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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament of
the Council on the use of railway infrastructure capacity in the single European railway
area**

(Text with EEA relevance)

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and 12 July 2023.
to the Council
(document COM(2023) 443 final – 2023/0271 COD):

Date of the opinion of the European Economic and Social 25 October 2023.
Committee:

Date of the position of the European Parliament, first reading: 12 March 2024.

Date of transmission of the amended proposal: N/A.

Date of adoption of the position of the Council: 21 April 2026.

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

This proposal is a key action of the European Green Deal and the Sustainable and Smart Mobility Strategy. Its main goal is to lay down a framework allowing rail infrastructure capacity and traffic to be managed more efficiently, thereby improving the quality of services and accommodating more traffic on the railway network. Achieving this goal is crucial for ensuring that the transport sector contributes to decarbonisation

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council as adopted at first reading fully reflects the political agreement reached between the European Parliament and the Council on 18 November 2025. The Commission accepts the overall agreement. The main amendments to Commission's original proposal are:

- **A stronger role of national administrations** in laying down general requirements for the use of rail infrastructure (e.g. Member States may require the infrastructure to develop a clock-face timetable, or to reserve a minimum amount of infrastructure capacity for certain market segments). Those prerogatives are however strictly defined, do not impinge on the operational responsibilities of infrastructure managers and must leave them a sufficient margin of independence.

- A wide derogation from the rules of the Regulation was introduced for **military and defence purposes**.
- Rules on the calculation and capping of the **penalties** which are due when making changes to allocated capacity were introduced. However, the reciprocal nature of the penalty system is maintained, and the rules on calculation and capping do not deprive the penalty system of its incentive effect.
- In relation to **governance**, a new entity called “European Railway Platform” was introduced with a view to facilitate the consultation of the users of the railway network by rail infrastructure managers. In addition, the Commission will no longer have sole chairmanship of the European Network of Rail Regulatory Bodies (ENRRB) but will co-chair with a national regulator.

4. CONCLUSION

The Commission accepts the results of the inter-institutional negotiations and can therefore accept the Council's position at first reading. Furthermore, as agreed during the interinstitutional negotiations, the Commission will issue a statement upon adoption of the Regulation. It will indicate that the Commission will assess the synergies between the tasks and competences of the EU Agency for Railways, as established under its current mandate, and the requirements for the implementation of this Regulation. This statement is reproduced in the annex.

ANNEX

Statement to be made by the Commission upon Adoption of the Regulation:

“The Commission has stated its intention to assess the synergies that exist between the tasks and competences of the European Union Agency for Railways (ERA) established in the framework of its current mandate under Regulation (EU) 2016/796 of the European Parliament and of the Council and the requirements for implementation of this Regulation with a view to seek ERA’s support in activities related to the preparatory work for secondary legislation and to performance monitoring. The Commission notes in this respect that data collected and monitored by ERA within its current mandate, as well as ERA’s tools of analysis, can also be used to monitor the capacity use, to assess the railway sector performance, and to support the preparation of secondary legislation, thereby avoiding duplications of data collection, storage, and tools for analysis, in a spirit of simplification and better regulation.”