

## **Bijlage 2 bij Kamerbrief Werkprogramma Internationaal Spoor**

### **Nederlandse bijdrage aan EU publieke consultatie over grensoverschrijdend spoor (goederen) vervoer**

I thank you for the possibility of replying to the public consultation on international rail freight and passenger transport – increasing the share of rail traffic, launched on 30 March 2022 and related to the EU Impact Assessment on cross-border rail traffic - better management and coordination. As indicated in the Impact Assessment inception report, the EU initiative considers both Regulation 913/2010 (Rail Freight Corridor (RFC) Regulation) concerning a European rail network for competitive freight and Directive 2012/34/EU concerning the infrastructure capacity allocation process.

In general, the development of international rail freight and passenger transport is regarded as a key element in the implementation of the European Green Deal. The increase of cross-border rail traffic will contribute to fighting climate change and increasing energy efficiency of transport. The importance of hinterland connections of European ports remains substantial. Therefore, continued and coordinated action is needed from all parties.

With reference to my letter of 31 January 2020, reference IENW/BSK-2020/8747, on the EC evaluation of the RFC Regulation, and with a view to the Dutch ambitions to promote both international rail freight and international rail passenger traffic and based on the experience with the RFCs, the Netherlands Ministry of Infrastructure and Water Management (hereafter: the Ministry) would like to put forward its preliminary views on the following items of the EU Impact Assessment and public consultation.

#### *Identified problem*

The Ministry supports the definition of the problem and of the problem drivers as identified by the Commission in the Impact Assessment inception report. In our view the main problem the EU initiative should tackle are the inefficiencies in rail infrastructure capacity management and allocation in cross border rail traffic. In particular, there is fragmentation in infrastructure capacity management and allocation in cross-border rail freight traffic, which on the one hand is served by the Corridor One Stop Shop (C-OSS) and on the other hand by the Infrastructure Manager (IM). Due to the limited number of train paths available to the C-OSS, rail freight undertakings prefer all capacity allocation by the IM from an efficiency viewpoint. EU Member States (MS) have different priority rules for traffic management and this problem cannot be solved by the C-OSS as the C-OSS has to follow national rules. Pre-Arranged Paths (PAPs) are defined and fixed in an early stage, whereas the rail freight operators need flexibility. All this led to inefficiency in the infrastructure capacity allocation process.

#### *EC Impact Assessment policy options, scope and proportionality*

With reference to the three preliminary policy options identified by the Commission in the Impact Assessment inception report, the Ministry stresses that policy option 1 'Refinement of the existing legal framework for rail freight and passenger traffic and continuation of sector driven initiatives' is important to further work on, however it seems not sufficient, given the ambitions of the European Commission and the targets of 'Fit for 55', to tackle the identified problems in the Impact Assessment inception report.

Therefore, the Ministry regards policy option 2 'Comprehensive modernization and harmonization of rules, processes and tools for freight and passenger traffic' more appropriate within the scope of cross-border international rail traffic. Rail freight traffic is dominantly cross-border traffic.

International rail passenger traffic should be facilitated and traffic management and infrastructure capacity allocation processes should be aligned for both flows of international rail traffic. However, with a view to the subsidiarity principle, MS must have the necessary tools to ensure sufficient capacity for national rail passenger traffic.

With a view to the current ambitions to promote international rail freight and international rail passenger traffic within the EU, capacity allocation and traffic management coordination processes in the EU should be improved for both international rail freight and international rail passenger traffic, including priority rules for international rail traffic management. However, national circumstances should be taken into account, e.g. concerning congested lines and nodes.

Concerning policy option 2 on harmonization of rules, processes and tools for freight and passenger traffic' within the scope of cross-border international rail traffic, the Ministry is of the opinion that further harmonization of processes and procedures are important on topics such as: International Contingency Management, Time Table Redesign (TTR) principles<sup>1</sup> and harmonized reaction times on a draft working timetable, Temporary Capacity Restrictions, rerouting in case of large infrastructure works, capacity models and procedures for safeguarding of capacity. Harmonization could also include processes of infrastructure capacity allocation, such as agreeing on common capacity utilization plans between neighbouring countries for cross-border rail traffic covering adequate partitioning of capacity between different international rail services and events impacting available capacity (e.g. infrastructure works, major disruptions). Capacity utilization plans could cover at least the expected capacity utilization strategies for all cross-border rail transport (e.g. for t+1 till t +10). Any new proposal should include monitoring on the improvement of efficiency of capacity allocation by Key Performance Indicators.

With reference to the C-OSS the following could be considered. For a future task division between the C-OSS and the IM, the envisaged role for the C-OSS could be to strategically analyze the total need of the rail freight market for capacity and train paths on all corridors. The offer of the C-OSS or of another authorized entity for offering cross-border train paths should be focused on sufficient volume and sufficient flexibility. Integration of the different C-OSS's into one integrated service provider who is offering the capacity at network level to the customer could be explored. The service provider can be a C-OSS or an individual IM or another body. Digital tools should be reinforced to enable the C-OSS to deliver this role, e.g. building on (behalf of) RNE standardized tools. RNE IT solutions should be well prepared for data sharing with relevant data managed by the EU Agency for Railways (ERA), such as on infrastructure data. TEN-T and RFC corridors should be integrated.

In order to improve coordination of traffic management between neighbouring countries on border crossings and along international corridors, obligatory consultation between IMs is important. This could be part of the harmonization of rules, processes and tools as envisaged in policy option 2. Digital tools should be further promoted in all stages of a process, e.g. in case of traffic disruptions. Data sharing should become the standard. On digitalization and automation strict deadlines would help to accelerate the deployment of digital services supporting rail transport.

For traffic management standardization is important, e.g. through TSIs such as TSI CCS and TSI OPE. Furthermore, harmonization should target processes such as standardized communication and consultation between stakeholders, e.g. building on RNE standardized tools.

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<sup>1</sup> Declaration Rotterdam 2016 "RFCs to boost international freight" and Berlin Declaration on rail freight corridors of 21 September 2020 which underlines the importance of TTR.

The reinforcement of the role of the Regulatory Bodies (RBs) in cross-border rail traffic is important. In the current circumstances supervision of the C-OSS by the RBs is not optimal as it is a patchwork. Alignment of decisions of RBs on cross border rail traffic could make decisions of national RBs more consistent with each other, easier to follow up and more transparent.

To promote international rail freight traffic multimodality is an important aspect. Cooperation between IMs and intermodal cooperation with terminals should become an obligation. Better coordination of capacity on the rail infrastructure and in terminals in the planning phase would help, as well as in day-to-day operations. Better IT tools, interfaces and formats would help to support the exchange of planning and operational data.

Multimodality is also important for international passenger rail traffic, e.g. concerning combined air-rail journey initiatives relevant for short- and mid-range flight distances. In this respect I refer to the second progress report of the International Rail Passenger Platform<sup>2</sup>. International rail passenger services should seamlessly connect to international air services with airports as multimodal hubs. Integrated ticketing and standardization for intermodal IT connectivity to support multimodal ticketing are important aspects to promote such combined air-rail journey initiatives. Also, contingency management should be taken into account, e.g. how to deal with transfer guarantee in case of delays.

The Ministry regards policy option 3 'Stronger centralisation of decision-making and operational functions at European level' in the current circumstances as disproportionate. In our view, a centralized entity at European level on infrastructure capacity management could lead to a split between national and international capacity management for rail traffic, which does not seem optimal for a national IM from an efficiency perspective, taking into account that the majority of train services remains national. It could lead to additional administrative burden and add on European bureaucracy. National differences, e.g. on geographics and population density leading to certain long term capacity strategies and/or priority rules should be respected.

#### *Administrative burden and costs*

In order for the rail freight sector to become more competitive, cost efficiency is important. Therefore, standardization and harmonization of processes and procedures between EU MS, as described above, are important to reduce costs. More (mandatory) use of sharing data by digital tools would be helpful in this respect.

#### *Legal instrument*

The Ministry is in general of the view that rules should be simple and clear without ambiguities and applicable for all IMs in all MS. Functional specifications would help to avoid detailed and inflexible requirements. In case of a revision of the RFC regulation and of Directive 2012/34/EU, there is a need for sufficient transposition time. The Ministry supports the use of implementing acts, e.g. concerning coordination procedures on International Contingency Management and Temporary Capacity Restrictions. Furthermore, the subsidiarity principle needs to be respected: what can be done at national level should stay at national level, such as ensuring sufficient capacity for national rail passenger traffic.

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<sup>2</sup> [2022 Progress Report of the Ministerial Platform on International Rail Passenger Transport | Publication | The Netherlands at International Organisations \(permanentrepresentations.nl\)](#)

Finally, in the framework of the EU Impact Assessment, the Netherlands Ministry of Infrastructure and Water Management would express its willingness to participate in future European stakeholder meetings concerning the current EU initiative.

This letter cannot prejudge any future decision making on future legislative developments.

I thank you for the high priority the European Commission gives to the development of international rail freight and passenger transport and may I thank the Commission in advance for taking our contribution into consideration.