for capacity rights received in the annual allocation process;

(b) capacity rights relating to the working timetable period concerned and granted through framework agreements in accordance with Article 31;

(c) capacity rights relating to the working timetable period concerned and granted through the rolling planning process in accordance with Article 33.

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.

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. **[Am. 143]**

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.

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 ~~supply plan~~***had been taken into account to the utmost extent***. **[Am. 144]**

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.*** **[Am. 145]**

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. **[Am. 146]**

6. Capacity rights granted through the annual allocation process may comprise:

(a) train paths;

(b) capacity specifications.

Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with 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.

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. **[Am. 147]**

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.

10. The infrastructure manager shall consult interested parties on the draft working timetable. Interested parties shall include all those who have 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.

11. The infrastructure manager shall take appropriate measures to deal with any concerns that are expressed.

Article 33

Capacity allocation through the rolling planning process

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. **[Am. 148]**

2. Capacity rights granted through the rolling planning process may comprise:

(a) train paths or capacity specifications for all running days during the working timetable period comprising the first running day included in the request;

(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. **[Am. 149]**

Infrastructure managers shall convert capacity rights granted in the form of capacity specifications to train paths in accordance with section 6 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. **[Am. 150]**

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 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. **[Am. 151]**

~~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.~~ **[Am. 152]**

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 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.

Article 34

Capacity allocation through the ad hoc process

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.

Capacity rights granted through the ad hoc process shall take the form of train paths.

2. The allocation of infrastructure capacity in response to ad hoc requests shall be based on the first come, first served principle.

Article 35

Scheduling of capacity restrictions resulting from infrastructure works

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.

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.

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 compensation referred to in Article 40.

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.

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.

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.

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.

Article 36

Consensual conflict resolution mechanism and coordination of 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.

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 management referred to in Article 6.

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:

(a) train paths requested by all other applicants on the same routes;

(b) train paths allocated on a preliminary basis to all other applicants on the same routes;

(c) alternative train paths proposed on the relevant routes in accordance with paragraph 2;

(d) full details of the criteria being used in the capacity-allocation process.

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.

4. The principles governing the coordination of capacity requests for domestic rail services shall be set out in the network statement.

5. Where requests for infrastructure capacity cannot be satisfied without coordination, the infrastructure manager shall attempt to accommodate all requests through coordination.

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.

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.

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. **[Am. 153]**

8a. The Commission shall, by [24 months from the entry into force of this Regulation], adopt 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. **[Am. 154]**

Article 37

Formal conflict resolution mechanism on the basis of socio-economic and environmental criteria

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.

2. In the context of the formal conflict resolution ~~process~~***mechanism***, requests for multi-network capacity rights shall 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. **[Am. 155]**

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.

3a. In this respect, the ENRRB shall compile guidelines to facilitate the harmonised application of Article 3. **[Am. 156]**

Article 38

Schedule for capacity allocation processes

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.

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 network within the Union has a significant impact on the schedule for capacity allocation in general.

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.

SECTION 4

Adaptation and rescheduling

Article 39

Changes to capacity rights after allocation

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.

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.

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).

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.

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 deadlines indicated in section 8 of Annex I.

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.

4a. In the cases where capacity is reserved but not used, a compensation payment shall apply in accordance to Article 40. **[Am. 157]**

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.

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 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.

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.

7. Where an infrastructure manager changes an allocated capacity right, it shall inform the applicant and the railway undertaking concerned without delay.

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. **[Am. 158]**

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. **[Am. 159]**

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.

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 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. **[Am. 160]**

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.

Article 40

Compensation for changes to capacity rights

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.

2. The compensation referred to in paragraph 1 shall not be due in cases of force majeure.

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. **[Am. 161]**

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.

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.

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.

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.

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.

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. **[Am. 162]**

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 included in the European framework for capacity management***. **[Am. 163]**

Article 41

Rescheduling in the context of disruption management and crisis management

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 coordination with operational stakeholders and, where relevant, other stakeholders concerned.

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. **[Am. 164]**

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 ~~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. **[Am. 165]**

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 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***. **[Am. 166]**

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.

5. In the case of a network disruption affecting traffic on more than one network, the 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.

CHAPTER III

TRAFFIC, DISRUPTION AND CRISIS MANAGEMENT

Article 42

Traffic management, disruption management and crisis management

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.

For that purpose, infrastructure managers shall perform:

(a) traffic management during normal operating conditions involving the management of incidents resulting in limited deviations from the working timetable;

(b) disruption management to address significant disturbances to network operations requiring concerted action in accordance with Article 46;

(c) traffic management during crisis situations as set out in Article 47.

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 where relevant, infrastructure managers shall adopt and apply special rules and procedures, subject to the conditions specified in Article 47.

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. **[Am. 167]**

3. When managing traffic, infrastructure managers shall adhere to the principles set out in Article 2.

In particular, infrastructure managers shall minimise disturbances and their impact on rail traffic and shall:

(a) ensure a fast and coordinated reaction to disturbances, in particular in the event of network disruptions and crisis situations;

(b) stabilise and optimise rail traffic during the entire duration of network disruptions and crises;

(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.

Article 43

Rules and procedures for traffic management and disruption management

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 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. **[Am. 168]**

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. **[Am. 169]**

3. In the event of a disruption to train movements caused by technical failure or 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. **[Am. 170]**

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 rules and procedures established in the European framework for the coordination of traffic, disruption and crisis management.

4a. Deviations shall only be allowed in duly justified cases and shall be approved by the national regulatory body. **[Am. 171]**

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***. **[Am. 172]**

The infrastructure manager may, if it deems this necessary, require railway undertakings to make available to it the resources which it considers are the most appropriate to restore the situation to normal as soon as possible.

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. **[Am. 173]**

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.

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). **[Am. 174]**

Article 44

European framework for the coordination of cross-border traffic management, disruption management and crisis management

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].

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~~. **[Am. 175]**

2. The European framework for the coordination of cross-border traffic management, disruption management and crisis management shall provide guidelines for the coordination between infrastructure managers, railway undertakings and other operational stakeholders***, including ENRRB***. **[Am. 176]**

3. In particular, the European framework for the cross-border coordination of traffic management, disruption management and crisis management shall comprise the elements listed in Annex V.

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]. **[Am. 177]**

Article 45

Coordination of traffic management, disruption management and crisis management

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.

Coordination shall ensure in particular:

(a) that international rail services operate with minimum disruptions both under regular operations and in disturbed situations;

(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;

(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.

Article 46

Network disruptions

1. Where an incident results or is likely to result in restrictions to network operations, which require concerted action by operational stakeholders to ensure 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.

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.

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 in accordance with Articles 44, 45 and 53. **[Am. 178]**

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. **[Am. 179]**

4. The infrastructure manager shall inform, as soon as possible, interested parties about the unavailability of infrastructure capacity, in particular due to an incident.

The regulatory body may require the infrastructure manager to make such information available to it, if it deems it necessary.

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:

(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. **[Am. 180]**

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.

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.

Article 47

Crisis situations

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:

(a) the cancellation of capacity rights without compensation;

(b) alternative principles, rules and procedures for capacity management, in particular for the allocation of scarce infrastructure capacity;

(c) alternative procedures for traffic management;

(d) the use of alternative routes;

(e) the amendment of capacity supply plans.

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. **[Am. 181]**

2. The Member State concerned shall inform the Commission and ENIM without 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].

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.

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.

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 decisions requiring a Member State to repeal the emergency measures, if they are deemed not to be necessary.

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.

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 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.

Article 48

Exchange of information on traffic management

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.

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 adopted under that Directive, unless specified otherwise in contractual agreements.

2. The information shall be made accessible in accordance with Article 62.

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.

CHAPTER IV

PERFORMANCE REVIEW

Article 49

General principles for performance review

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***. **[Am. 182]**

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 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.*** **[Am. 183]**

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 Article 18 of [new TEN-T Regulation].

Article 50

European framework for performance review

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 (EU) 2024/... [***the new TEN-T Regulation]. **[Am. 184]**

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. **[Am. 185]**

2. The European framework shall cover the performance areas set out in Annex VII. In particular, it shall include:

(a) a list of priority performance issues to be addressed in the performance areas set out in Annex VII;

(b) performance indicators allowing to monitor progress on the performance issues, including methodology and data requirements to calculate such indicators;

(c) criteria and procedures to define performance objectives at the level of infrastructure managers;

(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.

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.

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].

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 ENIM, ERP, ENRRB,*** the Performance Review Body***, ERA and the Europe's Rail Joint Undertaking***. **[Am. 186]**

Article 51

European performance review report

1. Without prejudice to Article 15 of Directive 2012/34/EU and Article 3 of Commission Implementing Regulation (EU) 2015/1100 ([17]), 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 2050. The draft European performance review report shall be sent to the Performance Review Body.*** **[Am. 187]**

([17]) 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).

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)***. **[Am. 188]**

3. The ***European*** performance review report shall cover at least the lines included in 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. **[Am. 189]**

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. **[Am. 190]**

4a. The European performance review report shall contain a separate section about 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. **[Am. 191]**

Article 52

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.***

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. **[Am. 192]**

2. The Performance Review Body shall provide advice to the Commission***, ERA, ENIM*** and the European Coordinators on matters related to the performance of rail infrastructure services and rail transport services, on request by the Commission***, ERA*** or the European Coordinators. **[Am. 193]**

3. The Performance Review Body shall perform the following tasks:

(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; **[Am. 194]**

(b) providing recommendations to ENIM***, ERA***, 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; **[Am. 195]**

(c) reviewing the results of the draft European performance ***review*** report and, preparing the ~~self-standing section~~***report*** referred to in Article 51(2); **[Am. 196]**

(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 performance scheme referred to in Article 35 of Directive 2012/34/EU.

(e) providing advice to the European Coordinators on matters related to the performance of rail infrastructure services and rail transport services.

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.

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 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. **[Am. 197]**

6. The performance review body shall respect the confidentiality of business secrets when handling information provided by relevant stakeholders or the Commission.

CHAPTER V

EUROPEAN NETWORK FOR COORDINATION

Article 53

Coordination between infrastructure managers

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.

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.

Infrastructure managers shall in particular:

(a) establish organisational structures, procedures and tools, as appropriate, including the digital tools referred to in Article 62;

(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;

(c) cooperate with other infrastructure managers through the designated focal points referred to in Article 60;

(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;

(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;

(f) refer to ENIM cases where agreed outcomes cannot be reached at first instance;

(g) review the performance of coordination activities in accordance with Chapter IV.

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]. **[Am. 198]**

Infrastructure managers may extend coordination to additional lines subject to an agreement between all infrastructure managers concerned.

The Member States and the public service authorities can extend the cover to other lines. **[Am. 199]**

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.

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.

Article 54

Consultation mechanism for European and cross-border matters

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 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. **[Am. 200]**

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 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.*** **[Am. 201]**

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. **[Am. 202]**

3a. In the case of diverging views between ENIM and the consultative bodies, the consultative bodies shall inform the ENRRB. The ENRRB shall take account of such divergent views in its European performance review report referred to in Article 51. **[Am. 203]**

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. **[Am. 204]**

Article 55

Organisation of the European Network of Infrastructure Managers

1. For the purposes of this Regulation, the European Network of Infrastructure Managers referred to in Article 7f of Directive 2012/34/EU shall be organised in accordance with this article.

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. **[Am. 205]**

3. Rail infrastructure managers, which do not meet the criterion defined in paragraph 2 may appoint a non-member representative to participate in the deliberations of ENIM.

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.

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.

6. ENIM shall meet at regular intervals. It shall elect a Chair from among its members with a two-thirds majority of its members.

7. The Commission ***and ERA*** shall be a non-voting member of ENIM. ~~It~~***They*** shall support the work of ENIM and facilitate coordination. **[Am. 206]**

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 55a,*** 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. **[Am. 207]**

8a. In the development of the European frameworks for capacity management, traffic management, and performance management, ENIM shall consult with ERP. **[Am. 208]**

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. **[Am. 209]**

Article 55a

European Railway Platform

1. The European Railway Platform (ERP) is hereby established as a consultative body to ENIM.

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 consultative groups and discussions to enable better information and preparedness.

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.

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.

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.

6. Consultations under this Article shall be without prejudice to the right of applicants to appeal decisions by ENIM.

7. ERP shall address to ERA and to the Commission an annual report of its activities. This report shall be published. **[Am. 210]**

Article 56

Responsibilities of ENIM

1. In addition to the tasks laid down in Article 7f of Directive 2012/34/EU, ENIM shall be responsible for all tasks assigned to it in this Regulation. It shall, in particular:

(a) adopt the European framework for capacity management referred to in Article 6;

(b) adopt the European framework for the coordination of traffic and crisis management referred to in Article 44;

(c) adopt the European framework for performance review, referred to in Article 50;

(d) adopt opinions and recommendations to infrastructure managers in accordance with the provisions of this Regulation and on its own initiative;

(e) adopt opinions and recommendations to infrastructure managers in the cases referred to in Article 53(2)(f);

(f) organising the coordination between infrastructure managers in accordance with Article 53.

2. When performing coordination through dedicated coordination groups, infrastructure managers shall appoint the entities participating in this group, including focal points appointed by infrastructure managers in accordance with Article 60, the Network Coordinator or both.

Article 57

Transparency

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.

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 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]. **[Am. 211]**

Article 57a

Responsibilities of ERA

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:

(a) provide support, upon request from the Commission in preparing the specific implementing and delegated acts foreseen by this Regulation;

(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;

(c) fulfil the tasks as set out in Article 50 of this Regulation;

(d) provide, on request, support to the regulatory bodies in identifying rules, procedures and tools within the scope of this Regulation;

(e) identify obstacles for multi-network rail services.

2. In its work, the Agency shall:

(a) draw up its recommendations based on the work of ENIM and the network coordinator;

(b) where appropriate, take account of technical progress and acknowledged research work;

(c) take account of the estimated costs and benefits of its recommendations and underline the most viable solutions;

(d) fulfil the criteria of openness, consensus and transparency as defined in Annex II to Regulation (EU) No 1025/2012.

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-thematic MFF special instruments. **[Am. 212]**

Article 58

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.*** **[Am. 213]**

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:

(a) the terms and conditions for the appointment of the Network Coordinator;

(b) the conditions of withdrawal of the appointment;

(c) the procedure to regularly monitor its work and to assess whether it has performed its tasks effectively;

(d) any additional operational duties and tasks of the Network Coordinator.

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. **[Am. 214]**

Article 59

Tasks and responsibilities of the Network Coordinator

The Network Coordinator shall carry out in support of ENIM the following tasks:

(a) act as secretariat and prepare ENIM's meetings, documents, decisions and opinions;

(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;

(c) contribute to the operational coordination between infrastructure managers in accordance with Article 53;

(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;

(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;

(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;

(g) act as a contact point on behalf of ENIM for applicants 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.

(ga) provide existing and new shared B2B-services to Infrastructure Mangers and Railway Undertakings to improve rail services and boost trans-European rail traffic. **[Am. 215]**

Article 60

Focal points for coordination of infrastructure managers

1. In order to ensure coordination between infrastructure managers in accordance with Article 53, the infrastructure managers shall 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.

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).

Article 61

Common structure, contents and schedule for network statements

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 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. **[Am. 216]**

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.

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.

Article 62

Digitalisation of capacity and traffic management

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.

2. The digital tools deployed and the digital services provided shall:

(a) improve the performance and the quality, including full interoperability, of the services infrastructure managers provide to applicants;

(b) improve the transparency of rail capacity management and traffic management throughout all their phases***, including digital and real time solutions which shall be gradually elaborated with relevant stakeholders***; **[Am. 217]**

(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.

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. **[Am. 218]**

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. **[Am. 219]**

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 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. **[Am. 220]**

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.

5. Infrastructure managers, railway undertakings, other applicants and, where relevant, the operators of rail service facilities shall exchange digital information related to capacity management 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.

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.

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:

(a) a European digital system for the capacity management processes set out in Chapter II of this Regulation, consisting of:

(i) a digital display of capacity models referred to in Article 17 by 1 July 2025 ('European capacity management tool') to be used from timetable period 2027;

(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;

(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;

(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;

(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;

(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

(i) a European-wide overview of multi-network train runs from origin to destination as of the date of application of the Regulation;

(ii) a regular exchange of information on estimated time of arrival by December 2027;

(iii) a reporting of incidents to or via this common system by December 2030;

(iv) a common platform for communication and cooperation of national traffic control centres by December 2030.

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 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. **[Am. 221]**

5b. ERA shall coordinate these tasks.

The central tools of the European digital capacity and traffic management systems shall be operated by the Network Coordinator.

ERA shall ensure compliance of digital systems developed by the sector with the technical standards for interoperability. **[Am. 222]**

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. **[Am. 223]**

CHAPTER VI

REGULATORY OVERSIGHT OF CAPACITY AND TRAFFIC MANAGEMENT

SECTION 1

Regulatory bodies

Article 63

Responsibilities of regulatory bodies

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. **[Am. 224]**

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 the proposals of regulatory bodies in elaborating the strategic planning of capacity. **[Am. 225]**

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)~~. **[Am. 226]**

Article 64

Cooperation of regulatory bodies within the European Network of Rail Regulatory Bodies (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***. **[Am. 227]**

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.

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.

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.

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 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.

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 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***. **[Am. 228]**

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.

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 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.

8. Rail regulatory bodies shall provide the necessary resources for the functioning of the ENRRB.

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. **[Am. 229]**

SECTION 2

Tasks and responsibilities of the European Network of Rail Regulatory Bodies

Article 65

Tasks and responsibilities

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.

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.

2a. ENRRB shall assess, before adopted, the European frameworks for capacity managements, traffic management and performance 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. **[Am. 230]**

~~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.~~ **[Am. 231]**

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 competent regulatory body or bodies without delay.

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.

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.

5a. The ENRRB shall provide recommendations to the 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. **[Am. 232]**

6. The ENRRB shall develop common principles and practices for taking the decisions for which regulatory bodies are empowered under this Regulation.

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. **[Am. 233]**

Article 66

Organisation and structure of the European Network of Rail Regulatory Bodies (ENRRB)

For the purpose of this regulation, the ENRRB shall be organised into:

(a) a Board of Regulatory Bodies;

(b) a Secretariat.

Regulatory bodies shall ensure the operation of the Secretariat.

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. **[Am. 234]**

ENRRB shall publish its opinions and recommendations on a dedicated website. **[Am. 235]**

Article 67

Composition of the Board of Regulatory Bodies

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.*** **[Am. 236]**

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.

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.

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.

Article 68

Role and tasks of the Board

1. The Board shall perform all tasks of the ENRRB set out in this Regulation.

2. In particular, the Board shall:

(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;

(aa) adopt opinions and recommendations on decisions taken by ENIM working in cooperation with the network coordinator within the scope of this regulation; **[Am. 237]**

(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; **[Am. 238]**

(b) draft and adopt an annual report on the ENRRB's activities;

(c) set up working groups and appoint their Chairs.

(ca) draft and adopt a recommendation to the ENIM as regards the establishment and review of the European framework for performance review. **[Am. 239]**

Article 69

Organisation of the work of the Board

1. The Board shall adopt its rules of procedure, following approval by the Commission.

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. **[Am. 240]**

2. The Commission shall ~~chair~~***attend, support and facilitate coordination during*** the meetings of the Board. It shall have no voting right. **[Am. 241]**

3. The Secretariat shall provide the necessary services for organising the meetings and the work of the Board.

4. The Board shall take decisions by a simple majority of its members, unless otherwise provided for in the rules of procedure.

5. Each member shall have one vote. In the absence of a member, the alternate shall be entitled to exercise the right to vote.

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.

Article 70

Working groups of the ENRRB

1. On its own initiative or upon a proposal by the Commission, and in accordance 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.

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.

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. **[Am. 242]**

4. The Secretariat shall provide administrative support to the working groups.

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. **[Am. 243]**

CHAPTER VII

FINAL PROVISIONS

Article 71

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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. **[Am. 244]**

Article 72

Committee procedure

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.

2. Where reference is made to this paragraph, Article 4 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.

Article 73

Report and review

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.

The report shall, in particular, evaluate:

(a) the impact of this Regulation on the performance of rail infrastructure services;

(b) the impact of this Regulation on the development of rail services, notably international services, long-distance services and freight services;

(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.

(d) the need to reinforce coordination mechanisms by replacing elements of the European frameworks referred to in Articles 6 and 44 with binding rules;

(e) the need to strengthen regulatory oversight by establishing a Union rail regulatory body.

Article 74

Amendments to Directive 2012/34/EU

1. Directive 2012/34/EU is amended as follows:

(a) In Article 1, point (c) is replaced by the following:

'(c) the principles and procedures applicable to the setting and collecting of railway infrastructure charges as set out in Chapter IV.'

(b) In Article 2, paragraph 6 is deleted;

(c) ***In Article 3,*** points (20), (22), (23), (27) and (28) are deleted; **[Am. 245]**

(d) Article 7b is deleted;

(e) Article 36 is deleted;

(f) Articles 38 to 54 are deleted;

(g) In Annex IV, points (1) and (3) are deleted;

(h) Annex VII is deleted.

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

Amendments to Regulation (EU) 2016/796

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].' **[Am. 246]**

Article 74b

Amendments to Directive (EU) 2016/797

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 referred to in Regulation (EU)…/… of the European Parliament and of the Council [this Regulation]'. **[Am. 247]**

Article 75

Transitional provisions

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. **[Am. 248]**

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].

Article 76

Repeal

1. Regulation (EU) No 913/2010 is repealed with effect from [9 December 2029].

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.

Article 77

Entry into force and application

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

2. It shall apply from [1 January 2026]. However:

(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, 39 and 50***, 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***; **[Am. 249]**

(b) Article 9(1) and (2) shall apply from ~~[~~1 January ~~2028]~~***2027***; **[Am. 250]**

(c) Article 27(4) shall apply from [1 March 2026];

(ca) Article 35 shall apply from 1 December 2028; **[Am. 251]**

(cb) Article 40 shall apply from 1 December 2027; **[Am. 252]**

(d) Articles 48 and 62 shall apply from [13 December 2026];

(e) Article 74 shall apply from ~~[~~9 December ~~2029]~~***2027***. **[Am. 253]**

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …,

For the European Parliament
The President

For the Council
The President

Annex I

DELIVERABLES AND SCHEDULE FOR CAPACITY MANAGEMENT REFERRED TO IN ARTICLES 11, 16, 18 AND 38

1. Deliverables to be prepared by infrastructure managers in strategic capacity planning referred to in articles 11, 16, 17 and 18

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

[Am. 254]

2. Schedule for strategic capacity management referred to in Articles 11, 16, 17 and 18

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.

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.

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.

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	X–36
	Publication of capacity model	***X-18***
	Publication of final capacity supply plan following IM and ERP consultation	***X - 11***
Capacity model (Article 17)	Start of preparation	X–36
	Consultation of applicants and operational stakeholders	X–24
	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-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	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	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.

[Am. 255]

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:

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

3. Schedule for coordination, consultation and publication of capacity restrictions resulting from infrastructure works referred to in Articles 10 and 35

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 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. **[Am. 256]**

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 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.

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.

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.

The coordination before the second publication shall be completed:

(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 a duration of more than 30 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.

(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.

The entities performing the coordination between infrastructure managers in accordance with Article 53(5) 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.

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 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.

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.

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. **[Am. 257]**

8. The information to be provided by the infrastructure manager when acting in accordance with points (1), (5) or (7) shall include:

   (a) the planned day;

   (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;

   (c) the section of line affected by the restriction;

   (d) where applicable, the capacity of diversionary lines.

   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.

9. As regards the capacity restrictions of a duration of at least 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.

   The comparison shall, for each alternative, include at least:

   (a) the duration of the capacity restriction,

   (b) the expected indicative infrastructure charges due,

   (c) the capacity available on diversionary lines,

   (d) the available alternative routes, and

   (e) the indicative travel times.

   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.

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 alternative of the capacity restriction in accordance with Article 53.

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.

11. ENIM shall publish the information required under point (8) on its website.

12. The Commission shall review the implementation of section 3 of this Annex until 31 December 2024 and propose a legislative proposal if necessary.

4. Schedule for capacity allocation through the annual allocation process referred to in Articles 32 and 38

1. The infrastructure manager and the applicants shall comply with the following schedule:

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 prerequisites 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')

[Am. 258]

2. Infrastructure managers shall allocate capacity requests received in accordance with Article 32(8) on the basis of the first come, first served principle.

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.

5. Schedule for capacity allocation through framework agreements referred to in Articles 31 and 38

1. The infrastructure manager shall comply with the following schedule:

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

6. Schedule for the rolling planning capacity allocation process referred to in Articles 33 and 38

1. The infrastructure manager and the applicants shall comply with the following schedule during the rolling planning process,:

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

2. Infrastructure managers shall allocate capacity through the rolling planning process based on the first come, first served principle.

7. Schedule for capacity allocation through the ad hoc process referred to in Articles 34 and 38

When allocating infrastructure capacity through the ad hoc process, the infrastructure manager shall comply with the following schedule:

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

[Am. 259]

8. Schedule for changes to capacity allocated referred to in Article 39

When changing infrastructure capacity rights, the infrastructure manager shall comply with the following schedule:

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

[Am. 260]

Annex II

Highly utilized and congested infrastructure referred to in Article 20

1. Thresholds for the declaration of highly utilised and congested infrastructure

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

[Am. 261]

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.

'Homogenous traffic' means that trains on the section concerned generally have similar 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.

2. Procedures and methods to calculate the degree of capacity utilisation

Infrastructure managers shall assess the degree of capacity utilisation on the basis of objective, transparent and appropriate procedures and methods.

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.

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.

Annex III

CONTENTS OF THE EUROPEAN FRAMEWORK FOR CAPACITY MANAGEMENT REFERRED TO IN ARTICLE 6

The European framework for capacity management referred to in Article 6 shall contain at least the following elements:

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)

Annex IV

Contents of the Network Statement referred to in Article 27 of Directive 2012/34/EU – section on capacity management and traffic management

The network statement referred to in Article 27 of Directive 2012/34/EU shall contain:

(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.

(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 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:

(a) the procedures according to which applicants are consulted***, as referred to in Article 55 a,*** on strategic capacity planning; **[Am. 262]**

(b) the procedures according to which applicants may request capacity from the infrastructure manager;

(c) the requirements governing applicants;

(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 the scheduling and the procedures for scheduling planned and unforeseen maintenance work;

(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;

(f) the structure and level of compensations for changes to capacity rights;

(g) the procedures which shall be followed and criteria used where infrastructure is highly utilised or congested;

(h) details of restrictions on the use of infrastructure;

(i) an explanation for any deviations from the European framework referred to in Article 6.

(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:

(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;

(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;

(c) a list of and references to information systems used in operations;

(d) an explanation for any deviations from the European framework referred to in Article 44.

(4) A section on the key elements of performance management, including in particular:

(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;

(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 implement remedial measures to improve performance;

(c) an explanation for any deviations from the European framework referred to in Article 50.

Annex V

CONTENTS OF THE EUROPEAN FRAMEWORK FOR THE CROSS-BORDER COORDINATION OF TRAFFIC MANAGEMENT, DISRUPTION MANAGEMENT AND CRISIS MANAGEMENT REFERRED TO IN ARTICLE 44

The European framework for the coordination of cross-border traffic, disruption and crisis management shall contain at least the following elements:

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

Annex VI

Network Disruptions referred to in Article 46

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

The conditions on duration and the likely impact on traffic are cumulative.

Annex VII

Performance areas subject to performance review referred to in Article 50

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

[Am. 263]

Annex VIII

Information to be provided to operational stakeholders referred to in Article 48

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:

— Train running number

— Train reporting

— Consignment Note data

— Path Request and path allocation

— Train Preparation

— Train Running Information and Train Running Forecast

— Service Disruption Information

— Shipment Estimated Time of Departure (ETD), Estimated Time of Interchange (ETI), Estimated Time of Arrival (ETA)

— Wagon Movement

— Data Exchange for Quality Improvement

Annex IX

List of issues for coordination between infrastructure managers referred to in Article 53

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

Issues for coordination	Provisions to be covered by coordination
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

Annex X

Correlation Tables

1. Correlation table for the provisions deleted in Directive 2012/34/EU

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)
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)

Directive 2012/34/EU	This Regulation
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)
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)
Article 53(2)	Article 10(2), (4) and Article 35(4)

Directive 2012/34/EU	This Regulation
Article 53(3)	Article 9(1)
Article 54(1)	Article 43(3)
Article 54(2)	Article 43(5)
Article 54(3)	Article 43(6)

2. Correlation table for Regulation (EU) No 913/2010

Regulation (EU) No 913/2010	This Regulation
Articles 1 to 7	
Article 8	Articles 55(1) to (4), (6), (7) and (8) and Article 56(1)(a) to (c), (f) and (2)
Article 9(1)	Article 14(1), Article 22(3) and (4), Article 23(3) and Article 57
Article 9(1)(a), (c), (d), (e), (2), (3), (4) and (5)	
Article 9(1)(b)	Article 15 and Article 22(3) and (4)
Article 10	
Article 11	Article 55(1) to (4), (6), (7) and (8)
Articles 12-18	
Article 19	Article 49 and Article 52
Articles 20 to 25	