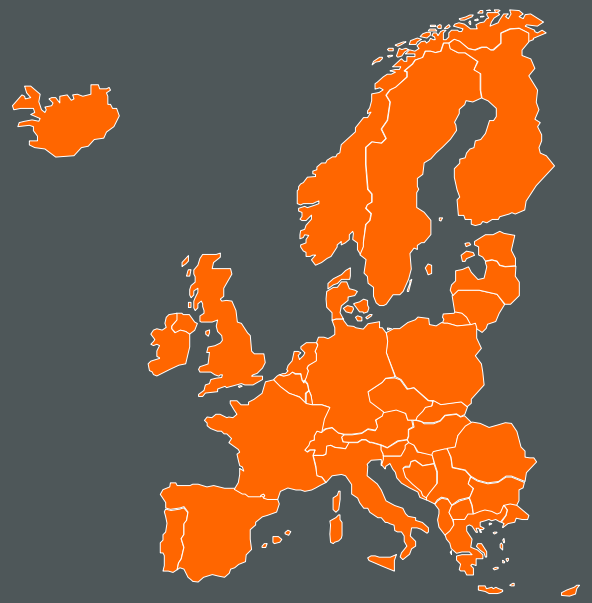
INTERNATIONAL UNION
OF RAILWAYS



RAILWAY UNDERTAKING REPRESENTATION IN RU AG'S

TLP gelb (Adressatenkreis)

Changes in the legal landscape

Old:
REGULATION (EU) 1315/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on Union guidelines for the development of the trans-European transport network

TEN-T corridors = Trans-European Network Transport Corridors

Old:
REGULATION (EU) 2010/913 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the establishment of Rail Freight Corridors

RFC

Changes in the legal landscape

New 18th July 2024
REGULATION (EU) 2024/1679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on Union guidelines for the development of the trans-European transport network

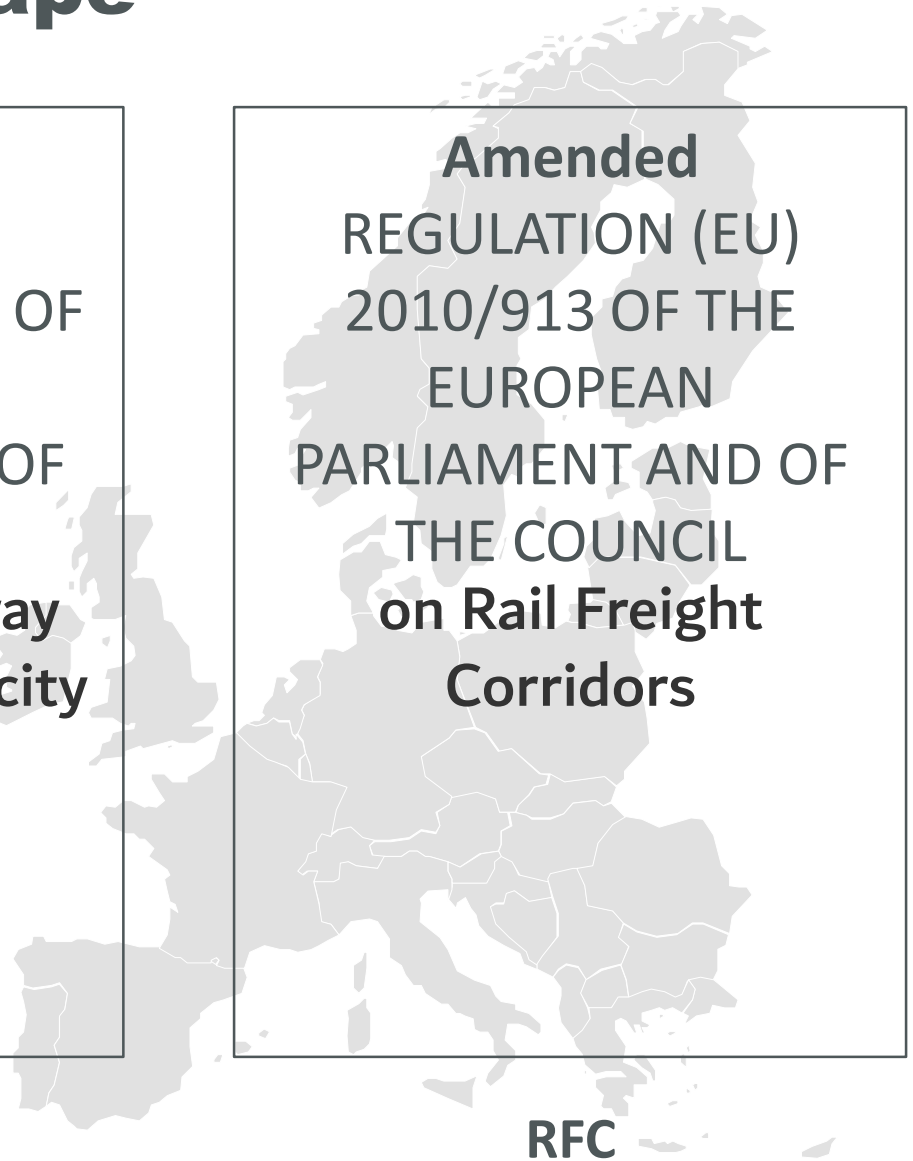
TEN-T corridors = European Transport Corridors (ETC)

New
PROPOSAL
FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the use of railway infrastructure capacity

Capacity, TCR Commercial Conditions

Amended
REGULATION (EU) 2010/913 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on Rail Freight Corridors

RFC



What does that mean for us?

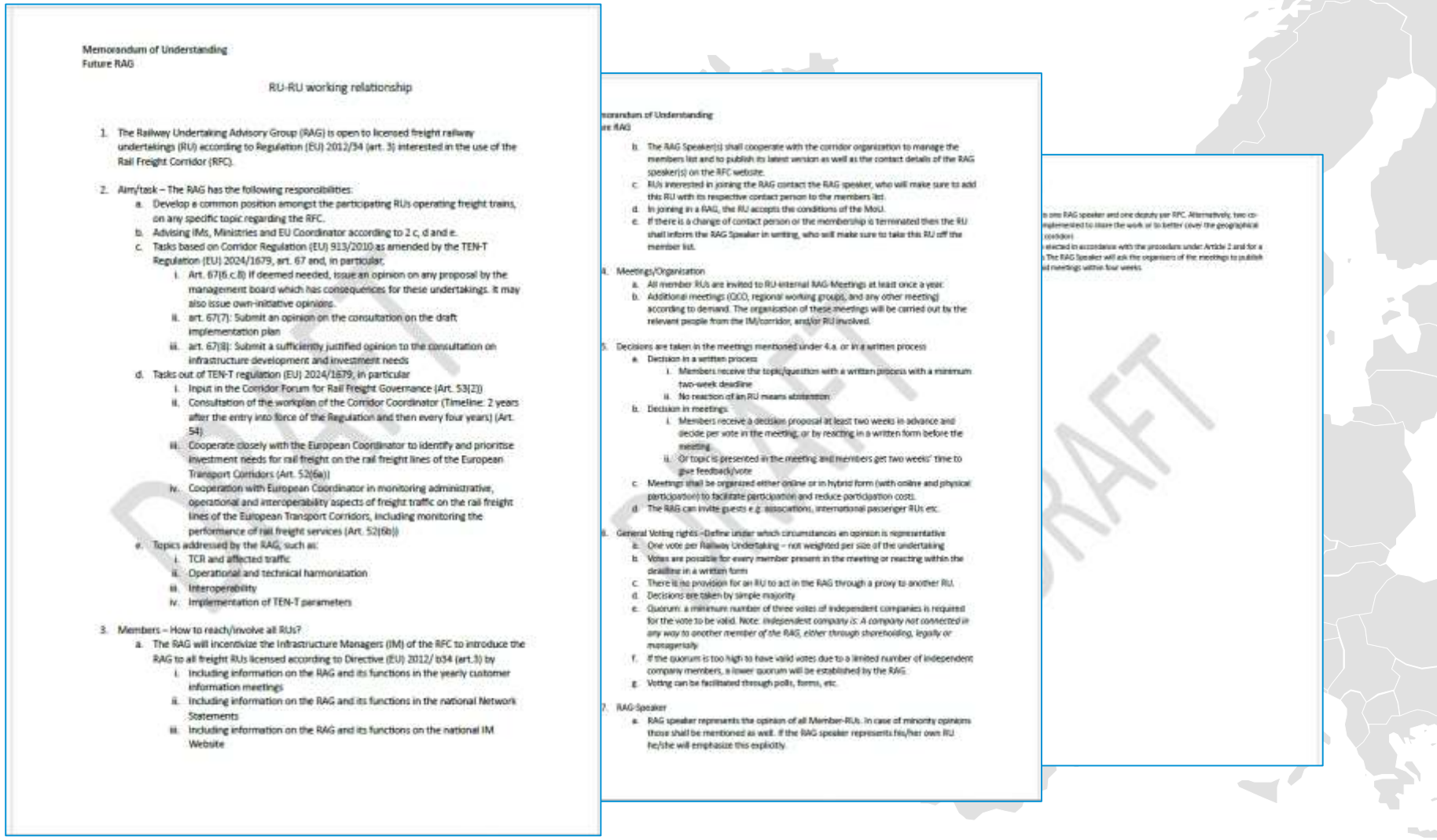
- Capacity Regulation is expected to take over from the RFC the tasks related to capacity.
- RFC regulation is amended, by TEN-T (those amendments are now in force)
- RFC regulation is amended by Capacity Regulation. Those amendments are not yet in force, due to the ongoing negotiations about the regulation between EU Commission, EU Parliament and EU Council of Ministers.
- Non-capacity RFC tasks will remain until 2030 *and beyond*

Why we need an MoU?
What do we want to achieve?

- **Strengthen the voice of rail freight** by
  - Clearer view on who supports positions and decisions (by naming the single RUs)
  - Clear rules for setting up a RAG position
  - Defined rights and obligations of the RAG speaker towards Management Board, Executive Board, Corridor Office and other parties

- **Motivate – more – RUs to get involved and to contribute** by
  - More transparency about possibilities to contribute
  - Opportunity to give input in an uncomplicated, time-saving way
  - Better knowing how the representation works
  - Being assured that own opinion is taken into consideration

The RU-RU MoU proposal for Railway Adv. Groups



Memorandum of Understanding
Future RAG

RU-RU working relationship

1. The Railway Undertaking Advisory Group (RAG) is open to licensed freight railway undertakings (RU) according to Regulation (EU) 2012/34 (art. 3) interested in the use of the Rail Freight Corridor (RFC).

2. Aim/task – The RAG has the following responsibilities:
   a. Develop a common position amongst the participating RUs operating freight trains, on any specific topic regarding the RFC.
   b. Advising IMs, Ministries and EU Coordinator according to 2 c, d and e.
   c. Tasks based on Corridor Regulation (EU) 913/2010 as amended by the TEN-T Regulation (EU) 2024/1679, art. 67 and, in particular,
      i. Art. 67(6.c.8) If deemed needed, issue an opinion on any proposal by the management board which has consequences for these undertakings. It may also issue own-initiative opinions.
      ii. art. 67(7): Submit an opinion on the consultation on the draft implementation plan
      iii. art. 67(8): Submit a sufficiently justified opinion to the consultation on infrastructure development and investment needs
   d. Tasks out of TEN-T regulation (EU) 2024/1679, in particular
      i. Input in the Corridor Forum for Rail Freight Governance (Art. 53(2))
      ii. Consultation of the workplan of the Corridor Coordinator (Timeline: 2 years after the entry into force of the Regulation and then every four years) (Art. 54)
      iii. Cooperate closely with the European Coordinator to identify and prioritise investment needs for rail freight on the rail freight lines of the European Transport Corridors (Art. 52(6a))
      iv. Cooperation with European Coordinator in monitoring administrative, operational and interoperability aspects of freight traffic on the rail freight lines of the European Transport Corridors, including monitoring the performance of rail freight services (Art. 52(6b))
   e. Topics addressed by the RAG, such as:
      i. TCR and affected traffic
      ii. Operational and technical harmonisation
      iii. Interoperability
      iv. Implementation of TEN-T parameters

3. Members – How to reach/involve all RUs?
   a. The RAG will incentivize the Infrastructure Managers (IM) of the RFC to introduce the RAG to all freight RUs licensed according to Directive (EU) 2012/ b34 (art.3) by
      i. Including information on the RAG and its functions in the yearly customer information meetings
      ii. Including information on the RAG and its functions in the national Network Statements
      iii. Including information on the RAG and its functions on the national IM Website

...randum of Understanding
...re RAG

   b. The RAG Speaker(s) shall cooperate with the corridor organization to manage the members list and to publish its latest version as well as the contact details of the RAG speaker(s) on the RFC website.
   c. RUs interested in joining the RAG contact the RAG speaker, who will make sure to add this RU with its respective contact person to the members list.
   d. In joining in a RAG, the RU accepts the conditions of the MoU.
   e. If there is a change of contact person or the membership is terminated then the RU shall inform the RAG Speaker in writing, who will make sure to take this RU off the member list.

4. Meetings/Organisation
   a. All member RUs are invited to RU-internal RAG-Meetings at least once a year.
   b. Additional meetings (CCO, regional working groups, and any other meeting) according to demand. The organisation of these meetings will be carried out by the relevant people from the IM/corridor, and/or RU involved.

5. Decisions are taken in the meetings mentioned under 4.a. or in a written process
   a. Decision in a written process
      i. Members receive the topic/question with a written process with a minimum two-week deadline
      ii. No reaction of an RU means abstention
   b. Decision in meetings
      i. Members receive a decision proposal at least two weeks in advance and decide per vote in the meeting, or by reacting in a written form before the meeting
      ii. Or topic is presented in the meeting and members get two weeks' time to give feedback/vote
   c. Meetings shall be organized either online or in hybrid form (with online and physical participation) to facilitate participation and reduce participation costs.
   d. The RAG can invite guests e.g. associations, international passenger RUs etc.

6. General Voting rights –Define under which circumstances an opinion is representative
   a. One vote per Railway Undertaking – not weighted per size of the undertaking
   b. Votes are possible for every member present in the meeting or reacting within the deadline in a written form
   c. There is no provision for an RU to act in the RAG through a proxy to another RU.
   d. Decisions are taken by simple majority
   e. Quorum: a minimum number of three votes of independent companies is required for the vote to be valid. Note: *Independent company is: A company not connected in any way to another member of the RAG, either through shareholding, legally or managerially*
   f. If the quorum is too high to have valid votes due to a limited number of independent company members, a lower quorum will be established by the RAG.
   g. Voting can be facilitated through polls, forms, etc.

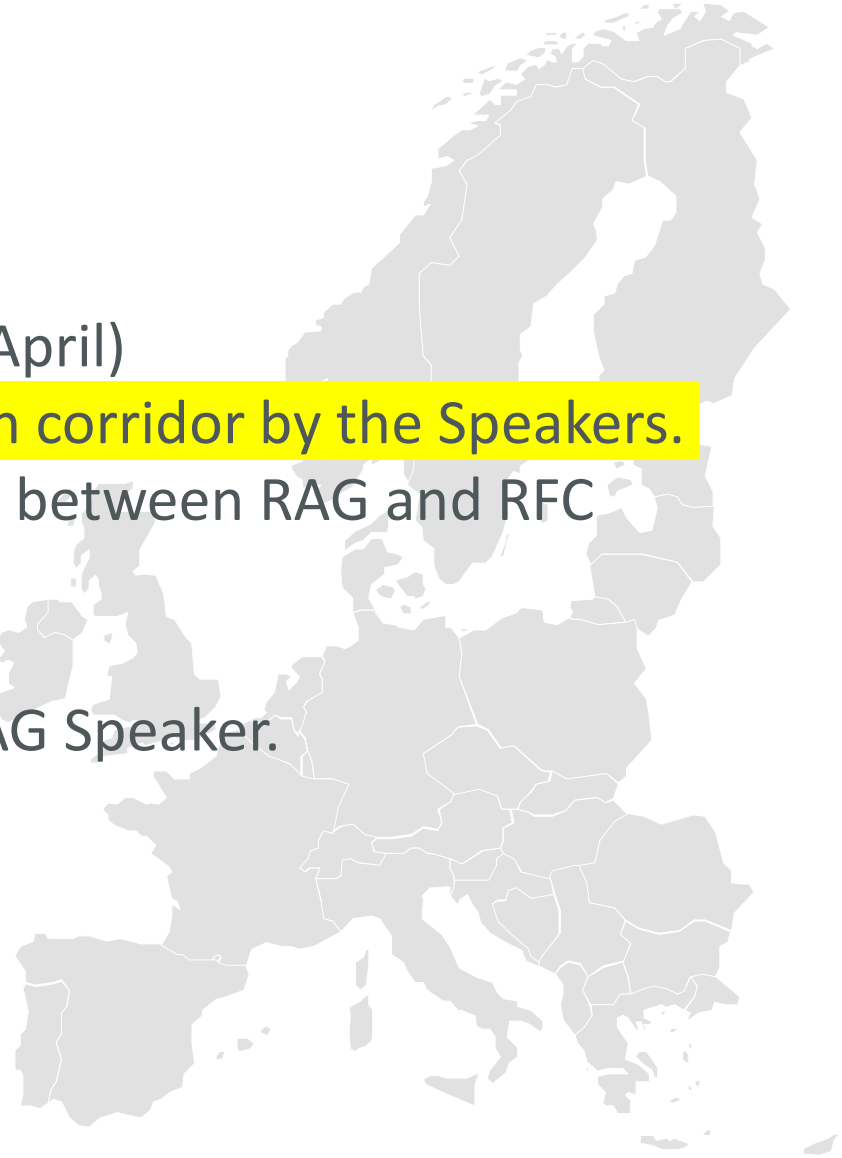
7. RAG-Speaker
   a. RAG speaker represents the opinion of all Member-RUs. In case of minority opinions those shall be mentioned as well. If the RAG speaker represents his/her own RU he/she will emphasize this explicitly.

...is one RAG speaker and one deputy per RFC. Alternatively, two co-...implemented to share the work or to better cover the geographical ...corridor)
...elected in accordance with the procedure under Article 2 and for a ...The RAG Speaker will ask the organisers of the meetings to publish ...ed meetings within four weeks.

Microsoft Word-Dokument

DRAFT

Next steps

- Take into account your feedback
- Finalise proposal
- Presentation to RFC Network management (April)
- Operationalisation of MoU organised on each corridor by the Speakers.
- Elaboration of formal cooperation document between RAG and RFC management, together with RFCs.

For forther questions: please go to your own RAG Speaker.