

POSITION PAPER – 17 May 2023

Priorities for Triologue Negotiations on Proposal for a Regulation on Union guidelines for the development of the trans-European transport network (COM (2021) 812)

Summary

The revised TEN-T Regulation will be the cornerstone of the development of the European Transport network of the coming decade. For this reason, it will be essential that the final text agreed by the European Commission, Council and Parliament during triologue negotiations offers legal certainty and reflects the ambitious modal shift objectives already agreed upon in the European Sustainable and Smart Mobility Strategy. For this reason, and to further grow rail freight, ERFA believes there are two key priority areas which need particular attention. They are:

- Infrastructure Parameters
- ERTMS/ETCS

The draft Commission proposal, along with the positions of the European Parliament and European Council, also contain provisions which require further development, and must be viewed in conjunction with other legislative files included within the upcoming “Greening Freight Package” of 21 June. These are:

- Capacity Management
- Single EU Language

Infrastructure Parameters

It is essential that there is legal certainty on how infrastructure will be developed along the Core, Comprehensive and Extended Core Network. Key amongst these must be the requirement to develop infrastructure which allows for the frequent operation of 740-meter trains throughout the entirety of the network except for isolated networks (COM – Article 15.3(a), Article 16.5(a)). ERFA therefore supports the original Commission proposal in this regard.

On the development of infrastructure which allows for 740-metre trains, the Council inclusion of *“if requested by a railway undertaking”* (Council – Article 15.2(d), Article 16.2(b)i, Article 16.2(b)ii) create confusion regarding the role of railway undertakings. Reference to railway undertakings in these Articles should therefore be removed. The role of TEN-T parameters should be to fuel demand.

It is important that the amount 740-meter freight trains which can run along corridors reflects growth targets as opposed to current volumes. It is questionable whether modal shift objectives can be reached under the Council position of allowing *“on double track lines, at least one train path per two hours and direction and not less than 24 train paths on daily basis (Council Article 15.2(d)i)”* as opposed to *“at least 50% of the train paths for freight trains, and not less than two train paths per hour and direction, can be allocated to freight trains with a length of at least 740 m (COM Article 15.2(d)i)”* as proposed by the European Commission. The ambition set by the European Commission, and supported by the European Parliament, should therefore be maintained.

Regarding multimodal traffic, a clear understanding on how infrastructure should be developed is needed. The Council position regarding infrastructure parameters for freight carrying semi-trailers (Council Article 16.3ab) will undermine modal shift and reduce the ability of rail freight to move semi-trailers onto rail. P400 wording (COM and Parliament Article 15.2(e)) should therefore be maintained, or an alternative wording that allows for the standardised intermodal transportation throughout the TEN-T network.

ERTMS/ETCS

Firstly, it must be recognised that ERTMS, particularly onboard deployment, implementation is progressing slowly. For rail freight undertakings, there is little, if any, financial or operational benefit which comes from the deployment of onboard ERTMS systems (ETCS), and most benefits are with the infrastructure manager through the ability to better manage capacity. Rail freight undertakings may eventually be able to benefit from more capacity, but this is a long-term gain, and is difficult to build a business case around. This is one of the primary reasons why 54% of new vehicles put into operation between 2015 and 2019 were done so without ERTMS onboard units being equipped.

It is likely that without a change of strategy to ERTMS implementation, onboard deployment will continue to lag behind. The position of the European Parliament, namely to focus on a *“synchronised and harmonised”* ERTMS deployment of trackside and onboard units (Parliament – Article 17.1(a)), is welcome as it is essential that onboard units are viewed as part of a broader infrastructure discussion. A strategy,

and appropriate financing to railway undertakings, is needed to ensure that deployment of onboard units is feasible for the rail freight industry.

The need for a smooth transition from class B systems to ERTMS is also needed. Rail freight companies need time to be able to prepare for this transition and provisions proposed by the European Parliament to guarantee that the industry is informed of the decommissioning of class-B systems in a timely manner is therefore welcome (Parliament – Article 17.6(a)). The expanded Article 17.1(a) and new Article 17.6(a) should therefore be incorporated into the final text of the Regulation.

Capacity Management

The European Parliament has proposed that the European Commission shall develop a digital capacity management system which allows railway undertakings to book cross-border train paths by 31 December 2025 (Parliament – Article 18.2). ERFA supports the merits this proposal, but it must be examined in conjunction with the “Greening Freight Package” which will include a legislative proposal on “International freight and passenger transport”.

Subject to a commitment to the development of ambitious capacity rules for rail freight in the “*Greening Freight Package*”, it may be appropriate that capacity management is best dealt with outside of the TEN-T Regulation. In the absence of such ambition, it may be necessary to maintain such provisions within this Regulation. Sufficient time should therefore be granted to observe developments on this file.

Further thought should also be allocated to the responsible body for managing a capacity system for cross-border traffic. It is essential that a supranational system is not placed on-top of existing national systems, thereby introducing an additional layer of complexity. Where possible, existing national systems – with common rules on capacity and traffic management - should be utilised.

Single EU Language

The concept of language requirements has not been included within either the European Commission or EU Council position. The inclusion of a “*a single EU-wide language for cross-border rail transport*” as means to increase efficiency (Parliament – Article 4(c)iii) should be viewed in conjunction with the revision of the Train Drivers Directive.

For rail freight though, it is important there is a focus on more short-term solutions to increase efficiency in border crossings. This should include greater flexibility for train drivers in border areas in cases of temporary capacity restrictions, further harmonisation of training and lowering language requirements for drivers of international trains within a certain range of a border crossings with the necessary linguistic support in place by infrastructure managers. To achieve the European Union's modal shift objectives, it will be important that border crossings do not become bottlenecks for rail freight due to a requirement for changing of drivers.

Progress on the revision of the Train Drivers Directive should be observed during triologue negotiations and the wording adjusted accordingly.