CER Position Paper on revised TEN-T Regulation

Brussels, 28 March 2022

Proposal for a Regulation on TEN-T Guidelines

1. Introduction

CER welcomes the publication of 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 (hereafter: TEN-T Regulation). We believe it is a timely and necessary Regulation to be revised to achieve the European Green Deal's ambitious climate targets with a 90% reduction in transport emissions by 2050 and to ensure modal shift to more sustainable transport modes.

The Proposal of the TEN-T Regulation is crucial to enable the transition to sustainable modes of transport such as rail and in achieving the objectives of the European Green Deal and Smart and Sustainable Mobility Strategy by greening transport, facilitating a seamless efficient and interoperable mobility system, strengthening the resilience of infrastructure and by improving the efficiency of the governance tools of the TEN-T Regulation. It also provides the infrastructural basis required for the successful implementation of the Commission's Action Plan to boost cross-border long-distance rail passenger services.

The Proposal represents a great improvement of the current situation with many positive aspects that improves infrastructure as the backbone of mobility in the EU. The sector supports elements of the Regulation such as connectivity and development of the regions including last mile-connections, multimodality and enhanced urban nodes, connections with third countries, synergies between European Coordinators and rail freight governance as well as the infrastructure requirements with sound targets and deadlines.

Concretely the rail sector supports:

- the intermediary 2040 deadline for the new extended core network that includes strategic sections of the comprehensive network, provided there are additional funds guaranteed. The introduction of the extended core network provides a clear perspective to rail companies and political actors for the development of the European rail network. We appreciate that in the network's development general priority is given to increasing transport activity of sustainable modes like rail.

- the creation of European Transport Corridors (ETCs) through the integration of Core Network Corridors (CNCs) and Rail Freight Corridors (RFCs) and the enhanced cooperation between the ETC Coordinator and rail freight governance

- the deployment of ERTMS/ETCS on the core network should be accelerated aimed for the completion of the TEN-T Network, while smartly linked to the enhanced TEN-T network requirements.

- the new and reinforced infrastructure requirements that will reinforce the modal shift and competitiveness of railways under the condition that exemptions are guaranteed in cases where the requirements are not justified. At the same time it is important to make progress in implementing the standards that had already been introduced in the current TEN-T Regulation 1315/2013.

- the development of an interoperable European high-speed network that links European capitals and major cities, connects urban nodes and airports.

- the further integration of urban nodes into the TEN-T network as rail is still missing a significant number of last mile infrastructure for freight and multimodal connections for passengers.

- the connection with and integration of neighbouring third countries. Rail plays a crucial role in facilitating links with third countries, including Western Balkans,

countries from Eastern Partnership, Accession countries and countries from the European Economic Area.

- the development of a resilient infrastructure and the development of innovative technologies as an enabler of sustainability and transport resilience.

- The maintenance of the infrastructure of the TEN-T in a way that it provides the same level of service and safety during its lifetime, including the long term maintenance plans, and taking maintenance needs and costs over the lifetime of the infrastructure into account during the planning phase of projects. However, while maintenance is and will remain the main responsibility of the Member States, it is important that the trans-European transport network – once built – is properly maintained to ensure a high quality of services. A life cycle approach should be followed when planning and procuring infrastructure projects. Any maintenance works that result in a limitation or non-availability of rail infrastructure shall be managed according to the rules stated in Annex VII of EU Directive 2012/34.

We believe such positive elements should remain in the final Regulation as they will address the EU's climate change objectives and will improve the competitiveness of more sustainable transport modes.

It is also essential to acknowledge that the rail sector has achieved already a lot in improving and building a seamless railway system, determined to make the Single European Railway Area a reality with the support of Member States and the European Union.

With this Position Paper, CER wishes to present its position on the Proposal of the TEN-T Regulation.

2. New Proposal of the TEN-T Regulation- CER's position

2.1 Funding

The Proposal of the revised TEN-T Regulation introduces a number of additional and enhanced requirements for the rail sector. We believe it is crucial that these requirements and obligations should come hand in hand with proper and sufficient financing, public or private, to ensure the timely completion of the TEN-T Networks. To this end, the next EU financial framework should still cover TEN T infrastructures beyond the current 2021-2027 budget, including the Connecting Europe Facility.

2.2 Infrastructure Requirements

P/C 400

P/C 400 is incorporated into the infrastructure requirements and the deadline for implementation is in line with CER's TEN-T Position which is for 2040. Exemptions apply based on a socio-economic cost-benefit analysis and an assessment of the impact on interoperability. The proposal gives also room for interpretation when it comes to the way to upgrade infrastructure lines to the necessary clearance gauge which would allow the operation of trains with a loading gauge of P/C 400. This gives flexibility for IMs to choose the way to upgrade the lines, as requested in our Position Paper.

However, we believe that P/C 400 requirement should only apply to a predefined list of international rail freight routes of the TEN-T core network (which could be the Rail Freight Corridors, or a substantial subset thereof) including their most important rerouting lines to be agreed by Member States based on the consultation with the rail sector. This should be included in the national investment plans. The proposal of the TEN-T takes the whole extended and comprehensive networks to be upgraded with P/C400 until 2040 and 2050 respectively with exemptions based on ad-hoc cases. This may endanger the current works or pre-planned construction works in sections of the TEN-T Network that have been already co-funded.

ERTMS/ETCS

We would like to point out that meeting the ERTMS/ETCS implementation deadlines will only be possible, if the right framework conditions are secured, meaning sufficient technologies and resources from the industry and programs for the retrofitting of rolling stock. The ERTMS implementation deadlines can only be supported if ERTMS is defined as ETCS plus GSM-R/GPRS (or FRMCS on a voluntary basis). It is important to note, that a crucial component of ERTMS, the European Traffic Management System (TMS) has yet to be developed. TMS needs to be made available soon, preferably as an accelerated outcome of the Europe's Rail Joint Undertaking.

The implementation of ERTMS/ETCS (trackside and on-board of trains) has to be accompanied by funding from national and European sources. Due to such ambitious and reinforced targets and deadlines, there is an increased need for sufficient financing that goes beyond the current multiannual financial framework and Connecting Europe Facility budget. It is essential to lock in sufficient funds to make sure that the development of the rail network of the TEN-T is not compromised. In this context, CER welcomes the considerations of the Commission to exempt the public financing of ERTMS from the notification obligation under State aid rules. In any case, there shall be no economic disadvantage for affected partners, in particular Railway Undertakings (RUs).

The Proposal describes a challenging target for **ERTMS deployment** [by 31 December 2040: (a) ERTMS is equipped; (b) class B systems are decommissioned], sets a clear requirement that new and upgraded lines need to be equipped with radio-based ERTMS as of 2025, describes good arrangements for the EU - MS cooperation and puts the needed coordinators in place incl. the ERTMS coordinator. Infrastructure Managers shall decommission class B systems, whilst having the possibility to keep them only under exceptional and justified circumstances while guaranteeing interoperability. This will make ERTMS/ETCS the only signalling system used in Member States. However, we would like to highlight that before decommissioning class B systems, the ETCS System needs to consist only of fully interoperable baselines. We would also like to stress that in addition to the roll out on the infrastructure, the equipment of rolling stock with ERTMS/ETCS on-board units is crucial.

Yet, the proposal does not describe the way how to get to the target system. The proposal offers a wide-open backdoor for not complying with the above-mentioned target with justified exemptions– this could even apply for new lines and would endanger the ERTMS/ETCS deployment or postpone it for another decade or two. Hence, we ask the Commission to conduct a study starting with entry into force of this Regulation that, in parallel to the roll out of ERTMS/ETCS, transparently outlines the implementation paths to the deadlines set for 2030 and 2040. This study shall not only look into feasibility in terms of technology, but also in terms of resources and financial support/subsidies. Finally, the

proposal does not make the EU ERTMS coordinator a strong enough "ERTMS deployment facilitator".

Minimum Speed

We welcome faster rail connections for passenger traffic as they will increase the competitiveness of rail. However, for the 160km/h prevailing minimum speed criterion there might be exemptions needed for some lines of the European rail network. It is also important to check that there is a market need for this requirement on a specific section of the network, where the necessity to increase capacity is also to be considered a market need in this context. For this it is important that the travel times required by the market between two train stations are achieved. Depending on the topography of a route, this can be achieved using a speed mix that does not necessarily prescribe a minimum speed. It should be taken into consideration that many European countries use systematic/synchronized time tables including nodes. Passenger trains are scheduled to go as fast as required to fit the time table and not as fast as possible. A general 160km/h minimum speed would counteract these systematic time tables.

In addition, we would like to highlight that some countries have mixed rail networks. It should be ensured that sufficient capacity for both rail passenger and freight is reserved on the corridors, even after speeding up rail passenger traffic. Exemptions should also take the creation of an integrated European regular interval timetable into account.

In the proposed text of the new TEN-T, the approach of the whole Core and extended TEN-T networks need to comply with this requirement and not the other way around. While CER believes that increased minimum speed for passenger rail will promote the competitiveness of the transport mode, it is crucial to make these infrastructure upgrades realistically.

740m trains

The Proposal of the TEN-T Regulation includes operational requirements to allow freight trains with a train length of at least 740 m on the network. CER Members will continue the discussions on these requirements with an agreement soon to be finalised.

2.3 High Speed

CER believes that there is also insufficient focus of high-speed rail in the new text. The TEN-T Regulation must promote climate-friendly alternatives like rail and the creation of a European high-speed network that is interoperable, linking European capitals and major cities, connecting urban nodes and airports and supporting the development of international passenger services. The Smart and Sustainable Mobility Strategy sets ambitious targets in terms of high speed network: doubling high-speed rail traffic by 2030 and tripling it by 2050. With the current existing high speed lines, it is not feasible to achieve such targets and double the high-speed rail traffic by 2030 and triple it by 2050.

2.4 Connectivity and Multimodality

The Proposal includes important missing infrastructure routes and cross-border connections based on a case-by-case analysis and national economic evaluation in the TEN-T core network by extending certain routes of Core and Extended Networks, and by identifying additional multimodal freight terminals and additions of urban nodes. Since

Urban Nodes are points of transfer between different transport modes, we believe there should be a strong focus on shifting people and freight onto sustainable transport modes like rail. The proposed TEN-T Regulation also provides better connectivity to ports and freight terminals and enhanced and additional urban nodes. In fact, we welcome the EC's proposal that inland and maritime ports on the core network and the comprehensive network shall be connected to rail or road infrastructure by 2030 and 2050, respectively. A connection to sustainable transport modes should be preferred. We also welcome that these ports shall offer at least one multimodal freight terminal.

In addition, the European Commission proposes indicative maps with third neighbouring countries with the intention to extent the TEN-T Policy to these countries.

CER strongly supports these proposals.

2.5 European Transport Corridors and Governance

CER welcomes that the implementation of European Transport Corridors (ETCs) shall be focused on modal integration with a particular view to strengthen the most environmentally friendly transport modes, notably rail, on interoperability, a coordinated development of infrastructure and the timely deployment of ERTMS. A coordinated and synchronised approach with regard to investment in infrastructure is necessary and should be a key priority in the ETCs. In this context, we very much appreciate the proposal to use a corridor approach as an instrument to coordinate different projects on a transnational basis. CER strongly supports the closer cooperation between the European Transport Corridor (ETC) Coordinator and the representatives of the rail freight governance of Rail Freight Corridors (RFCs). We support the consultation of the European Coordinator during CEF funding applications. This will ensure the necessary European perspective and corridor approach when it comes to identifying, funding and implementing projects. The synergy and coherence between these bodies without distorting their roles is crucial for the success of coordination of investments and priorities on the TEN-T.

In addition we would like to underline that the design of the TEN-T, especially the ETCs, shall facilitate the implementation of symmetrically designed, integrated regular interval timetables across borders. This helps to maximize the utilization of available infrastructure capacity. The final routes of the ETCs should be designed based on the result of a European transport market study to make sure that they are in line with the relevant traffic flows. We agree that ETCs should include important diversionary lines that can be used in case of congestion or other problems on the principal routes. We believe that when substituting one mode by another in case of emergency, corridors of sustainable transport modes should be given priority. We also agree that such corridors should not create additional administrative burdens or costs. Duplication of work between ETC and the rail freight corridor should be avoided.