



Giving relevance to cross border rail capacity management

RUs position on International Body for Compliance

Customers want rail travel in Europe to be as easy as using a truck or a bus, which subsequently pushes RUs to seek fluid capacity allocation for international traffics. A major challenge to that is the existing national orientation of capacity management. To make the Single European Railway Area a success, enhanced cooperation between partners is needed. To support international alignment, defend the RUs market needs and provide neutrality for conflicts, RUs in FTE, ERFA and ALLRAIL require:

- improved international alignment by IMs as already legally required for a decade in 2012/34/EU and
- an IM- and RU-independent international escalation mechanism.

National escalation is well established via national Regulatory Bodies in most countries, although not in the same way. However, international escalation is left to the RUs, with no independent actor supporting this. The consequences of non-harmonisation are borne by the RUs such as less cross-border capacity, lower quality of paths, costs to organise and replan timetables. These inconsistencies – often faced by RUs after final offer – lead to lower final customer satisfaction and higher prices charged by rail.

Therefore, RUs ask for the creation of an **international body for compliance** with internationally agreed capacity processes agreed upon within EU law:

In the event of non-compliance with internationally agreed processes, EU law or missing alignment of capacity across borders, every stakeholder shall be able to turn to an international escalation level. This international body shall be:

- independent from organizations involved in the capacity allocation process (RUs and IMs)
- a solution provider for RUs and IMs when timetables are not aligned anymore to find market-oriented options
- relevant at all stages of capacity allocation

- equipped with the necessary decision-making power to enforce agreed processes and applicable EU law and the alignment of capacity planning
- mandated to organise transparency in capacity management, by ensuring availability of necessary information from IMs and KPIs to analyse the functioning of capacity management.
- Available to react upon request of RUs and IMs
- Handle all parts of the capacity management lifecycle
- Follow the subsidiarity principle – what can be handled nationally may be solved by national RBs. However, the escalation on internationally relevant issues or disputes should be with the international body on request of one of the involved parties.

As long as capacity is allocated under current rules and processes, the following steps shall be taken **in transition**:

1. Continuation of capacity safeguarding for rail freight

In the transitional phase until the implementation of TTR and the International Body for Compliance, the RFCs shall continue to provide safeguarded capacities for rail freight. These capacities shall be harmonized across borders. The international coordination and harmonization shall be managed under the lead of the C-OSS.

2. Transition to TTR

The transition to TTR can take place stepwise under the pre-condition that high quality safeguarded capacities for rail freight are made available at any time. The international body to be established monitors the migration of remaining tasks from the C-OSS and ensures that the currently valid processes are known to all stakeholders and that they are adhered to.