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Date 31 January 2020
Subject EC evaluation rail freight corridors Regulation
(EU)913/2010

Our reference
IENW/BSK-2020/8747

Dear Ms. Werner,

With this letter I want to react on the ongoing EC evaluation on the rail freight corridors regulation. I would like to thank you for the strong support the European Commission has given for the development of international freight. Development of European rail freight corridors is a key element in the national rail freight strategy of the Netherlands and should be also a key element in the implementation of the European Green Deal. So far the progress on development of rail freight has been mixed, where the potential of rail freight contributing to the goals of climate change policy, railway safety and creating hinterland connections of European ports remains substantial. Therefore continued action is needed from all parties.

Success of the rail freight corridors largely depends on the efforts by the stakeholders, in particular infrastructure managers. The Netherlands participated in the rail freight corridor Rotterdam-Genoa where cooperation dated back to 2003. The European regulation from 2010 greatly helped to create a stable governance structure and to have a coherent network of rail freight corridors throughout Europe. The 2016 Ministers declaration "Rail freight corridors to boost international freight" developed under Dutch EU presidency signalled the value of the rail freight corridors, their mid-term agenda and the need of cooperation among rail freight corridors. The implementation of the Rotterdam declaration which is a cooperation between sector, Member States and European Commission must be continued and needs support from all stakeholders concerned. Regulatory enhancements at EU level, including the possible revision of the RFC regulation, should support this process of implementation but not slow down this implementation.

For the next phase (2020-2030) I would like to mention the following challenges where the rail freight corridors should play a key role:

- (1) Ensuring sufficient attractive infrastructure capacity offer to railway undertakings and its customers;
- (2) Enhancing international capacity allocation for rail freight;
- (3) Reducing operational costs of railway undertakings by removing border crossing obstacles (issue log);



- (4) Enhancing interoperability in particular ERTMS implementation and creating benefits for railway undertakings.
- (5) Digitalisation and quality;

For the challenges mentioned above the rail freight corridors need to have a strong coordination task, which means that decisions have to be made in consensus between Infrastructure Managers and Member States representatives concerned. For allocation of international freight capacity, particularly in the operational phase, we recommend the EC explores the option of an European capacity allocation body which takes over the role of the RFC OSS's. In the annex to this letter some suggestions are given on the further development of rail freight corridors regarding its governance and possible role of the rail freight corridors to meet the aforementioned challenges. The suggestions are mere objectives, action to achieve at European level. Where regulatory action at EU level, including possible revision of the regulation, is needed, it should take account i.a. of the following considerations:

- Accelerating and not slowing down the pace of implementation of the Rotterdam declaration actions. Is the sector able to achieve the changes themselves in a timely manner.
- Need of legal certainty for railway undertakings and stability of the applicable framework for allocation of international freight capacity and traffic control.
- (Administrative and other) costs and benefits expected by preparing regulatory changes compared to a purely sector (including the functioning of RFC's) driven approach.

This letter cannot prejudge any future decision making on future legislative developments. May I thank European Commission for the high priority it gives to the development of the rail freight corridors and the very good cooperation with your colleagues.

Yours sincerely,

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Annex with suggestions for further development

Governance of RFC's

- RFC's have worked to bring Member States, infrastructure managers and sector together working on improving specific traffic flows. Corridors are rather flexible and targeted instrument where Member States are motivated to improve international rail freight.
- Confirm governance of RFC's by mandatory of objectives and implementation measures including its calendar. The implementation measures shall also include the publication of bi-annual executive board action plan for the rail freight corridor to enhance capacity, interoperability, access and quality to the rail freight corridor ;
- Keep – reinforce RFC's institutional framework (executive board / management board) at least for the following objectives:
 - Infrastructure planning coordination. Implementation of 740m train length and P400 train profile are clear examples of needed coordination. And reinforce relation with TEN T core network corridors; the rail freight corridors could be tasked to identify infrastructure bottlenecks and priorities for the respective TEN T core network corridors;
 - Define a strategy of infrastructure allocation on their corridor. Timetable redesign assumes capacity strategies and capacity models for individual infrastructure managers networks. RFC's must have a role of consistent aligned capacity models for their RFC. The operational phase of international capacity allocation for freight can be at European level (e.g. RailNetEUrope), which would mean an integration of the C-OSS's;
 - Coordinate interoperability implementation on the corridor (this ERTMS implementation), resolve operational technical barriers on the corridor (supported by EC issue log initiative);
- Facilitate the continuation of European network of executive boards and European network of management boards <RailNetEurope> of the RFC's with alternative Member States / Infrastructure managers chairing the fora. The networks should be well aligned with the agenda of the cooperation framework at EC level (SERAC RFC);
- Make one advisory group for railway undertakings and one for terminals operational at EU level and optional at corridor level. Ensure that advisory groups deliver mandatory recommendations and replies. Presently railway undertakings and terminals are bringing their largely identical issues at multiple corridor tables.
- Infrastructure Managers are working successfully together at EU level, within RailNetEurope. The decision RNE takes, e.g. on handbook International Contingency Management, must be implemented for all RFC's. Presently there are insufficient possibilities to reinforce those "industry standards", so that railway undertakings can rely upon them. Some of those standards could be set in EU legislation (e.g. customer information document, contingency management, customer information document) whereas other standards (..) could remain industry standard only;

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Challenge (1): ensuring sufficient attractive infrastructure capacity offer to railway undertakings and its customers;



- Monitoring and supervision of coordination of infrastructure works;
- Enhanced contingency management between Infrastructure Managers and Railway Undertakings;
- Coordination with TEN-T coordinator on identification of RFC infrastructure enhancement projects

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Challenge (2): enhancing international capacity allocation for rail freight;

Results of the evaluation of regulation 913/2010 and possible proposals to revise this regulation must include the full framework to implement Time Table Redesign by December 2024 also where this concerns capacity allocation for passenger transport. So in case directive 2012/34/EU should be amended for TTR this should be a combined package.

- Facilitate rolling planning (allocation for up to 3 years period)
- Include all international rail freight transport in the (corridor) allocation framework. Present situation that only about 20% of all international freight in the form of PaP's is included in the C-OSS supply is not sustainable;
- Develop attractive market oriented capacity products for stable markets ("enhanced PaP's) and ad hoc markets;
- Explore the concept and assess explicitly to move to one operational European allocation body for international rail freight. The role of the corridors here could be to define the capacity strategy and model on its corridor.

Framework Capacity Allocation (art 14.1)

The FCA has worked rather well to harmonize the procedures of the C-OSS in all the RFC's and has been harmonized at all RFC level since 2015. Decisions taken on the basis of the FCA have not been contested successfully by regulators or courts and Member States in the NexBo noted satisfaction with the priority rules included in the FCA. The FCA (priority rules) and its legal form may have to be revised in view of the Time Table Redesign.

For further development NL seeks ways to ensure that:

- Legal status of FCA needs be clarified, is it part of European law? In case of conflicts the national regulator (of the seat of allocation body / C-OSS) must remain competent and legal cases must be able to bring to the European Court of Justice
- Adaption of the FCA in view of the needed implementation of Time Table Redesign by December 2024;
- There will be one FCA for all RFC's or FCA remains harmonized at all RFC level;
- Flexibility to update the FCA must remain in such a way that FCA can be updated on annual basis where necessary;
- FCA shall include all international rail freight on the corridors and may include rules for capacity allocation of all railway traffic types including passenger transport on the RFC lines and may also include rules for traffic management

Challenge (3): Reducing operational costs of railway undertakings by removing border crossing obstacles (issue log);

- Define operational barriers at corridor level and an RFC executive board action program to alleviate those barriers;



- Involve National Safety Authorities plus EU Railway Agency in the work of the corridors by offering support in resolving interoperability and operational barriers questions

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Challenge (4): Enhancing interoperability in particular ERTMS implementation and creating benefits for railway undertakings.

- RFC's have the task to monitor implementation of interoperability including ERTMS of their corridor and report to their executive board. The monitor efforts should explicitly also cover border crossing issues;
- RFC's will continue to inform railway undertakings on ERTMS infrastructure roll out planning on ETCS requirements for OBU's including financing / specification / procurement / testing and authorization aspects. RFC's have a platform task to support aligned national strategies in this regard.

Challenge (5): Digitalisation and quality;

- Create with ERA an overview of data standards and ontology relevant for rail freight to enhance digitalization and use of data;
- Mandate Infrastructure Managers to share data with railway undertakings, terminals, shippers / operators in order to improve efficiency;
- Set up strategic roll out plan of TAF TSI compliant data policy and information systems to facilitate commercial use of data on ETA / train composition/ consignment notes / dangerous goods transport information;
- Support (corridor) quality groups working on the basis of EU harmonized data standards / ontology. This could be done by reinforcing (by regulatory, financially or expertise sharing approaches) a Quality Charter or management system with participation of all stakeholders.