

The proposal on the use of railway infrastructure capacity paves the way for a true Single European Rail Area, but customer involvement, implementation and performance control needed.

Cefic believes that the Commission proposal for a Regulation on the use of railway infrastructure capacity in the Single European Railway Area is a significant step forward towards improving rail capacity management and increasing national and international rail freight efficiency, reliability and flexibility. However, there are still several critical areas that need attention and clarification to ensure its effectiveness.

The issue

The European chemical industry heavily relies on a competitive and reliable rail freight system. This includes single wagon load transport, block trains and intermodal trains. But current performance is insufficient to attract more volume and increase the share of rail in the chemicals distribution network. The main reason for this are the many inefficiencies, especially for cross-border rail freight, due to the low priority compared to passenger transport and the lack of EU wide harmonized rules and coordination on capacity and traffic management. On top, rail is not only expected to increase its current share, but it also has to be able to absorb a substantial share of future freight volumes.

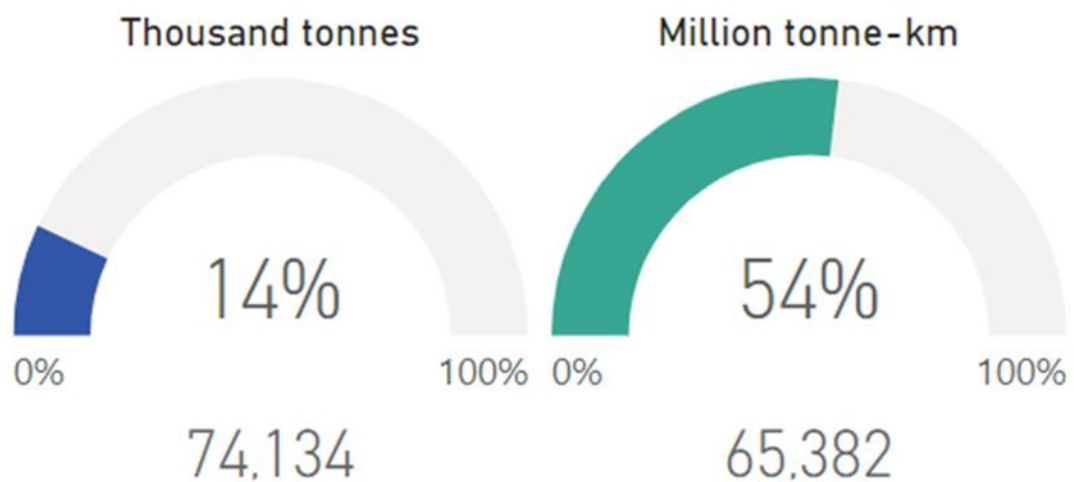
What is at stake for the chemical industry

The chemical industry supports the EU Commission ambitions to reduce transport emissions with 90% until 2050. One element to achieve this target is a substantial increase of rail freight in the coming

decade. Currently, the share of rail in the chemicals distribution network is around 18%. However, due to uncoordinated infrastructure works and high price increases in the last years, more companies are obliged to move back to road transport to secure competitiveness and customer satisfaction.

But there is a clear potential for modal shift to rail, because more than 50% of chemicals road transport is over 500 km distance.

Long distance (>500 km) road transport of chemicals in EU*



*Cefic analysis based on Eurostat information for EU27, relating to the year 2022.

Key challenges

- Customers involvement in all process steps is essential to understand the volume and quality requirements, and attract more volume to rail.
- More infrastructure capacity should be assigned to rail freight to make the modal shift possible. This capacity should be sufficient to cover projected volumes, not only current volumes
- International rail freight should run end-to-end without cross-border time loss, or not-matching train paths. This requires effective and efficient international operational coordination of capacity and traffic management.
- Infrastructure works should be planned well in advance and internationally coordinated for cross-border transport. Additionally, sufficient alternative capacity should be made available in order not to lose rail freight volumes because of line interruptions. A reliable supply chain is essential for

production continuity, and cannot be compromised due to internal optimization of rail infrastructure management.

Proposed solutions

1. Systematic rail user involvement in capacity and traffic management

- Infrastructure managers must not only consult and inform applicants, but also directly impacted customers (with direct rail connection) in all steps of capacity planning. They have more specific information on rail volumes on the short/medium/long term, especially in case of expansions/closures, shut-downs,... This information might not be known to the rail undertakings, or included in their feedback to the infrastructure manager. For these customers, restrictions on the network also directly impact the access to their sites.

Examples are :

- Art 2 par3(e) on general responsibility and principles
 - Art 9 par1 on information about infrastructure capacity
 - Art 10 par3 on capacity restrictions
 - Art 12 par4(c) on general requirements for strategic capacity management
 - Art 13 par2 on consultation of stakeholders on strategic capacity planning
- The impact on rail freight customers in case of congestion, infrastructure works,... should be included on an objective basis in the evaluation of socio-economical and environmental criteria. Not only the business impact for shippers and their goods' receivers can be substantial, rail freight often does not have the same alternatives than passenger transport (e.g. buses).
 - Infrastructure managers must always first propose an alternative solution before rejecting any request (Art 32, Art 33). The outcome of the balancing of infrastructure works vs operational & financial impact, and the conflict resolution should transparent and motivated, taking into account EU framework rules & procedures (Art 8 par4, Art 10 par2, Art 37)
 - Network disruptions (Art 46) should be declared after more than 48 hours of line interruption. The proposed 3 days is not specific enough and too long for rail freight customers.

- Information exchange related to traffic management, disruption management and crisis management should be efficient and effective (Art45). It is essential that the concerned parties are reached, which might be final customers.

2. Operational coordination of capacity and traffic management must be guaranteed

- An important role of the infrastructure managers (Art2) is to maximize the availability of rail infrastructure capacity and secure availability during infrastructure works or disruptions.
- Where reference is made to the national network statement, information should at least be available in a common language (e.g. English at minimum) for every country
- Although Art23 contains provisions where the infrastructure manager is not allowed to levy charges if the capacity-enhancement plan is not delivered, it contains too many loopholes for the infrastructure manager. The capacity plan could be hindered by for example administrative approvals or other infrastructure works. Also the definition of “economically or financially viable” is not specific and should be assessed.
- The European Frameworks, to be developed by ENIM, will secure international alignment of capacity and traffic management. However, adherence to these Frameworks is not sufficiently secured in the proposal. For example, Art6 states that “Infrastructure Managers shall strive to follow” the procedures proposed by ENIM, but this is too weak. Deviations from the EU Frameworks should be exceptional, and other rail stakeholders should be able to react if they don’t agree with the deviation.

3. The success of the implementation of this proposal will be measured via regular performance reviews (Art49).

- Cefic does not support the proposal that infrastructure managers shall define their own performance targets. This is not independent and pushing for high ambitions.
- We suggest that Member States make a performance contract, based on a European standard, with their Infrastructure Manager, which set out the performance criteria and targets.
- The performance review body (Art52) plays an important role in following up implementation. It should be added that participants are customer representatives (associations), infrastructure managers, rail operators, regulatory bodies and Member States.

Conclusion

Whereas the proposal on rail infrastructure capacity management paves the way for a more integrated approach between infrastructure managers, more need to be done to secure the interest of the rail customers. EU collaboration and harmonized rules & procedures should become mandatory with little room for exceptions. The management of scarce capacity, congestion, infrastructure works,.. should put the interest of the customer first at all times, before internal optimization.

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