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From: General Secretariat of the Council  
To: Delegations

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Subject: Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013  
- Examination of a Presidency compromise on Chapter III (Sections 1 and 5)  
- Examination of a Presidency compromise on article 65

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Delegations will find attached a first Presidency compromise on the articles of Section 1 (railway transport infrastructure) and Section 5 (air transport infrastructure) of Chapter III as well as on Article 65 of the above proposal with a view to a detailed examination at the meeting of the Working Party on Transport - Intermodal Questions and Networks on 15 and 18 July.

Changes compared to the Commission proposal (ST 15109/21) are highlighted in **bold and underlined** for additions and in ~~strikethrough~~ for deletions.

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**CHAPTER III**  
***SPECIFIC PROVISIONS***  
***SECTION 1***

*RAILWAY TRANSPORT INFRASTRUCTURE*  
*Article 14*

**Infrastructure components**

1. Railway transport infrastructure shall comprise, in particular:
  - (a) railway lines, including:
    - (i) tracks;
    - (ii) points;
    - (iii) level crossings;
    - (iv) sidings;
    - (v) tunnels;
    - (vi) bridges;
    - (vii) infrastructure mitigating impact on environment;
  - (b) stations along the lines indicated in Annex I for the transfer of passengers within the rail mode and between rail and other transport modes;
  - (c) rail service facilities other than passenger stations as defined in Article 3(11) of Directive 2012/34/EU of the European Parliament and of the Council<sup>1</sup>, in particular marshalling yards, train formation facilities, shunting facilities, storage sidings, maintenance facilities, other technical facilities like cleaning and washing facilities, relief facilities and refuelling facilities; it also includes automatic gauge-changing facilities for rail;
  - (d) the rail access routes ~~and last mile rail~~ connections to multimodal freight terminals connected by rail, including in inland and maritime ports and airports, **and to marshalling yards as defined by the Annex II, point 2(c) of Directive 2012/34/EU and rail service facilities;**
  - (e) trackside control-command signalling;
  - (f) trackside energy infrastructure;
  - (g) associated equipment;

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<sup>1</sup> Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343 14.12.2012, p. 32).

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- (h) ICT systems for transport.
2. The technical equipment associated with railway lines may include electrification systems, equipment for the boarding and alighting of passengers and the loading and unloading of cargo in stations and terminals, as well as innovative technologies in their deployment phase.

*Article 15*

**Transport infrastructure requirements for the comprehensive network**

1. Member States shall ensure that the railway infrastructure of the comprehensive network:
- (a) complies with Directive (EU) 2016/797 of the European Parliament and of the Council<sup>1</sup> and its implementing measures in order to achieve the interoperability of the comprehensive network;
  - (b) complies with the requirements of the technical specifications for interoperability (TSIs) adopted pursuant to Articles 4 and 5 of Directive (EU) 2016/797, under the procedure provided for in Article 7(1), points (b), (c), (d) and (e) of that Directive;
  - (c) ~~complies with the requirements laid down in as defined in Regulation (EU) [...] [on the deployment of alternative fuels infrastructure].~~
2. Member States shall ensure that, **by 31 December 2050**, the railway infrastructure of the comprehensive network, ~~including **except**~~ connections referred to in Article 14(1), point (d), ~~by 31 December 2050~~:
- (a) is fully electrified as regards line tracks and, to the extent necessary for electric train operations, as regards sidings;
  - (b) provides for a nominal track gauge for new railway lines of 1435 mm, except where the new line is an extension on a network the track gauge of which is different and detached from the main rail lines in the Union;
  - (c) enables, without special permission, an axle load of at least 22.5 tons;
  - (d) enables, without special permission, the operation of freight trains with a train length of at least 740 m (including the locomotive(s)). This requirement is met if, ~~at least the following conditions are complied with:~~
    - (i) ~~on double track lines, at least 50% of the train paths for freight trains, and not less than **at least one** two~~ train paths per hour, and direction **on average**, can be allocated to freight trains with a length of at least 740 m;

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<sup>1</sup> Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

- (ii) 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;

- (e) provides a standard of at least P400 in accordance with item 1.1.1.1.3.5 of Table 1 in the Annex to Commission Implementing Regulation (EU) 2019/777<sup>1</sup>, without any additional requirement for special permission to operate services.

**2a Member States shall ensure that, by 31 December 2050, the railway infrastructure of the comprehensive network on the connections referred to in Article 14(1), point (d): meets the requirements set out in paragraph (2), points (c) and (d)**

3. The following exemptions apply:

- (a) ~~isolated networks are exempted from the~~ **The requirements set out in** under paragraph 2, points (a), (c) ~~and~~; (d) and (e); **do not apply to isolated networks.**
- (b) ~~at the request of a Member State, in duly justified cases, other exemptions may be granted by the Commission by means of implementing acts in respect of the requirements referred to in paragraph 2. Any request for exemption shall be based on a socio-economic cost-benefit analysis and an assessment of the impact on interoperability. An exemption shall comply with the requirements of Directive (EU) 2016/797 of the European Parliament and of the Council<sup>2</sup>, be coordinated and agreed with the neighbouring Member State(s) where applicable.~~

*Article 16*

**Transport infrastructure requirements for the core network and the extended core network**

1. Member States shall ensure that the railway infrastructure of the core network and the extended core network complies with Article 15(1).
2. Member States shall ensure that, **by 31 December 2040**, the railway infrastructure of the extended core network, ~~including~~ **except** connections referred to in Article 14(1), point (d), by 31 December 2040:
  - (a) **for freight lines**
    - (i) meets the requirements set out in Article 15(2), points (a) to (c) ~~e~~;
    - (ii) **enables, without special permission, the operation of freight trains with a train length of at least 740 m (including the locomotive(s)). This requirement is met if at least the following conditions are complied with:**
      - (a) **on double track lines, at least one train path per hour and direction with a total of at least 48 train paths per day and direction, can be allocated to freight trains with a length of at least 740 m;**

<sup>1</sup> ~~Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312).~~

<sup>2</sup> ~~Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).~~

**(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 on single track lines;**

**(iii) for rail sections linking two urban nodes or an urban node and a border point, allows, over 90% of the length of each rail section, for a ~~and of a~~ prevailing minimum operational line speed of 100 km/h for freight trains on the freight lines of the extended core network;<sup>1</sup>**

**(iv) provides a standard of at least P400 in accordance with item 1.1.1.3.5 of Table 1 in the Annex to Commission Implementing Regulation (EU) 2019/777 , without any additional requirement for special permission to operate services.**

**(b) on the connections referred to in Article 14(1), point (d): meets the requirements set out in Article 15(2), point (c) and in Article 16(2), point (a) (ii) and (iv).**

**(c) for passenger lines**

**(i) meets the requirements set out in Article 15(2), points (a) and (b), on the passenger lines of the extended core network;**

**(ii) for rail sections linking two urban nodes or an urban node and a border point, allows, over 75 % of the length of each rail section, for a prevailing minimum line speed of 160 km/h for passenger trains on the passenger lines of the extended core network;<sup>2</sup>**

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<sup>1</sup> See footnote 6 below:

<sup>2</sup> **The Presidency suggests to amend recital 39 as follows, to reflect the changes made in Article 16(2), point a) (iii) and point b, (ii):**

**"To achieve transformation of the transport sector into a truly multimodal system of sustainable and smart mobility services, the Union should build a high quality transport network with rail services meeting minimum line speed of 100 km/h. Competitive passenger rail has a high potential for the decarbonisation of transport. There is the need to develop a coherent and interoperable European high speed rail network linking its capitals and major cities. Complementing existing high speed lines with passenger lines at a minimum line speed of 160 km/h should in return lead to network effects, a more coherent network and an increased number of passengers travelling by rail. However, those requirements should be limited to a certain percentage of the rail sections concerned in order to take into account the need for flexibility on rail sections with special features as a result of topographical, relief or town-planning constraints, to which the speed must be adapted in each case, including inter alia includes interconnecting lines, lines through stations, accesses to terminals and service facilities or depots."**

~~When constructing or upgrading a passenger line of the extended core network or sections thereof, Member States shall perform a study to analyse the feasibility and economic relevance of higher speeds, and build or upgrade the line to such higher speed where its feasibility and economic relevance are demonstrated.~~

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3. Member States shall ensure that the railway infrastructure of the core network, including **except** connections referred to in Article 14(1), point (d), **(a)** by 31 December 2030 :
- (i) **on the freight lines: meets the requirements set out in Article 16(2), point (a), (i) to (iii):**
  - (ii) **on the connections referred to in Article 14(1), point (d): meets the requirements set out in Article 15(2), points (c) and in Article 16(2), point (a) (ii):**
  - (iii) **on the passenger lines: meets the requirements set out in Article 15(2), points (a) and (b):**

**(b) by 31 December 2040:**

- (i) **on the freight lines: meets the requirement set out in Article 16(2), point a), (iv)**
- (ii) on the connections referred to in Article 14(1), point (d): meets the requirements set out in Article 16(2), point (a) (iv):**
- (ii) **on the passenger lines: meets the requirement set out in Article 16(2), point (c), (ii).**

**4. When constructing or upgrading a passenger line of the extended core network, of the core network or of sections thereof, Member States shall perform a study to analyse the feasibility and economic relevance of higher speeds, and build or upgrade the line to such higher speed where its feasibility and economic relevance are demonstrated.**

~~and of a prevailing minimum operational line speed of 100 km/h for freight trains on the freight lines of the core network;~~

~~(b) — meets the requirements set out in Article 15(2), points (a) and (b), on the passenger lines of the core network;~~

~~4. — Member States shall ensure that the railway infrastructure of the core network, including connections referred to in Article 14(1), point (d), by 31 December 2040:~~

~~(a) — meets the requirement of Article 15(2), point (e), on the freight lines on the core network;—~~

~~(b) — meets the requirement of paragraph 2, point (c), on the passenger lines of the core network.~~

5. **The requirements set out in paragraphs 2 to 4 do not apply to isolated networks.**

5. — The following exemptions apply:

- (a) — isolated networks are exempted from the requirements under paragraph 2, 3 and 4;
- (b) — at the request of a Member State, in duly justified cases, other exemptions may be granted by the Commission by means of implementing acts in respect of the requirements referred to in paragraphs 2 to 4. Any exemption shall be based on a socio-economic cost-benefit analysis and an assessment of the impact on interoperability. An exemption shall comply with the requirements of Directive (EU) 2016/797, be coordinated and agreed with the neighbouring Member State(s) where applicable.

***Article 16a***

**Exemptions from transport infrastructure requirements**

- (1) Without prejudice to Article 15(3) and Article 16(5), at the request of a Member State, in duly justified cases, exemptions may be granted by the Commission by means of implementing acts in respect of requirements referred to in Articles 15 and 16 on the ground of specific geographical or significant physical constraints, negative socio-economic cost-benefit analysis or potential negative impacts on environment or biodiversity. Any such request shall be substantiated with sufficient evidence. Requested exemptions shall be coordinated and agreed with the neighbouring Member State(s) where applicable. A Member State may request the granting of several exemptions in a single request.**
- (2) The Commission shall assess the request in view of the evidence provided under paragraph 1 as well as in terms of its impact on interoperability of the railway network.**

The European Rail Traffic Management System

1. Member States shall ensure that **by 31 December 2040:**
  - on the railway infrastructure of the extended core network and the comprehensive network, ~~including~~ **except** connections referred to in Article 14(1), point (d), **ERTMS is equipped, while ensuring a synchronised and harmonised ERTMS deployment trackside and on board of trains** ~~by 31 December 2040;~~
  - **ERTMS are deployed on connections referred to in Article 14(1), point (d), of the extended core and the comprehensive network where such equipment is deemed necessary by the Member State concerned in coordination with the relevant stakeholders, in particular the infrastructure manager.**

(a) ERTMS is equipped;

(b) ~~class B systems are decommissioned.~~<sup>1</sup>

2. Member States shall ensure that **by 31 December 2030:**
  - the railway infrastructure of the core network, ~~including~~ **except** connections referred to in Article 14(1), point (d), ~~by 31 December 2030~~ meets the requirements of paragraph 1, point (a).
  - **ERTMS are deployed on connections referred to in Article 14(1), point (d), of the core network where such equipment is deemed necessary by the Member State concerned in coordination with the relevant stakeholders, in particular the infrastructure manager.**
3. Member States shall ensure that the railway infrastructure of the core network, including connections referred to in Article 14(1), point (d), ~~by 31 December 2040~~ meets the requirement of paragraph 1, point (b).

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<sup>1</sup> **The Presidency suggests to amend recital 44 as follows:**  
**"In addition, Member States are encouraged to initiate progressively decommissioning of class B systems trackside as such decommissioning brings about significant maintenance savings for infrastructure managers considering the costs and the complexity of deploying ERTMS and keeping additional trackside systems for a prolonged period. However, at this stage, no obligation should be imposed on Member States in that regard: decommissioning should be preceded by the full deployment of ERTMS."**

4. Member States shall ensure that the railway infrastructure of the core network, the extended core network and the comprehensive network, ~~including connections referred to in Article 14(1), point (d),~~ is equipped with radio-based ERTMS by 31 December 2050.
5. Member States shall ensure that on the railway infrastructure of the core network, the extended core network and the comprehensive network, ~~including connections referred to in Article 14(1), point (d),~~ as of 31 December ~~2030~~ 2025, in case of construction of a new line ~~or upgrade of the signalling system,~~ radio-based ERTMS is being deployed.
- 5a. Member States shall ensure that radio-based ERTMS is deployed by 31 December 2050 on connections referred to in Article 14(1), point (d), of the core network, the extended core network and the comprehensive network, where such equipment is deemed necessary by the Member State concerned in coordination with the relevant stakeholders, in particular the infrastructure manager. In case of construction of a new line, such deployment shall be ensured as of 31 December 2030.**
6. At the request of a Member State, in duly justified cases, exemptions may be granted by the Commission by means of implementing acts in respect of requirements referred to in paragraphs 1 to 5. Any request for exemption shall be based on a socio-economic cost-benefit analysis and an assessment of the impact on interoperability. ~~An~~ **Requested exemptions** shall comply with the requirements of Directive (EU) 2016/797 of the European Parliament and of the Council<sup>1</sup>, be coordinated and agreed with the neighbouring Member State(s) where applicable.

#### *Article 18*

#### **Operational requirements for the European Transport Corridors**

1. Member States shall **make all the possible efforts to ensure** ensure that, by 31 December 2030, the quality of services provided by infrastructure managers to railway undertakings, **and** technical 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. **Dwelling time does not include,** ~~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;

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<sup>1</sup> Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

- (b) at least 90% of the freight 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 **by reasons that are attributable to the infrastructure manager(s)**.

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.

*Article 19*

**Additional priorities for railway infrastructure development**

In the promotion of projects of common interest related to railway infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:

- (a) mitigating the impact of noise and vibration caused by rail transport, in particular through measures for rolling stock and for infrastructure, including noise protection barriers;
- (b) improving the safety of level crossings;
- (c) where appropriate, connecting railway transport infrastructure with inland waterway port infrastructure;
- (d) subject to socio-economic costs and benefits analysis, developing of infrastructure for train length above 740 m and up to 1500 m and 25.0 t axle load when constructing and modernising railway lines relevant for freight traffic;
- (e) developing and deploying innovative technologies for railways, building in particular on the work of the Shift2Rail and Europe's Rail Joint Undertakings, notably automatic train operation, advanced traffic management, and digital connectivity for passengers based on ERTMS and digital automatic couplings as well as 5G connectivity;
- (f) when building or upgrading railway infrastructure, ensure the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport;
- (g) developing innovative alternative fuels technologies for railways, such as hydrogen for sections that are exempted from the electrification requirement **and rail access routes**.
- (h) for the development of comprehensive network, providing a standard of at least P400 in accordance with item 1.1.1.1.3.5 of Table 1 in the Annex to Commission**

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**Implementing Regulation (EU) 2019/777<sup>1</sup>, without any additional requirement for special permission to operate services.**

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<sup>1</sup> **Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312).**

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**SECTION 5**  
**AIR TRANSPORT INFRASTRUCTURE**

*Article 32*

**Infrastructure components**

1. Air transport infrastructure shall comprise, in particular:
  - (a) air space, routes and airways;
  - (b) airports, including the infrastructure and equipment necessary for ground and transport operations within the airport area, vertiports and spaceports;
  - (c) the connections of the airports to the other modes in the trans-European transport network;
  - (d) ATM/ANS Systems and associated equipment, including space-based equipment;
  - (e) infrastructure related to alternative fuels, and electricity supply to stationary aircraft as defined in Regulation (EU) [...] [on the deployment of alternative fuels infrastructure];
  - (f) infrastructure for the on-site production of alternative fuels and improving energy efficiency and reducing climate, environmental and noise emissions of airports or of associated airport operations such as ground-handling services, aircraft operations and passenger ground transport;
  - (g) infrastructure used for separate waste collection, waste prevention and activities in the area of circular economy.
  
2. An airport shall be part of the comprehensive network, where it meets at least one of the following conditions:
  - (a) for cargo airports, the total annual cargo volume is at least 0.2% of the total annual cargo volume of all airports of the Union;
  - (b) for passenger airports, the total annual passenger traffic is at least 0.1% of the total annual passenger volume of all airports of the Union, unless the airport in question is situated outside a radius of 100 km from the nearest airport in the comprehensive network or outside a radius of 200 km where there is a high-speed railway line in the region in which it is situated.

The total annual passenger volume and the total annual cargo volume are based on the latest available three-year average, based on the statistics published by Eurostat.

## Transport infrastructure requirements for the core and comprehensive network

1. Member States shall ensure that:
  - (a) the airports of the core network **with a total annual passenger traffic volume of more than twenty five million passengers are connected to the TEN-T railway network and to corresponding urban nodes, as set out in Annex II**, with long-distance railway, including where relevant with the high-speed rail network, by 31 December 2030, except where specific geographic or significant physical constraints prevent such connections;
  - (aa) **the airports of the core network with a total annual passenger traffic volume of more than four and less than twenty five million passengers are connected to the TEN-T railway network and to corresponding urban nodes, as set out in Annex II, by railway, metro, light rail or trams, by 31 December 2030, except where specific geographic or significant physical constraints prevent such connections;**
  - (b) the airports of the comprehensive network with a total annual passenger traffic volume of more than four million passengers are connected **to the TEN-T network and to corresponding urban nodes, as set out in Annex II, by with the railway, metro, light rail or trams** ~~long-distance railway network, including with the high-speed rail network, and road transport infrastructure of the trans-European transport network~~ by 31 December 2050, except where specific geographic or significant physical constraints prevent such connections;
  - (c) any airport located on their territory offers at least one terminal which is open to all operators and users in a non-discriminatory way and which shall apply transparent, and non-discriminatory charges;
  - (d) common basic standards for safeguarding civil aviation against acts of unlawful interference, as adopted by the Union in accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council<sup>1</sup>, apply to the air transport infrastructure;
  - (e) infrastructure for air traffic management is such as to permit the implementation of the Single European Sky, in accordance with Regulation (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EU) No 2018/1139, of air transport operations, in order to improve the performance and sustainability of the European aviation system, of implementing rules and of Union specifications;

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<sup>1</sup> Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

- (f) alternative fuels infrastructure is deployed in airports in full compliance with the requirements as defined in Regulation (EU) [...] [on the deployment of alternative fuels infrastructure];
- (g) air transport infrastructure provides for pre-conditioned air supply to stationary aircraft **at contact stands**.

2. At the request of a Member State, the Commission may, in duly justified cases, grant exemptions by means of implementing acts in respect of the requirements set out in paragraph 1, points (a), (aa), (b), (c) and (g). Any request for exemption shall be based on a socio-economic cost-benefit analysis or related to the specific geographic or significant physical constraints, including the non-existence of a railway system on the territory.

#### *Article 34*

#### **Additional priorities for air transport infrastructure development**

In the promotion of projects of common interest related to air transport infrastructure, and in addition to the priorities set out in Articles 12 and 13, attention shall be given to the following:

- (a) increasing airport energy and operational efficiency;
- (b) supporting the implementation of the Single European Sky and of interoperable systems, in particular those developed by the SESAR project in accordance with the European ATM Master Plan;
- (c) improvement of digitalisation and automation processes, in particular in view of an increased safety and security;
- (d) improving multimodal interconnections between airports and infrastructure of other transport modes, and between airports and urban nodes where appropriate;
- (e) improving sustainability and mitigating climate, environmental and noise impacts, in particular by introducing new technologies and innovation, alternative fuels, zero- and low emission aircraft and zero and low carbon infrastructure.

**Amendments to Regulation (EU) No 913/2010**

Regulation (EU) No 913/2010 is amended as follows:

- (1) in Article 1, paragraph 1 is replaced by the following:  
'1. This Regulation lays down rules for the organisation and management of international rail corridors for competitive rail freight with a view to the development of a European rail network for competitive freight. It sets out rules for the organisation, management and the indicative investment planning of freight corridors.'
- (2) in Article 2, paragraph 2 is replaced by the following:  
'2. In addition to the definitions referred to in paragraph 1:
- (a) 'freight corridor' means the freight railway lines of the European Transport Corridor as defined in Article 11(1) of Regulation [... new TEN-T Regulation]\* and of Annex III to that Regulation, including the railway infrastructure and its equipment and relevant rail services in accordance with Article 5 of Directive 2001/14/EC;
  - (b) 'implementation plan' means the document presenting the means, the strategy and the measures that the parties concerned intend to implement which are necessary and sufficient to organise and manage the freight corridor;
  - (c) 'terminal' means the installation provided along the freight corridor which has been specially arranged to allow either the loading and/or the unloading of goods onto/from freight trains, and the integration of rail freight services with road, maritime, river and air services, and either the forming or modification of the composition of freight trains; and, where necessary, performing border procedures at borders with European third countries;
  - (d) 'European Coordinator' means the Coordinator referred to in Article 51 of Regulation [... new TEN-T Regulation].  
\* Regulation [...]
- (3) the Title of Chapter II is replaced by the following:  
'ORGANISATION AND MANAGEMENT OF THE FREIGHT CORRIDORS'
- (4) Article 3 is replaced by the following:  
'*Article 3*  
Organisation and management of freight corridors
1. Organisation and management of freight corridors is subject to rules on governance, investment planning, allocation of railway infrastructure capacity and traffic management, in accordance with this Regulation.
  2. From the date of entry into force of Regulation [... new TEN-T Regulation] or in the event of an amendment of the alignment of a European Transport Corridor pursuant to Article 11(3) of that Regulation, Member States and infrastructure managers responsible for the freight corridor part of that European Transport Corridor shall adjust the organisation and management of the freight corridor within ~~18~~ months of the date of the change.'

(5) Articles 4 to 7 are deleted.

(6) Article 8 is amended as follows:

(a) in paragraph 1, the following sentence is added:

‘The executive board shall regularly assess the consistency between the general objectives and the objectives defined by the management board in accordance with Article 9(1), point (c).’

(b) paragraph 7 is replaced by the following:

‘7. The management board shall set up an advisory group made up of managers and owners of the terminals of the freight corridor including, where necessary, sea and inland waterway ports. This advisory group may issue an opinion on any proposal by the management board which has direct consequences for investment and the management of terminals. It may also issue own-initiative opinions. The management board shall take any of these opinions into account. In the event of disagreement between the management board and the advisory group, the latter may refer the matter to the executive board and to the European Coordinator concerned by the freight corridor. The executive board and the European Coordinator concerned by the freight corridor shall act as an intermediary and provide its opinion in due time. The final decision however shall be taken by the management board.’

(c) in paragraph 8, the following sentence is added:

‘In the event of disagreement between the management board and the advisory group, the latter may refer the matter to the executive board and to the European Coordinator concerned by the freight corridor. The executive board or the European Coordinator concerned by the freight corridor shall act as an intermediary and provide its opinion in due time. The final decision shall be taken by the management board.’

(d) the following paragraph 10 is added:

‘10. The executive board and the management board shall cooperate with the European Coordinator concerned by the freight corridor to support the development of rail freight traffic along the corridor.’

(7) Article 9 is replaced by the following:

*Article 9*

### **Measures for developing the freight corridor**

1. The management board shall draw up and publish an implementation plan at the latest six months before making the freight corridor operational. The management board shall consult the advisory groups referred to in Article 8(7) and 8(8) on the draft implementation plan. The management board shall submit the implementation plan for approval to the executive board.

This plan shall include:

- (a) a description of the characteristics of the freight corridor, including bottlenecks, and the programme of measures necessary to improve its organisation and management;
- (b) the essential elements of the study referred to in paragraph 3;
- (c) the objectives for the freight corridors, in particular in terms of performance of the freight corridor expressed as the quality of the service and the capacity of the freight corridor in accordance with the provisions of Article 19 of this Regulation, and, where relevant, quantitative or qualitative targets relating to these objectives. The objectives and the targets shall take into account the requirements set out in Article 18 of Regulation [... new TEN-T Regulation];

- (d) the measures to implement the provisions of Articles 12 to 19 and the measures to improve the performance of the freight corridor, based on the results of the assessment referred to in Article 19(3), with a view to achieve the objectives and targets referred to in point (c).
- (e) the views and assessment of the advisory groups referred to in Article 8(7) and 8(8) with respect to corridor development.
- (f) a summary of the cooperation and the results of the consultation referred to in Article 11, including the opinions of the advisory groups referred to in Articles 8(7) and 8(8) and a summary of the responses of other stakeholders.

When drawing up the implementation plan, the management board shall take into account the objectives and measures contained in the work plan of the European Coordinator, referred to in Article 53 of Regulation [... new TEN-T Regulation]. The implementation plan shall include a reference to the elements of the work plan which are relevant for rail freight traffic along the corridor.

The management board shall regularly review and adjust the targets referred to in point (c) and the measures referred to in point (d), based on the assessment referred to in Article 19(3) following the consultation of the advisory groups referred to in Article 8(7) and 8(8) and the European Coordinator.

2. The management board shall periodically, at least every four years, review the implementation plan taking into account progress made in its implementation, the rail freight market on the freight corridor and performance measured in accordance with the objectives referred to in point (c) of paragraph 1.
3. The management board shall carry out and periodically update a transport market study relating to the observed and expected changes in the traffic on the freight corridor, covering the different types of traffic, both regarding the transport of freight and the transport of passengers. This study shall also review, where necessary, the socio-economic costs and benefits stemming from the development of the freight corridor.
4. The implementation plan shall take into account the development of terminals, including the market and prospective analysis on multimodal freight terminals as well as the action plans of the Member States of the freight corridor, referred to in Article 35(3) and (4) of Regulation [... new TEN-T Regulation].
5. The management board shall, as appropriate, take measures to cooperate with regional and/or local administrations in respect of the implementation plan.'

(8) Article 11 is replaced by the following:

*'Article 11*

### **Investment planning**

1. The executive board and the management board of a freight corridor shall cooperate with the European Coordinator concerned by the freight corridor in relation to the infrastructure and investments needs resulting from the rail freight traffic to support the drawing up of the work plan referred to in Article 53 of Regulation (EU) [... new TEN-T Regulation].
2. The management board shall consult the advisory groups referred to in Articles 8(7) and 8(8) on infrastructure development and investment needs. The consultation shall be based on an adequate, up-to-date documentation of the infrastructure planning at corridor and national level. **Opinions by the advisory groups on investment needs shall be supported by proper market analysis.** The executive board shall ensure adequate

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coordination between these consultation activities and the coordination mechanisms at national level as defined in Article 7e of Directive 2012/34/EU.

3. The cooperation and the consultation shall address in particular:
- (a) capacity needs of rail freight transport relevant for infrastructure and investment planning taking into account the need for capacity pursuant to Article 14(2) and any infrastructure declared congested pursuant to Article 47 of Directive 2012/34/EU;
  - (b) TEN-T infrastructure requirements relevant for rail freight transport as defined in Chapters II and III of Regulation (EU) [... new TEN-T Regulation], in particular as regards the capacity needs for freight trains with a length of no less than 740 m;
  - (c) need for targeted investments to remove local bottlenecks, such as connecting loops, improvements to nodes and last-mile infrastructure or technical equipment enhancing operational performance.’

(9) Article 19 is replaced by the following:

*Article 19*

#### **Quality of service on the freight corridor**

1. The management board of the freight corridor shall promote compatibility between the performance schemes along the freight corridor, as referred to in Article 35 of Directive 2012/34/EU.
2. The management board shall monitor the performance of services provided by the infrastructure managers to applicants in fulfilment of their essential functions, as far as in the scope of Articles 12 to 18, and of rail freight services on the freight corridor. Performance monitoring shall be carried out in qualitative and quantitative terms, where appropriate based on performance indicators relating to the objectives and targets of the freight corridor defined in accordance with point (c) of Article 9(1). The management board shall consult the advisory groups referred to in Article 8(7) and 8(8) and the European Coordinator on relevant performance indicators.
3. The management board shall assess the results of the performance monitoring with respect to the objectives and targets defined in accordance with point (c) of Article 9(1) and to the operational requirements referred to in Article 18 of Regulation [... new TEN-T Regulation].
4. The management board shall prepare and publish an annual report presenting the results of the activities carried out pursuant to this Article. It shall present the views and assessment of performance by the advisory groups referred to in Article 8(7) and 8(8) in a dedicated section of the report. The management board shall submit the annual report for approval to the executive board.’

(10) Articles 22 and 23 are replaced by the following:

*Article 22*

#### **Monitoring implementation**

Every four years from the time of the establishment of a freight corridor, the executive board referred to in Article 8(1) shall present to the Commission the results of the implementation plan for that corridor. The Commission shall analyse those results and notify the Committee referred to in Article 21 of its analysis.’

*Article 23*

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The Commission shall periodically examine the application of this Regulation. It shall submit a report to the European Parliament and the Council, at the latest two years after entry into force of this Regulation and every four years thereafter.’

(11) the Annex to this Regulation is deleted.

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