



**2023/0271(COD)**

7.12.2023

# **AMENDMENTS**

## **173 - 629**

**Draft report**

**Tilly Metz**

(PE752.954v03-00)

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

Proposal for a regulation

(COM(2023)0443 – C9-0304/2023 – 2023/0271(COD))

AM\_Com\_LegReport

**Amendment 173**  
**Andor Deli**

**Proposal for a regulation**  
**Title 1**

*Text proposed by the Commission*

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  
(Text with EEA relevance)

*Amendment*

Proposal for a  
**DIRECTIVE** 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)

Or. hu

*Justification*

*With a view to leaving the Member States room for manoeuvre and ensuring the application of the principle of subsidiarity, a directive is a more appropriate legal form than a regulation.*

**Amendment 174**  
**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Urban and regional train passenger services use the European railway network in a mixed mode with other transports as rail freight and international passenger transport services. Regional and urban railway services are crucial for the European network and for achieving the goals of the Green Deal too. The overwhelming majority of train passengers are travelling on these services.***

Or. en

### *Justification*

*In 2021, 5.2 billion passengers made national journeys in the EU, travelling a total of 250 billion kilometres. In addition, passengers were carried 10 billion kilometres on international journeys.*

#### **Amendment 175**

**Tilly Metz, Pär Holmgren, Jakop G. Dalunde, Anna Deparnay-Grunenberg, Ciarán Cuffe, Karima Delli**

#### **Proposal for a regulation**

#### **Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Tackling the multi-modal competitive aspect between different transport modes is important to facilitate a substantial modal shift and reach the targets set in the Sustainable and Smart Mobility Strategy. In order to guarantee a fair level playing field between modes, framework conditions need to be levelled out and external costs should be internalised in pricing. In this regard, taxation and fees across the different modes, such as a tax on kerosene and lower track access charges, should reflect the priorities and contribute to the targets set in the Sustainable and Smart Mobility Strategy. This would incentivise people and companies to make transport choices in line with the EU's sustainable transport vision. With an increased demand for rail capacity by both passenger and freight services, investments will also be needed to realise the capacity enhancing measures described above.***

Or. en

#### **Amendment 176**

**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) The implementation of successive railway packages by the EU has driven privatisation and liberalisation processes that have been instrumental in the destruction and deterioration of infrastructure (some 6 000 km of rail lines in the EU + Norway and the United Kingdom were decommissioned between 2000 and 2020), worse quality of operations and higher costs for users. Those liberalisation processes should urgently be reversed and public investment in the railways urgently increased as a way of improving socio-economic and territorial cohesion, the sustainability of Member States' development and European connectivity.**

Or. pt

**Amendment 177**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) This regulation is aiming to enlarge the capacity on the European rail network as the existing capacity is not sufficient to reach the 2030 and 2050 shift-to-rail objectives of the European Commission.**

Or. en

*Justification*

*It is impossible to achieve EU's target of increasing rail freight traffic by 50% in 2030 and doubling it by 2050, and doubling high-speed passenger traffic by 2030 and tripling it by 2050 by a regulation causing, if everything goes perfect as planned, only 4% of additional*

capacity

**Amendment 178**

**Tilly Metz**

**Proposal for a regulation**

**Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**(2b)** *The underlying aim of this regulation, is to increase the utilisation of the rail infrastructure. Increasing train kilometres will therefore increase the modal share. For this reason, it is relevant to distinguish between rail infrastructure capacity, used capacity and transport capacity. Rail infrastructure capacity refers to the maximum number of trains that can be operated in specific time and defined part of the network and under a certain level of service. Used capacity refers to the actual traffic volume, usually lower than the planned capacity as some planned train paths might not be used. Transport capacity refers to the amount of goods or passengers that can be transported by the trains on the infrastructure in a specific time. This is impacted by other parameters, such as train length or axle load. It is also to be noted that railway capacity goes beyond the individual analysis of train paths and aims at describing the railway system's ability to cope with a certain traffic volume; the maximum and efficient utilization of the network in terms of train-km, also represents a system performance indicator, (with transport capacity over the network measured in passenger-km and tonne-km per unit of time).*

Or. en

**Amendment**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**(2b) A reverse progress is noted in the railway network of EU-27 in use which shrank by over 12,000 km between 1990 and 2021<sup>1a</sup>**

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<sup>1a</sup> **European Commission, Directorate-General for Mobility and Transport, (2023). EU transport in figures: statistical pocketbook 2023, Publications Office of the European Union.**  
**<https://data.europa.eu/doi/10.2832/319371>**

Or. en

*Justification*

*According to EU transport in figures - Statistical pocketbook 2023, the total length of rail lines in use in EU-27 fell from 214,725 km in 1990 to 202,596 km in 2021*

**Amendment 180**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Recital 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**(2c) Building extra rail infrastructure capacity is necessary to achieve the 2050 shift-to-rail objectives and mitigate the conflicts in the timetables in the EU rail network**

Or. en

*Justification*

*Building rail infrastructure will significantly increase the capacity leading to less conflicts*

*with all their legal, technical and economic consequences.*

**Amendment 181**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Recital 2 d (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*Without having national plans which are summed up to achieve the overall EU objectives, these objectives will remain just ambition without realistic concrete plans which can be monitored and modified if needed.*

**Amendment 182**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) Rail infrastructure capacity and 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. Regulation should provide infrastructure managers with sufficient flexibility for effective management of capacity while making sure that all railway

(5) Rail infrastructure capacity and 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.***



undertakings are treated without discrimination in their access to the network.

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.

Or. en

**Amendment 183**  
**Dominique Riquet**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(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 should continue to apply and Member States should retain the right to request such exclusions in the future also in relation to this Regulation.

*Amendment*

(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.

Or. en

**Amendment 184**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) Establishing a single EU transport area, as a way of incorporating the transport sector into the principle of the EU as a free market, plays a part in***

*concentrating capital and services in established economic centres, to the benefit of multinationals in the sector, and this has led to the deregulation and neglect of railways in countries on the periphery. A European transport network (which cannot be limited to EU Member States' rail networks but should seek international coordination with other countries in Europe and beyond), with its diversity of services, capacities and national and regional needs, should be formed by stepping up cooperation and coordination among states and not by imposing common rules that are based on the unfathomable market and competition rules and are behind railways' deterioration and socio-economic disparities.*

Or. pt

## Amendment 185

Tilly Metz

### Proposal for a regulation

#### Recital 7

#### *Text proposed by the Commission*

(7) The rules and procedures on the management of rail infrastructure capacity should **reflect better** the needs of all rail market segments. 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

#### *Amendment*

(7) The rules and procedures on the management of rail infrastructure capacity should **consider and satisfy** the needs of all rail market segments **in a proportionate and 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

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.

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.***

Or. en

**Amendment 186**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) The rules and procedures on the management of rail infrastructure capacity should reflect better the needs of ***all rail market segments***. 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.

*Amendment*

(7) The rules and procedures on the management of rail infrastructure capacity should reflect better the needs of ***the rail sector***. 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 ***the sector's needs***. 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.

Or. pt

## Amendment 187

Tilly Metz

### Proposal for a regulation

#### Recital 8

##### *Text proposed by the Commission*

(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, 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 been taken into account and affect their decision.

##### *Amendment*

(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, 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 been taken into account and affect their decision. ***These socio-economic and environmental criteria need to be studied in more detail and must be based on accepted methods and best available knowledge. The Commission should set criteria and standardised methodologies for the calculation in a delegated act, involving ENIM and ERICA in its work. ENIM should then, in consultation with operational stakeholders, prepare and adopt the relevant procedures.***

Or. en

**Amendment 188**  
**Dominique Riquet**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(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, 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 been taken into account and affect their decision.

*Amendment*

(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, in particular the European Rail Traffic Management System ('ERTMS'), is expected to result in an increase of available capacity ***of up to 30% in the medium to long term due to the better frequency it offers compared to class B systems***. 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 been taken into account and affect their decision.

Or. en

**Amendment 189**  
**Dominique Riquet**

**Proposal for a regulation**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**(8a)** *Achieving the EU's modal shift objectives primarily hinges on bolstering rail capacity, necessitating investments in rail infrastructure. This includes leveraging national budgets, the Connecting Europe Facility, and private investments to address crucial missing links and alleviate bottlenecks. as well as appropriate levels of funding for maintenance.*

Or. en

**Amendment 190**  
**Dominique Riquet**

**Proposal for a regulation**  
**Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

**(8b)** *In particular, Member States should prevent the degrading of rail infrastructure and minimise the impact of possible capacity restrictions by ensuring long-term funding via multiannual performance agreements.*

Or. en

**Amendment 191**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) The strategic planning of capacity should improve the utilisation of rail infrastructure by anticipating demand for rail services and taking into account

(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. 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.

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 benefits***. 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.

Or. en

**Amendment 192**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) Integrated, clock-face timetables can improve rail connectivity by offering regular passenger services and seamless multimodal connections in urban nodes. Infrastructure managers can support the introduction of such timetables by taking the concept into account in strategic capacity planning. For this purpose, capacity can be pre-planned in the form of appropriate capacity planning objects, such as systematic train paths, while leaving sufficient flexibility to enable an optimum use of infrastructure capacity.***

Or. en

**Amendment 193**  
**Dominique Riquet**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(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 refused and the plan for the supply of capacity must be regularly updated to reflect the actual demand.

*Amendment*

(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 refused ***provided alternative capacity was offered*** and the plan for the supply of capacity must be regularly updated to reflect the actual demand.

Or. en

**Amendment 194**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(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 refused and the plan for the supply of capacity must be regularly updated to reflect the actual demand.

*Amendment*

(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 a non-discriminatory way. For that purpose, some capacity requests may be refused and the plan for the supply of capacity must be regularly updated to reflect the actual demand.

Or. pt

**Amendment 195**  
**Dominique Riquet**

**Proposal for a regulation**  
**Recital 11 a (new)**



***(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 privileged.***

Or. en

**Amendment 196**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 14**

(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***

(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, ***greater coordination among national organisations*** for management of rail infrastructure capacity ***is necessary.***

*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.*

Or. pt

**Amendment 197**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(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

*Amendment*

(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.

crisis management, and for performance review. ***The Railway Undertakings and applicants should be also consulted in the development of these European Frameworks.***

Or. en

## **Amendment 198**

**Tilly Metz**

### **Proposal for a regulation**

#### **Recital 14**

##### *Text proposed by the Commission*

(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.***

##### *Amendment*

(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. ***Railway Undertakings, applicants and other operational stakeholders should also be consulted in the development of these European***

*Frameworks.*

Or. en

**Amendment 199**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) In order to strengthen their role during the process of capacity management, the Applicants should establish the European Railway Applicants Platform (ERAP). Operators of service facilities and terminals, multimodal capacity stakeholder like sea and inland waterway ports and owners of other rail-related service facilities may also be part of ERAP.***

Or. en

**Amendment 200**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) Likewise, in alignment with ENIM, there is a need to enhance the role of Railway undertakings and applicants, establishing a new framework known as the European Railway Undertaking Platform ("ERUP").***

Or. en

**Amendment 201**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

**(14a) Similarly with ENIM, the role of the Railway Undertakings and Applicants should be strengthened and a new structure established under “the European Railway Undertaking Platform (“ERUP”)**

Or. en

**Amendment 202**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

*Amendment*

(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 any deviation from the frameworks developed by European Network of Infrastructure Manager. 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***

(15) The European frameworks developed by, ***inter alia***, the European Network of Infrastructure Manager should provide guidelines ***for infrastructure managers to enable exchanges of experience and knowledge that make for more efficient management of infrastructure capacity and for cooperation among national bodies with regard to cross-border traffic.***

*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.*

Or. pt

**Amendment 203**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(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* any deviation from the frameworks developed by European Network of Infrastructure Manager. 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

*Amendment*

(15) The European frameworks developed by the European Network of Infrastructure Manager ***ENIM and the European Rail Infrastructure Coordination body for capacity Allocation ERICA*** should provide guidelines that infrastructure manager should make the utmost efforts to follow, while retaining responsibility for their operational decisions. Infrastructure managers should ***justify*** any deviation from the frameworks developed by European Network of Infrastructure Manager ***and ERICA, 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

the European frameworks developed by the European Network of Infrastructure Manager.

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.

Or. en

**Amendment 204**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) To ensure a seamless European rail network and to enhance cross-border and multi-network rail traffic for both freight and passenger transport, a new European Rail Infrastructure Coordination body for capacity Allocation (ERICA) should be established. It should be supported in an advisory role by the network coordinator. ERICA should contribute to the preparation of the European framework for capacity management, contribute to the operational coordination between infrastructure managers and provide support to the regulatory bodies regarding rules, procedures and tools. Furthermore, it should act as an additional point of contact for stakeholders outside the rail sector interested in using rail services and as a contact point for applicants and other operational stakeholders on behalf of ENIM for matters not explicitly covered under this regulation. It should also facilitate the development and implementation of digital tools and services for capacity management and traffic management processes. As a basis***

*for future infrastructure development and funding within TEN-T, ERICA should also identify European cross-border infrastructure enhancement needs .*

Or. en

**Amendment 205**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) The role of the railway undertakings and applicants should be strengthened and a new structure established under the "European Railway Undertaking Platform" ("ERUP");***

Or. en

**Amendment 206**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

*Amendment*

(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.

(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, applicants and other operational stakeholders, ENIM should set up a consultative body to***



*ENIM, the European Operational Stakeholder Platform (EOSP) consisting of operational stakeholders as well as service facilities, terminals and ports. As well as providing ENIM with a closer view on market developments, it can also issue own initiative opinions on any proposals or decisions by ENIM as well as ERICA.*

Or. en

#### **Amendment 207**

**Tilly Metz**

#### **Proposal for a regulation**

##### **Recital 18**

*Text proposed by the Commission*

(18) Reliability of rail services is one of the aspects most valued by railway customers. 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 and other relevant stakeholders. Those incentives should be both of economic and non-economic nature.

*Amendment*

(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 and other relevant stakeholders. Those incentives should be both of economic and non-economic nature.

Or. en

#### **Amendment 208**

**Dominique Riquet**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) Reliability of rail services is one of the aspects most valued by railway customers. 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 and other relevant stakeholders. Those incentives should be both of economic and non-economic nature.

*Amendment*

(18) Reliability of rail services is one of the aspects most valued by railway customers. 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.

Or. en

**Amendment 209**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(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 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

*Amendment*

(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 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 should be able to rely on independent experts in the form of a Performance Review Body. This body should be able to provide independent advice to the Commission in all areas that influence the performance of rail services and infrastructure management.***

performance over time while taking into account different circumstances and characteristics within the rail sector.

Or. pt

**Amendment 210**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(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 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 should be able to rely on independent experts in the form of a Performance Review Body. This body should be able to provide independent advice to the Commission in all areas that influence the

*Amendment*

(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 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 should be able to rely on independent experts ***who have solid knowledge of the whole railway sector*** in the form of a Performance Review Body. This body should be able to provide independent

performance of rail services and infrastructure management.

**expert** advice to the Commission in all areas that influence the performance of rail services and infrastructure management.

Or. en

**Amendment 211**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(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 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 should be able to rely on independent experts in the form of a Performance Review Body. This body should be able to provide independent advice to the Commission in all areas that influence the performance of rail services and infrastructure management.

*Amendment*

(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 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 should be able to rely on independent experts ***who have solid knowledge of the whole railway sector*** in the form of a Performance Review Body. This body should be able to provide independent **expert** advice to the Commission in all areas that influence the performance of rail services and infrastructure management.

Or. en

**Amendment 212**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) To improve the performance of rail infrastructure services in the **single** European railway area, the infrastructure managers, **in close cooperation with the Commission, 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** in identifying measures to address performance deficiencies and to keep track of their impact. Infrastructure managers, working together 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.

*Amendment*

(20) To improve the performance of rail infrastructure services in the European railway area, the infrastructure managers and relevant stakeholders should set up and implement a **comparable** framework for the review of performance. This framework should ensure that all EU infrastructure managers use **mutually compatible** 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 in identifying measures to address performance deficiencies and to keep track of their impact. Infrastructure managers, working together in the European Network for Infrastructure Managers should review this framework regularly to ensure that it is fit for purpose.

Or. pt

**Amendment 213**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) To improve the performance of rail infrastructure services in the single European railway area, the infrastructure managers, in close cooperation with the Commission, 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 in identifying measures to address performance deficiencies and to keep track of their impact. Infrastructure managers, working together 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.

*Amendment*

(20) To improve the performance of rail infrastructure services in the single European railway area, the infrastructure managers, in close cooperation with the Commission, **ERICA**, 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 ERICA** in identifying measures to address performance deficiencies and to keep track of their impact. Infrastructure managers, working together 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.

Or. en

**Amendment 214**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

*Amendment*

**(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.**

**deleted**

Or. pt

**Amendment 215  
João Pimenta Lopes**

**Proposal for a regulation  
Recital 22**

*Text proposed by the Commission*

*Amendment*

**(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, 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 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.***

**(22) The rail regulatory bodies should cooperate at Union level to ensure consistent treatment of *operators* across the European railway area *by developing coordinated* practices for making the decisions for which they are empowered under this Regulation.**

Or. pt



**Amendment 216**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(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, 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 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.

*Amendment*

(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, 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 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 check the compatibility of the European Frameworks, proposed by ERICA, with the regulatory objectives of the Regulation. Regulatory supervision should be designed in a way that national decisions cannot underline the harmonised procedures described in the frameworks, unless exemptions of this Regulation apply.***

Or. en

**Amendment 217**  
**Tilly Metz, Leila Chaibi**

**Proposal for a regulation**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) Workers are crucial for the efficient functioning of the railway sector.***



*For services to become more efficient and to increase their quality, digitalisation will be essential. This digitalisation and /automatisation of rail capacity and traffic management will have 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 will enable workers to adapt and positively contribute to the well-functioning of the sector through enhanced communication and capacity to deal with unexpected events. Workers' rights cannot be neglected in the shift towards increased digitalisation, but should form a central part around which to restructure the functioning of the sector.*

Or. en

**Amendment 218**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(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***

*Amendment*

(25) It is ***important*** 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 frameworks and guidelines ***established in a coordinated manner***.

*coherence, the Commission should have the means to address such regulatory inadequacies through implementing or delegated acts, where appropriate.*

Or. pt

**Amendment 219**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Recital 26 a (new)**

*Text proposed by the Commission*

*Amendment*

***(26a) Public funding to the infrastructure managers and railway undertakings, including in the framework of the Connecting Europe Facility, should be sufficient to ensure a timely, cross-border harmonized and interoperable implementation of digital tools and services.***

Or. en

**Amendment 220**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

*Amendment*

(29) The ex-post evaluation of Regulation (EU) No 913/2010<sup>20</sup> 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

(29) The ex-post evaluation of Regulation (EU) No 913/2010<sup>20</sup> 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.

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<sup>20</sup> SWD(2021) 134 final of 2 June 2021

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 2021/0420 on Union Guidelines for the development of the trans-European transport network should be amended accordingly.***

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<sup>20</sup> SWD(2021) 134 final of 2 June 2021

Or. en

**Amendment 221**  
**Tilly Metz**

**Proposal for a regulation**  
**Recital 29 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 222**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(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 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.*

*Amendment*

(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 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 *until the end of the contract.*

Or. en

**Amendment 223**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. This Regulation lays down also rules and procedures for implementation of an integrated digital European rail traffic management, command, control and signalling systems, including automated train operation. based on interoperable digital national systems. 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.*

Or. en

**Amendment 224**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

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) and (10) of that Directive during the period of validity of the relevant exclusions.

*Amendment*

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.

Or. en

**Amendment 225**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

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) and (10) of that Directive during the period of validity of the relevant exclusions.

*Amendment*

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.

Or. en

**Amendment 226**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

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) and (10) of that Directive during the period of validity of the relevant exclusions.

*Amendment*

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), **(9)**, (8a) and (10) of that Directive during the period of validity of the relevant exclusions.

Or. en

*Justification*

*Article 2.9 of Directive 2012/34/EU, which has been in force since the first railway package, excludes undertakings operating shuttle services for road vehicles through undersea tunnels or to transport operations in the form of shuttle services for road vehicles through such tunnels, e.g. the Channel Tunnel between France and the United Kingdom. Due to the specialty of such infrastructure, this exception should be transferred from Directive 2012/34/EU to this regulation.*

**Amendment 227**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Article 2 – paragraph 3 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) ensure non-discriminatory management of and transparent access to infrastructure capacity, including during works;

Or. pt

**Amendment 228**

**Tilly Metz**

**Proposal for a regulation**

**Article 2 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) enable seamless rail traffic across more than one network;

*Amendment*

(d) enable seamless ***and punctual*** rail traffic across more than one network ***by striving to eliminate bottlenecks and operational obstacles and including service facilities that are directly involved in a railway service;***

Or. en

**Amendment 229**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 2 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) enable seamless rail traffic across more than one network;

*Amendment*

(d) enable seamless rail traffic across more than one network ***and across external borders;***

Or. en

**Amendment 230**

**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**

**Article 2 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) enable the linking of international transport services with urban and regional transport services;***

Or. en

## *Justification*

*A seamless network is crucial for the attractiveness of railways*

### **Amendment 231**

**João Pimenta Lopes**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 3 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) contribute to the implementation and development of the single European railway area.**

***deleted***

Or. pt

### **Amendment 232**

**Dominique Riquet**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 3 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) contribute to the implementation and development of the single European railway area.**

**(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, staff certification.***

Or. en

### **Amendment 233**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 3 – point g a (new)**



*Text proposed by the Commission*

*Amendment*

**(ga) (h) identify bottlenecks of infrastructure and submit proposal of elimination.**

Or. en

#### **Amendment 234**

**Ondřej Kovařík**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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.**

2. 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 throughout the process, and at least in accordance with the milestones 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.**

Or. en

#### **Amendment 235**

**Marian-Jean Marinescu**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

2. As regards traffic management, infrastructure managers shall ensure that railway undertakings **and other applicants**, in cases of disruption concerning them, have full and timely access to relevant

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.

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.

Or. en

**Amendment 236**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

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.

*Amendment*

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 ***the*** applicants in accordance with this Regulation and take into account the concerns expressed.

Or. en

**Amendment 237**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point 1**

*Text proposed by the Commission*

(1) ‘force majeure’ means any unforeseeable or unusual event or situation beyond the control of the infrastructure manager or the railway undertaking, which cannot be avoided or overcome with reasonable foresight and diligence, be solved by measures which are from a technical, financial or economic point of view reasonably possible for them, which

*Amendment*

(1) ‘force majeure’ means any unforeseeable or unusual event or situation beyond the control of the infrastructure manager or the railway undertaking, which cannot be avoided or overcome with reasonable foresight and diligence, be solved by measures which are from a technical, financial or economic point of view reasonably possible for them, which

has actually happened and is 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 meet its contractual obligations towards an infrastructure manager or managers;

has actually happened and is 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 meet its contractual obligations towards an infrastructure manager or managers. ***Collective and industrial action organised by workers in the sector is excluded;***

Or. pt

**Amendment 238**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) ‘rail infrastructure capacity’ means the maximum number of trains that can be operated in a defined period of time on a geographically defined part of the railway network (with specific traffic and infrastructure characteristics) under required or desired level of service; this constitutes an upper limit for the ‘planned capacity’, which represents the volume of the available capacity requested by and allocated to rail operators. Big differences between available capacity (excluding also closures for planned infrastructure maintenance) and demanded capacity would lead either to under-utilized infrastructures or to unsatisfied requests.***

Or. en

**Amendment 239**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1a) “compensation” means an incentive fee to be paid in case of the amendment and/or cancellation of an allocated train path and shall be limited to the amount defined by the responsible party and published in the network statement of the respective infrastructure manager;**

Or. en

**Amendment 240**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**(1b) ‘Used capacity’ refers to the actual traffic volume over the network, usually lower than the planned capacity, as some planned train paths might not be used (e.g. for unplanned disturbances or for late cancellation by operators, leading to some inefficiencies). Mechanisms should be provided for assurance that the planned timetable with its respective train capacity is actually respected in execution. If, due to inappropriate incentives, path requests are not honoured by the requestors, this may actually lead to a reduction of used capacity.**

Or. en

**Amendment 241**  
**Tilly Metz**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point 1 c (new)**

*Text proposed by the Commission*

*Amendment*

**(1c) ‘Transport capacity’ is the amount of goods and/or passengers that can be transported by the trains operated on the infrastructure in the defined period of time. This is impacted also by other parameters, such as train length or axle load, influencing the maximum amount of passenger or goods that can be carried on each train; given the same number of trains on the same infrastructure, an increase in the maximum load/carrying capacity of the trains leads to an increase in the transport capacity.**

Or. en

**Amendment 242**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) ‘applicant’ means an entity as defined in Article 3, point 19 of Directive 2012/34/EU**

Or. en

**Amendment 243**

**Tilly Metz**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point 3**

*Text proposed by the Commission*

*Amendment*

**(3) ‘operational stakeholder’ means an applicant, *railway undertaking*,**

**(3) ‘operational stakeholder’ means an applicant *as defined in Article 3(19) of***

*infrastructure manager, rail service facility operator, provider of rail-related services and any other entity directly involved in operating a rail transport service;*

*Directive 2012/34/EU;*

Or. en

**Amendment 244**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point 3**

*Text proposed by the Commission*

(3) ‘operational stakeholder’ means an applicant, railway undertaking, infrastructure manager, rail service facility operator, provider of rail-related services and any other entity directly involved in operating a rail transport service;

*Amendment*

(3) ‘operational stakeholder’ means an applicant, railway undertaking, ***association of applicants***, infrastructure manager, rail service facility operator, provider of rail-related services and any other entity directly involved in operating a rail transport service;

Or. en

**Amendment 245**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point 3**

*Text proposed by the Commission*

(3) ‘operational stakeholder’ means an applicant, railway undertaking, infrastructure manager, rail service facility operator, provider of rail-related services and any other entity directly involved in operating a rail transport service;

*Amendment*

(3) ‘operational stakeholder’ means an applicant, railway undertaking, ***association of applicants***, infrastructure manager, rail service facility operator, provider of rail-related services and any other entity directly involved in operating a rail transport service;

Or. en

**Amendment 246**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point 3**

*Text proposed by the Commission*

(3) ‘operational stakeholder’ means **an applicant**, railway undertaking, infrastructure manager, rail service facility operator, provider of rail-related services and any other entity directly involved in operating a rail transport service;

*Amendment*

(3) ‘operational stakeholder’ means **a** railway undertaking, **other applicant**, infrastructure manager, rail service facility operator, provider of rail-related services and any other entity directly involved in operating a rail transport service;

Or. en

**Amendment 247**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point 10**

*Text proposed by the Commission*

(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;

*Amendment*

(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 **and comes under the sole competence of the Member States concerned**. 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;

Or. fr

**Amendment 248**  
**Dominique Riquet**

## Proposal for a regulation

### Article 4 – paragraph 2 – point 10

*Text proposed by the Commission*

(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;

*Amendment*

(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 ***and under the sole responsibility of Member States***. 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;

Or. en

## Amendment 249

Marian-Jean Marinescu

## Proposal for a regulation

### Article 4 – paragraph 2 – point 11 a (new)

*Text proposed by the Commission*

*Amendment*

***(11a) ‘cross-border’ defines different activities provided across at least one internal or external border;***

Or. en

## Amendment 250

Roman Haider, Georg Mayer

## Proposal for a regulation

### Article 4 – paragraph 2 – point 12

*Text proposed by the Commission*

*Amendment*

(12) ‘partitioning of infrastructure capacity’ means assigning shares of the total available capacity of an element of

(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.

infrastructure to different types of rail transport services and to capacity restrictions resulting from infrastructure work ***and/or allocation processes***.

Or. de

*Justification*

*The definition of ‘division of infrastructure capacity’ should also include allocation processes that are compatible with the capacity model described in Annex 1. For the purposes of this Regulation, the term ‘allocation process’ refers, for example, to the annual schedule and ad hoc allocations.*

**Amendment 251**

**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) Systematic capacity bandwidths and systematic train paths are based on Article 11 and Article 20 of this Regulation. Embedded in the strategic capacity planning process as defined by Article 11, they take the form of capacity bandwidths which are to be concretized along the different stages of the strategic capacity planning while reaching the form of systematic train paths at the stage of the capacity supply. They are pre-constructed for freight and/or passenger traffic and offered by the infrastructure manager based on different sources such as past timetables, needs submitted by customers, market forecasts and politically driven capacity concepts. They are allocated to market segments and occur in a patterned manner, in a regular schedule.***

Or. en

### *Justification*

*Some IMs need to systematize rail capacity to optimize the available capacity for freight and passenger transport. This applies to infrastructure managers in countries with mixed traffic (rail infrastructure used by freight and passenger transport) and in countries with a geographically central location that are crossed by many different rail traffic flows and corridors. A definition provides legal certainty that IMs are allowed to continue to use this approach for capacity planning (based on the already existing Articles 11 and 20 of this Regulation)*

#### **Amendment 252**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) ‘systematic train paths’ are train paths pre-constructed by the infrastructure manager based on different sources such as past timetables, needs submitted by customers, market forecasts and politically driven capacity concepts. They are allocated to market segments, occur in a patterned manner in a regular schedule and are formed to further optimise the utilisation of infrastructure and to optimise interchange connections between passenger services in node stations.***

Or. en

#### **Amendment 253**

**Ondřej Kovařík**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) ‘systematic train paths’ means train paths constructed by the infrastructure manager based on***

*operating experience, demand, market forecasts and political goals, which are allocated to market segments, occur at hourly intervals at the same minute and are formed to further optimise the utilisation of infrastructure and to optimise interchange connections between passenger services in node stations.*

Or. en

**Amendment 254**

**Tilly Metz**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point 17 b (new)**

*Text proposed by the Commission*

*Amendment*

*(17b) 'Compensation for changes to capacity rights' means an incentive fee due to be paid in the case of the amendment and/or cancellation of an allocated train path. It shall be implemented according to the process in Article 40 and shall be published in the network statement of the respective infrastructure manager.*

Or. en

**Amendment 255**

**Ondřej Kovařík**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point 17 b (new)**

*Text proposed by the Commission*

*Amendment*

*(17b) 'Compensation for changes to capacity rights' means an incentive fee due to be paid in the case of the amendment and/or cancellation of an allocated train path. It shall be implemented according to the process in*

*Article 40 and shall be published in the network statement of the respective infrastructure manager.*

Or. en

**Amendment 256**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers shall **strive to** follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

*Amendment*

1. Infrastructure managers shall follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop, ***consult with European Operational Stakeholder Platform (EOSP) prior to the adoption*** and adopt ***under the lead of the European Rail Infrastructure Coordination body for capacity Allocation ERICA***, a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation]. ***ENIM shall publish the principles and procedures that govern this consultation.***

Or. en

**Amendment 257**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose,

*Amendment*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose,

ENIM shall develop and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

ENIM shall develop, ***consult with ERUP prior to the adoption*** and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

Or. en

**Amendment 258**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

*Amendment*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop, ***consult with ERUP before the adoption*** and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

Or. en

**Amendment 259**  
**Andor Deli**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop and adopt a ‘European framework for capacity management’ in accordance with the provisions of

*Amendment*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall, ***in cooperation with the Member State authorities***, develop and adopt a ‘European framework for capacity

Chapter II by [12 months of the entry into force of this Regulation].

management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

Or. hu

**Amendment 260**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

*Amendment*

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 ENRU*** and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

Or. en

**Amendment 261**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop ***and*** adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

*Amendment*

1. Infrastructure managers shall strive to follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop, ***consult with ERUP and then*** adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

**Amendment 262**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers shall ***strive to*** follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

*Amendment*

1. Infrastructure managers shall follow common principles and procedures for the management of rail infrastructure capacity. For this purpose, ENIM shall develop and adopt a ‘European framework for capacity management’ in accordance with the provisions of Chapter II by [12 months of the entry into force of this Regulation].

**Amendment 263**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

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 in the network statement the reason for any deviation from the common principles and procedures established in the European framework for capacity management.

*Amendment*

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 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 with sufficient justifications and subject to approval by the national rail regulatory body.***

**Amendment 264**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

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*** in the network statement the reason for any deviation from the common principles and procedures established in the European framework for capacity management.

*Amendment*

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 ***justify*** in the network statement the reason for any deviation from the common principles and procedures established in the European framework for capacity management ***and shall ask for approval of ENRRB.***

Or. en

**Amendment 265**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 6 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Commission shall adopt, by [24 months after the entry into force of this Regulation], implementing acts setting out the common principles and procedures for the management of rail infrastructure capacity Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision provided in paragraph 2 of this Article.***



**Amendment 266**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Applicants shall make requests for infrastructure capacity. In order to use such infrastructure capacity, applicants 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.

*Amendment*

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. **A railway undertaking can** 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 **or other agreements**

*Justification*

*If the applicant is Railway Undertaking, it shall not appoint Railway Undertaking to request capacity.*

**Amendment 267**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Applicants shall make requests for infrastructure capacity. In order to use such infrastructure capacity, applicants shall appoint a railway undertaking to conclude an agreement with the infrastructure manager in accordance with Article 28 of

*Amendment*

1. Applicants shall make requests for infrastructure capacity. In order to use such infrastructure capacity, applicants, **not being railway undertaking**, shall appoint a railway undertaking to conclude an agreement with the infrastructure manager

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.

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.

Or. en

**Amendment 268**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. The infrastructure manager **may** 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) 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.

*Amendment*

2. The infrastructure manager **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) 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.

Or. en

**Amendment 269**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. The Commission **may** adopt

*Amendment*

3. The Commission **shall, by [24**

implementing acts setting out the details of the criteria to be followed for ***the application of*** paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).

***months after the entry into force of this Regulation]***, adopt implementing acts setting out the details of the criteria to be followed for ***setting the requirements mentioned in*** paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) ***and shall replace the similar provision mentioned in paragraph 2.***

Or. en

**Amendment 270**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 7 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Commission shall support the establishment of the ‘European Railway Applicants Platform’ (ERAP), that may include any applicant using European rail infrastructure individually or through associations, operators of service facilities and terminals, multimodal capacity stakeholders like sea and inland waterway ports and owners of other rail-related service facilities. The ENIM shall consult ERAP before taking any decision and before preparing and adopting any of Frameworks, Criteria, Requirements, Guidelines, Principles, Methodologies, Procedures, Specifications. ERAP may issue also its own opinions which shall be taken in account by ENIM.***

Or. en

**Amendment 271**  
**Bogusław Liberadzki**

## Proposal for a regulation

### Article 8 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

Without prejudice to State aid rules, Member States **may**, 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.

#### *Amendment*

Without prejudice to State aid rules, Member States **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.

Or. en

## Amendment 272

Massimiliano Salini

## Proposal for a regulation

### Article 8 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

Without prejudice to State aid rules, Member States **may**, 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.

#### *Amendment*

Without prejudice to State aid rules, Member States **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.

Or. en

## Amendment 273

Dorien Rookmaker

## Proposal for a regulation

### Article 8 – paragraph 4

#### *Text proposed by the Commission*

**4. If the mechanism referred to in paragraph 3 does not result in a**

#### *Amendment*

**deleted**

*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 data:*

- (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 for people and regions served by the rail transport services;*
- (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.*

Or. en

#### *Justification*

*These socioeconomic and environmental criteria are not clear. Implementing them can lead to different capacity allocation decisions based on different models and coefficient values in each Member States*

**Amendment 274**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Article 8 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

If the mechanism referred to in paragraph 3 does not result in a satisfactory resolution of conflicting capacity needs and requests, infrastructure managers ***may have recourse to*** objective, transparent and non-discriminatory procedures ***in order to manage scarce capacity or resolve conflicts***.

Or. fr

**Amendment 275**

**Roman Haider, Georg Mayer**

**Proposal for a regulation**

**Article 8 – paragraph 4 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

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 data:

*Amendment*

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 data, ***which applicants must make available to infrastructure managers***:

Or. de

*Justification*

*The procedure to resolve conflicting capacity and infrastructure manager (IM) requirements is based on socio-economic and environmental criteria. The IM is obliged to apply this procedure. However, much of the data needed to carry out this procedure is only available to the applicant (e.g. operating costs). Therefore, this article should include an obligation for applicants to make this data available to the IM.*

**Amendment 276**

**Tilly Metz**

**Proposal for a regulation**

**Article 8 – paragraph 4 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

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 data:

Those procedures shall assess alternative options for the use of infrastructure capacity, based on socioeconomic and environmental criteria subject to the availability of data ***to be provided by applicants to the infrastructure manager. The criteria should include but not be limited to:***

Or. en

**Amendment 277**

**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**

**Article 8 – paragraph 4 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

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 data:

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 data ***to be provided by different sources to the infrastructure manager:***

Or. en

*Justification*

*The procedure for resolving conflicting capacity needs and requests by the infrastructure manager (IM) is based on socioeconomic and environmental criteria, that the IM will be obliged to apply. However, much of the data needed for the IM to conduct this procedure is only available to the applicant (e.g., operating costs). Hence, this article should include an obligation for applicants to provide these data to the IM.*

**Amendment 278**

**Dominique Riquet**

**Proposal for a regulation**

**Article 8 – paragraph 4 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

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 data:

*Amendment*

Those procedures shall assess alternative options for the use of infrastructure capacity, ***and may be*** based on the following socioeconomic and environmental criteria, subject to the availability of ***normalised and representative*** data:

Or. en

**Amendment 279**

**Isabel García Muñoz**

**Proposal for a regulation**

**Article 8 – paragraph 4 – subparagraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) market opening***

Or. en

**Amendment 280**

**Tilly Metz**

**Proposal for a regulation**

**Article 8 – paragraph 4 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall set out criteria and standardised methodologies for the calculation as well as standardised and representative data sources in a delegated act. These criteria and models must be based on accepted methods and best available knowledge. The Commission shall set out criteria and standardised methodologies for the calculation as well as standardised and representative data sources in a delegated act, following a consultation with ENIM and ERICA.***



***These criteria and models must be based on accepted methods and best available knowledge.***

Or. en

**Amendment 281**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 8 – paragraph 6**

*Text proposed by the Commission*

6. ENIM shall develop the methodologies referred to in paragraph 5, point b. 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.

*Amendment*

6. ENIM shall develop, ***in consultation with ENRU***, the methodologies referred to in paragraph 5, point b. 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.

Or. en

**Amendment 282**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 8 – paragraph 6**

*Text proposed by the Commission*

6. ENIM shall develop the methodologies referred to in paragraph 5, point b. 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

*Amendment*

6. ENIM shall develop ***and consult with ERUP*** the methodologies referred to in paragraph 5, point b. 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.

management referred to in Article 6.

Or. en

#### **Amendment 283**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 6**

##### *Text proposed by the Commission*

6. ENIM shall develop the methodologies referred to in paragraph 5, point b. 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.

##### *Amendment*

6. ENIM shall develop **and consult with ERUP** the methodologies referred to in paragraph 5, point b. 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.

Or. en

#### **Amendment 284**

**Marco Campomenosi**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 6**

##### *Text proposed by the Commission*

6. ENIM shall develop the methodologies referred to in paragraph 5, point b. 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.

##### *Amendment*

6. ENIM shall develop **and consult with ERUP** the methodologies referred to in paragraph 5, point b. 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.

Or. en

**Amendment 285**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 8 – paragraph 7**

*Text proposed by the Commission*

7. Taking into account experiences with the preparation and implementation of the framework referred to in paragraph 6, the Commission *may* adopt implementing acts setting out the specific procedures, criteria and methodologies to be applied for the management of scarce capacity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).

*Amendment*

7. Taking into account experiences with the preparation and implementation of the framework referred to in paragraph 6, the Commission *shall* adopt, **by [24 months after the entry into force of this Regulation]**, implementing acts setting out the specific procedures, criteria and methodologies to be applied for the management of scarce capacity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) **and shall replace the similar provision mentioned in Paragraph 6 and included in European framework.**

Or. en

**Amendment 286**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 9 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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.

capacity as referred to in section 4.

*However, there is no need for an update, if a subsequent element of the pre-planning is already published, e.g. if the Capacity Model is already published, the Capacity Strategy does not need to be updated. Similarly, the capacity model does not have to be updated once the capacity supply has been published.*

Or. en

**Amendment 287**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 9 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

Infrastructure managers shall provide **operational stakeholders**, 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. ***In line with the infrastructure managers capacity-related publications (strategy, model, supply plan). Such information shall be provided through the IT applications and other tools normally used by the IMs, with specific ad hoc publications only in the case of a significant change.***

Or. en

*Justification*

*Operational stakeholders is more specific term and already defined in Article 4. Unlike*

*interested parties which is wider undefined term.*

## **Amendment 288**

**Roman Haider, Georg Mayer**

### **Proposal for a regulation**

#### **Article 9 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

Infrastructure managers shall provide interested parties, in particular 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, ***according to the availability of the published capacity strategy, capacity model and capacity supply plan.***

Or. de

##### *Justification*

*Die Anforderung, dass Infrastrukturbetreiber (IM) interessierten Parteien den obengenannten breiten Informationsumfang während des gesamten Kapazitätsmanagementprozesses zur Verfügung stellen müssen, ist während der strategischen Planungsphase, d. h. Kapazitätsstrategie, Modell, Bereitstellung, nicht machbar. Der Grund dafür ist, dass diese Art von Informationen nicht jederzeit generiert wird, sondern nur zu bestimmten Zeitpunkten, z. B. bei X-36, X-18 und X-11, vom IM zur Verfügung gestellt und zur Verfügung gestellt wird. Wenn interessierten Parteien zu jedem Zeitpunkt aktuelle Informationen über die Verfügbarkeit von Infrastrukturkapazitäten zur Verfügung gestellt werden, führt dies zu übermäßiger Arbeit für den IB und binden damit Ressourcen, die für eine reibungslose Kapazitätsplanung und -zuweisung benötigt werden.*

## **Amendment 289**

**Marian-Jean Marinescu**

### **Proposal for a regulation**

#### **Article 9 – paragraph 3**

*Text proposed by the Commission*

3. At the request of applicants, infrastructure managers shall provide the information referred to in paragraph 1 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.

*Amendment*

3. At the request of applicants, infrastructure managers shall provide the information referred to in paragraph 1 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 paragraph 4***

Or. en

**Amendment 290**

**Bogusław Liberadzki**

**Proposal for a regulation  
Article 10 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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 announced multiannual funding for the maintenance, renewal and new construction of rail infrastructure for a rolling period of at least 5 years. The amount of money available to the***

*infrastructure manager per year shall be made transparent to the infrastructure manager.*

Or. en

**Amendment 291**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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 infrastructure manager shall be provided by the member state with reliable and forward-planned financial support over a rolling period of at least 5 years for the maintenance, renovation, and creation of rail infrastructure. The amount of money available to the infrastructure manager per year shall be made transparent to the infrastructure manager.***

Or. en

**Amendment 292**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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 announced multiannual funding for the maintenance, renewal and new construction of rail infrastructure for a rolling period of at least 5 years. The amount of money available to the infrastructure manager per year shall be made transparent to the infrastructure manager.***

Or. en

**Amendment 293**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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.

infrastructure works, the infrastructure manager shall provide an overview of such amendments and their likely impact in the network statement. ***It is necessary to provide the infrastructure manager with stable and timely announced multiannual funding for the maintenance, renewal and new construction of rail infrastructure for a rolling period of at least 5 years. The amount of money available to the infrastructure manager per year shall be made transparent to the infrastructure manager.***

Or. en

**Amendment 294**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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. ***Infrastructure managers shall be informed by Member States for a period of two years of their level of funding for maintenance, renewal and construction of rail infrastructure.***

Or. en

**Amendment 295**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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.

***Multiannual funding provided by the member state to the infrastructure manager shall support the goal of establishing this balance. Applicants shall timely provide the infrastructure manager with the information required for the infrastructure manager's compliance with this provision.***

Or. en

**Amendment 296**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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. ***Multiannual funding provided by the member state to the infrastructure manager shall support the goal of establishing this balance. Applicants shall timely provide the infrastructure manager with the information required for the***

*infrastructure manager's compliance with this provision.*

Or. en

**Amendment 297**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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. ***In order to achieve the goal of this balance, Member State shall provide to the infrastructure manager a multiannual funding to support it. The information needed for the infrastructure manager to comply with this provision shall be provided by applicants in a timely manner.***

Or. en

**Amendment 298**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

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. ***Multiannual funding to the***

concerned.

*infrastructure manager shall support the goal of establishing this balance. Applicants shall timely provide the infrastructure manager with the information required for the compliance with this provision.*

Or. en

**Amendment 299**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 10 – paragraph 5 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*The Management Board of the Rail freight corridors shall submit a recommendation on the coordination of works to its respective infrastructure managers 3 months prior to the period as defined in paragraph 4*

Or. en

**Amendment 300**  
**Roman Haider, Georg Mayer**

**Proposal for a regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

1. Strategic capacity planning shall include all activities set out in Articles 12 to 25 *and shall not impede national or local market approaches in scheduling, such as regular schedules, as long as they do not contradict international processes.*

Or. de

**Amendment 301**  
**Ondřej Kovařík**

**Proposal for a regulation**

**Article 11 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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. That guidance may cover/contain in particular:

*Amendment*

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 on time, to allow infrastructure managers and operational stakeholders to follow the deadlines set out in Annex I.*** That guidance may cover/contain in particular:

Or. en

**Amendment 302**  
**Dorien Rookmaker**

**Proposal for a regulation**

**Article 11 – paragraph 3 – subparagraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) long-term strategic infrastructure plans and their separate stages including specific timetabling concepts underlying the infrastructure plans, from those Member States.***

Or. en

**Amendment 303**  
**Ondřej Kovařík**

**Proposal for a regulation**

**Article 11 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Member States shall coordinate 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.

*Amendment*

Member States shall coordinate 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. ***Considering 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.***

Or. en

**Amendment 304**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 11 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Taking into account experiences with the preparation and implementation of the strategic guidance referred to in paragraph 3, the Commission may adopt implementing acts setting out the specific legal status, template, procedures, criteria and methodologies to be applied for adopting national strategic guidance in order to support the management of scarce capacity and to ensure consistency between Member States strategic guidances issued necessary to support the development of international rail freight and passenger services. These acts shall also enable methodologies in the strategic guidance to support operation of public service contracts. Those implementing acts shall be adopted in accordance with***

*the examination procedure referred to in Article 72(3).*

Or. en

**Amendment 305**

**Tilly Metz**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) cross-border freight and passenger services.*

Or. en

**Amendment 306**

**Massimiliano Salini**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

If necessary, in the light of experience gained in the implementation of this Regulation, ENIM 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.

If necessary, in the light of experience gained in the implementation of this Regulation, ENIM ***in collaboration with ERUP*** 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.

Or. en

**Amendment 307**

**Bogusław Liberadzki**

## Proposal for a regulation

### Article 12 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

If necessary, in the light of experience gained in the implementation of this Regulation, ENIM 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.

#### *Amendment*

If necessary, in the light of experience gained in the implementation of this Regulation, ENIM ***in collaboration with ERUP*** 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.

Or. en

## Amendment 308

Marco Campomenosi

## Proposal for a regulation

### Article 12 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

If necessary, in the light of experience gained in the implementation of this Regulation, ENIM 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.

#### *Amendment*

If necessary, in the light of experience gained in the implementation of this Regulation, ENIM ***in collaboration with ERUP*** 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.

Or. en

## Amendment 309

Brice Hortefeux



**Proposal for a regulation**  
**Article 12 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) the input from the consultation of current and potential applicants in accordance with Article 13;

*Amendment*

(c) ***capacity needs expressed by operational stakeholders and*** the input from the consultation of current and potential applicants in accordance with Article 13;

Or. fr

**Amendment 310**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 12 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) the input from the consultation of current and potential applicants in accordance with Article 13;

*Amendment*

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

Or. en

**Amendment 311**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 12 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) the input from the consultation of current and potential applicants in accordance with Article 13;

*Amendment*

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

Or. en

**Amendment 312**

**Tilly Metz**

**Proposal for a regulation**

**Article 12 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) the input from ***the*** consultation of current and potential applicants in accordance with Article 13;

*Amendment*

(c) ***capacity needs by operational stakeholders and*** the input from ***their*** consultation of current and potential applicants in accordance with Article 13;

Or. en

**Amendment 313**

**Tilly Metz**

**Proposal for a regulation**

**Article 12 – paragraph 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) Strategic capacity planning shall take account as far as possible of the socio-economic and environmental criteria listed in Article 8 (4) subject to the availability of data to be provided by applications to the infrastructure manager.***

Or. en

**Amendment 314**

**Dominique Riquet**

**Proposal for a regulation**

**Article 12 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Strategic capacity planning shall cover the ***lines part of the TEN-T core and extended***

Strategic capacity planning shall cover the ***single European railway area.***

*core network referred to in Article 6 of and Annex I to [new TEN-T Regulation]. Infrastructure managers may include other lines and nodes of the network they manage.*

Or. en

#### **Amendment 315**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

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].  
*Infrastructure managers may include other lines and nodes of the network they manage.*

*Amendment*

Strategic capacity planning shall cover the ***entire network, but in particular those*** lines ***that are*** part of the TEN-T core and extended core network referred to in Article 6 of and Annex I to [new TEN-T Regulation].

Or. en

#### **Amendment 316**

**Brice Hortefeux**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 8 – point b**

*Text proposed by the Commission*

(b) changes in market demand for infrastructure capacity;

*Amendment*

(b) changes in market demand for infrastructure capacity, ***including capacity needs expressed for new or modified services;***

Or. fr

#### **Amendment 317**

**Tilly Metz**

**Proposal for a regulation**  
**Article 12 – paragraph 8 – point b**

*Text proposed by the Commission*

(b) changes in market demand for infrastructure capacity;

*Amendment*

(b) changes in market demand for ***rail transport and*** infrastructure capacity ***taking into account input by applicants for new or modified services;***

Or. en

**Amendment 318**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 12 – paragraph 8 – point b**

*Text proposed by the Commission*

(b) changes in market demand for infrastructure capacity;

*Amendment*

(b) changes in market demand for infrastructure capacity; ***including capacity needs announced by applicants for new or modified services;***

Or. en

**Amendment 319**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 12 – paragraph 9**

*Text proposed by the Commission*

9. 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

*Amendment*

9. ENIM shall develop ***by [12 months after the entry into force of this Regulation]***, 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

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.

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.

Or. en

### **Amendment 320**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 9**

##### *Text proposed by the Commission*

9. 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.

##### *Amendment*

9. ENIM, **after consulting ERICA**, 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.

Or. en

### **Amendment 321**

**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 12 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a. The Commission shall adopt, by [24 months after the entry into force of this Regulation], implementing acts setting out common principles, procedures and methodologies for strategic capacity planning. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in Paragraph 9 of this Article and included in the European framework.**

Or. en

**Amendment 322**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

1. Infrastructure managers shall consult all operational stakeholders, **including also operators of service facilities** on strategic capacity planning in accordance with Article 7e of Directive 2012/34/EU.

Or. en

**Amendment 323**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Infrastructure managers shall consult all operational stakeholders operating multi-network rail services on strategic capacity planning in accordance with Articles 53 and 54.

*Amendment*

2. Infrastructure managers shall consult all operational stakeholders operating multi-network rail services on strategic capacity planning ***regularly throughout strategic capacity planning, and at least*** in accordance with ***the guidelines set out in*** Articles 53 and 54.

Or. fr

**Amendment 324**

**Brice Hortefeux**

**Proposal for a regulation**

**Article 13 – paragraph 2 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(a) Throughout the capacity management process, applicants may announce their capacity needs in a structured, common way and within a reasonable period. Infrastructure managers shall endeavour to incorporate the needs announced into the strategic capacity planning documents referred to in Article 11(2). Where infrastructure managers are unable to take those needs into account, they shall consult the applicant concerned and investigate commercially viable alternatives, including as regards a different itinerary, taking account of feasible infrastructure changes. If such an alternative is not available for all capacity needs announced, infrastructure managers shall attempt to resolve the potential conflict through the consensual consultation mechanism referred to in Article 36.***

Or. fr

**Amendment 325**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Infrastructure managers shall make every effort to integrate the needs announced by applicants in the strategic capacity planning documents referred to in Article 11(2). Where infrastructure managers cannot take these needs into account due to lack of capacity, they shall consult the concerned applicant and study relevant alternatives, including on different routes. If such an alternative is not available for all announced capacity needs, infrastructure managers shall make the best efforts to resolve the potential conflict by means of the consensual conflict resolution mechanism referred to in article 36.**

Or. en

**Amendment 326**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Throughout the capacity management process, applicants shall be given the possibility to announce their capacity needs in a structured, common way and according to suitable timelines specified by ENIM. Infrastructure managers shall take the utmost efforts to incorporate the announced needs into the strategic capacity planning referred to in Article 11(2). Where infrastructure managers cannot consider these needs, they shall consult the concerned applicant**



*and together investigate commercially viable alternatives, including via different itineraries or feasible changes on the infrastructure.*

Or. en

**Amendment 327**

**Tilly Metz**

**Proposal for a regulation**

**Article 13 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. The regulatory body shall monitor the activities of the infrastructure manager in strategic capacity planning in accordance with Article 63 of this Regulation.**

Or. en

**Amendment 328**

**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**

**Article 14 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

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

(b) appropriate consideration of the capacity needs for multi-network **rail services while also taking into account the capacity needs for urban and regional** rail services in the capacity strategy, capacity model and capacity supply plan;

Or. en

*Justification*

*Urban and regional train services use the European railway network in a mixed mode with other transports such as rail freight and international passenger transport services. More train paths for (international) freight trains or international passenger trains could lead to*

*fewer train paths and fewer trains for the majority of train passengers in the national, urban and regional services. In Austria, the EU champion in rail transport, 80% of all railway passengers use urban and regional transport.*

#### **Amendment 329**

**Marian-Jean Marinescu**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – subparagraph 2 – point d**

##### *Text proposed by the Commission*

(d) the involvement of all operational stakeholders, regulatory bodies and the European Network of Rail Regulatory Bodies ('the ENRRB'), the European Coordinators and, where necessary, Member State authorities and other stakeholders.

##### *Amendment*

(d) the involvement of all operational stakeholders **and ERAP**, regulatory bodies and the European Network of Rail Regulatory Bodies ('the ENRRB'), the European Coordinators and, where necessary, Member State authorities and other stakeholders.

Or. en

#### **Amendment 330**

**Dorien Rookmaker**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2**

##### *Text proposed by the Commission*

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

##### *Amendment*

2. ENIM shall take into account any relevant **statement of disagreement** 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

accordance with Article 65(3).

opinion. The ENRRB shall act in accordance with Article 65(3).

Or. en

*Justification*

*Article 14 (1) of this proposal already stipulates that IMs must coordinate strategic capacity planning. Complaints can be submitted to the Regulatory Body under article 65(3), which can ask the infrastructure manager for information or ask the ENRBB for an opinion.*

**Amendment 331**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 14 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Management Board of the Rail freight corridors shall submit a recommendation on coordinated capacity strategy to the respective infrastructure managers 3 months prior to the period as defined in article 10(4).**

Or. en

**Amendment 332**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Article 15 – title**

*Text proposed by the Commission*

*Amendment*

Analysis of expected transport **market** developments

Analysis of expected transport **sector** developments

Or. pt

**Amendment 333**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. ***Infrastructure managers and ENIM*** shall regularly monitor and analyse transport markets 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.

*Amendment*

1. ***ENRRB, in consultations with the stakeholder advisory groups,*** shall regularly monitor and analyse transport markets ***and relevant multimodal aspects*** in order to inform ***the work of ENIM and infrastructure managers on*** 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.

Or. en

**Amendment 334**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers and ENIM shall regularly monitor and analyse transport markets 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.

*Amendment*

1. Infrastructure managers and ENIM, ***in consultation with ENRRB and ENRU,*** shall regularly monitor and analyse transport markets 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.

Or. en

**Amendment 335**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers and ENIM shall regularly monitor and analyse transport markets 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.

*Amendment*

1. Infrastructure managers and ENIM shall regularly monitor and analyse ***rail*** transport markets ***and relevant multimodal aspects*** 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.

Or. en

*Justification*

*This request obliges IMs to cover the entire transport market (rail, road and water). IMs should be able to only cover the aspects of multimodality that are relevant for their activities.*

**Amendment 336**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Infrastructure managers and ENIM shall regularly monitor and analyse transport ***markets*** 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.

*Amendment*

1. Infrastructure managers and ENIM shall regularly monitor and analyse ***developments and dynamics associated with the*** transport ***sector*** in order to inform their overall 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.

Or. pt

**Amendment 337**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

2. For the purposes of this Regulation, the transport **sector** 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.

Or. pt

**Amendment 338**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Article 15 – paragraph 3 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

3. ENIM shall carry out a European transport **sector** study covering passenger and freight transport in multimodal context at the latest by [31 December 2028]. The study shall address in particular:

Or. pt

**Amendment 339**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. ENIM shall consult applicants, 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.

*Amendment*

4. ENIM shall consult ***applicants, the new consultative bodies established in Article 55 a new, prospective*** applicants, 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. ***The stakeholder involvement shall include the possibility for operational stakeholders to give input to the study and to make an independent comment on the result.***

Or. en

**Amendment 340**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. ENIM shall consult applicants, 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.

*Amendment*

4. ENIM shall consult applicants, ***ERUP*** 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.

***The stakeholder involvement shall include the possibility for operational stakeholders to give input to the study and to make an independent comment on the result.***

Or. en

**Amendment 341**

**Massimiliano Salini**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. ENIM shall consult applicants, 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.

*Amendment*

4. ENIM shall consult applicants, ***ERUP***, 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. ***The stakeholder participation should encompass the opportunity for operational stakeholders to provide input on the study and to offer independent comments on the findings.***

Or. en

**Amendment 342**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. ENIM shall consult applicants, 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.

*Amendment*

4. ENIM shall consult applicants, ***ERUP***, 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.

Or. en

**Amendment 343**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 15 – paragraph 5 a (new)**



*Text proposed by the Commission*

*Amendment*

**5a. Member States shall develop national plans, i.e. Rail National Strategic Plan (RNSPs), based on the study mentioned in paragraph 3, and taking into account the rail traffic increase objectives mentioned in Recital 2 of this regulation.**

**The Commission shall receive and assess RNSPs against the EU shift-to-rail objectives as stated in Recital 2.**

**ENIM shall monitor progress of the implementation of RNSPs and report back to the Commission and Member States on the status and challenges observed in the RNSPs**

Or. en

*Justification*

*It is a mechanism similar to other targets such as the renewable energy sources. Each Member State will have a national target to increase rail traffic. Member states can decide on the measures and policies to reach the national target. As such, when these national targets are summed up we get the overall EU goal.*

**Amendment 344**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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.

2. The capacity strategy shall contain information about the future development of rail infrastructure **and service facilities as mentioned in Article 29 (1)**, 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.

**Amendment 345**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 16 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 346**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 16 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

4. The infrastructure manager shall prepare, publish and update **when needed** the capacity strategy in accordance with the schedule and the contents set out in section 2 of Annex I.

Or. en

**Amendment 347**  
**Roman Haider, Georg Mayer**

**Proposal for a regulation**  
**Article 16 – paragraph 4**

*Text proposed by the Commission*

(4) The infrastructure manager shall

*Amendment*

(4) The infrastructure manager shall

prepare, publish **and regularly update** the capacity strategy in accordance with the schedule and the contents set out in section 2 of Annex I.

**regularly** prepare **and** publish the capacity strategy in accordance with the schedule and the contents set out in section 2 of Annex I.

Or. de

*Justification*

*Regular updates of the capacity strategy are neither feasible nor do they add value. On the contrary, this current provision would force the IM to make excessive and unnecessary updates that are not needed for smooth capacity planning and allocation, which is envisioned under the current TTR process.*

**Amendment 348**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 16 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

4. The infrastructure manager shall prepare **and** publish the capacity strategy in accordance with the schedule and the contents set out in section 2 of Annex I.

Or. en

*Justification*

*According to TTR and appendix 1, the capacity strategy is published annually on X-36 in its final form and not updated in the meantime.*

**Amendment 349**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 16 – paragraph 5**

*Text proposed by the Commission*

5. Infrastructure managers shall consult applicants on the capacity strategy

*Amendment*

5. Infrastructure managers shall consult applicants **and service facilities** on

in accordance with Article 13 and coordinate capacities strategies with other infrastructure managers in accordance with Article 14.

the capacity strategy in accordance with Article 13 and coordinate capacities strategies with other **concerned** infrastructure managers in accordance with Article 14.

Or. en

**Amendment 350**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 16 – paragraph 5**

*Text proposed by the Commission*

5. Infrastructure managers shall consult applicants on the capacity strategy in accordance with Article 13 and coordinate capacities strategies with other infrastructure managers in accordance with Article 14.

*Amendment*

5. Infrastructure managers shall consult applicants on the capacity strategy in accordance with Article 13 and coordinate capacities strategies with other **relevant** infrastructure managers in accordance with Article 14.

Or. en

*Justification*

*Relevant infrastructure managers can be any infrastructure managers that is seen important to coordinate with.*

**Amendment 351**  
**Roman Haider, Georg Mayer**

**Proposal for a regulation**  
**Article 16 – paragraph 5**

*Text proposed by the Commission*

5. Infrastructure managers shall consult applicants on the capacity strategy in accordance with Article 13 and coordinate capacities strategies with **other** infrastructure managers in accordance with Article 14.

*Amendment*

5. Infrastructure managers shall consult applicants on the capacity strategy in accordance with Article 13 and coordinate capacities strategies with **neighbouring** infrastructure managers in accordance with Article 14.

**Amendment 352**

**Tilly Metz**

**Proposal for a regulation**

**Article 17 – paragraph 2**

*Text proposed by the Commission*

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. Infrastructure managers shall prepare and publish the capacity model for each working timetable period and **regularly** update the capacity model in accordance with the contents and schedule set out in sections 1 and 2 of Annex I.

*Amendment*

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 update the capacity model ***when needed*** in accordance with the contents and schedule set out in sections 1 and 2 of Annex I.

**Amendment 353**

**Roman Haider, Georg Mayer**

**Proposal for a regulation**

**Article 17 – paragraph 2**

*Text proposed by the Commission*

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. Infrastructure managers shall prepare and publish the

*Amendment*

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. Infrastructure managers shall prepare and publish the

capacity model for each working timetable period **and regularly update the capacity model** in accordance with the contents and schedule set out in sections 1 and 2 of Annex I.

capacity model for each working timetable period in accordance with the contents and schedule set out in sections 1 and 2 of Annex I.

Or. de

*Justification*

*Regular updates of the capacity model are neither feasible nor do they add value. On the contrary, this current provision would force the IM to make excessive and unnecessary updates that are not needed for smooth capacity planning and allocation, which is envisioned under the current TTR process.*

**Amendment 354**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

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. Infrastructure managers shall prepare and publish the capacity model for each working timetable period and **regularly** update the capacity model in accordance with the contents and schedule set out in sections 1 and 2 of Annex I.

*Amendment*

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. Infrastructure managers shall prepare and publish the capacity model for each working timetable period and update, **when necessary**, the capacity model in accordance with the contents and schedule set out in sections 1 and 2 of Annex I.

Or. en

**Amendment 355**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. In particular, infrastructure managers shall ensure that, on the railway infrastructure of the entire single European railway area, including connections referred to in Article 14(1), point (d) of the [new TEN-T Regulation] :**

**(a) on double track lines, 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;**

**(b) on single track lines, at least one train path per two hours and direction can be allocated to freight trains with a length of at least 740 m;**

Or. en

**Amendment 356**  
**Roman Haider, Georg Mayer**

**Proposal for a regulation**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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 the capacity strategy.***

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.

Or. de

*Justification*

*Regular updates of the capacity model are neither feasible nor do they add value. On the contrary, this current provision would force the IM to make excessive and unnecessary updates that are not needed for smooth capacity planning and allocation, which is envisioned*

*under the current TTR process.*

#### **Amendment 357**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3**

##### *Text proposed by the Commission*

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 the capacity strategy.***

##### *Amendment*

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. The capacity strategy ***does not have to be updated in case*** the capacity ***model was already published.***

Or. en

#### **Amendment 358**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 4**

##### *Text proposed by the Commission*

4. Infrastructure managers shall consult applicants on the capacity model in accordance with Article 13 and coordinate capacities strategies with other infrastructure managers in accordance with Article 14.

##### *Amendment*

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 ***concerned*** infrastructure managers in accordance with Article 14.

Or. en

#### **Amendment 359**

**Dorien Rookmaker**



**Proposal for a regulation**  
**Article 17 – paragraph 4**

*Text proposed by the Commission*

4. Infrastructure managers shall consult applicants on the capacity model in accordance with Article 13 and coordinate capacities strategies with other infrastructure managers in accordance with Article 14.

*Amendment*

4. Infrastructure managers shall consult applicants on the capacity model in accordance with Article 13 and coordinate capacities strategies with other **relevant** infrastructure managers in accordance with Article 14.

Or. en

*Justification*

*Relevant infrastructure managers can be any infrastructure managers that is seen important to coordinate with.*

**Amendment 360**  
**Roman Haider, Georg Mayer**

**Proposal for a regulation**  
**Article 17 – paragraph 4**

*Text proposed by the Commission*

4. Infrastructure managers shall consult applicants on the capacity model in accordance with Article 13 and coordinate capacities strategies with **other** infrastructure managers in accordance with Article 14.

*Amendment*

4. Infrastructure managers shall consult applicants on the capacity model in accordance with Article 13 and coordinate capacities strategies with **neighbouring** infrastructure managers in accordance with Article 14.

Or. de

**Amendment 361**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 17 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The infrastructure manager shall**

*submit the capacity model to the regulatory body for scrutiny. The regulatory body may take a decision 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, ERICA or by other regulatory bodies.*

Or. en

**Amendment 362**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) infrastructure capacity available for allocation to applicants;

*Amendment*

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

Or. en

**Amendment 363**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 18 – paragraph 4**

*Text proposed by the Commission*

4. In the capacity supply plan, infrastructure managers may indicate infrastructure capacity as pre-planned. Pre-planned capacity means capacity for which the infrastructure manager defines characteristics and volumes of the capacity

*Amendment*

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

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.

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.

Or. en

**Amendment 364**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 18 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

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].

*Amendment*

Infrastructure managers shall include in the capacity supply plan all elements listed in paragraph 6 ***and in coherence with the capacity strategy, and particularly*** for all lines and nodes included in the TEN-T core and extended core network as defined in [new TEN-T Regulation].

Or. en

**Amendment 365**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 18 – paragraph 9**

*Text proposed by the Commission*

9. The ***regulatory body*** shall ***analyse the*** capacity supply plan ***and*** may take a decision requiring the infrastructure manager to amend the capacity ***supply plan. The decision of the regulatory body shall take into account any opinion of or***

*Amendment*

9. The ***infrastructure manager*** shall ***submit the draft*** capacity supply plan ***to the regulatory body for scrutiny. The regulatory body*** may take a decision requiring the infrastructure manager to amend the capacity ***model before***

*recommendation by ENIM, where such has been provided.*

*publication.*

Or. en

**Amendment 366**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 18 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a. With a view to ensure the cross-border consistency of capacity plans, the decision of the regulatory body shall take into account, where relevant, any opinion or recommendation by ENIM, ERICA or by other regulatory bodies.**

Or. en

**Amendment 367**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 18 – paragraph 10 – introductory part**

*Text proposed by the Commission*

*Amendment*

10. ENIM shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

10. ENIM shall, **by [12 months after the entry into force of this Regulation]**, adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

Or. en

**Amendment 368**  
**Dominique Riquet**

## Proposal for a regulation

### Article 18 – paragraph 10 – introductory part

#### *Text proposed by the Commission*

10. ENIM shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

#### *Amendment*

10. ENIM shall adopt, ***in consultation with ENRU***, guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

Or. en

## Amendment 369

Massimiliano Salini

## Proposal for a regulation

### Article 18 – paragraph 10 – introductory part

#### *Text proposed by the Commission*

10. ENIM shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

#### *Amendment*

10. ENIM ***in consultation with ERUP*** shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

Or. en

## Amendment 370

Marco Campomenosi

## Proposal for a regulation

### Article 18 – paragraph 10 – introductory part

#### *Text proposed by the Commission*

10. ENIM shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

#### *Amendment*

10. ENIM shall adopt guidelines ***in consultation with ERUP*** and include them in the European framework for capacity management referred to in Article 6, setting out the following:

Or. en

**Amendment 371**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 18 – paragraph 10 – introductory part**

*Text proposed by the Commission*

10. ENIM shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

*Amendment*

10. ENIM ***in consultation with ERUP*** shall adopt guidelines and include them in the European framework for capacity management referred to in Article 6, setting out the following:

Or. en

**Amendment 372**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 18 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***10a. The Commission shall adopt, by [24 months after the entry into force of this Regulation], implementing acts setting out common principles, procedures and methodologies for the guidelines mentioned in paragraph 10 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in Paragraph 10 of this Article and included in the European framework.***

Or. en

**Amendment 373**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

(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]***;

*Amendment*

(a) the designation of alternative routes allowing to re-route traffic in the event of non-availability of ***a line***;

Or. en

**Amendment 374**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

5. The Commission shall adopt implementing acts setting out the details of the procedure and criteria to be followed for the application of paragraph 2, in particular for situations which have a potential impact on cross-border traffic. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).

*Amendment*

5. The Commission shall, ***by [24 months after the entry into force of this Regulation]***, adopt implementing acts setting out the details of the procedure and criteria to be followed for the application of paragraph 2, in particular for situations which have a potential impact on cross-border traffic. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) ***and shall replace the similar provision mentioned in paragraph 2.***

Or. en

**Amendment 375**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

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 included.

*Amendment*

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, ***segmentation***, parameters and number of slots included.

Or. en

*Justification*

*Infrastructure compatibility is currently not part of the capacity allocation and, under the Interoperability Directive, this is not a task for the infrastructure manager. Railway undertakings must assess infrastructure compatibility based on the RINF (according to article 23 of 2016/797/EU).*

**Amendment 376**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. ENIM shall develop a common framework for the criteria and procedures referred to in paragraph 1 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

*Amendment*

3. ENIM shall, ***by [12 months after the entry into force of this Regulation]***, develop a common framework for the criteria and procedures referred to in paragraph 1 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



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.

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.

Or. en

**Amendment 377**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. ENIM shall develop a common framework for the criteria and procedures referred to in paragraph 1 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.

*Amendment*

3. ENIM shall develop, **in consultation with ENRU**, a common framework for the criteria and procedures referred to in paragraph 1 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.

Or. en

**Amendment 378**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. ENIM shall develop a common framework for the criteria and procedures referred to in paragraph 1 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.

*Amendment*

3. ENIM shall develop **in consultation with ERUP** a common framework for the criteria and procedures referred to in paragraph 1 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.

Or. en

**Amendment 379**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. ENIM shall develop a common framework for the criteria and procedures referred to in paragraph 1 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

*Amendment*

3. ENIM **in consultation with ERUP** shall develop a common framework for the criteria and procedures referred to in paragraph 1 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

consensual conflict resolution mechanism referred to in Article 36.

capacity in the context of the consensual conflict resolution mechanism referred to in Article 36.

Or. en

**Amendment 380**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. ENIM shall develop a common framework for the criteria and procedures referred to in paragraph 1 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.

*Amendment*

3. ENIM **in consultation with ERUP** shall develop a common framework for the criteria and procedures referred to in paragraph 1 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.

Or. en

**Amendment 381**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

4. ENIM shall develop and adopt formal specifications for capacity planning

*Amendment*

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. Based on its experience in applying this Article, ENIM 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.

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. Based on its experience in applying this Article, ENIM, ***following consultation with ERUP*** 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.

Or. en

**Amendment 382**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

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. Based on its experience in applying this Article, ENIM 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.

*Amendment*

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. Based on its experience in applying this Article, ENIM shall provide information to the Commission, ***following consultation with ERUP***, 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.

Or. en

**Amendment 383**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

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. Based on its experience in applying this Article, ENIM 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.

*Amendment*

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. Based on its experience in applying this Article, ENIM, ***after consultation with ERUP***, 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.

Or. en

**Amendment 384**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 20 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Commission shall, by [24 months after the entry into force of this Regulation], adopt implementing acts setting out the details of the procedure and criteria to be followed for the application of paragraph 1, in particular for situations which have a potential impact on cross-border traffic. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision***

*mentioned in paragraph 1.*

Or. en

#### **Amendment 385**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Article 21 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(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;

***Infrastructure managers may declare without delay an element of infrastructure either to be highly utilised or to be congested if the following condition is met:***

Or. en

#### **Amendment 386**

**Andreas Schieder, Sara Cerdas**

#### **Proposal for a regulation**

#### **Article 21 – paragraph 1 – point c**

##### *Text proposed by the Commission*

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

##### *Amendment*

(c) ***Infrastructure managers may declare without delay an element of infrastructure either to be highly utilised or to be congested if the following condition is met:*** infrastructure works resulting in capacity restrictions scheduled in accordance with Article 10 result in capacity becoming scarce.

*Justification*

*Infrastructure work that results in capacity limitations should not result in the need to report the infrastructure as highly utilized or congested. Construction works are usually only temporary in nature and aim to eliminate capacity bottlenecks. The legal processes and procedures triggered by the designation of the infrastructure as highly utilized or congested would, in most cases, take longer than the completion of the construction site.*

**Amendment 387**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 22 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

Infrastructure managers shall take into account the results of any capacity analysis carried out pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.

*Amendment*

Infrastructure managers shall take into account the results of any capacity analysis carried out ***in neighbouring and potentially affected countries*** in pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.

**Amendment 388**

**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**

**Article 22 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

Infrastructure managers shall take into account the results of any capacity analysis carried out pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.

*Amendment*

Infrastructure managers shall take into account the results of any capacity analysis carried out ***in neighbouring and potentially affected countries*** pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.

*Justification*

*Taking into account all capacity analyses carried out would mean that each EU infrastructure manager would have to take into account every single capacity analysis carried out in an EU country. This is neither feasible nor useful. This provision must focus on neighbouring countries.*

**Amendment 389****Tilly Metz****Proposal for a regulation****Article 22 – paragraph 4 – subparagraph 1***Text proposed by the Commission*

Infrastructure managers shall take into account the results of any capacity analysis carried out pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.

*Amendment*

Infrastructure managers shall take into account the results of any capacity analysis carried out, ***including in other concerned networks*** pursuant to this Article in strategic capacity planning, in particular in the capacity strategy, in the capacity model and in the capacity supply plan.

**Amendment 390****Ondřej Kovařík****Proposal for a regulation****Article 23 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Within six months of the completion of a capacity analysis in accordance with Article 22, the infrastructure manager shall establish a capacity-enhancement plan.

*Amendment*

Within six months of the completion of a capacity analysis in accordance with Article 22, the infrastructure manager shall establish a capacity-enhancement plan ***for parts of the infrastructure which have been declared congested.*** .



**Amendment 391**  
**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Within six months of the completion of a capacity analysis in accordance with Article 22, the infrastructure manager shall establish a capacity-enhancement plan.

*Amendment*

Within six months of the completion of a capacity analysis in accordance with Article 22, the infrastructure manager shall establish a capacity-enhancement plan **for parts of the infrastructure which have been declared congested.**

Or. en

*Justification*

*A capacity enhancement plan for infrastructure, declared “highly utilized” is an excessive measure, as the infrastructure is not congested yet. In case of highly utilized infrastructure, a capacity analysis is sufficient. A distinction in measures for highly utilized and congested infrastructure should be made. Also a cost benefit analysis adds unnecessary burden and prolongs the capacity enhancement process. A better solution would be to include in the capacity-enhancement plan the required measures to enhance infrastructure capacity, with a timetable to implement them.*

**Amendment 392**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – subparagraph 2 – point d**

*Text proposed by the Commission*

(d) the options and costs for capacity enhancement, including likely changes to access charges.

*Amendment*

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

Or. en

**Amendment 393**  
**Ondřej Kovařík**

## Proposal for a regulation

### Article 23 – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

The capacity-enhancement plan shall be ***developed*** after consultation with ***relevant stakeholders*** of the relevant congested infrastructure in accordance with Article 13.

Or. en

## Amendment 394

Brice Hortefeux

## Proposal for a regulation

### Article 25 – paragraph 1

#### *Text proposed by the Commission*

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.

#### *Amendment*

1. Where an element of infrastructure has been declared to be 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.

Or. fr

## Amendment 395

Dominique Riquet

## Proposal for a regulation

### Article 25 – paragraph 1

#### *Text proposed by the Commission*

1. Where an element of infrastructure has been declared to be ***highly utilised or*** congested in a future working timetable

#### *Amendment*

1. Where an element of infrastructure has been declared to be congested in a future working timetable period, the

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.

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.

Or. en

**Amendment 396**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 25 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The infrastructure manager shall take into account the need for capacity for multi-network rail services.

*Amendment*

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

Or. en

**Amendment 397**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

Applicants may apply under public or private law to the infrastructure manager to request an agreement granting rights ***for capacity on*** railway infrastructure against a charge as provided for in section 2 of Chapter IV of Directive 2012/34/EU.

Or. en

*Justification*

*Applicants that are not railway undertakings have no right to use the infrastructure, only to*

*obtain capacity according to article 10 of 2012/34/EU.*

**Amendment 398**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Applicants that are not railway undertakings have no right to use the infrastructure, only to obtain capacity according to article 10 of 2012/34/EU.*

**Amendment 399**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 26 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

5. Where an applicant intends to request infrastructure capacity with a view to operating ***an open access*** 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.

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.

Or. en

**Amendment 400**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 26 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

Once allocated to an applicant, a capacity right shall not be transferred by the recipient to another undertaking or service.  
***Any trading in requested or allocated capacity shall be prohibited and shall be null and void.***

Or. en

**Amendment 401**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 27 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Applicants shall ***have the right to*** request multi-network capacity rights, and ***to*** receive answers to such requests, in a single place and in a single operation. Infrastructure managers shall cooperate in the allocation of capacity for ***multi-***

*Amendment*

Applicants shall request multi-network capacity rights, and ***shall*** receive answers to such requests, in a single place and in a single operation ***established in accordance with paragraph 4 of this Article.*** Infrastructure managers shall cooperate in

**network** rail services, including in particular international rail freight services and international rail passenger services.

the allocation of capacity for **multi-network** rail services, including in particular international rail freight services and international rail passenger services.

Or. en

**Amendment 402**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

3. Infrastructure managers shall respect the commercial confidentiality of information provided to them.

*Amendment*

3. Infrastructure managers shall respect the commercial confidentiality of information provided to them. ***Information such as the specific line subject to the request, their number, or their frequency shall be considered as confidential. Such information shall not be disclosed, directly or indirectly, to any third parties.***

Or. en

**Amendment 403**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

3. Infrastructure managers shall respect the commercial confidentiality of information provided to them.

*Amendment*

3. Infrastructure managers shall respect the commercial confidentiality of information provided to them, ***especially in the case of vertically integrated railway companies.***

Or. en

**Amendment 404**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 27 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

For multi-network capacity rights, ENIM shall establish a single interface or a common system in accordance with Article 62, ***in order to manage capacity allocation in a single place and operation.***

*Amendment*

For multi-network capacity rights, ENIM shall, ***in 12 months from the date of enter in force of this Regulation, establish a single place and operation based on a*** single interface or a common system ***developed*** in accordance with Article 62.

Or. en

**Amendment 405**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 27 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

For multi-network capacity rights, ENIM shall establish a single interface or a common system in accordance with Article 62, ***in order*** to manage capacity allocation in a single place and operation.

*Amendment*

For multi-network capacity rights, ENIM shall establish a single interface or a common system in accordance with Article 62. ***Infrastructure managers shall use this interface*** to manage capacity allocation in a single place and operation.

Or. en

**Amendment 406**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 27 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

For multi-network capacity rights, ENIM shall establish a single interface or a common system in accordance with Article

*Amendment*

For multi-network capacity rights, ENIM shall establish, ***following ERICA approval,*** a single interface or a common system in

62, in order to manage capacity allocation in a single place and operation.

accordance with Article 62, in order to manage capacity allocation in a single place and operation.

Or. en

**Amendment 407**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 27 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

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 define ranges for the threshold quota and include them in the European framework for capacity management referred to in Article 6.

*Amendment*

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 ERUP and** define ranges for the threshold quota and include them in the European framework for capacity management referred to in Article 6.

Or. en

**Amendment 408**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 27 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

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 define ranges for the threshold quota and include them in the European framework for

*Amendment*

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 ERUP** define ranges for the threshold quota and include them in the European



capacity management referred to in Article 6.

framework for capacity management referred to in Article 6.

Or. en

#### **Amendment 409**

**Marco Campomenosi**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 6 – subparagraph 1**

##### *Text proposed by the Commission*

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 define ranges for the threshold quota and include them in the European framework for capacity management referred to in Article 6.

##### *Amendment*

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 ERUP and** define ranges for the threshold quota and include them in the European framework for capacity management referred to in Article 6.

Or. en

#### **Amendment 410**

**Andreas Schieder, Sara Cerdas**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 7 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

**7a. The Infrastructure Manager shall be allowed to use, where relevant, specific timetabling approaches including systematic capacity bandwidths and systematic train paths. However, if this approach is used in a Member State, systematic capacity bandwidths and systematic train paths with cross-border relevance shall be aligned with neighbouring Infrastructure Managers**

*across borders.*

Or. en

*Justification*

*Systematic capacity bandwidths and systematic train paths are based on Articles 11 and 20 of this Regulation. They are train paths allocated to market segments such as passenger long distance, passenger regional and freight traffic. They occur every hour at the same time based on a concept that optimizes infrastructure utilisation. IMs shall be allowed to keep using this approach if they need optimize capacity utilisation for all rail traffic services, as this might be required due to the specific preconditions such as mixed rail networks and central location of some countries.*

**Amendment 411**

**Tilly Metz**

**Proposal for a regulation**

**Article 27 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. The infrastructure manager shall be allowed to use, where relevant, specific timetabling approaches including systematic train paths. When the infrastructure manager decides to use this approach, systematic train paths with cross-border relevance shall be, where possible, aligned with neighbouring and other concerned infrastructure managers across borders.**

Or. en

**Amendment 412**

**Ondřej Kovařík**

**Proposal for a regulation**

**Article 27 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. The infrastructure manager shall be allowed to use the concept of hourly or**

*bi-hourly recurring systematic train paths to maximise capacity. Systematic train paths shall be aligned across borders*

Or. en

**Amendment 413**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 27 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**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, which may recommend to the infrastructure manager to amend the capacity model.**

Or. en

**Amendment 414**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 28 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) the appointment of a single point of contact in charge of communication with the applicant in relation to the request for multi-network capacity right, which shall be notified to the applicant without delay after receipt of the request;** **deleted**

Or. en

**Amendment 415**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 28 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) the appointment of a single point of contact in charge of communication with the applicant in relation to **the** request for multi-network capacity right, which shall be notified to the applicant without delay after receipt of the request;

*Amendment*

(a) the appointment of a single point of contact in charge of communication with the applicant in relation to **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 subsequently back from a destination ;***

Or. en

**Amendment 416**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 28 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

***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.***

*Amendment*

***deleted***

Or. en

**Amendment 417**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 28 – paragraph 4**

*Text proposed by the Commission*

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.

*Amendment*

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 ***unforeseeable, unavoidable, exceptional and unprovoked events outside the control of one infrastructure manager or the railway undertaking or applicant***, shall ***apply to*** the capacity right along the entire route covered by it ***only if no alternative routing, including across borders, is available***.

Or. en

**Amendment 418**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 28 – paragraph 5**

*Text proposed by the Commission*

5. 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.

*Amendment*

5. ENIM shall, ***by [24 months after the entry into force of this Regulation]***, 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.

Or. en

**Amendment 419**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 28 – paragraph 5**

*Text proposed by the Commission*

5. 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.

*Amendment*

5. ENIM, ***in consultation with ERUP***, 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.

Or. en

**Amendment 420**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 28 – paragraph 5**

*Text proposed by the Commission*

5. 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.

*Amendment*

5. ENIM ***in consultation with ERUP*** 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.

Or. en

**Amendment 421**

**Marco Campomenosi**

**Proposal for a regulation**

**Article 28 – paragraph 5**

*Text proposed by the Commission*

5. 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

*Amendment*

5. ENIM shall define ***in consultation with ERUP*** 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

referred to in Article 6.

management referred to in Article 6.

Or. en

#### **Amendment 422**

**Marian-Jean Marinescu**

#### **Proposal for a regulation**

#### **Article 28 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Commission shall, by [24 months after the entry into force of this Regulation], adopt implementing acts setting out the detailed procedures and methods to implement this Article and the minimum quality requirements referred to in paragraph 2(b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in paragraph 5 of this Article and included in the European framework.**

Or. en

#### **Amendment 423**

**Marian-Jean Marinescu**

#### **Proposal for a regulation**

#### **Article 29 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Infrastructure managers shall ensure that applicants can request in one place **and** operation capacity rights on railway infrastructure and **in** the service facilities referred to in paragraph 1.

3. Infrastructure managers shall ensure that applicants can request in one place **established in accordance of Article 27 paragraph 4, the** operation capacity rights on railway infrastructure and the service facilities referred to in paragraph 1.

Or. en

**Amendment 424**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 29 – paragraph 5**

*Text proposed by the Commission*

5. The operators of 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.

*Amendment*

5. The operators of service facilities referred to in paragraph 1 shall make available information about the available capacity to the infrastructure manager in a digital format in accordance with Article 62.

Or. en

**Amendment 425**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 29 – paragraph 5**

*Text proposed by the Commission*

5. The operators of 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.

*Amendment*

5. The operators of service facilities referred to in paragraph 1 shall make available information in real time about the available capacity to the infrastructure manager in a digital format in accordance with Article 62.

Or. en

**Amendment 426**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 29 – paragraph 6**



*Text proposed by the Commission*

6. For the purpose of this Article and in accordance with Article 62, ENIM shall provide guidelines 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. 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.

*Amendment*

6. For the purpose of this Article and in accordance with Article 62, ENIM shall, **by [24 months after 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 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.

Or. en

**Amendment 427**

**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 29 – paragraph 7**

*Text proposed by the Commission*

7. The ENRRB shall monitor the application of paragraph 7 and shall provide recommendations on the criteria to be used in assessing the requests for exemptions.

*Amendment*

7. The ENRRB shall monitor the application of paragraph 6 and shall provide recommendations on the criteria to be used in assessing the requests for exemptions.

Or. en

**Amendment 428**

**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 29 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. The Commission shall adopt, by [24 months after the entry into force of this Regulation], implementing acts setting 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in Paragraph 6 of this Article.**

Or. en

**Amendment 429**

**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**

**Article 29 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**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, 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.**

Or. en

*Justification*

*This provision is currently included in Article 33 (5). However, it shall not only be valid for the allocation of ad hoc requests through rolling planning (Article 33), but in general for any allocation process. This is, because it is important that the regulatory body has a general*

*overview and is not only considered with rolling planning but also with other allocation processes. Hence, it shall be moved to Article 29 as a general provision.*

**Amendment 430**

**Tilly Metz**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

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

*Amendment*

Framework agreements ***are to be approved*** by the regulatory ***bodies concerned***. ***The approval shall take into account the opinion of the ENRRB in case of multi-network framework agreements.***

Or. en

**Amendment 431**

**Dominique Riquet**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

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

*Amendment*

Framework agreements ***shall be notified to*** the regulatory body, ***which may grant approval to such agreements.***

Or. en

**Amendment 432**

**Ondřej Kovařík**

**Proposal for a regulation**

**Article 31 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Infrastructure managers may group systematic train paths into bundles***

*(packages) of hourly, two-hourly or half-hourly train paths taking into account strategic guidance on the utilisation of infrastructure capacity provided by Member States in accordance with Article 11(3). For each such package, one single framework contract for the whole bundle is possible.*

Or. en

**Amendment 433**  
**Roman Haider, Georg Mayer**

**Proposal for a regulation**  
**Article 31 – paragraph 3**

*Text proposed by the Commission*

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 shall indicate the capacity that they plan to reserve for allocation through framework agreements in these planning documents.

*Amendment*

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 shall indicate the capacity that they plan to reserve for allocation through framework agreements in these planning documents.  
***The infrastructure managers of neighbouring countries must make these threshold quotas as uniform as possible.***

Or. de

*Justification*

*If threshold quotas for framework agreements for neighbouring network sections are not uniform, this may lead to capacity losses and/or negative effects on traffic. This means that the volume of framework agreements between neighbouring countries must somehow be consistent, so that trains are not stopped at borders as different countries choose different volumes.*

**Amendment 434**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 31 – paragraph 3**

*Text proposed by the Commission*

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 shall indicate the capacity that they plan to reserve for allocation through framework agreements in these planning documents.

*Amendment*

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 neighbourhood networks***, shall indicate the capacity that they plan to reserve for allocation through framework agreements in these planning documents.

Or. en

**Amendment 435**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 31 – paragraph 3**

*Text proposed by the Commission*

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 ***shall*** indicate the capacity that they plan to reserve for allocation through framework agreements in ***these*** planning documents.

*Amendment*

3. Infrastructure managers shall ***guarantee that*** framework agreements ***are*** consistent with the planning documents of the strategic capacity planning referred to in Article 11(2). Infrastructure managers ***may*** indicate the capacity that they plan to reserve for allocation through framework agreements in ***the strategic*** planning documents.

Or. en

**Amendment 436**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 31 – paragraph 4**

*Text proposed by the Commission*

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 set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement.

*Amendment*

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 of 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 thresholds and make them as consistent as possible.***

Or. en

**Amendment 437**

**Tilly Metz**

**Proposal for a regulation**

**Article 31 – paragraph 4**

*Text proposed by the Commission*

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 set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement.

*Amendment*

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 set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement. ***Infrastructure managers of the concerned countries who have cross-border framework agreements shall align these thresholds and make them as consistent as possible.***

Or. en

**Amendment 438**

**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 31 – paragraph 4**

*Text proposed by the Commission*

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 set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement.

*Amendment*

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, ***in coordination with the infrastructure managers from neighbouring countries***, shall set the maximum shares of total capacity that can be allocated through framework agreements and include these in the network statement.

Or. en

**Amendment 439**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 31 – paragraph 5**

*Text proposed by the Commission*

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.***

*Amendment*

***deleted***

Or. en

**Amendment 440**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 31 – paragraph 6**

*Text proposed by the Commission*

6. ***Changes to capacity rights***

*Amendment*

***deleted***

*allocated through framework agreements shall be subject to compensation in accordance with Article 40, except for the situation referred to in paragraph 5.*

Or. en

**Amendment 441**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 31 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**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 5 of Annex I shall be justified by the requirement of dedicated investments by new entrants or by the substantial novelty of the service.**

**deleted**

Or. en

**Amendment 442**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 31 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

**11. Based on the experience of regulatory bodies, competent authorities and railway undertakings and based on the activities of the ENRRB, the Commission *may* adopt an implementing act setting out the details of the procedure and criteria to be followed for the uniform application of this Article and of Article 33. Those implementing acts shall be adopted in**

**11. Based on the experience of regulatory bodies, competent authorities and railway undertakings and based on the activities of the ENRRB, the Commission *shall, by [24 months after the entry into force of this Regulation],* adopt an implementing act setting out the details of the procedure and criteria to be followed for the uniform application of this Article**



accordance with the examination procedure referred to in Article 72(3).

and of Article 33. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) ***and shall replace the similar provision included mentioned in this Article and in Article 33.***

Or. en

**Amendment 443**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 32 – paragraph 3**

*Text proposed by the Commission*

3. In the event of a conflict between two or more capacity requests, the infrastructure managers shall first attempt to resolve the conflict through the consensual consultation mechanism referred to in Article 36.

*Amendment*

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 mechanism referred to in Article 36.

Or. en

**Amendment 444**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 32 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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 capacity supply plan.

*Amendment*

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 capacity supply plan, ***provided operational stakeholders had been duly***

*consulted and their announcements of capacity had been taken into account to the utmost extent.*

Or. en

**Amendment 445**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Article 32 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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 capacity supply plan.***

*Amendment*

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.

Or. fr

**Amendment 446**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 32 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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 capacity supply plan.***

*Amendment*

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, ***provided operational stakeholders had been duly consulted and their announcements of capacity had been taken into account to the utmost extent.***

Or. en

**Amendment 447**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 32 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

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).

*Amendment*

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). ***These applications are to be taken into account if there is enough free capacity available without restricting the needs for subsequent applications.***

Or. en

**Amendment 448**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Article 32 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

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).

*Amendment*

When ***considering*** 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) ***while meeting requests as closely as possible***

Or. fr

**Amendment 449**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 32 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

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).

*Amendment*

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**.

Or. en

**Amendment 450**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Article 32 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

***When refusing requests not consistent with the capacity supply plan, the infrastructure manager shall, without delay, inform the applicant concerned of its intention to refuse a request. The applicant shall have the right to lodge a complaint with the regulatory body.***

*Amendment*

***deleted***

Or. fr

**Amendment 451**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 32 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

When ***refusing*** requests not consistent with the capacity supply plan, 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.

*Amendment*

When ***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 concerned applicants. If no alternative offer is possible***, 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.

Or. en

## **Amendment 452**

**Tilly Metz**

### **Proposal for a regulation**

#### **Article 32 – paragraph 5 – subparagraph 3**

##### *Text proposed by the Commission*

When **refusing** requests not consistent with the capacity supply plan, 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.

##### *Amendment*

When **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 concerned applicants. If no alternative offer is possible***, 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.

Or. en

## **Amendment 453**

**Dominique Riquet**

### **Proposal for a regulation**

#### **Article 32 – paragraph 5 – subparagraph 3**

##### *Text proposed by the Commission*

When refusing requests not consistent with the capacity supply plan, 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

##### *Amendment*

When refusing requests not consistent with the capacity supply plan, the infrastructure manager shall, without delay, inform the applicant concerned of its intention to refuse a request ***and shall, if capacity is available, provide an alternative solution***

regulatory body.

*which complies as much as possible with applicants' requirements.* The latter shall have the right to lodge a complaint with the regulatory body.

Or. en

**Amendment 454**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 33 – paragraph 3**

*Text proposed by the Commission*

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, point 2 of Annex I.

*Amendment*

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 6, point 2 of Annex I.

Or. en

**Amendment 455**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 33 – paragraph 4**

*Text proposed by the Commission*

4. In *accordance with the rules and procedures set out in Article 20, infrastructure managers may refuse to allocate 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. The applicant shall have the right to lodge a complaint with the regulatory body.*

*Amendment*

4. In *case when the* requests are inconsistent with the capacity supply plan adopted in accordance with Article 18, *the infrastructure managers shall follow the rules and procedures set out in Article 20 and offer alternative capacity.*

Or. en

**Amendment 456**  
**Roman Haider, Georg Mayer**

**Proposal for a regulation**  
**Article 33 – paragraph 4**

*Text proposed by the Commission*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers may refuse to allocate 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. The applicant shall have the right to lodge a complaint with the regulatory body.

*Amendment*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers may refuse to allocate 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. The applicant shall have the right to lodge a complaint with the regulatory body. ***Where capacity is available, the infrastructure manager shall provide an alternative solution that meets the applicants' requirements to the greatest extent possible.***

Or. de

**Amendment 457**  
**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**  
**Article 33 – paragraph 4**

*Text proposed by the Commission*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers may refuse to allocate 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. The applicant shall have the right to lodge a complaint with the regulatory body.

*Amendment*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers may refuse to allocate 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 ***and the Infrastructure Manager shall if capacity is available provide an alternative solution which complies as***

***much as possible with the applicants' requirements.*** The applicant shall have the right to lodge a complaint with the regulatory body.

Or. en

#### *Justification*

*Some freight and passenger customers require tailored capacity solutions. The binding pre-planned capacity is determined in advance by the Infrastructure Managers. Despite the early involvement of applicants, it could be rigid and not reflect changes in market demand. In situations where the IM intends to reject the applicant's application, he must offer alternative solutions. Otherwise, rail customers will inevitably switch to other modes of transport.*

#### **Amendment 458 Dominique Riquet**

##### **Proposal for a regulation Article 33 – paragraph 4**

#### *Text proposed by the Commission*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers may refuse to allocate 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. The applicant shall have the right to lodge a complaint with the regulatory body.

#### *Amendment*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers may refuse to allocate 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 ***and the infrastructure manager shall, if capacity is available, provide an alternative solution which complies as much as possible with applicants' requirements.*** The applicant shall have the right to lodge a complaint with the regulatory body.

Or. en

#### **Amendment 459 Tilly Metz**



**Proposal for a regulation**  
**Article 33 – paragraph 4**

*Text proposed by the Commission*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers ***may refuse to allocate*** 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.*** The applicant shall have the right to lodge a complaint with the regulatory body.

*Amendment*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers ***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. ***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.

Or. en

**Amendment 460**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 33 – paragraph 4**

*Text proposed by the Commission*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers ***may refuse to allocate*** 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.*** The applicant shall have the right to lodge a complaint with the regulatory body.

*Amendment*

4. In accordance with the rules and procedures set out in Article 20, infrastructure managers ***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. ***If it is not possible to offer an alternative, the IM may refuse to allocate capacity to such inconsistent request.*** The applicant shall have the right to lodge a complaint with the regulatory body.

Or. en

**Amendment 461**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 33 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**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.***      *deleted*

Or. en

**Amendment 462**  
**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**  
**Article 33 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**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.***      *deleted*

Or. en

### *Justification*

*This provision is currently included in Article 33 (5). However, it shall not only be valid for the allocation of ad hoc requests through rolling planning (Article 33), but in general for any allocation process. This is, because it is important that the regulatory body has a general overview and is not only considered with rolling planning but also with other allocation processes. Hence, it shall be moved to Article 29 as a general provision.*

#### **Amendment 463**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 34 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Infrastructure managers shall inform annually the regulatory body of all ad hoc capacity requests received that were refused. On the basis of this information the regulatory body shall issue an opinion, which may require the infrastructure manager to amend the capacity model in the following year by reserving an adequate capacity dedicated to accommodate ad hoc requests, particularly for rail freight services.**

Or. en

#### **Amendment 464**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 36 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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.

statement. ***ERICA with the support of*** 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.

Or. en

**Amendment 465**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 36 – paragraph 8**

*Text proposed by the Commission*

8. 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.

*Amendment*

8. ENIM shall, ***by [24 months after the entry into force of this Regulation],*** 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.

Or. en

**Amendment 466**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 36 – paragraph 8**

*Text proposed by the Commission*

8. 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.

*Amendment*

8. ENIM, ***in consultation with ERUP,*** 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.

Or. en

**Amendment 467**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 36 – paragraph 8**

*Text proposed by the Commission*

8. 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.

*Amendment*

8. ENIM shall prepare ***in consultation with ERUP*** 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.

Or. en

**Amendment 468**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 36 – paragraph 8**

*Text proposed by the Commission*

8. 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.

*Amendment*

8. ENIM ***in consultation with ERUP*** 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.

Or. en

**Amendment 469**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 36 – paragraph 8**

*Text proposed by the Commission*

8. 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.

*Amendment*

8. ***ERICA with the support of*** 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.

Or. en

**Amendment 470**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 36 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. The Commission shall, by [24 months after the entry into force of this Regulation], adopt an implementing act setting out the details of the procedure and criteria to be followed for the consensual conflict resolution mechanism for multi-network capacity requests. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in Paragraph 8 of this Article and included in the European framework.***

Or. en

**Amendment 471**  
**Isabel García Muñoz**

**Proposal for a regulation**  
**Article 37 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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 ***in a way providing access to the largest number of applicants.***

Or. en

**Amendment 472**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 37 – paragraph 3**

*Text proposed by the Commission*

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.

*Amendment*

3. In case of conflicting capacity requests ***related to rail transport*** services with similar characteristics and socio-economic profile, the infrastructure manager shall ***allocate*** capacity on the basis of ***first come, first served principle.*** ***This*** method shall be applied ***only in case of any remaining capacity that was not previously allocated based on the allocation methods enshrined in Articles 31 till 33 hereof and*** subject to approval by the regulatory body. ***Should any capacity further remain, even after the proper exercise of all allocation methods referred to in Articles 31 till 35 hereof, it may be allocated on the basis of an auction.***

Or. en

**Amendment 473**  
**Massimiliano Salini**

**Proposal for a regulation**

**Article 39 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

***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.

*Amendment*

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.

Or. en

**Amendment 474**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 39 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

***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.

*Amendment*

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.

Or. en

**Amendment 475**

**Marco Campomenosi**

**Proposal for a regulation**

**Article 39 – paragraph 3 – subparagraph 2**



*Text proposed by the Commission*

*Amendment*

***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.

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.

Or. en

#### **Amendment 476**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 39 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. In cases of capacity is reserved but not used, a compensation payment shall apply in accordance to Article 40.***

Or. en

#### **Amendment 477**

**Marian-Jean Marinescu**

#### **Proposal for a regulation**

#### **Article 39 – paragraph 8 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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.

ENIM shall, ***by [12 months after the entry into force of this Regulation]***, 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.

**Amendment 478**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 39 – paragraph 8 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall adopt, by [24 months after the entry into force of this Regulation], implementing acts setting out rules and procedures to manage changes to capacity rights after allocation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in Paragraph 8 of this Article and included in the European framework.***

Or. en

**Amendment 479**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 40 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

2. The compensation referred to in paragraph 1 shall not be due in cases ***where the infrastructure manager changes an allocated capacity right because of an unforeseeable, unavoidable, exceptional and unprovoked event outside the control of the infrastructure manager, railway undertaking or applicant, and no alternative, including across borders, can be offered.***

Or. en

**Amendment 480**

**Tilly Metz**

**Proposal for a regulation**

**Article 40 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The compensation referred to in paragraph 1 shall not be due in cases where an applicant requests a change to an allocated capacity right because of an unforeseeable, exception and unprovoked event outside the applicant's control.**

Or. en

**Amendment 481**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 40 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Following a consultation of the ENRRB, ENIM shall 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.

3. Following a consultation of the ENRRB, ENIM shall, **by [12 months after 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.

Or. en

**Amendment 482**

**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 40 – paragraph 3**

*Text proposed by the Commission*

3. Following a consultation of the ENRRB, ENIM shall 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.

*Amendment*

3. Following a consultation of the ENRRB **and ERUP**, ENIM shall 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.

Or. en

**Amendment 483**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 40 – paragraph 3**

*Text proposed by the Commission*

3. Following a consultation of the ENRRB, ENIM shall 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.

*Amendment*

3. Following a consultation of the ENRRB **and ERUP**, ENIM shall 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.

Or. en

**Amendment 484**  
**Marco Campomenosi**

**Proposal for a regulation**  
**Article 40 – paragraph 3**

*Text proposed by the Commission*

3. Following a consultation of the ENRRB, ENIM shall 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.

*Amendment*

3. Following a consultation of the ENRRB **and ERUP**, ENIM shall 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.

Or. en

**Amendment 485**

**Tilly Metz**

**Proposal for a regulation**

**Article 40 – paragraph 3**

*Text proposed by the Commission*

3. Following a consultation of the ENRRB, **ENIM** shall 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**.

*Amendment*

3. Following a consultation of the ENRRB **and EOSP, ERICA** shall 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 **ERICA**.

Or. en

**Amendment 486**

**Tilly Metz**

**Proposal for a regulation**

**Article 40 – paragraph 5**

*Text proposed by the Commission*

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.

*Amendment*

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. ***Compensation claims shall remain unaffected by this. The basic fee is centred on the compensation for the capacity right before any possible deductions from the track access charges by the member states.***

Or. en

**Amendment 487**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 40 – paragraph 7**

*Text proposed by the Commission*

7. The Commission ***may*** adopt implementing acts setting 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3).

*Amendment*

7. The Commission ***shall, by [24 months after the entry into force of this Regulation],*** adopt implementing acts setting 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) ***and shall replace the similar provision mentioned in Paragraph 2 of this Article and included in the European***

*framework.*

Or. en

**Amendment 488**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 41 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

ENIM shall, ***by [12 months after the entry into force of this Regulation]***, 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.

Or. en

**Amendment 489**

**Tilly Metz**

**Proposal for a regulation**

**Article 41 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

***ERICA, with the support of*** 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, ***ERICA*** shall provide guidelines on the application of the simultaneous capacity allocation process and the first come, first served principle.

Or. en

## Amendment 490

Tilly Metz

### Proposal for a regulation

#### Article 41 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

Where the simultaneous allocation process applies, **ENIM** shall provide guidelines on the procedures to applied, involving as appropriate the application of the consensual conflict resolution process referred to in Article 36 and of the formal conflict resolution process referred to in Article 37. ENIM shall include those guidelines in the European framework for capacity management referred to in Article 6.

##### *Amendment*

Where the simultaneous allocation process applies, **ERICA** shall provide guidelines on the procedures to applied, involving as appropriate the application of the consensual conflict resolution process referred to in Article 36 and of the formal conflict resolution process referred to in Article 37. ENIM shall include those guidelines in the European framework for capacity management referred to in Article 6 **after final approval by ERICA**.

Or. en

## Amendment 491

Marian-Jean Marinescu

### Proposal for a regulation

#### Article 41 – paragraph 3

##### *Text proposed by the Commission*

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** adopt an implementing act setting out the criteria and procedures for rescheduling, including unilateral changes to allocated capacity rights by infrastructure managers for the purpose of managing network disruptions. That implementing act shall be adopted in

##### *Amendment*

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 **shall, by [24 months after the entry into force of this Regulation],** adopt an implementing act setting out the criteria and procedures for rescheduling, including unilateral changes to allocated capacity rights by infrastructure managers for the purpose of managing network disruptions.



accordance with the examination procedure referred to in Article 72(3).

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 72(3) ***and shall replace the similar provision mentioned in Paragraph 2 of this Article and included in the European framework.***

Or. en

**Amendment 492**  
**Andor Deli**

**Proposal for a regulation**  
**Article 42**

*Text proposed by the Commission*

*Amendment*

***Article 42***

***deleted***

***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.*

**(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.*

Or. hu

**Amendment 493**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 42 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Infrastructure managers shall join the European Traffic Management Network with a view of coordinating their traffic management, disruption**

*management and crisis management missions.*

Or. en

**Amendment 494**

**Andor Deli**

**Proposal for a regulation**

**Article 43**

*Text proposed by the Commission*

*[...]*

*Amendment*

*deleted*

Or. hu

**Amendment 495**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 43 – paragraph 1**

*Text proposed by the Commission*

1. 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.

*Amendment*

1. Infrastructure managers shall, ***by [18 months after the entry into force of this Regulation]***, 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.

Or. en

**Amendment 496**

**Tilly Metz**

**Proposal for a regulation**  
**Article 43 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Deviations should only be allowed in reasonable cases and should be approved by the national regulatory body.**

Or. en

**Amendment 497**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 43 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. The Commission shall adopt, by [24 months after the entry into force of this Regulation], implementing acts setting out rules and procedures to manage deviations of train movements from the working timetable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in Paragraph 1 of this Article.**

Or. en

**Amendment 498**  
**Marco Campomenosi, Carlo Fidanza, Massimiliano Salini**

**Proposal for a regulation**  
**Article 43 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 43a**

**Interruptions of long duration and  
Incident report**

**1. Without prejudice to the international contingency measures as referred to in Article 46 and to the duration criteria as set out in Annex VI of this Regulation, in case of a partial or total interruption of services for more than 15 days in line stretches on the TEN-T corridors that are relevant to cross-border operations, caused by a disruption of train movements caused by a technical failure or incident, no later than 30 days from the declaration of the international disruption by the initiating IM as set out in Annex VI, the organization best placed at regional level (as provided in art. 53.2 (b)) shall request to the infrastructure managers impacted to provide an incident report including the following information :**

**(a) all available information on the operational measures that should be activated or that have been already put in place under international contingency procedures by the impacted infrastructure manager to ensure the use of alternative routes and to allocate the disrupted rail operations,**

**(b) all available information on the actions that the infrastructure manager responsible for the line stretch where the incident took place intends to restore regular train operations along the interrupted lines.**

**2. The Infrastructure Managers shall transmit the report to the above-mentioned organizations best placed at the regional level aiming at coordinating with the affected IMs and interested RUs and to the coordinators of the impacted corridors to redefine the capacity supply accordingly, no later than 30 days from the date of receiving such request unless total traffic interruption on the impacted line have been already resolved.**

**3. The infrastructure managers impacted by the disruption should transmit an update of the incident report**

*to the above-mentioned organizations best placed at the regional level, and to the applicants, in case new relevant elements are available and as long as total circulation is not resolved along the line stretch affected.*

*4. Upon receiving the incident report and subsequent updates, the coordinators of the impacted corridors may issue and transmit to the above-mentioned organizations best placed at the regional level non-binding recommendations on improved measures to address the disruption and the traffic capacity restrictions caused by the accident.*

Or. en

#### *Justification*

*When the duration of a total or partial interruption of lines which are relevant for cross-border passenger and freight operations due to an incident is expected to last more than 30 days, rail undertakings which find no valuable alternative routes may face severe economic impacts that undermine business continuity and even the survival of such undertakings. For this reason, it is appropriate that the Regulation establishes a specific informative procedure for such cases, which may help undertakings in gathering all necessary elements to face such exceptional circumstances and plan possible business solutions and alternatives while ensuring that all stakeholders involved, including the Corridor coordinator, are capable to assist the infrastructure manager impacted to find operational and technical solutions promptly.*

**Amendment 499**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 43 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 43a*

***Operational requirements for the cross-border traffic management***

***1. Member States shall ensure that, by 31 December 2030, the quality of services provided by infrastructure managers to railway undertakings and***

*terminal operators, technical, administrative and operational requirements for infrastructure use and procedures related to border controls do not prevent the operational performance of rail freight services along the rail freight lines of the European Transport Corridors from meeting the following target values:*

*(a) for each internal Union cross-border section, the dwelling time of all freight trains crossing the border does not exceed 15 minutes on average. Dwelling time of a train on a cross-border section means the total additional transit time that can be attributed to the existence of the border crossing, irrespective of the underlying causes, such as police border controls and procedures or considerations of infrastructural, operational, technical and administrative nature, without taking into account the time that cannot be attributed to the border crossing, such as operational procedures carried out in facilities located in the proximity of the border crossing but not intrinsically related to it;*

*(b) at least 90% of the passenger trains crossing at least one border of a European Transport Corridor arrive at their destination, or at the external Union border if their destination is outside the Union, at their scheduled time or with a delay of less than 30 minutes on average.*

*2. Member States shall modify, as appropriate, contractual agreements referred to in Article 30 of Directive 2012/34/EU and take appropriate measures in accordance with Regulation (EU) No 913/2010 to meet the target values set out in points (a) and (b) of the first paragraph.*

Or. en

**Amendment 500**  
**Andor Deli**

**Proposal for a regulation**  
**Article 44**

*Text proposed by the Commission*

*Amendment*

**Article 44**

**deleted**

***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 2012/2085.***

***(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.***

***(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.***



**Amendment 501**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 44 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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].

*Amendment*

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] ***following approval by ERICA.***

**Amendment 502**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 44 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

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 2012/2085).

*Amendment*

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 2012/2085) ***following approval by ERICA.***

**Amendment 503**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 44 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall adopt an implementing act setting out the European framework for the coordination of cross-border traffic management, disruption management and crisis management by [36 months of the entry into force of this Regulation], taking into account the framework adopted by ENIM in accordance with paragraph 1 and following consultation of ENIM, EOSP, ERICA, ENRRB, PRB, the European Union Agency for Railways and the Europe's Rail Joint Undertaking. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 72(3).**

Or. en

**Amendment 504**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 44 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall, by [24 months after the entry into force of this Regulation], adopt implementing acts setting out the details for the coordination of cross-border traffic management, disruption management and crisis management Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in Paragraph 2 of this Article and included in the European**

*framework.*

Or. en

**Amendment 505**

**Andor Deli**

**Proposal for a regulation**

**Article 45**

*Text proposed by the Commission*

*Amendment*

**Article 45**

**deleted**

***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.***

**Amendment 506**  
**Andor Deli**

**Proposal for a regulation**  
**Article 46**

*Text proposed by the Commission*

*Amendment*

**Article 46**

***deleted***

***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 infrastructure manager where the incident took place shall declare a multi-network disruption and coordinate actions in accordance with Articles 44, 45 and 53.***

***(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 and crisis management referred to in Article 44.***

***(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.*

*(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.*

Or. hu

**Amendment 507**  
**Andor Deli**

**Proposal for a regulation**  
**Article 47**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. hu

**Amendment 508**  
**Andor Deli**

**Proposal for a regulation**  
**Article 48**

*Text proposed by the Commission*

*Amendment*

**Article 48**

**deleted**

***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.***

Or. hu

**Amendment 509**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 49 – paragraph 1**

*Text proposed by the Commission*

1. In accordance with Article 7f, point (d) of Directive 2012/34/EU, ENIM shall monitor and benchmark performance of rail infrastructure services taking into account the general objectives set out in Article 2 of this Regulation. Rail infrastructure managers shall also monitor the performance of rail transport services.

*Amendment*

1. In accordance with Article 7f, point (d) of Directive 2012/34/EU, ENIM ***under the supervision of ERICA*** shall monitor and benchmark performance of rail infrastructure services taking into account the general objectives set out in Article 2 of this Regulation. Rail infrastructure managers shall also monitor the performance of rail transport services.

Or. en

**Amendment 510**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 49 – paragraph 2**

*Text proposed by the Commission*

2. For this purpose, infrastructure managers shall ***set out*** 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. 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.

*Amendment*

2. For this purpose, infrastructure managers shall ***propose*** 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 regulators, as well as their national ministries and the Commission in order to assure that the targets set are consensually accepted as consistent with EU level policies and ambitions.*** 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 should only be allowed in reasonable cases and should be approved by the regulator.***

Or. en

**Amendment 511**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 50 – paragraph 1**

*Text proposed by the Commission*

1. ENIM shall set up and implement by [12 months after 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 the new TEN-T Regulation].

*Amendment*

1. ENIM shall set up and implement by [18 months after 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 the new TEN-T Regulation].

Or. en

**Amendment 512**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 50 – paragraph 1**

*Text proposed by the Commission*

1. ENIM shall set up and implement by [12 months after 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

*Amendment*

1. ***ERICA with the support of*** ENIM shall set up and implement by [12 months after 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



operational requirements, the performance objectives and target values set out in [Article 18 of the new TEN-T Regulation].

42(3) and the operational requirements, the performance objectives and target values set out in [Article 18 of the new TEN-T Regulation].

Or. en

**Amendment 513**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 50 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The ENRRB shall adopt a recommendation on the European framework for the review of performance by [6 months after the entry into force of this Regulation]. While setting up and implementing the European framework for the review of performance, the ENIM shall take into account the recommendation issued by the ENRRB.***

Or. en

**Amendment 514**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 50 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***5. The Commission may adopt implementing acts, setting out detailed rules on the elements in paragraph 2, points (b) to (d), 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 the performance***

***5. The Commission shall adopt an implementing act setting out the European framework for performance review by [36 months of the entry into force of this Regulation], taking into account the framework adopted by ENIM in accordance with paragraph 1 and following consultation of ENIM, EOSP, ERICA, ENRRB, PRB, the European Union Agency for Railways and the***

*review body.*

***Europe's Rail Joint Undertaking. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 72(3).***

Or. en

**Amendment 515**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 50 – paragraph 5**

*Text proposed by the Commission*

5. The Commission ***may*** adopt implementing acts, setting out detailed rules on the elements in paragraph 2, ***points (b) to (d)***, 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 the performance review body.

*Amendment*

5. The Commission ***shall, by [24 months after the entry into force of this Regulation],*** adopt implementing acts, setting out detailed rules on the elements in paragraph 2, ***including indicative performance targets,*** 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 the Performance review body.

Or. en

**Amendment 516**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 50 – paragraph 5**

*Text proposed by the Commission*

5. The Commission may adopt implementing acts, setting out detailed rules on the elements in paragraph 2, points (b) to (d), 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

*Amendment*

5. The Commission may adopt implementing acts, setting out detailed rules on the elements in paragraph 2, points (b) to (d), 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 the performance review body.

accordance with paragraph 3, any recommendations of the performance review body *and of the ENRRB*.

Or. en

**Amendment 517**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. Without prejudice to Article 15 of Directive 2012/34/EU and Article 3 of Commission Implementing Regulation (EU) 2015/1100<sup>23</sup>, **ENIM** shall prepare and publish by [24 months after the entry into force of this Regulation] a European performance review report on the basis of the European framework for performance review referred to in Article 50 of this Regulation and publish it every year.

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<sup>23</sup> 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).

*Amendment*

1. Without prejudice to Article 15 of Directive 2012/34/EU and Article 3 of Commission Implementing Regulation (EU) 2015/1100<sup>23</sup>, **ERICA** shall prepare and publish by [24 months after the entry into force of this Regulation] a European performance review report on the basis of the European framework for performance review referred to in Article 50 of this Regulation and publish it every year.

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<sup>23</sup> 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).

Or. en

**Amendment 518**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. Without prejudice to Article 15 of Directive 2012/34/EU and Article 3 of Commission Implementing Regulation

*Amendment*

1. Without prejudice to Article 15 of Directive 2012/34/EU and Article 3 of Commission Implementing Regulation

(EU) 2015/1100<sup>23</sup>, ENIM shall prepare and publish by [24 months after the entry into force of this Regulation] a European performance review report on the basis of the European framework for performance review referred to in Article 50 of this Regulation and publish it every year.

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<sup>23</sup> 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).

(EU) 2015/1100<sup>23</sup>, ENIM shall prepare and publish by [30 months after the entry into force of this Regulation] a European performance review report on the basis of the European framework for performance review referred to in Article 50 of this Regulation and publish it every year.

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<sup>23</sup> 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).

Or. en

#### **Amendment 519** **Dominique Riquet**

#### **Proposal for a regulation** **Article 51 – paragraph 2**

##### *Text proposed by the Commission*

2. The Performance Review Body shall prepare a self-standing section of the report providing its assessment of the performance of rail infrastructure services and rail transport services, recommendations on performance issues to be addressed with priority and recommendations on measures to improve performance.

##### *Amendment*

2. The Performance Review Body shall prepare, ***in consultation with the ENRRB***, a self-standing section of the report providing its assessment of the performance of rail infrastructure services and rail transport services, recommendations on performance issues to be addressed with priority and recommendations on measures to improve performance.

Or. en

#### **Amendment 520** **Marian-Jean Marinescu**

#### **Proposal for a regulation** **Article 51 – paragraph 2**

*Text proposed by the Commission*

2. The Performance Review Body shall prepare a self-standing ***section of the*** report providing its assessment of the performance of rail infrastructure services and rail transport services, recommendations on performance issues to be addressed with priority and recommendations on measures to improve performance.

*Amendment*

2. The Performance Review Body shall prepare a self-standing report providing its assessment of the performance of rail infrastructure services and rail transport services, recommendations on performance issues to be addressed with priority and recommendations on measures to improve performance.

Or. en

**Amendment 521**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 51 – paragraph 3**

*Text proposed by the Commission*

3. The performance review ***report*** shall cover at least the lines included in the European Transport Corridors referred to in Regulation [new TEN-T Regulation] and shall include the information required by [Article **53(3)(g)**] thereof. 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.

*Amendment*

3. The performance review ***reports*** shall cover at least the lines included in the European Transport Corridors referred to in Regulation [new TEN-T Regulation] and shall include the information required by [Article **53(3)(f)**] thereof. 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.

Or. en

**Amendment 522**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 51 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The 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 EU member states, including reports about national exemptions and recommendations for further harmonisation.*

Or. en

**Amendment 523**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 52 – paragraph 1**

*Text proposed by the Commission*

1. In accordance with the procedure referred to in Article 73(3), *the Commission may set up or designate an impartial and competent body to act as a Performance Review Body.*

*Amendment*

1. *By [6 months after the entry into force of this Regulation], a Performance Review Body shall be established as an impartial, competent and self-standing body. The Commission shall adopt, by [12 months after the entry into force of this Regulation], an implementing act setting out details of organisation, governance, financing of the PRB. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 72(3).*

Or. en

**Amendment 524**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 52 – paragraph 1**

*Text proposed by the Commission*

1. In accordance with the procedure referred to in Article 73(3), the Commission *may* set up or designate an

*Amendment*

1. In accordance with the procedure referred to in Article 72(3), the Commission *shall* set up or designate an

impartial and competent body to act as a Performance Review Body.

impartial and competent body to act as a Performance Review Body. ***It shall be composed in equal parts of experienced experts from applicants, infrastructure managers and regulators.***

Or. en

**Amendment 525**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 52 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 526**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 52 – paragraph 3 – point a**

*Text proposed by the Commission*

***(a) providing recommendations to 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***

*Amendment*

***deleted***

*performance and performance indicators;*

Or. en

**Amendment 527**

**Tilly Metz**

**Proposal for a regulation**

**Article 52 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) providing recommendations to 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;

*Amendment*

(a) providing recommendations to ENIM **and ERICA** 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;

Or. en

**Amendment 528**

**Tilly Metz**

**Proposal for a regulation**

**Article 52 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) providing recommendations to ENIM, 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;

*Amendment*

(b) providing recommendations to ENIM, **ERICA**, 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;

Or. en



**Amendment 529**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 52 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) reviewing the results of the draft European performance report and, preparing the self-standing **section** referred to in Article 51(2);

*Amendment*

(c) reviewing the results of the draft European performance report and, preparing the self-standing **report** referred to in Article 51(2);

Or. en

**Amendment 530**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 52 – paragraph 5**

*Text proposed by the Commission*

5. ENIM, the Network Coordinator, infrastructure managers, regulatory bodies, the ENRRB 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.

*Amendment*

5. ENIM the Network Coordinator, infrastructure managers, regulatory bodies, the ENRRB and, where relevant, other stakeholders shall cooperate with the performance review body, in particular by providing information related to performance and make the utmost effort to take into account its recommendations in their work on rail performance management.

Or. en

**Amendment 531**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 52 – paragraph 5**

*Text proposed by the Commission*

5. ENIM, the Network Coordinator, infrastructure managers, regulatory bodies, the ENRRB 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.

*Amendment*

5. ENIM, the Network Coordinator, infrastructure managers, regulatory bodies, the ENRRB, **ERICA** 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.

Or. en

**Amendment 532**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 53 – paragraph 2 – subparagraph 2 – point e**

*Text proposed by the Commission*

(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;

*Amendment*

(e) appoint a leading entity, whenever coordination activities involve multiple actors, which shall report to ENIM and **ERICA and** shall be responsible for organising consultation activities in accordance with Article 54;

Or. en

**Amendment 533**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 53 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Coordination shall **cover all** lines and nodes which are part of the European Transport Corridors set out in Article 7 of

*Amendment*

Coordination shall **particularly be reinforced for those TEN-T** lines and nodes which are part of the European

and Annex III to [new TEN-T Regulation].

Transport Corridors set out in Article 7 of  
and Annex III to [new TEN-T Regulation].

Or. en

**Amendment 534**

**Marco Campomenosi**

**Proposal for a regulation**

**Article 53 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 53a**

***European Railway Undertaking Platform  
("ERUP")***

***The Commission shall set up within 12 months after entry into force of the Regulation a further advisory group, European Railway Undertaking Platform ("ERUP"), made up of railway undertakings and authorised applicants.***

***This advisory group may issue opinions on any proposal by ENIM which has direct consequences for these undertakings.***

***It may also issue own-initiative opinions. ENIM shall consider such consolidated opinions as long as these are provided in due time.***

***ENIM shall consult with the European Railway Undertaking Platform (ERUP) in the development of the European Frameworks for Capacity Management, Traffic Management and Performance Management.***

Or. en

**Amendment 535**

**Massimiliano Salini**

**Proposal for a regulation**  
**Article 53 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 53a**

*The Commission shall set up within 12 months after entry force of the Regulation an additional advisory group called the European Railway Undertaking Platform (ERUP). The latter, will be composed of railway undertakings and authorized applicants. Such advisory group will be empowered to provide feedbacks on ENIM proposals directly affecting these undertakings. It may also initiate opinions on its own. If these aggregated considerations are submitted in due time, ENIM shall take them into account.*

Or. en

**Amendment 536**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 53 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 53a**

*The Commission shall set up within 12 months after entry into force of the Regulation a further advisory group, European Railway Undertaking Platform (“ERUP”), made up of railway undertakings and authorised applicants. This advisory group may issue opinions on any proposal by ENIM which has direct consequences for these undertakings. It may also issue own-initiative opinions. ENIM shall consider such consolidated opinions as long as these are provided in due time.*

Or. en

## Amendment 537

Tilly Metz

### Proposal for a regulation

#### Article 54 – paragraph 1

##### *Text proposed by the Commission*

1. ENIM shall prepare, adopt and implement guidelines to ensure appropriate and regular consultation of interested parties 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 shall be developed and implemented with the support of the Network Coordinator and with the involvement of the designated focal points of infrastructure managers referred to in Article 60.

##### *Amendment*

1. ***ERICA with the support of*** ENIM shall prepare, adopt and implement guidelines to ensure appropriate and regular consultation of interested parties, ***including representatives from ERA, Member States as well as the representative bodies as listed by the Commission within the requirements of Article 38, paragraph 4 in 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 shall be developed and implemented with the support of the Network Coordinator and with the involvement of the designated focal points of infrastructure managers referred to in Article 60.

Or. en

## Amendment 538

Bogusław Liberadzki

### Proposal for a regulation

#### Article 54 – paragraph 1

##### *Text proposed by the Commission*

1. ENIM shall prepare, adopt and implement guidelines to ensure appropriate

##### *Amendment*

1. ENIM shall prepare, adopt and implement guidelines to ensure appropriate

and regular consultation of interested parties 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 shall be developed and implemented with the support of the Network Coordinator and with the involvement of the designated focal points of infrastructure managers referred to in Article 60.

and regular consultation of interested parties 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 shall be developed and implemented with the support of the Network Coordinator and with the involvement of the designated focal points of infrastructure managers referred to in Article 60 ***and, to the extent relevant, the entities defined at the most appropriate geographical level referred to in Article 53 (2b).***

Or. en

**Amendment 539**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

1. ENIM shall prepare, adopt and implement guidelines to ensure appropriate and regular consultation of interested parties 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 shall be developed and implemented with the support of the Network Coordinator and with the involvement of the designated focal points of infrastructure managers referred to in

*Amendment*

1. ENIM shall, ***by [12 months after the entry into force of this Regulation],*** prepare, adopt and implement guidelines to ensure appropriate and regular consultation of interested parties 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 shall be developed and implemented with the support of the Network Coordinator and with the involvement of the designated focal points

Article 60.

of infrastructure managers referred to in Article 60.

Or. en

#### **Amendment 540**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 54 – paragraph 2**

##### *Text proposed by the Commission*

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, 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.

##### *Amendment*

2. Where **ERICA** adopts an opinion or a recommendation likely to have an impact on railway undertakings, other applicants, ***advisory groups as established in Article 55 a new***, other operational stakeholders and interested parties, ***including representatives from the EU Agency for Railways, Member States as well as the representative bodies as defined by Article 38, paragraph 4 in 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.

Or. en

#### **Amendment 541**

**Dominique Riquet**

#### **Proposal for a regulation**

#### **Article 54 – paragraph 3**

##### *Text proposed by the Commission*

3. ENIM shall take account of the feedback provided by concerned parties in accordance with paragraph 2 when adopting the final opinion or

##### *Amendment*

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 reasons for doing so.

recommendation. Where ENIM fails to take into account significant elements of the feedback provided, it shall provide the reasons for doing so. ***When ENIM takes a decision likely to have an impact on the ENRU as established in Article 56a (new), ENIM shall consult the respective advisory groups.***

Or. en

#### **Amendment 542**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Article 54 – paragraph 3**

*Text proposed by the Commission*

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*** reasons for doing so.

*Amendment*

3. **ERICA** shall take account of the feedback provided by concerned parties in accordance with paragraph 2 when adopting the final opinion or recommendation. Where **ERICA** fails to take into account significant elements of the feedback provided, it shall provide ***justified*** reasons for doing so.

Or. en

#### **Amendment 543**

**Marian-Jean Marinescu**

#### **Proposal for a regulation**

#### **Article 54 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Commission shall adopt, by [24 months after the entry into force of this Regulation], implementing acts setting out details to ensure appropriate and regular consultation of interested parties. Those implementing acts shall be adopted in accordance with the***



*examination procedure referred to in Article 72(3) and shall replace the similar provision mentioned in Paragraph 1 of this Article and included in the European framework.*

Or. en

**Amendment 544**

**Tilly Metz**

**Proposal for a regulation**

**Article 54 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 545**

**Dominique Riquet**

**Proposal for a regulation**

**Article 55 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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],*** shall be members of ENIM. They shall appoint a representative and an alternate.

2. All rail infrastructure managers shall be members of ENIM. They shall appoint a representative and an alternate.

Or. en

**Amendment 546**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 55 – paragraph 5**

*Text proposed by the Commission*

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.

*Amendment*

5. ENIM shall take its decisions by a simple majority. 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.

Or. en

**Amendment 547**  
**Andor Deli**

**Proposal for a regulation**  
**Article 55 – paragraph 5**

*Text proposed by the Commission*

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.

*Amendment*

5. ENIM shall take its decisions by a ***qualified*** 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.

Or. hu

**Amendment 548**  
**João Pimenta Lopes**

**Proposal for a regulation**  
**Article 55 – paragraph 5**

*Text proposed by the Commission*

5. ENIM shall take its decisions by ***a***

*Amendment*

5. ENIM shall take its decisions by

*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.

*unanimity*, 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.

Or. pt

**Amendment 549**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 55 – paragraph 7**

*Text proposed by the Commission*

7. The Commission shall be a non-voting member of ENIM. It shall support the work of ENIM and facilitate coordination.

*Amendment*

7. The Commission **and ERICA** shall be a non-voting member of ENIM. It shall support the work of ENIM and facilitate coordination.

Or. en

**Amendment 550**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 55 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. In the development of the European Frameworks for Capacity Management, Traffic Management, and Performance Management, ENIM shall consult with the European Railway Undertaking Platform (ERUP).**

Or. en

**Amendment 551**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 55 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. ENIM shall consult with the European Railway Undertaking Platform (ERUP) in the development of the European Frameworks for Capacity Management, Traffic Management and Performance Management.**

Or. en

**Amendment 552**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 55 – paragraph 8 b (new)**

*Text proposed by the Commission*

*Amendment*

**8b. Rail infrastructure managers and allocation bodies of third countries which are responsible for lines that form part of the core and extended core TEN-T network shall be allowed to join ENIM.**

Or. en

**Amendment 553**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 55 – paragraph 8 c (new)**

*Text proposed by the Commission*

*Amendment*

**8c. ENIM shall consult with the European Railway Undertaking Platform (ERUP) in the development of the European Frameworks for Capacity Management, Traffic Management and Performance Management.**

**Amendment 554**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 55 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 55a**

***Consultative body to ENIM***

- 1. ENIM shall establish a European Operational Stakeholder Platform (EOSP) made of representatives of operational stakeholders, as defined in Article 4 [definition from Directive 2012/34 (includes also ports and terminals)] as well as maritime and inland port authorities, freight terminals and operators of rail service facilities. The Commission and ERICA shall also be appointed as observers within EOSP.***
- 2. Following the consultation of and the approval by the Commission, ENIM shall adopt and publish the rules of procedure of EOSP outlining inter alia the frequency of meetings, the forms of consultation and the selection process of representatives of operational stakeholders. These shall be selected ensuring a balanced representation of stakeholders between stakeholder types and geography of the Union. ENIM may organise the activities of EOSP in subgroups grouping stakeholder types and regional clusters of Member States.***
- 3. ENIM shall consult EOSP in the development of the European Frameworks for Capacity Management, Traffic Management and Performance Management. EOSP may issue an opinion on any proposal by ENIM and ERICA which has consequences for stakeholders. EOSP may also issue own***

*initiative opinions addressed to ENIM, ERICA or to the Commission.*

**4. ENIM, following approval of EOSP representatives, shall address to ERICA and to the Commission an annual report of EOSP activities. This report shall be published.**

Or. en

## **Amendment 555**

**Tilly Metz**

### **Proposal for a regulation**

#### **Article 56 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

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, **where applicable under the lead of ERICA**, in particular:

Or. en

## **Amendment 556**

**Dominique Riquet**

### **Proposal for a regulation**

#### **Article 56 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 56a**

#### **Organisation of the European Network of Rail Undertakings**

**1. For the purposes of this Regulation, the European Network of Rail Undertakings referred shall be organised in accordance with this article.**

**2. All rail undertakings shall be**

*members of ENRU. They shall appoint a representative and an alternate.*

*3. Following the consultation of and the approval by the Commission, ENRU shall adopt and publish its rules of procedure. It shall organise its activities in accordance with the rules of procedure.*

*4. ENRU shall take its decisions by a simple majority, unless otherwise provided for in the rules of procedure. In the absence of a member, the alternate shall be entitled to exercise the right to vote.*

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

*6. The Commission shall be a non-voting member of ENIM. It shall support the work of ENRU and facilitate coordination.*

*7. ENRU shall define its work programme. The work programme shall cover at least a period of two years. ENRU shall consult the European Commission, the European Union Agency for Railways and the Europe's Rail Joint Undertaking, ENIM and, as appropriate, other stakeholders.*

Or. en

## **Amendment 557**

**Tilly Metz**

### **Proposal for a regulation**

#### **Article 57 – paragraph 2**

*Text proposed by the Commission*

2. ENIM shall invite the Commission, including the European Coordinators and, where relevant, representatives of the Member States, to its meetings with a view to discuss issues related to the development of rail infrastructure and to ensure

*Amendment*

2. ENIM shall invite the Commission, including the European Coordinators, **ERICA** and, where relevant, representatives of the Member States, **representatives from the EU Agency for Railways, ERA as well as the**

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].

***representative bodies as defined by Article 38, paragraph 4 in 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].

Or. en

**Amendment 558**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 57 – paragraph 2**

*Text proposed by the Commission*

2. ENIM shall invite the Commission, including the European Coordinators and, where relevant, representatives of the Member States, 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].

*Amendment*

2. ENIM shall invite the Commission, including the European Coordinators, ***ERAP*** and, where relevant, representatives of the Member States, 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].

Or. en

**Amendment 559**  
**Dorien Rookmaker**

**Proposal for a regulation**  
**Article 57 – paragraph 2 a (new)**



*Text proposed by the Commission*

*Amendment*

**2a. ENIM shall ensure that the infrastructure managers publish the rail traffic volume data on quarterly basis to the public.**

Or. en

*Justification*

*Each infrastructure manager has these data, but it is important to make it public and user-friendly. Consequently, the public will know the status of the rail traffic growth toward the EU goal.*

## **Amendment 560**

**Tilly Metz**

### **Proposal for a regulation**

#### **Article 57 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 57a**

#### **European Rail Infrastructure Coordinator for the Allocation of capacity (ERICA)**

**1. ERICA will fulfil the following tasks:**

**(a) contribute to the preparation of the European framework for capacity management referred to in Article 6 with the support of the Network coordinator referred to in Article 58 and 59, the European framework for the prioritisation criteria referred to in Article 31 3 a new, 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;**

**(b) contribute to the operational coordination between infrastructure**

*managers with the support of the Network coordinator referred to in Article 58 and 59, in accordance with Article 53;*

*(c) provide support to the regulatory bodies in identifying 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, with the support of the Network coordinator referred to in Article 58 and 59 and including for framework agreements as referred to in Article 31;*

*(d) act as an additional 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;*

*(e) 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;*

*(f) be closely involved in the development and implementation of digital tools and services as foreseen in Article 62 and closely cooperate with the European system authority for telematics applications (EU Agency for Railways);*

*(g) provide recommendations on infrastructure enhancement needs on a multi-network level also on the basis of the European Performance review report as per Art. 51, as a basis for future infrastructure development and funding within TEN-T.*

**2. ERICA shall be established as a structure within the European Union Agency for Railways. The Management Board of the European Union Agency for**

*Railways shall lay down special rules applicable to ERICA in order to guarantee that ERICA and its staff are independent in the performance of their duties. The budgeting of the ERICA structure shall be defined in an Implementing Act by the Commission and may include fees applicable to infrastructure managers and operational stakeholders within the scope of Article 64 and Article 80 of Regulation (EU) 2016/796.*

**3. ERICA shall be supported by ENIM and by the Network Coordinator in its work by as referred to in Article 58 and 59.**

Or. en

**Amendment 561**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. For this purpose, they shall appoint by [12 months after 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.

*Amendment*

The 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,*** shall provide ENIM with the necessary resources to perform its tasks. For this purpose, ***the functions of the network coordinator will be executed by an association of IMs in Europe 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.*** They shall appoint by [6 months after 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.*

Or. en

#### **Amendment 562**

**Marco Campomenosi**

#### **Proposal for a regulation**

#### **Article 58 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. For this purpose, they shall appoint by [12 months after 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.

##### *Amendment*

The infrastructure managers *responsible for lines that form part of the core and extended core TEN-T network, referred to in [Article 6 and Annex I of new TEN-T Regulation]* shall provide ENIM with the necessary resources to perform its tasks.

For this purpose, *the functions of the network coordinator will be executed by an association of IMs in Europe as referred to in paragraph 1.*

They shall appoint by [6 months after 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.*

Or. en

#### **Amendment 563**

**Massimiliano Salini**

#### **Proposal for a regulation**

#### **Article 58 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. ***For this purpose***, they shall appoint by [12 months after 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.

*Amendment*

The infrastructure managers, ***which are accountable for lines of the core and extended core of the TEN-T network, referred to (Article 6 and Annex I of the new TEN-T Regulation)*** shall provide ENIM with the necessary resources to perform its tasks. ***To achieve this goal, an association of IMs in Europe will carry out the responsibilities of the network coordinator.*** They shall appoint by [6 months after 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 designated Network Coordinator, with the consent of the Commission.***

Or. en

**Amendment 564**

**Tilly Metz**

**Proposal for a regulation**

**Article 58 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. ***For this purpose, they shall appoint by [12 months after 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.***

*Amendment*

The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks.

Or. en

**Amendment 565**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. For this purpose, **they** shall appoint by [12 months after 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.

*Amendment*

The infrastructure managers shall provide ENIM with the necessary resources to perform its tasks. For this purpose, **the Commission** shall appoint, **after consultation of ENIM** by [12 months after 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.

Or. en

**Amendment 566**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall appoint by [12 months after 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 the Network Coordinator appointed by the European Commission.***

Or. en

**Amendment 567**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

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:***

*Amendment*

Prior to the appointment of the Network Coordinator, the Commission ***shall consult the Member States and ENIM on:***

Or. en

**Amendment 568**

**Tilly Metz**

**Proposal for a regulation  
Article 58 – paragraph 2**

*Text proposed by the Commission*

2. The Network Coordinator shall execute its tasks in an impartial and cost-effective manner and shall act on behalf of ENIM. For this purpose, it shall submit to ENIM 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.

*Amendment*

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.

Or. en

**Amendment 569**

**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation  
Article 59 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) provide existing and new shared B2B-services to Infrastructure Managers and Railway Undertakings to improve rail services and boost trans-European rail traffic.***

*Justification*

*If the Network Coordinator would develop and provide shared services for European infrastructure managers (IMs), especially for smaller IMs, it could avoid isolated national solutions, save costs and scale services across Europe.*

**Amendment 570****Marian-Jean Marinescu****Proposal for a regulation****Article 61 – paragraph 1***Text proposed by the Commission*

1. ENIM shall 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.

*Amendment*

1. ENIM shall, ***by [12 months after 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.

**Amendment 571****Tilly Metz****Proposal for a regulation****Article 61 – paragraph 1***Text proposed by the Commission*

1. ***ENIM*** shall prepare and adopt a common structure for the network statement referred to in Article 27 of Directive 2012/34/EU, which shall take

*Amendment*

1. ***ERICA with the support of ENIM,*** shall prepare and adopt a common structure for the network statement referred to in Article 27 of Directive 2012/34/EU,



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.

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.

Or. en

#### **Amendment 572**

**Tilly Metz**

#### **Proposal for a regulation Article 61 – paragraph 3**

##### *Text proposed by the Commission*

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**.

##### *Amendment*

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 **ERICA**.

Or. en

#### **Amendment 573**

**Roman Haider, Georg Mayer**

#### **Proposal for a regulation Article 62 – paragraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

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. ***National capacity management tools shall only remain allowed if they do not undermine the capacity planning and allocation process described in Section 3***

*of this Regulation.*

Or. de

*Justification*

*The national capacity management tools currently in use may only remain in force if they do not undermine the successful implementation of the capacity planning and allocation process established in this Regulation, in order to increase capacity.*

**Amendment 574**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 62 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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. ***Those tools and services shall be in line with the capacity planning and allocation process outlined in Section 3 of this Regulation and interoperable with all other similar national developments.***

Or. en

**Amendment 575**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 62 – paragraph 2 – point c**

*Text proposed by the Commission*

(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.

*Amendment*

(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 ***established in accordance with Article 27 paragraph 4*** including as regards cross-

border services.

Or. en

**Amendment 576**

**Tilly Metz**

**Proposal for a regulation**

**Article 62 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) where applicable be synchronised with existing register for infrastructure (referred to in Article 49 of the Directive EU 2016/797).***

Or. en

**Amendment 577**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 62 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) (d) synchronised with existing RINF and RINF developments***

Or. en

**Amendment 578**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 62 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The digital tools and digital services shall be fully operational by [30 months after the entry into force of this***

*Regulation]* .

Or. en

**Amendment 579**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 62 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Commission shall, by [12 months after the entry into force of this Regulation], adopt an implementing act setting out the road map for implementation and governance of integrated digital European rail traffic management, command, control and signalling systems, including automated train operation. The European system shall be based on national interoperable systems. This road map shall provide all tasks and contributions of RU JU, ERA, Infrastructure managers, ENIM, ENRRB, ERAP necessary to reach the followings: (a) by [30 months after the entry into force of this Regulation] a TSI for the national and European system (b) by [48 months after the entry into force of this Regulation] the development of the national and European systems. (e) by [60 months after the entry into force of this Regulation] the implementation of the national and European systems That implementing act shall be adopted in accordance with the examination procedure referred to in Article 72(3)**

Or. en

**Amendment 580**  
**Massimiliano Salini**

**Proposal for a regulation**  
**Article 62 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. In order to comply with Article 62 (1) to (5), it is indispensable that public funding, including from the next Connecting Europe Facility to the infrastructure manager and railway undertakings, is adequate to guarantee a prompt, cross-border, harmonized, and interoperable application of digital tools and services.**

Or. en

**Amendment 581**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 62 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. To comply with Article 62(1) to (5), public funding, including from the next Connecting Europe Facility to the infrastructure manager and railway undertakings must be sufficient to ensure a timely, cross-border harmonized and interoperable implementation of digital tools and services.**

Or. en

**Amendment 582**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 62 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. To comply with Article 62(1) to (5),**

*public funding, including from the next Connecting Europe Facility to the infrastructure manager and railway undertakings must be sufficient to ensure a timely, cross-border harmonized and interoperable implementation of digital tools and services.*

Or. en

**Amendment 583**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 62 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**5b.** *The coordination of these activities shall be provided by a dedicated Working party organised by ERA. The details regarding tasks of this Working party shall be included in the Implementing Act mentioned in paragraph 5a of this Regulation.*

Or. en

**Amendment 584**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 62 – paragraph 5 c (new)**

*Text proposed by the Commission*

*Amendment*

**5c.** *The Commission and Member States shall support the financing of the activities included in this Article in order to ensure a timely, cross-border harmonized and interoperable implementation of digital tools and services.*

Or. en

## Amendment 585

Tilly Metz

### Proposal for a regulation

#### Article 63 – paragraph 1

##### *Text proposed by the Commission*

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 as set out in Chapters II to V and shall verify compliance with this Regulation on its own initiative and with a view to preventing discrimination against applicants.

##### *Amendment*

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 and shall verify compliance with this Regulation on its own initiative and with a view to preventing discrimination against applicants.

Or. en

## Amendment 586

Marian-Jean Marinescu

### Proposal for a regulation

#### Article 63 – paragraph 1 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

**1a. The regulatory body shall participate and supervise to the strategic planning of capacity provided in Section II of this Regulation. The regulatory body shall evaluate among others if appropriateness, non-discrimination and transparency are ensured. The regulatory body may issue and share opinions with infrastructure managers, ENIM and ERAP. The infrastructure managers shall take in account RBs proposals in elaborating all working documents necessary to elaborate the strategic planning of capacity.**

**Amendment 587**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 63 – paragraph 2**

*Text proposed by the Commission*

2. A railway undertaking, **an** 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).

*Amendment*

2. A railway undertaking, **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).

**Amendment 588**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 65 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. ENRRB may assess all ENIM decisions and issue and share opinions with ENIM, RRB, ERAP and IM. ENRB 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 could take actions in accordance with  
Article 56 of Directive 2012/34/EU.*

Or. en

**Amendment 589**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 65 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**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.** **deleted**

Or. en

**Amendment 590**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 65 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**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.** **deleted**

Or. en

**Amendment 591**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 65 – paragraph 3**

*Text proposed by the Commission*

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.

*Amendment*

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. ***This shall include the tasks and responsibilities given to the network coordinator within the scope of this regulation.***

Or. en

**Amendment 592**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 65 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

Interested parties, ***railway undertakings and applicants*** 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.

Or. en

**Amendment 593**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 65 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**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;*

Or. en

**Amendment 594**

**Tilly Metz**

**Proposal for a regulation**

**Article 65 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**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.*

Or. en

**Amendment 595**

**Tilly Metz**

**Proposal for a regulation**

**Article 66 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***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.***

Or. en

**Amendment 596  
Tilly Metz**

**Proposal for a regulation  
Article 66 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***ENRRB shall publish its opinions and recommendations on a common website.***

Or. en

**Amendment 597  
Tilly Metz**

**Proposal for a regulation  
Article 68 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) adopt opinions and recommendations on decisions taken by ENIM and ERICA working in cooperation with the network coordinator within the scope of this regulation***

Or. en

**Amendment 598**

**Tilly Metz**

**Proposal for a regulation**

**Article 68 – paragraph 2 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

***(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 new, as well as to the decisions taken by ENIM as well as by ERICA working in cooperation with the network coordinator.***

Or. en

**Amendment 599**

**Dominique Riquet**

**Proposal for a regulation**

**Article 68 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 600**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 69 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

1. The Board shall adopt its rules of procedure.

*Commission.*

Or. en

**Amendment 601**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 69 – paragraph 2**

*Text proposed by the Commission*

2. *The Commission shall chair the meetings of the Board. It shall have no voting right.*

*Amendment*

2. The Board shall *elect a Chair from among its members.*

Or. en

**Amendment 602**

**Tilly Metz**

**Proposal for a regulation**

**Article 69 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

4. The Board shall take decisions by a simple majority of its members.

Or. en

**Amendment 603**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 69 – paragraph 4**

*Text proposed by the Commission*

4. The Board shall take decisions by a simple majority of its members, *unless*

*Amendment*

4. The Board shall take decisions by a simple majority of its members.

*otherwise provided for in the rules of procedure.*

Or. en

**Amendment 604**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 70 – paragraph 3**

*Text proposed by the Commission*

3. The working groups shall be open to the participation of experts from rail regulatory bodies, the Commission, operational stakeholders and, where relevant, from other public or private bodies.

*Amendment*

3. The working groups shall be open, ***upon invitation***, to the participation of experts from rail regulatory bodies, the Commission, ***ERA***, operational stakeholders and, where relevant, from other public or private bodies.

Or. en

**Amendment 605**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 74 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) In Article 3, paragraph 4 is replaced by the following:***

***(4) 'international freight service' means transport service where the train crosses at least one internal or external border of a Member State; the train may be joined and/or split and the different sections may have different origins and destinations, provided that all wagons cross at least one internal or external border.***

Or. en

**Amendment 606**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 74 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

**(bb) In Article 3, paragraph 5, is replaced by the following:**

**(5) 'international passenger service' means a passenger service where the train crosses at least one internal or external border of a Member State and where the principal purpose of the service is to carry passengers between stations located in different Member States; the train may be joined and/or split, and the different sections may have different origins and destinations, provided that all carriages cross at least one internal or external border;**

Or. en

**Amendment 607**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 74 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) Articles 11, 11a (2), 38 (4) and in Article 11a (1) the words “without prejudice to Article 11 (5)”, in Article 12 (1) the words “without prejudice to Article 11 (2)”, and in Article 62 (3) the words “Article 11(4)” are deleted;**

Or. en

**Amendment 608**  
**Tilly Metz**



**Proposal for a regulation**  
**Article 74 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 74a**

***Amendments to Directive (EU) 2016/797***

**1. Directive (EU) 2016/797 is amended as follows:**

***(a) In Annex II, point 2 the following point is added:***

***2.9 Use of railway infrastructure capacity: the structures, bodies and procedures referred to in Regulation (XXX this new Reg.)***

Or. en

**Amendment 609**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 75 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Framework agreements concluded in accordance with Article 42 of Directive 2012/34/EU shall continue to apply until their expiration date.

1. Framework agreements concluded ***before [1 January 2026]*** in accordance with Article 42 of Directive 2012/34/EU shall continue to apply until their expiration date.

Or. en

**Amendment 610**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 76 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. Regulation (EU) No 913/2010 **Articles 13-17 on capacity management and traffic management, are** repealed with effect from [9 December **2027**]

Or. en

**Amendment 611**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 76 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

2. References to the repealed **Articles** shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Section 2 of Annex X.

Or. en

**Amendment 612**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 77 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) Articles 1, 2 and 3, Chapter II, with the exception of Article 9(1) and (2) and Article 27(4), 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**];

*Amendment*

(a) Articles 1, 2 and 3, Chapter II, with the exception of Article 9(1) and (2) and Article 27(4), 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 **2027**];

Or. en

**Amendment 613**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 77 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) Article 9(1) and (2) shall apply from [1 January **2028**];

*Amendment*

(b) Article 9(1) and (2) shall apply from [1 January **2027**];

Or. en

**Amendment 614**  
**Tilly Metz**

**Proposal for a regulation**  
**Article 77 – paragraph 2 – subparagraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) Article 57a shall apply from 1 January 2029;*

Or. en

**Amendment 615**  
**Marian-Jean Marinescu**

**Proposal for a regulation**  
**Article 77 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) Article 74 shall apply from [9 December **2029**].

(e) Article 74 shall apply from [9 December **2027**].

Or. en

**Amendment 616**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Annex I – point 1 – table**

*Text proposed by the Commission*

Deliverable	Contents
Capacity strategy (Article 16)	<ul style="list-style-type: none"> <li>– Planned development of physical infrastructure, including new construction, upgrades, renewals and closures /decommissioning;</li> <li>– Forecasted development of demand for rail transport services;</li> <li>– Strategic guidance on capacity utilisation by Member States, including an outlook on the evolution on public service obligations;</li> <li>– Capacity allocated in framework agreements and capacity required to provide transport services under public service contracts;</li> <li>– Infrastructure declared highly utilised or congested;</li> <li>– Major capacity restrictions resulting from infrastructure works.</li> </ul>
Capacity model (Article 17)	<ul style="list-style-type: none"> <li>– All information included in the capacity <b>strategy</b>, where relevant updated and further detailed</li> <li>– Volume of capacity available to applicants by rail transport market segment and/or by allocation process</li> <li>– Volume of capacity required for infrastructure works by impact on traffic (categories)</li> <li>– Geographical scope: at least the lines included in the TEN-T core and extended core network</li> <li>– Geographical detail: breakdown in appropriate planning sections reflecting infrastructure and demand characteristics</li> <li>– Temporal scope: one working timetable period</li> <li>– Temporal detail: at least annual overview (capacity restrictions) and one or more representative day/days (capacity available for requests)</li> </ul>
Capacity supply plan (Article 18)	<ul style="list-style-type: none"> <li>– All information included in the capacity model, where relevant updated further detailed</li> <li>– Prep-planned capacity available for requests, defined in the form of capacity objects</li> <li>– Capacity restrictions, defined in the form of capacity objects</li> </ul>

	<ul style="list-style-type: none"> <li>– Alternative capacity available during capacity restrictions</li> <li>– Alternative capacity available in the event of network disruptions</li> </ul>
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*Amendment*

<b>Deliverable</b>	<b>Contents</b>
Capacity strategy (Article 16)	<ul style="list-style-type: none"> <li>– Planned development of physical infrastructure, including new construction, upgrades, renewals and closures /decommissioning;</li> <li>– Forecasted development of demand for rail transport services;</li> <li>– Strategic guidance on capacity utilisation by Member States, including an outlook on the evolution on public service obligations;</li> <li>– Capacity allocated in framework agreements and capacity required to provide transport services under public service contracts;</li> <li>– Infrastructure declared highly utilised or congested;</li> <li>– Major capacity restrictions resulting from infrastructure works.</li> </ul>
Capacity model (Article 17)	<ul style="list-style-type: none"> <li>– All information included in the capacity strategy, where relevant updated and further detailed</li> <li>– Volume of capacity available to applicants by rail transport market segment and/or by allocation process, <b><i>including safeguarded capacity for later requests and capacity assigned by Framework Agreements</i></b></li> <li>– Volume of capacity required for infrastructure works by impact on traffic (categories)</li> <li>– Geographical scope: at least the lines included in the TEN-T core and extended core network</li> <li>– Geographical detail: breakdown in appropriate planning sections reflecting infrastructure and demand characteristics</li> <li>– Temporal scope: one working timetable period</li> <li>– Temporal detail: at least annual overview (capacity restrictions) and one or more representative day/days (capacity available for requests)</li> </ul>
Capacity supply plan (Article 18)	<ul style="list-style-type: none"> <li>– All information included in the capacity model, where relevant updated further detailed</li> <li>– Prep-planned capacity available for requests, defined in the</li> </ul>

	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
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Or. en

## Amendment 617

**Bogusław Liberadzki**

### Proposal for a regulation

#### Annex I – point 2 – point 1 – paragraph 3 – table

*Text proposed by the Commission*

Deliverable	Milestone	Deadline (at latest)
Capacity strategy (Article 16)	<b><i>Publication of the first elements of the capacity strategy</i></b>	X-60
	First consultation of stakeholders	X-58
	Publication of the draft strategy and second consultation of stakeholders	X-38
	Publication of final capacity strategy following final coordination between infrastructure managers	X-36
Capacity model (Article 17)	Start of preparation	X-36
	Consultation of applicants and operational stakeholders	X-24
	Publication of draft capacity model	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
	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
	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
<p>Note:</p> <p>(1) 'X-m' means 'm' months before the date of entry into force of the working timetable ('X'), in accordance with section 4.</p>		

### *Amendment*

Deliverable	Milestone	Deadline (at latest)
Capacity strategy (Article 16)	<b><i>Initiation of the capacity strategy process preparation</i></b>	X-60
	First consultation of stakeholders	X-58
	Publication of the draft strategy and second consultation of stakeholders	X-38
	Publication of final capacity strategy following final coordination between infrastructure managers	X-36
Capacity model (Article 17)	Start of preparation	X-36
	Consultation of applicants and operational stakeholders	X-24
	<b><i>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</i></b>	<b><i>X-22</i></b>
	Publication of draft capacity model <b><i>and start of the second consultation with the applicants and operation participants</i></b>	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
	<b><i>RB shall analyse the draft capacity supply plan and may take a decision requiring the infrastructure manager to amend the capacity supply plan</i></b>	<b><i>X-14 to X-13</i></b>
	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	X-11

	infrastructure managers	
	<b><i>Update of capacity supply plan for late requests</i></b>	<b><i>X-6.5</i></b>
	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
<p>Note:</p> <p>(1) 'X-m' means 'm' months before the date of entry into force of the working timetable ('X'), in accordance with section 4.</p>		

Or. en

**Amendment 618**  
**Tilly Metz**

**Proposal for a regulation**  
**Annex I – point 2 – point 1 – paragraph 3 – table**

*Text proposed by the Commission*

Deliverable	Milestone	Deadline (at latest)
Capacity strategy (Article 16)	<b><i>Publication of the first elements of the capacity strategy</i></b>	X-60
	First consultation of stakeholders	X-58
	Publication of the draft strategy and second consultation of stakeholders	<b><i>X-38</i></b>
	Publication of final capacity strategy following final coordination between infrastructure managers	X-36
Capacity model (Article 17)	Start of preparation	X-36
	Consultation of applicants and operational stakeholders	X-24
	Publication of draft capacity model	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	X-14



	stakeholders	
	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
	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
<p>Note:</p> <p>(1) 'X-m' means 'm' months before the date of entry into force of the working timetable ('X'), in accordance with section 4.</p>		

### *Amendment*

Deliverable	Milestone	Deadline (at latest)
Capacity strategy (Article 16)	<b><i>Capacity strategy elaboration phase including consultation with stakeholders</i></b>	X-60
	First consultation of stakeholders	X-58
	Publication of the draft strategy and second consultation of stakeholders	<b><i>X-48</i></b>
	Publication of final capacity strategy following final coordination between infrastructure managers	X-36
	<b><i>Publication of capacity model</i></b>	<b><i>X-18</i></b>
	<b><i>Publication of final capacity supply plan following IM and EOSP consultation</i></b>	<b><i>X-11</i></b>
Capacity model (Article 17)	Start of preparation	X-36
	Consultation of applicants and operational stakeholders	X-24
	Publication of draft capacity model	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
	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	X-11

	infrastructure managers	
	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
<p>Note:</p> <p>(1) 'X-m' means 'm' months before the date of entry into force of the working timetable ('X'), in accordance with section 4.</p>		

Or. en

## Amendment 619

Andreas Schieder, Sara Cerdas

### Proposal for a regulation

#### Annex I – point 3 – point 1

##### *Text proposed by the Commission*

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 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.

##### *Amendment*

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.

Or. en

## *Justification*

*This provision was transferred from Annex VII of directive 2012/34, which was already very ambitious. Annex VII of directive 2012/34 included the wording as far as they are known regarding the requirement to publish all capacity restrictions. A further tightening of the requirements by not transferring the wording “as far as they are known” to this Regulation does not add any benefits for applicants, as European Infrastructure Managers have to be able to meet the already ambitious requirements.*

### **Amendment 620**

**Tilly Metz**

#### **Proposal for a regulation**

#### **Annex I – point 3 – point 1**

##### *Text proposed by the Commission*

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 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.

##### *Amendment*

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Or. en

### **Amendment 621**

**Tilly Metz**

**Proposal for a regulation**  
**Annex I – point 3 – point 7**

*Text proposed by the Commission*

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.

*Amendment*

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 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.

Or. en

**Amendment 622**  
**Andreas Schieder, Sara Cerdas**

**Proposal for a regulation**  
**Annex I – point 3 – point 7**

*Text proposed by the Commission*

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

*Amendment*

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, 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

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.

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Or. en

### *Justification*

*The exception of cost-ineffectiveness shall be deleted as a reason for infrastructure managers (IMs) to deviate from the periods laid down in points (1) to (5), as this might open the door for any kind of individual IM behaviour without international alignment. Otherwise, the main purpose of this Annex to streamline the planning and communication of construction sites by IMs, would be seriously jeopardized.*

## **Amendment 623**

**Tilly Metz**

### **Proposal for a regulation**

#### **Annex I – point 4 – point 1 – table**

<i>Text proposed by the Commission</i>	
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	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	To be specified in the European

train paths	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')	
<i>Amendment</i>	
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, <b><i>ensuring that all prerequisites are met before this 2 week finalisation of 'observation phase'</i></b>	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')	

Or. en

### *Justification*

*The shortening of the consultation of draft capacity offers from 1 month to 2 weeks cannot be done within the current level of digitalisation and restriction planning; it is currently not possible to process the observations in 2 weeks. We would therefore like to clarify that all prerequisites must be met before shortening this period.*

**Amendment 624**  
**Tilly Metz**

**Proposal for a regulation**  
**Annex I – point 7 – paragraph 1 – table**

<i>Text proposed by the Commission</i>	
Time period	Duration
Maximum period for infrastructure managers to prepare an offer of capacity rights concerning a single network	<b>1 day</b>
Maximum period for infrastructure managers to prepare an offer of multi-network capacity rights	5 days
<i>Amendment</i>	
Time period	Duration
Maximum period for infrastructure managers to prepare an offer of capacity rights concerning a single network <b><i>if the ad hoc request is placed after the publication date of the final working timetable</i></b>	<b>24 hours</b>
Maximum period for infrastructure managers to prepare an offer of multi-network capacity rights	5 days

Or. en

**Amendment 625**  
**Dominique Riquet**

**Proposal for a regulation**  
**Annex I – point 8 – paragraph 1 – table**

<i>Text proposed by the Commission</i>	
Milestone or time period	Deadline or duration
Maximum time for the infrastructure manager to offer an alternative capacity right involving a single network	24 hours
Maximum time for infrastructure managers concerned to offer an alternative multi-network capacity right	5 days

*Amendment*

Milestone or time period	Deadline or duration
Maximum time for the infrastructure manager to offer an alternative capacity right involving a single network <i>if for use within the next two working days</i> .	24 hours
Maximum time for infrastructure managers concerned to offer an alternative multi-network capacity right	5 days

Or. en

**Amendment 626**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Annex I – point 8 – point 1**

*Text proposed by the Commission*

Schedule for changes to capacity  
allocated referred to in Article 39

Schedule for changes to capacity  
allocated referred to in Article 39

Milestone or time period	Deadline or duration
Maximum time for the infrastructure manager to offer an alternative capacity right involving a single network	<b>24 hours</b>
Maximum time for infrastructure managers <i>concerned</i> to offer an alternative <b>multi-network</b> capacity right	5 days

*Amendment*

Milestone or time period	Deadline or duration
Maximum time for the infrastructure manager to offer an alternative capacity right involving a single network	<b>1 working day</b>
Maximum time for infrastructure managers to offer an alternative capacity rights <b>with special parameters (e.g., extraordinary consignments, test runs)</b>	5 <b>calendar</b> days

Or. en

**Amendment 627**

**Tilly Metz**

**Proposal for a regulation**

**Annex II – point 1 – point 1 – introductory part**



*Text proposed by the Commission*

Utilisation	Classification	Capacity utilisation	Reference period
Heterogenous traffic	Highly utilised	<b>&gt; 65% of theoretical capacity</b>	More than 4 hours for more than 200 days per year
Heterogenous traffic	Congested	<b>&gt; 95% of theoretical capacity</b>	More than 4 hours for more than 250 days per year
Homogeneous traffic	Highly utilised	<b>&gt; 80% of theoretical capacity</b>	More than 4 hours for more than 200 days per year
Homogenous traffic	Congested	<b>&gt; 95% of theoretical capacity</b>	More than 4 hours for more than 250 days per year

*Amendment*

Utilisation	Classification	Capacity utilisation	Reference period
Heterogenous traffic	Highly utilised	<b>&gt; of theoretical capacity [value to be determined by ENIM]</b>	More than 4 hours for more than 200 days per year
Heterogenous traffic	Congested	<b>&gt; of theoretical capacity [value to be determined by ENIM]</b>	More than 4 hours for more than 250 days per year
Homogeneous traffic	Highly utilised	<b>&gt; of theoretical capacity [value to be determined by ENIM]</b>	More than 4 hours for more than 200 days per year
Homogenous traffic	Congested	<b>&gt; of theoretical capacity [value to be determined by ENIM]</b>	More than 4 hours for more than 250 days per year

Or. en

**Amendment 628**

**Tilly Metz**

**Proposal for a regulation**

**Annex IV – paragraph 1 – point 2 – point a**

*Text proposed by the Commission*

(a) the procedures according to which applicants are consulted on strategic capacity planning;

*Amendment*

(a) the procedures according to which applicants are consulted (***see Article 55 a new on EOSP***) on strategic capacity planning;

Or. en

**Amendment 629**  
**Tilly Metz**

**Proposal for a regulation**  
**Annex VII – table 1**

<i>Text proposed by the Commission</i>	
Performance areas subject to performance review	Performance areas subject to performance review
referred to in Article 50	referred to in Article 50
Performance area	Relevant issues (indicative)
Infrastructure and equipment	<ul style="list-style-type: none"> <li>– Capacity and capabilities of the physical infrastructure and its equipment, including deployment of TEN-T standards</li> <li>– Reductions in infrastructure capacity or capability due to deferred infrastructure renewal, maintenance or repair</li> </ul>
Infrastructure capacity	<ul style="list-style-type: none"> <li>– Capacity offer in terms of quantity and quality</li> <li>– Capacity utilisation, spare capacity to accommodate traffic growth</li> <li>– Consistency between available capacity (planned or unplanned) and market needs</li> <li>– Stability of the capacity offer, in particular in connection with infrastructure works</li> <li>– Congested infrastructure</li> <li>– Planned dwelling times of trains at border stations</li> </ul>
Traffic management	<ul style="list-style-type: none"> <li>– Punctuality / delays of different types of rail services, at origin, intermediate stops and destination and at operationally important locations</li> <li>– Train cancellations</li> <li>– Actual dwelling times of trains at border stations</li> </ul>

Disruption management and crisis management	<ul style="list-style-type: none"> <li>– Share of traffic that could be re-routed or re-scheduled during the disruption or crisis</li> <li>– Impact of disruptions on rail traffic in terms of delays and cancellations</li> <li>– Impact of disruptions on operators of rail services and their customers</li> <li>– Specific issues encountered (qualitative)</li> </ul>
Deployment and performance of digital services, tools and interfaces	<ul style="list-style-type: none"> <li>– Support of the processes related to capacity management, traffic management and disruption management</li> <li>– Completeness and quality of the information and data provided</li> <li>– Alignment with European architecture developed in ERJU and with the relevant technical specifications in accordance with Directive (EU) 2016/797</li> </ul>
Compliance with regulation; regulatory oversight	<ul style="list-style-type: none"> <li>– Process indicators monitoring compliance with rules and procedures</li> <li>– Complaints lodged with regulatory bodies and ENRRB</li> </ul>
<i>Amendment</i>	
Performance areas subject to performance review	Performance areas subject to performance review
referred to in Article 50	referred to in Article 50
Performance area	Relevant issues (indicative)
Infrastructure and equipment	<ul style="list-style-type: none"> <li>– Capacity and capabilities of the physical infrastructure and its equipment, including deployment of TEN-T standards</li> <li>– Reductions in infrastructure capacity or capability due to</li> </ul>

	deferred infrastructure renewal, maintenance or repair
Infrastructure capacity	<ul style="list-style-type: none"> <li>– Capacity offer in terms of quantity and quality, <b><i>including consistency across network borders</i></b></li> <li>– Capacity utilisation, spare capacity to accommodate traffic growth</li> <li>– Consistency between available capacity (planned or unplanned) and market needs</li> <li>– Stability of the capacity offer, in particular in connection with infrastructure works</li> <li>– Congested infrastructure</li> <li>– Planned dwelling times of trains at border stations</li> </ul>
Traffic management	<ul style="list-style-type: none"> <li>– Punctuality / delays of different types of rail services, at origin, intermediate stops and destination and at operationally important locations</li> <li>– Train cancellations</li> <li>– Actual dwelling times of trains at border stations</li> </ul>
Disruption management and crisis management	<ul style="list-style-type: none"> <li>– Share of traffic that could be re-routed or re-scheduled during the disruption or crisis</li> <li>– Impact of disruptions on rail traffic in terms of delays and cancellations</li> <li>– Impact of disruptions on operators of rail services and their customers</li> <li>– Specific issues encountered (qualitative)</li> </ul>
Deployment and performance of digital services, tools and interfaces	<ul style="list-style-type: none"> <li>– Support of the processes related to capacity management, traffic management and disruption management</li> </ul>

	<ul style="list-style-type: none"> <li>– Completeness and quality of the information and data provided <i>as well as ease of access for operational stakeholders</i></li> <li>– Alignment with European architecture developed in ERJU and with the relevant technical specifications in accordance with Directive (EU) 2016/797</li> </ul>
Compliance with regulation; regulatory oversight	<ul style="list-style-type: none"> <li>– Process indicators monitoring compliance with rules and procedures</li> <li>– Complaints lodged with regulatory bodies and ENRRB</li> </ul>

Or. en